

Background

The subject property is a relatively flat, rectangular-shaped interior parcel of land comprised of two contiguous lots consisting of approximately 14,612 square feet of lot area having a frontage of 85 feet along the east side of North Sweetzer Avenue and a frontage of 170 feet along the north side of an alley. The subject property is zoned [Q]R3-1 within the Hollywood Community Plan Area with a Medium Residential land use designation. The subject site has a Height District 1 designation that establishes a height limit of 45 feet and restricts any the floor area ratio of the development to a maximum of three to one. The subject property is also located within the Transit Priority Area in the City of Los Angeles (ZI-2452) and the Melrose Zone Change Permanent [Q] Conditions (ZI-2381).

The zoning and land use designation of the project site permits a maximum residential density of one dwelling unit per 800 square feet of lot area in areas designated for Medium Residential Land Uses. As such, a maximum of 19 residential units would be allowed on the project site. However, the building that is currently under construction was approved for a Density Bonus pursuant to Case No. DIR-2014-4762-DB to allow for a maximum density of 26 units along with a maximum building height of 56 feet and a Floor Area Ratio (FAR) of 3.971:1.

The subject property is currently under construction, but was previously occupied by multi-family residential apartment buildings that were demolished in 2017. The applicant is requesting a Vesting Tentative Tract Map No. 74129-CN the merger and resubdivision of two (2) lots into one (1) lot in conjunction with the construction, use, and maintenance of a proposed five-story multi-family residential building a maximum height of 56 feet containing 26 residential condominium units. The project will include 44 residential automobile parking spaces located on two subterranean levels. The project also includes 26 long-term and three (3) short-term bicycle parking spaces.

Surrounding uses are within the [Q]R3-1, R2-1XL, and C4-1XL Zones and are generally developed with single-family residences, multi-family residential buildings, and commercial buildings. The property abutting the subject property to the north is zoned [Q]R3-1 and is developed a single- a two-story multi-family residential apartment building. Properties abutting the subject property to the east are zoned R2-1XL and developed with duplexes. The property abutting the subject property to the south, across the alley, is zoned C4-1XL and developed with a three-story commercial building. Properties to the west, across Sweetzer Avenue, are zoned [Q]R3-1 and developed with a three-story multi-family residential buildings.

Appeal Analysis:

The Central Area Planning Commission received one appeal from Mr. Keith Nakata. The main appeal points raised were related to the following 1) The Project Does Not Qualify for the Class 32 Exemption; 2) The project does not comply with the General Plan; 3) The conditions of approval do not mitigate the impacts of the project below a level of significance under CEQA; 4) The conditions of approval do not mitigate the impacts of the project; 5) The approval of the project is not supported by adequate findings; 6) The findings in support of the approval of the project are not supported by substantial evidence in the record.

1. The Project Does Not Qualify for the Class 32 Exemption

a. The Project is Not Consistent with All Applicable General Plan Policies

"The violation of the General Plan and the zoning ordinance also precludes necessary findings under CEQA. The City did not perform CEQA review, concluding instead that a

Categorical Exemption for infill projects (Class 32) applied. This infill exemption is only available for project in strict compliance with both the General Plan and the Zoning Code. Accordingly, specific findings must be made about such compliance, including the following finding, reflected in page 15 of the Letter of Determination:

(a) The Project is consistent with the Applicable General Plan Designation and all applicable General Plan Policies as well as with Applicable Zoning Designation and Regulations.”

Staff Response:

The construction, use, and maintenance of a 26-unit multi-family residential building was previously considered under Case No. DIR-2014-4762-DB and associated environmental Case No. ENV-2014-4763-CE (Class 32). The Department of City Planning approved Case No. DIR-2014-4762-DB and adopted the environmental clearance on September 15, 2016. On January 3, 2017, the City Planning Commission approved in part and denied in part an appeal of Case No. DIR-2014-4762-DB-1A and adopted the environmental clearance. On January 11, 2019, the Deputy Advisory Agency approved the Vesting Tentative Tract Map and adopted the environmental clearance under Case No. ENV-2018-2721-CE (Class 32). During the appeal period, one appeal was filed on the project. The appeal was heard by the Central Area Planning Commission (CAPC) on March 12, 2019. At the hearing, the Commissioners voted 4 to 0 to deny the appeal and sustain the determination of the Deputy Advisory Agency and adopt the environmental clearance.

The proposed project is located in a developed, urbanized area, which is not a particularly sensitive environment and will not impact an environmental resource of hazardous or critical concern that is designated, precisely mapped, or officially adopted by any federal, state, or local agency. The project will not result in any significant impacts and, therefore, will not make a cumulatively considerable contribution to any significant cumulative impacts. The project is comprised of two standard-sized lots, is consistent with the surrounding developments, including established residential uses, does not present any unusual circumstances, nor would it constitute a substantial adverse change in the significance of a historic resource as defined by CEQA. Therefore, none of the possible exceptions to Categorical Exemptions, found in Section 15300.2 Exceptions, apply to this project. As such, the project is Categorically Exempt from further review.

The development of the project site with 26 dwelling units is consistent with the zone and land use designation of the site, as designated by the Hollywood Community Plan. In designating the site for multi-family densities, the Community Plan anticipated and analyzed environmental impacts based on the maximum allowable density for the project site and the surrounding area. The proposed project is not requesting any deviations from what was previously considered under Case No. DIR-2014-4762-DB. Similarly, other by-right projects in the surrounding area would have been analyzed for their environmental impacts during the preparation of the Community Plan and are not subject to further CEQA review. Any project proposing to deviate from the Community Plan and underlying zone would require a CEQA clearance and impacts would be mitigated for the project individually.

Additionally, while the appellant contends that the proposed project would be inconsistent with both the Hollywood Community Plan and the General Plan Housing Element, the proposed project meets the following objectives identified in the Hollywood Community Plan:

Objective 3: To make provision for the housing required to satisfy the various needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.

As well as the following goals and objectives identified in the Housing Element:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Objective 1.1.3: Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.

2. *The project does not comply with the General Plan.*

"The project does not comply with the General Plan of the City of Los Angeles and therefore the required Subdivision Map Act findings cannot be made. As reflected on page 20 of the Letter of Determination, these required findings are:

(a) The proposed map will be/is consistent with applicable general and specific plans.

(b) The design and improvement of the proposed subdivision are consistent with applicable general and specific plans."

Staff Response:

See Staff Response to Appeal point 1.

3. *The conditions of approval do not mitigate the impacts of the project below a level of significance under CEQA.*

"For the purposes of consistency with CEQA, the Housing Element of the General Plan Framework, and the required Subdivision Map Act findings, the cumulative impacts of the project must be taken into account. ETCO Homes will demolish 73 units of RSO housing on only two blocks on the 700 block of North Sweetzer Avenue and the 700 block of North Croft Avenue. The City fails to evaluate beyond the boundaries of the actual proposed project the RSO losses as required by the Housing Element of the General Plan Framework. Further, in violation of the Citywide General Plan Housing Element Framework, the Deputy Advisory Agency failed to refer to any data reflecting to the loss of RSO housing in the area or in the City generally."

Staff Response:

The construction, use, and maintenance of a 26-unit multi-family residential building was previously considered under Case No. DIR-2014-4762-DB and associated environmental Case No. ENV-2014-4763-CE (Class 32). The Department of City Planning approved Case No. DIR-2014-4762-DB and adopted the environmental clearance on September 15, 2016. On January 3, 2017, the City Planning Commission approved in part and denied in part an appeal of Case No. DIR-2014-4762-DB-1A and adopted the environmental clearance. On January 11, 2019, the Deputy Advisory Agency approved the Vesting

Tentative Tract Map and adopted the environmental clearance under Case No. ENV-2018-2721-CE (Class 32). During the appeal period, one appeal was filed on the project. The appeal was heard by the Central Area Planning Commission (CAPC) on March 12, 2019. At the hearing, the Commissioners voted 4 to 0 to deny the appeal and sustain the determination of the Deputy Advisory Agency and adopt the environmental clearance.

The appellant is arguing that the project is creating a significant cumulative impact that is considerable under CEQA as it, along with other projects in the same area, will result in the loss of RSO units that will not be replaced. However, according to the Section 15064(e) of the State CEQA Guidelines, economic and social changes resulting from a project shall not be treated as significant effects on the environment. Furthermore, Section 15064(f)(6) of the State CEQA Guidelines states that "evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment are substantial evidence that the project may have a significant effect on the environment." Therefore, the appellant's argument that the loss of RSO units is a significant impact that should be considered under CEQA is incorrect. Furthermore, as previously stated, the demolition of the previously existing apartment buildings and construction, use, and maintenance of a 26-unit multi-family residential building was previously considered under Case No. DIR-2014-4762-DB and associated environmental Case No. ENV-2014-4763-CE, which found that no significant impacts would occur.

4. *The conditions of approval do not mitigate the impacts of the project.*

Staff Response:

As a Class 32 exemption (ENV-2018-2721-CE) was adopted for the project, there are no mitigation measures attached to the project. The conditions of approval are standard conditions of approval for all subdivisions. The conditions imposed were not included to remedy an environmental concern.

5. *The approval of the project is not supported by adequate findings.*

Staff Response:

The Deputy Advisory Agency and the Central Area Planning Commission made all of the findings required pursuant to LAMC Section and 17.03 Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act) to approve the Vesting Tentative Tract Map. The appellant's argument is subjective and based on their belief that removal of RSO housing units is inconsistent with the Hollywood Community Plan, the General Plan Housing Element, and the Zoning Ordinance. As explained in the staff responses to Appeal Points 1 and 3, the project is consistent with Hollywood Community Plan, General Plan Housing Element, and Zoning Ordinance and the potential loss of RSO Housing Units is not a significant impact under CEQA.

6. *The findings in support of the approval of the project are not supported by substantial evidence in the record.*

"The project also violates the Zoning Ordinance, because the map does not depict a 2.5-foot dedication along the alley, which is required by Section 12.37 of the Zoning Code. The Bureau of Engineering recommended a condition to require this dedication in advance of the public hearing. The City Engineer has the authority to waive dedication requirements under section 12.37.1.6, but it expressly refused to do so during the hearing and left this determination to the Deputy Advisory Agency."

Staff Response:

Pursuant to LAMC Section 17.03-A, the Deputy Advisory Agency is authorized to include or omit in whole or in part the reports or recommendations of other concerned officials or City Departments excepting any mandatory requirements related to public health or safety by such other officials or departments in the exercise of their duties prescribed by law. Before approving the omission of any report or recommendation made by such officials or departments the Advisory Agency shall submit the matter to the members of the Subdivision Committee for consideration at a regular meeting.

A recommendation report prepared by the Bureau of Engineering for VTT-74129-CN requested the inclusion of a condition of approval requiring that a 2.5-foot wide strip of land be dedicated along the alley adjoining the tract to complete a 10-foot wide half alley. The report also requested an improvement condition requiring the applicant to "Improve the alley adjoining the subdivision by construction of a suitable surfacing to complete a 10-foot wide half alley with 2-foot wide longitudinal concrete cutter including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer." Based on the applicant's request to omit these conditions, the Deputy Advisory Agency submitted the matter to the members of the subdivision committee, specifically the representative of the Bureau of Engineering, at the public hearing on November 6, 2018. As the building was currently under construction as the previous Density Bonus approval was not subject alley dedication and improvements and that the existing buildings along the alley had not been subject to any dedications or improvements, the representative of the Bureau of Engineering stated that they would find the omission of the recommended conditions acceptable. The Deputy Advisory Agency concurred and omitted the conditions related to the alley widening from the Letter of Determination. Therefore, the applicant is not deviating from any required standards for easements along the alley.

Conclusion:

The appeal of the Vesting Tentative Tract Map does not contest the legality of the condominium units created by the map. All concerns raised by the appellant, including environmental and construction-related impacts, relate to the building proposed on the subject property and its construction. However, approval of the Tentative Tract Map does not authorize the construction of the proposed building. The map merely allows the creation of condominium units within a previously entitled 26-unit multi-family residential building. The development of the project site with 26 dwelling units is consistent with the Density Bonus approval under Case No. DIR-2014-4762-DB. With the exception of the incentives granted as a part of the previously approved Density Bonus request, the proposed building is subject to all applicable regulations and entitlements required by the Municipal Code, and the subject tract map grants no exceptions from such.

Based on the information submitted, reports from City agencies, the surrounding land uses and zoning pattern, conformance with the General Plan, and Los Angeles Municipal Code, the City maintains that the Central Area Planning Commission acted reasonably in approving the requested subdivision. Therefore, the Department of City Planning recommends that the decision of the Central Area Planning Commission be sustained and the appeal be denied by the City Council.

PLUM Committee
19-0342
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Sincerely,

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Director of Planning



Jordann Turner
Deputy Advisory Agency

JT:NA

c: Aviv Kleinman, Planning Deputy, Council District No. 5