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February 27, 2020

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

STAFF RECOMMENDATION FOR THE PROJECT LOCATED AT 462 NORTH CRANE BOULEVARD WITHIN THE MOUNT WASHINGTON-GLASSELL PARK SPECIFIC PLAN; TO CF 20-0034

On December 20, 2019, the East Los Angeles Area Planning Commission (East APC) issued a Letter of Determination stating that the appeal of the Director of Planning's decision in Case No. DIR-2018-826-SPP, for a project located at 462 North Crane Boulevard was deemed to be denied as a result of a procedural failure to act within the time frame for the appellate decision to be rendered. Subsequently, there was an environmental appeal to the City Council filed on January 3, 2020.

Staff finds that the appellant has not raised appeal points or substantial evidence that merit a modification or change in the Categorical Exemption designated to the project. Planning staff respectfully recommends that the PLUM Committee deny the CEQA appeal and sustain the Director of Planning's Determination that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15303, Class 3, and there is no substantial evidence demonstrating that any exceptions contained in CEQA Guidelines, Section 15300.2 regarding cumulative impacts, significant effects or unusual circumstances, scenic highways, hazardous waste sites, or historical resources applies.

Furthermore, Planning staff provides the following appeal point responses to further demonstrate that the appeal points do not meet the substantial evidence standard needed to demonstrate that the project does not qualify for an exemption to the Categorical Exemption, pursuant to CEQA Guidelines, Section 15300.2.

The appellant raised five (5) appeal points, one of which is CEQA related. The other four (4) appeal points raised are related to the Mount Washington-Glassell Park Specific Plan.

Appeal Point 1:

There is a violation of the Northeast Los Angeles Community Plan Findings/evidence requirement.

Response:

In order for the City Council to adopt a Specific Plan, the Specific Plan must comply with the provisions, policy statements, etc. of the applicable Community Plan and the City's General Plan. At the time of the adoption of the Mount Washington-Glassell Park Specific Plan, it was found to be in conformance with the Northeast Los Angeles Community Plan and the General Plan.

The Specific Plan is designed to implement the policies of the Northeast Los Angeles Community Plan and General Plan, so that projects approved under the Specific Plan conform to the Community Plan and General Plan. As stated in the Mount Washington / Glassell Park Specific Plan, "in order to assure that development proceeds in an orderly fashion and in conformance with the General Plan, it is necessary to adopt the following Specific Plan." (Mt. Wash./Glass. Pk. Sp. Plan at p. 2.)

The Northeast Los Angeles Community Plan recognizes this role of Specific Plans in carrying out the policies of the General Plan. It states:

"Special zoning ordinances are also used as plan implementation tools to provide detailed development controls in areas with unique attributes, problems, or resources. Currently, portions of Northeast Los Angeles are regulated by the Colorado Boulevard Specific Plan and the Mount Washington/Glassell Park Specific Plan, as well as the Highland Park Historic Preservation Overlay Zone." (Northeast Community Plan at II-3.)

Further, the Los Angeles Municipal Code states that "[a] specific plan shall provide by ordinance regulatory controls or incentives for the systematic execution of the General Plan and shall provide for public needs, convenience and general welfare." (LAMC Sec. 11.5.7 A.)

The site is zoned R1-1, which is a corresponding zone within the Low Residential land use designation of the Northeast Los Angeles Community Plan which is part of the Land Use Element of the General Plan.

Pursuant to Los Angeles Municipal Code Section 11.5.7 C, the Director of Planning has the initial decision making authority for projects within a specific plan area. The Director may grant the approval of a project through a Project Permit Compliance Review. In order to approve a project with a Project Permit Compliance Review, the Director is required to make two Findings: (1) that the project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan; and (2) that the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.

The revised Findings adequately respond to both Findings. There are justifications on how the proposed project complies with all applicable regulations and provisions of the Specific Plan including, floor area, building height and stepback distances, prevailing front yard setbacks, public health and safety, landscaping and preservation, relocation, and removal of Native and Significant trees, and design variation.

In response to Finding No. 2, the Department of City Planning finds that the project qualifies for an exemption from CEQA per CEQA Guidelines Section 15303, which consists of construction

and location of limited numbers of new, small structures. This categorical exemption category exempts the construction, use and maintenance of one single-family residence, or second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption. Projects that qualify for any categorical exemptions must demonstrate that none of the six (6) exceptions to a categorical exemption is triggered. These include Location, Cumulative Impact, Significant Effect, Scenic Highways, Hazardous Waste Sites, and Historical Resources. As shown in the CEQA Justifications Exhibit (Exhibit C), the project does not meet any of the six exceptions in Section 15300.2 of the CEQA Guidelines.

Appeal Point 2:

The City's assertion that the square footage of the carport is not part of the square footage calculation violates the Area Planning Commission's decision for Mavis Avenue that definitively interpreted the Specific Plan.

Response:

The Specific Plan regulates maximum floor area with a prescribed formula based on lot size. The subject lot measures 5,621.9 square feet. Section 6.A.2 of the Specific Plan states that:

For lots greater than or equal to 5,000 square feet in size, but less than 10,000 square feet in size, the maximum Floor Area Ratio shall be determined by using the following equation:

$$0.50 - \{[(\text{Lot Area} - 5,000) \times 0.10] \div 5000\}$$

Therefore, the maximum allowed floor area ratio based on this formula is 0.48:1 which allows for a maximum floor area of 2,741 square feet [(lot size) 5,621.9 X 0.48]. The proposed dwelling including the first floor and covered deck measures 1,050 square feet, as seen in the original project plans. With the proposed carport, which measures 360 square feet, the project measures 1,410 square feet which is still below the maximum allowed floor area per the formula.

Appeal Point 3:

The Letter of Determination fails to demonstrate that the Hillside Ordinance limits on floor area are not more restrictive.

Response:

The Mount Washington-Glassell Park Specific Plan states the following about its relationship to the Los Angeles Municipal Code:

Section 2 B. Wherever this Specific Plan contains provisions which require more or less restrictive front yards, less restrictive height, more restrictive Floor Area Ratios, more restrictive landscaping requirements or other greater restrictions or limitations on development than would be required by the provisions contained in the LAMC Chapter I, the Specific Plan shall prevail and supersede the applicable provisions of the Code.

With regards to floor area, at the time the Specific Plan was adopted and effective in 1993, the formula in the Specific Plan for calculating floor area for one-family projects was more restrictive than the 3:1 floor area ratio allowed in single family zones. The way the Specific Plan treats floor area is unique in that it is based on the formula, and the Specific Plan has its own definition of floor area, which is defined as the following:

Floor Area: Notwithstanding LAMC Section 12.03, Floor Area is that area in square feet confined within the exterior walls of a building of a One-Family Project, including the area of stairways, shafts, covered automobile parking areas and basement storage areas, and excluding uncovered outdoor decks.

In 2010, the City adopted the Baseline Hillside Ordinance (BHO) for R1 and RE Zones. The BHO determined allowable residential floor area as a function of the slope of the development site. It also allowed for floor area exemptions, including, but not limited to the garage and basement areas and bonuses for certain green building features. There was a subsequent revision in 2017.

Because the Specific Plan has its own definition of floor area and counts as floor area areas that are exempted by the BHO, the Specific Plan's calculation of floor area was utilized in determining a project's allowable floor area. As seen in the original project plans, the "Gross Floor Area" calculations account for all floor area, including the carport. The calculations show that the total floor area is within the allowable floor area per the Specific Plan.

Appeal Point 4:

An MND is required so that the City can protect existing residents from the cumulative impact of concurrent construction activities at multiple vacant lots proposed for construction within a two-block stretch of Crane Boulevard.

Response:

The California Environmental Quality Act was passed by the California State Legislature in 1970 to establish statewide regulations for the environmental review of discretionary projects. Environmental documents that result from the CEQA process are intended to serve as informational documents for both the public and decision makers. The purpose of CEQA is to identify and disclose any potential and significant environmental impacts and avoid or mitigate impacts when possible or feasible.

For discretionary actions, CEQA directs and allows certain types of projects that are not expected to impact the environment to be exempt from environmental review requirements. These classes of exempt projects are known as Categorical Exemptions (CEs). Projects that fall into any of the 33 exempt classes are not required to undergo CEQA review in most circumstances.

The Department of City Planning finds that the project qualifies for an exemption from CEQA per CEQA Guidelines Section 15303, which consists of construction and location of limited numbers of new, small structures. This categorical exemption category exempts the construction, use and maintenance of one single-family residence, or second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

Projects that qualify for any categorical exemptions must demonstrate that none of the six (6) exceptions to a categorical exemption is triggered. These include Location, Cumulative Impact, Significant Effect, Scenic Highways, Hazardous Waste Sites, and Historical Resources. As shown in the CEQA Justifications Exhibit, the project does not meet any of the six exceptions in Section 15300.2 of the CEQA Guidelines.

The Appellant contends that the issuance of a Categorical Exemption is based on unsupported assertions that regulatory compliance measures will avoid all significant environmental impacts.

The Appellant also contends that due to the project's location within a Very High Fire Severity Zone, and steep, curvy, and narrow roads, the project causes unusual circumstances that call for mitigation measures related to: construction noise, construction delivery times, hillside safety precautions, and coordination of major street access disruptions by multiple projects in close proximity to each other along Crane Boulevard.

However, all regulatory compliance measures applicable to the project will ensure that any concerns regarding the project being located within a Very High Fire Severity Zone, Hillside Area, and Special Grading Area will be addressed. Applicable Regulatory Compliance Measures include, but are not limited to: Regulatory Compliance Measure RC-GEO-2 (Hillside Grading Area), which requires that the project's grading plan conform to the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division; and Regulatory Compliance Measure RC-NO-1 (Demolition, grading, and Construction Activities), which requires compliance with the City's Noise Ordinance and subsequent Ordinances which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

The project is required to follow all regulatory compliance measures regarding construction, and required to obtain proper permits, which, through inspections, will ensure that the project follows all applicable provisions. Any use of the right-of-way for construction materials or large construction vehicles is required to be by permit, which is issued by the Bureau of Street Services Investigations and Enforcement Division. The issuance of a permit includes notification of the Los Angeles Fire Department and Police Department, who make adjustments to emergency access routes used for a particular day when such a permit is issued. This is also true of any other projects within the vicinity. For roadway access during construction, because staging of equipment in the right of way is done by permit, coordination of the use of the right of way by the construction sites in proximity to the project site will occur by Bureau of Street Services review. Use of the right of way for parking vehicles in legally designated areas is available to any members of the public, as well as property owners adjacent to the curb.

Aside from this, the Appellant has not provided any substantial evidence demonstrating how the project falls within the exceptions under Section 15300.2 of the CEQA Guidelines. Furthermore, the Appellant did not identify any specific exceptional circumstances or environmental impacts that require mitigation measures. There is no substantial evidence that shows that the project meets the exceptions to a categorical exemption shown in the State CEQA Guidelines Section 15300.2.

Appeal Point 5:

Per prior case for this address, a significant tree was also removed since 1993.

Response:

Arsen Margossian, Consulting Arborist #WE-7233A, prepared a Protected Tree Report dated January 31, 2018, that was subsequently reviewed and approved by the Urban Forestry Division on April 20, 2018. The report identified one (1) Southern California Black Walnut tree on-site with a diameter at breast height (DBH) of 8.5 inches, height of 10-feet tall, a 13-foot spread, and a condition rating of four (4) (Good). The report also identified one (1) off-site Southern California Black Walnut tree, which is located on the adjacent property at 460 N Crane Boulevard. The on-site Protected Tree was identified as being outside of the footprint of the construction area and will therefore, be preserved per the original conditions of approval. The off-site tree that was identified in the tree report will also not be impacted by the proposed construction.

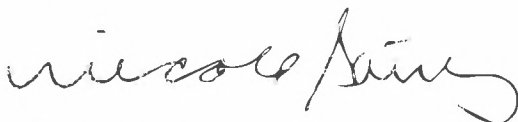
There was a previous case filed on the subject property which was approved on July 23, 2015 (Case No. DIR-2014-2050-SPP). It was subsequently appealed and taken to the East Los Angeles Area Planning Commission (APC) where the APC denied the appeal and sustained the determination of the Director of Planning in approving a Project Permit Compliance for the construction of a three-story, 37-foot 10-inch, and 2,246 square foot single family dwelling with an attached garage. One of the appeal points raised by the Appellant for that case was that the applicant of that project attempted to conceal the presence of a Protected Black Walnut tree in which he cut down without proper approvals from the City. Furthermore, the Appellant claimed that the environmental clearance for the project did not mitigate the loss of this native tree on the project site. In response to that appeal point, Planning staff directed the applicant to address the claim by having the site surveyed again by an arborist. The arborist inspected a stump present at the site and found that it was not a Protected, Native or Significant tree type. However, it was classified as a "potentially significant" tree by the City's 2006 California Environmental Quality Act (CEQA) Threshold Guidelines. A "potentially significant" tree is any tree with an eight (8)-inch caliber, measured four (4)-feet from the ground. At that time, as part of the environmental review process, the Department City Planning's policy was to utilize the City's 2006 CEQA Threshold Guidelines to determine whether there was a potentially significant impact within each impact category. Due to the new information presented after the second site survey performed by the arborist, Planning staff published a subsequent environmental clearance with an additional mitigation measure requiring replacement of the tree on the subject site. The APC adopted this subsequent environmental clearance on December 22, 2015 along with the rest of the proposed project. The project approved under this previous case was never built.

As of May 2019, Department policy is to use the CEQA Appendix G environmental checklist as the thresholds of significance when processing environmental clearances in lieu of the City's 2006 CEQA Threshold Guide. With this update, and as previously discussed, the current proposed project was found to qualify for an exemption from CEQA per CEQA Guidelines Section 15303, which consists of construction and location of limited numbers of new, small structures. This categorical exemption category exempts the construction, use and maintenance of one single-family residence, or second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

The Applicant of the current proposed project, as previously described, submitted a tree report that concluded the presence of one (1) Protected Tree on-site, which is conditioned to remain. Additionally, as seen in the original project plans, the Applicant is proposing 20 new trees which will be 24-inch boxes and six (6)-feet tall at the time of planting.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Nicole Sánchez
City Planner

VPB:JC:NS