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February 10, 2022

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:

SECOND LEVEL APPEAL FOR A PROPOSED PROJECT AT 1801-1821 SOUTH PENMAR AVENUE & 1169 EAST PALMS BOULEVARD; CASE NO. VTT-82077-SL-2A; CF 21-1495

At its meeting of November 17, 2021, the West Los Angeles Area Planning Commission (WLAAPC) denied an appeal and sustain the Deputy Advisory Agency's August 31, 2021 determination which approved a subdivision of one lot into an eight-lot small lot subdivision; seven residential bungalow court small lots and one bungalow court lot for parking purposes. The WLAAPC determined that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, as part of their determination. Following this action, one appeal was filed in a timely manner.

APPEAL ANALYSIS

1. Determination Letter Issuance - Appellants claim that they didn't receive the WLAAPC determination letter in a timely manner.

Although the standard practice has always been to send and distribute the determination on the date of the letter, a typographical error related to the CEQA categorical exemption was found after the initial WLAAPC determination was released. This resulted in the WLAAPC determination being redistributed with a new full appeal period beginning on January 20, 2022. Following this, the original appellant was provided with an additional opportunity to add to their appeal justification. There were no new appellants.

2. Building Permit Timing in Relation to Small Lot Subdivision

Appellant contends that because building permits were issued prior to this small lot subdivision case, it did not allow the City to exercise its right to dedications and is in conflict with LAMC Section 12.36. Appellant contends that the added porch area and roof projections alter a buildings footprint and thus is in conflict with the LAMC.

In consideration of the first two points, LAMC Section 12.36 is related to multiple entitlement cases requiring multiple Legislative and/or Quasi-judicial Approvals. It does not apply to a Subdivision Approval along with building permits. The applicant is free to pursue either order; to file the subdivision case first or for the building permits first. The applicant has not cited any other LAMC code this sequencing conflicts with.

The project has been conditioned to comply with the Small Lot Subdivisions of Existing Dwelling units which reads, "*Existing structures that are nonconforming as to use, density, yards, or parking may be subdivided provided that the subdivision does not further increase the density nor reduce the yards, and that existing required parking be maintained, respectively. A nonconforming building, structure, or improvements may be maintained or repaired or structurally altered provided it conforms to Section 12.23 A. of this Code.*"

3. CEQA

The appellant contends that CEQA Guidelines Section 15301 does not apply. Section 15301 has two categories for additions to existing structures. First is related to 50% of the floor area of the structures before the addition or 2,500 square feet, which ever is less. Second is 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive. Considering that the seven bungalows are individually all approximately 1,000 square feet in size, the second level additions result in less than a total of 10,000 square feet of additions since the project is in an area where all public services and facilities are available and the area in which the project is located is not environmentally sensitive.

As such, the WLAAPC denial of the first level appeal was appropriate. The project's impacts were analyzed according to the provisions of CEQA. In addition, all of the Subdivision Map Act findings were made in approving the project. The project is consistent with the Small Lot Design Guidelines, the Subdivision Map Act, and with CEQA. As such, staff is recommending that the appeal be denied and that the decision of the WLAAPC be upheld.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

ALEXANDER TRUONG

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