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Fwd: Council File: 20-0087

1 message

Anna Martinez <anna.martinez@lacity.org>

Tue, Apr 28, 2020 at 3:57 PM

To: City Clerk Council and Public Services <Clerk.CPS@lacity.org>

----- Forwarded message -----

From: **Steven Luftman** <sluftman@gmail.com>

Date: Tue, Apr 28, 2020 at 3:57 PM

Subject: Council File: 20-0087

To: Herb Wesson <councilman.wesson@lacity.org>

Cc: Elizabeth Carlin <elizabeth.carlin@lacity.org>, <CityClerk@lacity.org>, Carolyn Zanelli <carolynzanelli@gmail.com>

Dear Councilmember Wesson,

On behalf of Save Our Normandie Mariposa Historic District I urge you to support Caroyln Zanelli's appeal of [738 South Normandie Avenue](#) project's California Environmental Quality Act ("CEQA") exemption and adopt the attached substitute findings.

Save Our Normandie Mariposa Historic District has been working with Jamison Properties to develop a building that will fit into the Normandie-Mariposa Historic District, but they have not made any significant changes to meet the CEQA guidelines.

These are the architectural features needed for the Normandie-Mariposa Historic District, none of which have been met.

- Sixth- and seventh-stories and the elevator shaft should be set well back from the plane of the front façade
- Left-right symmetry with a prominent central entrance
- Front façade flush with the historic streetwall
- No side yards at the front façade

Since these features have not been addressed, please support the appeal.

Thank you.

Sincerely,

Steven Luftman
310-503-9958

CC: Elizabeth Carlin
Caroyln Zanelli
CityClerk@lacity.org

**20-0087_738 S Normandie -Substitute findings.pdf**

185K

SUBSTITUTE FINDINGS Council File 20-0087
Case No. ENV-2019-930-CE-1A
Case: DIR-2019-929-TOC
738 South Normandie Avenue

In support of appeal by Save our Normandie Mariposa Historic District

Contents:
SUBSTITUTE FINDING RE CLASS 32 CEQA EXEMPTION:
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SUBSTITUTE FINDING RE CLASS 32 CEQA EXEMPTION:

ENVIRONMENTAL FINDINGS

The Department of City Planning determined that the proposed project is exempt from CEQA pursuant to State CEQA Statute and Guidelines, Article 19, Section 15332 (Class 32 Urban In-Fill Development), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to State CEQA Statute and Guidelines, Section 15300.2 applies.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- c) The project site has no value as habitat for endangered, rare or threatened species;
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- e) The site can be adequately served by all required utilities and public services.

There are five (5) exceptions which the City is required to consider before finding a project exempt under Class 15332: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

See *Justification for Categorical Exemption Case No. ENV-2019-930-CE* in the case file for the narrative demonstrating that the proposed project meets the five criteria under Class 32 and that exceptions do not apply.

SUBSTITUTE FINDINGS OF FACT (CEQA), Finding (a):

THE CLASS 32 EXEMPTION FROM CEQA DOES NOT APPLY BECAUSE THE PROJECT IS INCONSISTENT WITH THE APPLICABLE GENERAL PLAN DESIGNATION AND APPLICABLE GENERAL PLAN POLICIES.

The project involves the construction of a new building within the Normandie Mariposa Apartment Historic District. The Normandie Mariposa Apartment Historic District was formally determined eligible for listing in the National Register of Historic Places in 1994, and thus was subsequently automatically listed in the California Register of Historical Resources.

The adopted Wilshire Community Plan, General Plan Framework Element, Chapter 3 (Land Use) and General Plan Conservation Element each contain detailed provisions setting forth goals, objectives and policies designed to protect historic resources, including designated and eligible historic districts such as this one, from incompatible development.

Because the new building does not meet the Secretary of the Interior's Standards for Rehabilitation for new construction related to a historic resource, the project is incompatible with the adopted Wilshire Community Plan, the City's General Plan Framework Element, Chapter 3 (Land Use) and the General Plan Conservation Element. Therefore, the project is not entitled to a Categorical Exemption and full review must be performed under CEQA.

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- c) The project site has no value as habitat for endangered, rare or threatened species;
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- e) The site can be adequately served by all required utilities and public services.

The Wilshire Community Plan includes the following Goals, Objectives and Policies relevant to the protection of designated and eligible historic districts:

WILSHIRE COMMUNITY PLAN

GOAL 1

PROVIDE A SAFE, SECURE, AND HIGH QUALITY RESIDENTIAL ENVIRONMENT FOR ALL ECONOMIC, AGE, AND ETHNIC SEGMENTS OF THE WILSHIRE COMMUNITY.

Objective 1-3

Preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

Policies

1-3.1

Promote architectural compatibility and landscaping for new Multiple Family residential development to protect the character and scale of existing residential neighborhoods.

1-3.2

Support historic preservation goals in neighborhoods of architectural merit and/or historic significance.

GOAL 17

PRESERVE AND RESTORE CULTURAL RESOURCES, NEIGHBORHOODS AND LANDMARKS WHICH HAVE HISTORICAL AND/OR CULTURAL SIGNIFICANCE.

Objective 17-1

Ensure that the Wilshire Community’s historically significant resources are protected, preserved, and/or enhanced.

Policies

17-1.1

Encourage the preservation, maintenance, enhancement and reuse of existing historic buildings and the restoration of original facades.

Program: Adhere to the City’s Historic Properties Preservation Ordinances and City’s Cultural Heritage Commission requirements for preservation and implementation of design standards.

Objective 17-2

Preserve and enhance neighborhoods having a distinctive and significant historical character.

Objective 17-3

Encourage private owners of historic resources to maintain and enhance their properties in a manner that will preserve the integrity of such resources.

Policies

17-3.1

Assist private owners of historic resources to maintain and enhance their properties in a manner that will preserve the integrity of such resources.

Program: Support the creation and implementation of Hancock Park, Windsor Square, and other areas of architectural or historical significance as historic districts under the Planning Department’s HPOZ program.

Program: Continue to adhere to the City’s historic properties preservation ordinances and Cultural Heritage Commission requirements for preservation and implementation of design standards.

The General Plan Framework Element includes the following Goals and Objectives relevant to the protection of designated historic districts:

GENERAL PLAN FRAMEWORK ELEMENT

Chapter 3 - Land Use
GOALS, OBJECTIVES AND POLICIES

ISSUE TWO: USES, DENSITY, AND CHARACTER

HISTORIC DISTRICTS

Overview

It is the intent of the General Plan Framework Element to preserve the historic and architectural heritage of Los Angeles by providing incentives and assistance to protect these resources in areas of the City in which they are concentrated. These districts will apply the range of policies and programs that have been implemented by the City in its Historic Preservation Overlay Zones to additional areas within Los Angeles.

GOAL 3M

A City where significant historic and architectural districts are valued.

Objective 3.17

Maintain significant historic and architectural districts while allowing for the development of economically viable uses.

The General Plan Conservation Element includes the following Objectives and Policies relevant to the protection of designated historic districts:

GENERAL PLAN CONSERVATION ELEMENT Adopted September 2001

SECTION 5: CULTURAL AND HISTORICAL

To identify, protect and preserve historic sites and structures for the enrichment of future generations various city, state and federal procedures have been promulgated. The most significant for Los Angeles are described in the following. The general plan Historic Preservation and Cultural Resources Element will address historic and cultural protection issues in greater detail.

Conservation and protection. Five types of historic protection designations apply in the city: (1) Historic-Cultural Monument designation by the city's Cultural Heritage Commission and approved by the City Council; (2) placement on the California Register of Historical Resources or (3) the National Register of Historic Places (1980 National Historic Preservation Act); (4) designation by the Community Redevelopment Agency (CRA) as being of cultural or historical significance within a designated redevelopment area; and (5) classification by the City Council (recommended by the planning commission) as an Historic Preservation Overlay Zone. Designations help protect structures and support rehabilitation fund requests.

The California Environmental Quality Act (CEQA) also protects significant cultural and historic resources. CEQA was revised in 1998 to redefine "historic resource" to include resources that are presumed to be significant, unless the preponderance of evidence is to the contrary. A property no longer must be designated officially as a landmark or of historic importance to be considered under CEQA review. The lead agency for permit processing may deem properties not formally listed and not included in historic surveys as "historically significant," if they meet criteria for listing in the California Register.

Under the city's CEQA guidelines, an environmental assessment must be prepared for any proposed demolition, destruction or significant modification of an Historic-Cultural Monument or resource listed on the national or state registers, or on the CRA list, or cited as a proposed historical resource by a community plan or historic preservation overlay zone survey, or which are over 50 years old and are substantially intact examples of an architectural style important in Los Angeles or are associated with an architect or other person of importance in Los Angeles history. Under the 1998 amendment, buildings less than 50 years old may also be considered.

Additional protections apply to structures or sites that are listed on the state or national registers. The National Park Service administers the National Register of Historic Places and the California Office of Historic Preservation administers the state register. Criteria applied to determine qualification for the registers includes context (importance to an historic theme, place, time), integrity (location, design, setting, workmanship, materials) and, if a recent resource, exceptional importance.

The Community Redevelopment Agency maintains a list of buildings and structures of historical significance for purposes of project planning and evaluating neighborhood improvement proposals.

Conclusion. The city has primary responsibility for identifying and protecting its cultural and historical heritage.

Continuing issues: loss of significant, important or contributory cultural and historical sites and structures to neglect, site redevelopment or damage.

Cultural and historical objective, policy and programs:

Objective: protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes.

Policy: continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition or property modification activities.

Program 1: development permit processing, monitoring, enforcement and periodic revision of regulations and procedures.

Responsibility: departments of *Building and Safety, *City Planning, *Cultural Affairs and *Community Redevelopment Agency and/or the *lead agency responsible for project implementation.

In light of the above goals, objectives and policies, in order to be granted a Class 32 exemption under CEQA, the proposed project must, at a minimum, meet the Secretary of the Interior's Standards for Rehabilitation (the "Standards"), and specifically Standard #9 which addresses new construction related to a historical resource. The proposed new construction as designed does not meet Standard #9, and accordingly it violates the goals, objectives and policies of the Wilshire Community Plan, the General Plan Framework Element, Chapter 3 (Land Use) and the General Plan Conservation Element.

A project may be considered to meet Standard #9 if the "new work (is) differentiated from the old and... compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment".

While the project mimics the materials of 1920s buildings, it ignores issues of scale, design, setbacks, streetwall, and sheer size that present the greatest potential to adversely impact the district.

The proposed project consists of a seven-story 80-foot tall apartment building, 89-feet tall to the top of its elevator shaft. Most buildings on the 800 block of South Normandie are four to five stories tall, or approximately 50 to 60 feet tall. To maintain the streetscape of the Historic District, the sixth and seventh-stories of the proposed project would need to be set well back from the plane of the front façade.

The consistent size, height, and massing of the historic apartment buildings are key to the cohesiveness of the block.

In addition, all of the façades of the Historic District buildings feature left-right symmetry with a prominent central entrance. The proposed project façade, in contrast, is highly asymmetrical with a diminutive entry.

The combined façades (streetwall) of the Historic District are built to the property line facing the street; this streetwall defines the district. The proposed project façade is set back 9.6" from the property line, and highly articulated, with a substantial portion of the façade set back over ten feet from the property line.

The buildings of the Historic District feature no side yard setbacks. The proposed project features 7-foot side yards at the north and south of the building.

In conclusion, the massing, scale, and size of the building, particularly its bulk at the street, present an impact to the historic streetscape and the underlying historic district. Changing the details of the façade without changing its size and scale will be insufficient to avoid such impacts.

Because it does not meet Standard #9, the project is inconsistent with the goals, objectives and policies of the Wilshire Community Plan, the General Plan Framework Element, Chapter 3 (Land Use) and the General Plan Conservation Element.

SUBSTITUTE FINDINGS OF FACT (CEQA), Finding (b):

THE CLASS 32 EXEMPTION FROM CEQA DOES NOT APPLY BECAUSE THE PROJECT MAY CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE.

Under CEQA Guidelines section 15300.2(f), "A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource." The Class 32 exemption does not apply to the project because the massing, scale, and size of the building, and particularly its bulk at the street, may

cause a substantial adverse change in the historic streetscape and thus to the significance of a historical resource, i.e., the underlying Normandie Mariposa Apartment Historic District, which was formally determined eligible for listing in the National Register of Historic Places in 1994, and subsequently listed in the California Register of Historical Resources.