

# LUNA & GLUSHON

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August 19, 2013

## SENT VIA FACSIMILE

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

Re: Appeal of ENV-2012-3129  
Council File No. 13-0903

Dear Councilmember Huizar and Committee Members:

Our firm represents the applicant in the above referenced matter which is currently scheduled for hearing before the PLUM Committee on August 20, 2013. For the reasons set forth below, the appeal is without merit and should be denied.<sup>1</sup> The Planning Director and Department did not abuse their discretion in finding that the proposed Project, as revised, is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15331 as project limited to restoration and rehabilitation of a historic resource.

### I. The CEQA Appeal

Contrary to the creative spin argued by the appellant, the proposed Project is categorically exempt from the California Environmental Quality Act

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<sup>1</sup> The PLUM Committee will note that the appellant is attempting to use its CEQA appeal to try to challenge the Certificate of Appropriateness ("COA") approved by the Planning Department, which approval was upheld unanimously by the South Los Angeles Area Planning Commission, and which is not further appealable to the City Council.

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("CEQA" pursuant to Section 15300, Class 31 of the State CEQA Guidelines a project limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

The proposed Project involves the rehabilitation and restoration of the subject property originally built in 1898 as a large single-family dwelling which was later converted to church-related uses and is proposed for a multi-family use. The applicant is not seeking any variances, adjustments or other deviations from the Los Angeles Municipal Code. The only discretionary entitlements for proposed Project are the COA and a Project Permit Compliance in the North University Park Specific Plan.

As set forth in the attached [Exhibit 1] copy of the Planning Department's Staff Recommendation Report to the South Los Angeles Area Planning Commission, the Planning Department's determination of a Categorical Exemption was and is proper. The burden is on the appellant to show that such determination constitutes an "abuse of discretion" or is not supported by "substantial evidence". No such showing is demonstrated by the within appeal. Instead, appellant seeks City Council review of the COA and Project Permit Compliance approvals that are not otherwise appealable.

## II. Revisions to the Project

In an attempt to be responsive to legitimate concerns expressed by the appellant and Planning Department staff prior to the appeal hearing before the South Los Angeles Area Planning Commission, the applicant agreed to numerous revisions to the Project. This included retaining the cloister between the church building and the residential building (instead of demolishing); retaining and repairing of the front pilasters; repair and restoration of the exterior stucco (instead of removal); retaining the leaded glass French doors and windows on the first floor east elevation; repair and rehabilitation of 77 original wood windows; retaining the door on the second story front facade.

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III. The Project Meets Secretary of Interior Standards

The Planning Director and staff have properly determined that the Project does meet the Secretary of the Interior's Standards of Rehabilitation. As noted in their Staff Recommendation Report [Exhibit 1 hereto]:

"...per the National Park Service (a division of the Department of the Interior), "Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values". [Emphasis added]

As further noted by staff, these Standards serve as a "guide" to ensure that significant features of a property are preserved; that the Standards are not absolutely prescriptive because each property has its unique set of circumstances; that the Standards are intended to encourage rehabilitation that is sensitive to the historic nature of the property while allowing adaptation to current needs; and the preservation is not intended to freeze structures in time.<sup>2</sup>

The proposed Project, as revised, meets these Standards and in fact preserves the most important historic features. In addition, a Historical Report prepared by a historical consultant also finds that the Project meets these Standards. A copy of that Report is attached as Exhibit 2.

IV. There are no special circumstances that make the Categorical Exemption improper.

Once again, the within CEQA appeal is only filed because the COA and Project Permit Compliance approvals, sustained unanimously by the South Los Angeles Area Planning Commission, are not further appealable to the City Council. Although the Project is categorically exempt from CEQA for the reasons set forth above, the appellants argue, without any factual support, that

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<sup>2</sup> Staff's discussion of the pertinent portions of the Standards of the Secretary of the Interior are set forth in Exhibit 1 and not repeated here.

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there are special unique circumstances and significant impacts that would make a Categorical Exemption improper. Once again, the proposed Project involves the rehabilitation and restoration of the old "residential" building while retaining the church use building. The subject Categorical Exemption was created for exactly this kind of rehabilitation and restoration project.

For the reasons set forth above and based on the Staff Recommendation Report [Exhibit 1] and the Historical Report [Exhibit 2], the within appeal should be denied.

Thank you for your consideration.

Very truly yours,



ROBERT L. GLUSHON



## DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



### South Area City Planning Commission

Case No.:

DIR-2012-3128-COA-SPP-A1

**Date:** June 18, 2013  
**Time:** after 4:30 p.m.\*  
**Place:** Constituent Service Center  
8475 S. Vermont Avenue  
Los Angeles, CA 90044

APPEAL OF DIRECTOR OF  
PLANNING'S  
DETERMINATION  
(CERTIFICATE OF  
APPROPRIATENESS AND  
PROJECT PERMIT  
COMPLIANCE)

**Public Hearing:** Not Required  
**Appeal Status:** Not Further Appealable  
**Expiration Date:** June 18, 2013

**CEQA No.:** ENV-2012-3129-CE  
**Related Cases:** None  
**Council No.:** 8 – Parks  
**Plan Area:** South Los Angeles  
**Certified NC:** Empowerment Congress –  
North Area  
**GPLU:** High Medium Residential  
**Zone:** R4-1L-O

**PROJECT LOCATION:** 1342 W. Adams Blvd.

**PROPOSED PROJECT:** A Certificate of Appropriateness (COA) and Project Permit Compliance for conversion of two structures from office and Sunday school use to residential use; rehabilitation and restoration of exterior of both structures; addition of new dormers and exterior deck/stairs to primary structure; addition of 184 square feet to second story of accessory structure; and landscaping, gate, and other site work on the property.

**APPLICANT:** Paras Bhakta, 1342 W Adams Holding, LLC  
Representative: Vladimir Tomalevski, L+V Architect

**APPELLANT:** West Adams Heritage Association  
Representative: Laura Meyers

**REQUESTED ACTIONS:** Appeal of the Director of Planning's decision to approve, pursuant to Los Angeles Municipal Code Section 12.20.3.K and 11.5.7, a **Certificate of Appropriateness and Project Permit Compliance** for the following project in the R4-1L-O Zone within the North University Park Specific Plan Area: Conversion of two structures from office and Sunday school use to multi-family use; rehabilitation and restoration of exterior of both structures; addition of new dormers and exterior deck/stairs to primary structure; addition of 184 square feet to second story of accessory structure; and landscaping, gate, and other site work on the property; and the Director of Planning's decision to adopt the recommendation of the lead agency by adopting a **Categorical Exemption (ENV-2012-3129-CE)** as the environmental clearance for this action.

Note: This recommendation report shall supercede the previously submitted report dated April 20, 2013. Deletions are indicated by strikeout and insertions by underline.

### RECOMMENDED ACTIONS:

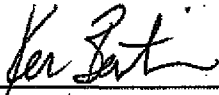
- ~~Grant the appeal in part, in light of new information about the project~~  
1. Deny the appeal.

Ex 1

2. ~~Sustain the Director of Planning's Determination in part~~  
2. Approve the project as revised and adopt Exhibit I (the Revised Architectural Plans dated June 5, 2012), adopt the Revised Findings, and adopt the Revised Conditions of Approval included in this report.
3. ~~Recommend the applicant file an Environmental Assessment Form to analyze potential environmental impacts of the project in its entirety~~  
3. Find that the revised project is categorically exempt (ENV-2012-3129-CE) from the California Environmental Quality Act under Section 15331: Historical Resource Restoration/Rehabilitation.

MICHAEL J. LOGRANDE

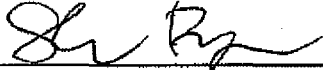
Director of Planning



Ken Bernstein, AICP, Principal City Planner



Michelle Levy, City Planner



Shannon Ryan, Planning Assistant  
(213) 978-1220

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### **Exhibits:**

- Exhibit A: Appeal of DIR-2012-3128-COA-SPP/ENV-2012-3129-CE
- Exhibit B: Director's Determination DIR-2012-3128-COA-SPP
- Exhibit C: Categorical Exemption ENV-2010-3129-CE
- Exhibit D: Cultural Heritage Commission Recommendation
- Exhibit E: Documentation of the Subject Structure
- Exhibit F: California State Office of Historic Preservation Historical Resources Inventory
- Exhibit G: National Register of Historic Places Menlo Avenue-West 29<sup>th</sup> Street Historic District Inventory Nomination Form and Letter from Paul R. Lusignan, Historian at the National Register of Historic Places
- Exhibit H: Zoning Information and Map Access System (ZIMAS) record for 1342 W. Adams Blvd.
- Exhibit I: Revised Architectural Plans dated June 5, 2013

**ADVICE TO PUBLIC:** \* The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300)*. While all written communications are given to the Commission for consideration, the initial packets are sent to the Commission's Office a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to the agency at or prior to the public hearing. As a covered entity under Title II of the American Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

## PROJECT ANALYSIS

### BACKGROUND

The North University Park Specific Plan was established by the City of Los Angeles in 1983, covering the area between Hoover St., 30<sup>th</sup> St., Vermont Ave., and Adams Blvd. A primary purpose of the Specific Plan is to protect and enhance the buildings, structures, sites, and areas which are reminders of the City's history or unique and irreplaceable assets to the City and the North University Park neighborhood or worthy examples of past architectural styles. Section 2E of the North University Park Specific Plan, requires that "A Change in occupancy, construction, alteration, relocation or removal of a Building, Natural Feature or Site, or any combination thereof within the Plan Area shall comply with Section 12.20.3, Subsections F through N of the LAMC (Historic Preservation Overlay Zone Ordinance). In this way, the North University Park Specific Plan functions like a Historic Preservation Overlay Zone.

The North University Park area was annexed to the City of Los Angeles on April 2, 1896, as a portion of the Southern and Western Additions. This subject property is located on Lot 41 of the Waverly Tract, which was record in 1886. The 7,486-square-foot site is currently developed with two structures. The primary structure, known as the William T. Bishop Residence, was built in 1898 as a two-and-one-half story residence fronting Adams Boulevard. The Chateausque/Eclectic-style building has a steeply-pitched complex roof system, an irregular-shaped plan, and asymmetrical façade. A porte cochere with overhanging second floor is located on the south (rear) façade.

In 1934 the Roger Williams Baptist Church was constructed on the adjacent site and a cloister was built to connect the church to the Bishop Residence. During this same period, the Bishop Residence was clad in stucco to match the exterior finish of the cloister and adjacent church. A smaller two-story accessory structure sits at the southeast corner of the lot, and is built in the same architectural style as the Bishop Residence. It has also been altered through the addition of exterior stucco cladding, and has had a later addition to the north side. With the exception of a grass lawn on the Adams Boulevard side, most of the site is paved over in asphalt and currently used for parking. A six-foot-high wrought iron fence currently surrounds the perimeter of the property.



Figure 1: Image of 1342 W Adams Blvd. taken from the North University Park Historic Resources Survey (1983).



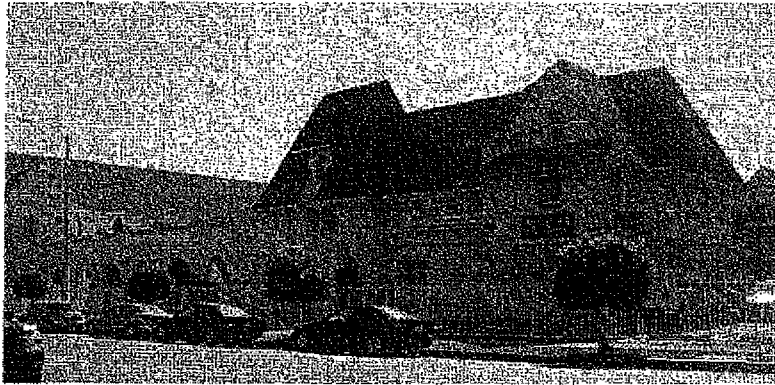


Figure 2: Image of 1342 W Adams Blvd. looking southeast towards primary structure (November 2012).



Figure 3: Image of accessory structure at the rear of 1342 W Adams Blvd. (November 2012).

## **PROJECT SUMMARY**

The project involves the rehabilitation and restoration of the above described historic property located at the corner of West Adams Boulevard and Menlo Avenue. The primary structure on the property, originally built in 1898 as a large single-family dwelling and later converted to church-related uses, is proposed to be converted to multi-family residential use. Eight individual dwelling units will be created in the three-story structure. The exterior will be rehabilitated by ~~removal of~~ repairing the stucco cladding, cloister, and pilasters all added to the façade in 1934. ~~New wood shingle cladding will be installed on the exterior of the structure to mimic the original cladding material that existed beneath the stucco. The~~ A total of 77 original wood windows on the structure will be repaired and rehabilitated, and ~~several~~ four will be removed and replaced with similar windows that match original ones on the house. To make the third story attic space habitable, two new dormers are proposed for the rear-facing rooflines of the structure. One dormer will be made up of two windows and the other dormer will include three windows. The existing composition shingle roof will be replaced in-kind with a similar dark-colored composition shingle material.

In addition, the project includes rehabilitation and conversion of use of the accessory structure on the site. Originally likely built as a carriage house or other accessory storage space, this structure is currently used as an office and is proposed to be converted into two dwelling units. To create additional space for the dwelling units, a new second story (184 SF) is proposed to be added to a portion of this structure.

The landscape plan includes the introduction of a variety of trees and plants to the site, which reduces the amount of hardscape on the lot and reintroduces a landscaped lawn on the Menlo Avenue side of the property. A new 42-inch-high hedge is proposed to surround the property along Adams Boulevard and Menlo Avenue, and a taller hedge is proposed along the south property line. Twenty-two parking spaces are proposed on the south side of the lot. Several social spaces are planned for areas adjacent to the two residential structures. These spaces would be paved with recycled brick obtained from old brick foundation on the property, and contain tables and seating for resident use.

Section 12.20.3.K. of the LAMC requires that Department of City Planning staff refer applications for Certificates of Appropriateness to both the Design Review Board and the Cultural Heritage Commission (or its designee) within a 30-day period of the application having been deemed complete. The purpose of this requirement is to allow the subject application to be discussed in a public meeting with both public and expert testimony (in the case of the Design Review Board meeting), and to gather an expert opinion with reference to the Secretary of Interior's Standards for Rehabilitation (in the case of the Cultural Heritage Commission).

Section 12.20.3.M of the LAMC requires that before making its recommendation to approve, conditionally approve or disapprove an application pursuant to this section for a Certificate of Appropriateness, the Board shall hold a public hearing on the matter. The applicant shall notify the Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property at least ten days prior to the date of the hearing, and notice of the public hearing shall be posted by the applicant in a conspicuous place on the subject property at least ten days prior to the date of the public hearing.

Having deemed the subject application complete on November 15, 2012, Department of City Planning staff sent copies of the application with relevant materials to the Design Review Board on November 19, 2012. Notice for the hearing, scheduled for November 28, 2012, was posted at the site and at City Hall on November 16, 2012, and was mailed to abutting property owners on November 15, 2012. On November 28, 2012 the Design Review Board (DRB) held a meeting where there was a quorum of three DRB members. At this meeting a motion to approve the project was made, with two members voting in favor of the project and one voting against. Thus, without at least three votes in favor, there was no official DRB recommendation to approve the project. In response to public comments made at the meeting, a motion was also made to request a historic resources report from the applicant to document the appropriateness of the proposed alterations. This motion also received two votes in favor and one against, and thus did not result in a formal DRB recommendation.

LAMC Section 12.20.3.K.3(b) notes that in the event that the Board does not submit its recommendations within 30 days of the postmarked date of mailing of the application from the City Planning Department, the Board shall be deemed to have forfeited all jurisdiction in the matter and the Certificate may be approved, conditionally approved, or disapproved as filed. Since the Board was unable to convene a quorum by December 19, 2012, and the applicant did not agree to a longer period of time for the Board to act, there was no recommendation from the Board.

Department of City Planning staff sent copies of the application with relevant materials to the Cultural Heritage Commission's designee on November 19, 2012. The Cultural Heritage Commission designee recommended approval of the project as-is, citing general compliance

with the Secretary of the Interior's Standards for Rehabilitation (Exhibit D). Approval of the subject application is therefore consistent with 12.20.3.K. of the LAMC.

The Director of Planning issued a determination approving the project with conditions on January 30, 2013 (Exhibit B and C). On February 14, 2013 the project was appealed by West Adams Heritage Association, within the allowable appeal period (Exhibit A). Appeals of Certificate of Appropriateness cases are heard by the Area Planning Commission.

The case was first scheduled to be heard by the South Los Angeles Area Planning Commission on April 16, 2013. Due to a lack of quorum the hearing was cancelled. A special South Los Angeles Area Planning Commission meeting was held on April 30, 2013. Due to the timing and shortened noticing period, a decision could not be made at the meeting and the matter was continued to May 21, 2013 to allow the Commission to retain jurisdiction.

After the April meeting, the applicant met with the appellant, retained a historic preservation consultant, withdrew the related Case No. AA-2013-453-PMEX (Property Lot Line Adjustment), and began modifying the project to address concerns raised in the appeal. At the May 21, 2013 meeting, the Applicant requested a continuance to allow the historic preservation consultant to complete a historical analysis and to allow the architect to finalize a modified design for the project that would address the appeal points. Staff was in support of the continuance and the Commission continued the item to June 18, 2013.

The project as revised now retains:

- The cloister
- The front pilasters
- The stucco cladding
- The leaded glass French doors and windows on the first floor east elevation and the three leaded glass windows in the same room that are on the north elevation
- The door on the second story front façade that leads to the cloister balcony

The project as revised now includes:

- New floor area calculations per building code requirements. Due to the new method of calculation, the total square footage number is higher, but physically the square footage of the project has not changed. The new method of determining the square footage includes spaces that were not originally included in the calculation such as the porte cochere and the retained cloister, which are calculated as required by LADBS
- Replacement of the entrance steps below the porte cochere with a new landing and new stairs that would now comply with building code requirements
- Five HVAC units on the roof of the cloister that will be screened behind an existing parapet and not visible from the street

The project as revised still proposes to:

- Replace the doors and windows in the room located on the first floor in the north west corner, known as the sunroom
- Remove an existing skylight on the rear roof and replace it with a dormer window
- Include HVAC equipment and trash bins in an enclosure behind the porte cochere

## APPEAL POINTS AND STAFF REPOSNSE

The appellant raised several issues in the appeal. In summation, the major concerns raised include lack of accurate public noticing, demolition of the cloister and removal of stucco cladding, disregard for the Secretary of the Interior's Standards for Rehabilitation, and insufficient environmental analysis. This section responds to the main points raised in the appeal.

The original project description and design has been modified to meet concerns raised in the appeal. Therefore, as noted below, many of the appeal points are no longer applicable and have been resolved.

- 1. Staff failed to evaluate the property based on its listing in the National Register; and may have failed to even recognize that it was listed despite the City's own ZIMAS records which make it quite clear; and failed to inform the NUPSP Design Review Board (DRB) of the property's National Register status.**

**Response:** The City's Zoning Information and Map Access System (ZIMAS) inaccurately states that 1342 W. Adams Blvd. is individually listed in the National Register and part of the Menlo Avenue-West 29<sup>th</sup> Street National Register Historic District (Exhibit H).

Staff conducted extensive research to determine the subject property's National Register status. Staff's research has concluded that the William T. Bishop Residence is not listed in the National Register of Historic Places.

Paul R. Lusignan, Historian at the National Register of Historic Places, confirmed via e-mail on April 10, 2013 that the property at 1342 W. Adams does not have any federal designation and is not listed on the National Register of Historic Places individually or as part of the Menlo Avenue-West 29<sup>th</sup> Street Historic District (Exhibit G).

Staff obtained data from the California State Office of Historic Preservation *Historical Resources Inventory* (Exhibit F) that indicates the subject property was surveyed in 1983 and at that time it was found to appear eligible for individual listing in the National Register. However, the property has not officially been listed in the National Register. Furthermore, the Menlo Avenue-West 29<sup>th</sup> Street National Register Historic District map (Exhibit G) as adopted by the National Park Service does not include 1342 W. Adams Blvd. Had the property been included, it would have been indicated at the south east corner of Menlo Avenue and W Adams Blvd. on the official nomination form.

The members of the Design Review Board were not aware of the building's National Register eligibility. Though the information would have been helpful, it does not require a more stringent project review than that required by the North University Park Specific Plan. The subject property's eligibility for individual listing in the National Register does not affect the level of review required for a Certificate of Appropriateness.

- 2. Staff failed to properly inform the public of the proposed demolition of the Cloister, a designated historic resource.**

**Response:** ~~The project description does not mention demolition of the cloister. The two~~

~~public notices also did not include demolition of the cloister. Demolition of the cloister should have been on the project description and hearing notices.~~

The original project description did not mention demolition of the cloister. However, to address concerns and avoid impacts to a historic resource, the applicant has agreed to retain the cloister and has modified the project to preserve the cloister. Its demolition is no longer proposed and therefore the cloister's exclusion from the original noticing is moot.

- 3. Staff issued a Certificate of Appropriateness for that demolition [cloister] (as part of the project), even though that [demolition] is not allowed in the NUPSP without evidence of financial feasibility and approval of the APC.**

~~*Response:* The appellant is correct. Pursuant to LAMC Section 12.20.3.K.5, "No Certificate of Appropriateness shall be issued to demolish, remove or relocate any building, structure, Landscaping, Natural Feature or Lot within a Preservation Zone that is designated as a Contributing Element and the application shall be denied unless the Owner can demonstrate to the Area Planning Commission that the Owner would be deprived of all economically viable use of the property." Since the North University Park Specific Plan references procedures in Section 12.20.3, Subsections F through N of the LAMC (Historic Preservation Overlay Zone Ordinance), the decision to demolish the cloister (a contributing element of the Bishop Residence) must be made by the Area Planning Commission.~~

~~Staff recommends that if the applicant wishes to pursue demolition of the cloister, that additional environmental review be conducted to fully analyze the impact on the historic resource. Upon sufficient CEQA analysis and with the required findings of LAMC Section 12.20.3.K.5 (a) - (d) including proof of hardship, the project would return to the Area Planning Commission for a determination.~~

~~If the applicant chooses to preserve the cloister and leave it intact, review by the Area Planning Commission would not be necessary.~~

The procedural issues concerning the approval of the cloister's previously proposed demolition have been resolved because the applicant has agreed to retain and preserve the cloister as shown in the revised architectural plans, attached to this report as Exhibit I, Revised Architectural Plans dated June 5, 2013.

- 4. Staff failed to understand that major proposed changes to the exterior would NOT meet the Secretary of the Interior's Standards for Rehabilitation.**

~~*Response A:* The initial determination for the project allowed demolition of the cloister. This determination was procedurally flawed in that review procedures per LAMC Section 12.20.3.K.5 were not followed (described above in appeal point 3) and because the cloister and stucco cladding should have been reviewed as contributing historic elements of the structure. Furthermore, the environmental impacts of the cloister's demolition have not been fully assessed under Categorical Exemption ENV 2012-3129-CE.~~

Added in 1934, or 36 years after original construction, the cloister and stucco cladding have developed significance of their own as they physically link the Bishop Residence

with the Roger Williams Baptist Church and serve as a symbol of their once associated uses. Even though the cloister and stucco cladding are non-original to the 1898 structure, they constitute "changes that have acquired historic significance in their own right," under the Secretary of the Interior's Standard #6. ~~Staff recommends further environmental analysis on the impact of the cloister's demolition if the applicant wishes to pursue demolition.~~ As such, the applicant has decided to retain and restore the cloister as well as the existing stucco cladding.

**Response B:** ~~Notwithstanding the demolition of the cloister, the~~ The proposed project as conditioned in the Director of Planning's Determination issued on January 30, 2013 and as further conditioned in the Revised Conditions of Approval below substantially complies with the HPOZ Ordinance/Certificate of Appropriateness, LAMC Section 12.20.3.K.4, and does meet the Secretary of the Interior's Standards for Rehabilitation.

Furthermore, per Per the National Park Service (a division of the Department of the Interior), "Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values."

As such, the Standards serve as a guide to ensure that significant features of a property are preserved. The Standards are not prescriptive for each property has its individual set of circumstances, but rather they are intended to foster rehabilitation that is sensitive to the historic nature of the property, while allowing adaptation to current needs. Preservation is not intended to freeze structures in time.

*Standard # 1: A property shall be used for its historic purpose, or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

As proposed, the change of use of the two structures on the property from church-related school and office space into multiple residential units does not result in a significant impact to the character-defining features. The majority of the alterations to convert the use occur on the interior, and the locations and sizes of the ~~original~~ windows and doors are maintained. The change of use to multi-family is more in line with the property's historic use as a single-family residence than its current church-related use; moreover, the current zoning allows R4 uses by-right.

~~The replacement of four double-leaf doors on the east (side) elevation with solid doors, fixed glass, and solid panels requires minimal change to the characteristics of the buildings and maintains the original size and general proportions of the openings.~~

As per the modified plans, the set of leaded glass French doors and windows on the first floor east (side) elevation will be retained as well as the three leaded glass windows located in the same room on the north elevation. The leaded glass doors and windows in this room on the first floor north east corner of the structure will be restored in accordance with the Secretary of the Interior's Standards for Rehabilitation.

The addition of two new dormers on the attic level of the primary structure also requires minimal change because the dormers are located on the sides and rear of the building and are minimally visible from the street. Furthermore, the design of the dormers is such

that they blend in with the architecture of the building. The proposed new dormers are compatible with the historic structure as they are constructed with the same materials as the structure, utilize the same roof slope as other dormers on the roof, and contain windows that match historic windows found on the structure. The new dormer made up of two windows on the east (side) elevation stands out from historic dormers in that it is not a copy of the others in size and shape (in keeping with Standard #9). This dormer will replace an existing skylight that was not original to the structure. The new dormer on the south (rear) elevation made up of three windows is a horizontal extension of an existing historic dormer; this extension is differentiated from the original dormer width by having a separate grouping of windows.

The attic had previously been living quarters and is being expanded to include an additional 286 square feet within the existing envelope of the third floor. Without the addition of the two dormers allows the space to be considered habitable living space as defined in the Code. the attic space of the building could not be converted to habitable space. A skylight in the ceiling of the expanded portion of the attic will be removed and replaced with the dormer described above on the east (side) elevation. The Secretary of Interior's Standards allow sensitive alterations for contemporary use that minimally affect the building. The two new dormers at the rear of the building have a minimal effect on the building's overall historic character and do not take away or alter any character-defining features.

The new stairway on the east (side) elevation will allow for necessary egress from the converted attic level. It will be located behind the massing of the building, so it will not be visible from the street. The stairs and railing are proposed to be constructed of wood and will be detailed to match the architectural style of the building. This is a minimal change that does not affect character-defining features of the building.

The change of use of the accessory structure from office to residential use also does not necessitate significant changes to the character-defining features. Existing windows and doors will remain in place, and the addition will be built on top of a non-original addition on the building, replacing a roofline that is not currently consistent with the style of the building.

*Standard # 2 - The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

The change of use, restoration, and addition will retain the historic character of the property, as the significant rooflines, windows, and doors will be maintained. The modified project makes changes that will avoid alteration to characteristic features of the property. These retained features include the cloister, the existing stucco cladding, the pilasters on the front façade, the leaded glass doors and windows in the room on the first floor northeast corner of the structure, and the door on the second floor north elevation leading to the cloister. The project will also restore or repair a total of 77 windows throughout the structure.

See section 4A above regarding demolition of the cloister.

*Standard #4 – Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

~~See section 4A above regarding demolition of the cloister.~~

As described above, though added over thirty years after the construction of the subject property, the cloister and stucco cladding have acquired significance in their own right and will be retained as part of the modified plans.

The subject property contains a room on the northwest corner of the first floor that is not original to the house. Originally a porch, it was enclosed to create more habitable space, and is referred to as the sunroom. Large windows and doors were added to fill the porch openings to create the sunroom. The project proposes to retain the enclosed space, but will replace the large windows and doors to adapt the room for use as a kitchen. The replacement windows and doors will be in the same locations, but the openings will be slightly reduced. The biggest change is the window on the west elevation that will be replaced with a new double hung window. The replacement window will match those on the second story. Though the porch enclosure is not original, the applicant is retaining it as part of the project. On balance, the replacement of the doors and windows in the room will not impact the original character-defining features of the house.

*Standard #5 – Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*

~~See section 4A above regarding demolition of the cloister.~~

The following distinctive features will be retained as part of the revised project: the cloister, the stucco cladding, the pilasters on the front façade, the leaded glass doors and windows in the room on first floor north east corner of the structure, and the door on the second floor north elevation leading to the cloister. The project will restore and repair a total of 77 existing windows throughout the structure.

*Standard #6 – Deteriorated historic features shall be repaired rather than replaced. Where the severity of the deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and where, possible, materials.*

Seventy-seven (77) Damaged damaged historic windows on the structures main structure will be restored (or repaired, where possible.) The replacement window sashes will be wood single-glazed sashes with divided lights that match the design of original historic windows on the structure. Only windows on the second floor will have replaced upper window sashes with true divided light muntins. Five (5) existing exterior doors will also be repaired and retained.

Accessory structure

~~See section 4A above regarding demolition of the cloister.~~

Additionally, the cloister, stucco cladding, and pilasters will be repaired where needed.



*Standard # 9 – New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion and massing to protect the integrity of the property and its environment.*

The addition to the accessory structure does not involve the removal or obscuring of historic features or roof forms, as it is built above the non-historic extension to the structure. It is compatible in its steeply-pitched roof and dormers, but does not copy the shape of the historic roof on this structure exactly.

The proposed new dormers on the main structure are compatible with the historic structure as they will be constructed with the same materials as the structure, utilize the same roof slope as other dormers on the roof, and contain windows that match historic windows found on the structure. The new dormer on the east elevation stands out from historic dormers in that it is not a copy of the others in size and shape. This dormer will replace an existing skylight that was not original to the structure. The new dormer on the south elevation is a horizontal extension of an existing historic dormer; this extension is differentiated from the original dormer width by having a separate grouping of windows.

*Standard # 10 – New additions and adjacent new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and environment would be unimpaired.*

The new addition proposed for the accessory structure would be built atop a non-original addition to the original historic accessory structure, so it does not compromise the integrity of the original historic features of this structure when added or removed. If removed, the original hipped roof of the accessory structure would remain intact.

The new egress staircase at the side of the primary structure, if removed, would also not impair the essential form or integrity of the historic property.

The HVAC equipment and trash bins behind the porte cochere will be enclosed and hidden from view. This structure and internal equipment enclosed can be removed or relocated without damaging the historic structure.

**5. In fact, many of the proposed changes to the interior are visible from the exterior of the building.**

**Response:** Changes proposed to the interior of the building are out of the jurisdiction of the North University Specific Plan. The North University Park Specific Plan can only influence work on the exterior of a structure, regardless of whether interior changes can be viewed from the street through a window.

Although the North University Park Specific Plan cannot address work on the interior of a project, no interior demolition or remodeling can occur without an approved permit requiring Los Angeles Department of City Planning sign off. Interior demolition at the subject site began without required permits and prior to the end of the appeal period. On

February 2 and 15, 2013, Orders to Comply were issued by the Los Angeles Department of Building and Safety. On February 12, 2013 the applicant applied to Los Angeles Department of Building and Safety for an Early Start Demolition permit. Planning staff has not cleared the demolition pending a decision subject on the appeal.

**6. Staff improperly failed to evaluate any environmental impacts of this multi-phased project.**

~~**Response:** As explained in appeal points 3 and 4A above, staff erred procedurally in approving demolition of the cloister and in evaluating its historic significance. Staff recommends further environmental analysis if the applicant wishes to pursue demolition of the cloister. Upon completion of environmental review and with proof of financial infeasibility by the applicant, the Area Planning Commission would have the authority to approve or deny demolition of the cloister.~~

~~Even if the applicant chooses not to pursue demolition of the cloister, further environmental review is required because the applicant has now separately applied for a Property Lot Line Adjustment (AA-2013-453-PMEX, filed on February 19, 2013). This entitlement was filed 20 days after the Director of Planning's Determination and constitutes new information related to the case. The Categorical Exemption (CE) for this Certificate of Appropriateness application, which was specific to the proposed rehabilitation work, is insufficient to cover the Property Lot Line Adjustment as well. The Department of City Planning's consistent procedures have been to require the filing of an Environmental Assessment Form (EAF) when multiple approvals are requested. This environmental analysis should encompass review of the totality of the project, including all entitlements being sought. Therefore, staff recommends that the Categorical Exemption (ENV-2012-3129-CE) issued on November 9, 2012 be denied.~~

Originally staff erred in evaluating the historic significance and environmental consequences of demolishing the cloister. However, in light of the appeal points, the applicant has decided to retain the cloister and has withdrawn Case No. AA-2013-453-PMEX and ENV-2013-454-CE, the Property Lot Line Adjustment. The environmental and CEQA concerns are no longer relevant because the cloister is no longer proposed for demolition and there is no longer a second entitlement (the Property Lot Line Adjustment). As such, the original Categorical Exemption ENV-2012-3129-CE issued for the project is sufficient given the modified scope of work of the project.

## REVISED FINDINGS

~~In light of the above appeal points and the recently filed Property Lot Line Adjustment, staff recommends the Findings in the Director of Planning's Determination be revised subsequent to a full and proper environmental analysis and in accordance with LAMC Section 11.5.7 and Section 12.20.3 procedures.~~

The applicant has remedied concerns raised in the appeal by modifying the design of the project. The changes include retention rather than demolition of the cloister, retention rather than removal of the stucco cladding, retention and restoration rather than replacement of the leaded glass doors on the east (side) elevation, and the withdrawal of the Property Lot Line Adjustment. The modified project nullifies concerns raised in appeal points 2, 3, 4A, and 6. The modified design reaffirms staff's disagreement with appeal points 1, 4B, and 5.

In closing, the modified project is in keeping with the Secretary of the Interior's Standards for Rehabilitation and conforms with all relevant provisions of the North University Park Specific Plan. To further ensure conformance, staff recommends the following Revised Conditions of Approval be adopted by the Commission.

### REVISED CONDITIONS OF APPROVAL

1. The cloister, front façade pilasters, and stucco cladding shall be retained and repaired in-kind.
2. The leaded glass French doors and windows on the first floor north east corner shall be retained and repaired as needed (marked as Door E101.1, Windows E10.1, 101.2, 101.3, and 101.4 in Exhibit I).
3. All new windows shall be made of wood. In the main structure this includes five windows in the new dormers and four windows in the sunroom.
4. Replacement sashes shall be made of wood and those with muntins shall have true divided lights.
5. The HVAC equipment and trash containers behind the porte cochere shall be enclosed.
6. The HVAC equipment on the second floor shall be screened and shall not be visible behind the cloister parapet.
7. The existing over-height wrought iron fence at the perimeter of property shall be removed. A replacement fence may be installed if it is 42 inches or lower and is set back from the sidewalk to allow for planting in front. Any plans for a new fence shall be reviewed by Planning Staff for approval prior to installation.
8. All new hedges shall comply with citywide height limits for the front, side, and rear yards. Hedges shall be regularly maintained so as not to exceed allowable height.

### **CONCLUSION**

~~Staff recommends that the Commission sustain the appeal in part and sustain in part the Director of Planning's Determination. Further environmental analysis is required for the recently requested Property Lot Line Adjustment, as well as for demolition of the cloister. Categorical Exemption, ENV-2012-3129-CE, is insufficient for the scope of work proposed given the additional entitlement and the significance of the cloister as a historic element of the property. Therefore, staff recommends that the applicant submit an Environmental Assessment Form to analyze the project in its totality and upon completion of the appropriate environmental review, staff recommends that findings be revised in accordance with LAMC Section 11.5.7 and Section 12.20.3 procedures.~~

The project has been modified to address the concerns raised in the appeal. Staff recommends the Commission deny the appeal, approve the project as revised, and adopt Exhibit I (the Revised Architectural Plan dated June 5, 2013), adopt the Revised Findings, and adopt the

Revised Conditions of Approval included in this report.

**APPEALATE DECISION**

Per section 12.20.3 N of the LAMC, appeals of Certificate of Appropriateness cases are heard by the subject Area Planning Commission. Decisions from the Area Planning Commission are not further appealable.