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March 29, 2022

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Planning and Land Use Management (PLUM) Committee

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

Re: CF 21-1030-S1
CPC-2019-5425-DB-MCUP-SPP-SPR-PHP
ENV-2019-5426-SCEA

Dear Honorable Members of the PLUM Committee:

On December 16, 2021, the City Planning Commission (CPC) approved Case No. CPC-2019-5425-DB-MCUP-SPP-SPR-PHP in connection with the Crenshaw Crossing Project (Project) proposal, which involves the construction and operation of two mixed-use buildings, up to 86 feet in height, with up to 380,112 square feet of total floor area, including up to 401 residential units, with 61 units reserved for Very-Low Income households and 20 units reserved for Very-Low Income or Low Income households, and 40,454 square feet of commercial and community floor area, on two sites comprising approximately 4.19-acres (net area). The West Site would include a 206,803 square foot building, with 225 residential units, 7,504 square feet of ground-floor commercial/restaurant uses, and 2,650 square feet of community space, on a 1.93 acre site. The East Site would include a 173,309 square foot building, with 176 residential units and 30,300 square feet of commercial floor area (including a 22,277 square foot grocery store) on a 2.25 acre site.

On January 24, 2022, an appeal was filed by Donna Jones with the West Adams Avenues Association from a portion of the Commission's decision. This report serves to respond to the points raised in the appeal.

Project Background

A joint public hearing was held telephonically via Zoom by the Deputy Advisory Agency and Hearing Officer on behalf of the City Planning Commission on July 7, 2021 for the proposed Project entitlements under Case No. CPC-2019-5425-DB-MCUP-SPP-SPR-PHP and VTT-82282 and was attended by approximately 30 individuals. The Sustainable Communities Environmental

Assessment (SCEA) was approved by the City Council on October 13, 2021 and adopted by the Advisory Agency in a Letter of Determination issued on October 14, 2021. The tract map approval and adoption of the SCEA were not appealed. The City Planning Commission (CPC) issued a Letter of Determination for CPC-2019-5425-DB-MCUP-SPP-SPR-PHP on January 11, 2022.

One appeal was filed in a timely manner in response to the CPC determination on January 24, 2022 by Donna Jones with the West Adams Avenues Association.

The appeal of the CPC case (Council File 21-1030-S1) will be heard by the Planning and Land Use Management (PLUM) Committee of the City Council on April 6, 2022.

The following represents a summary of and response to the CPC appeal filed on January 24, 2022:

APPELLANT: Donna Jones, West Adams Avenues Association

Summary of Appeal Points

- *Inconsistent with General Plan Elements*
- *Removal of mature trees and lack of disclosure*
- *Insufficient conditions and mitigations regarding new tree planting and tree removal impacts*

A summarized version of the appeal points and Staff responses are included below.

Appeal Point 1:

The appellant asserts that Site Plan Review Findings relative to the General Plan (page F-20) were incomplete and not supported by all Elements of the General Plan including the Health and Wellness Element, Framework Element, Land Use Element, and Housing Element. The appellant also asserts that the Project is inconsistent with the Mid-City Recovery Redevelopment Plan.

Response to Appeal Point 1:

The appellant claims that the removal of mature trees from the Project site represents inconsistency with the Plan for a Healthy Los Angeles, specifically with the broad vision statement “*Ample green and open space, including a robust tree canopy in all neighborhoods...*”, as well as with certain specific policies, goals, and programs in the Framework Element, Land Use Element, and Housing Element related to the environmental and health benefits that trees provide to the City, assurance of environmental justice, and the need to preserve and expand the City’s tree canopy. In addition, the appellant claims that the Project is not fully consistent with the Mid-City Recovery Redevelopment Plan’s goals and design standards, for conservation and community participation. Not revealing the intended removal of the grove of Protected Sycamores runs counter to that objective, and is at the minimum an error. The appellant asserts that the removal of three protected Western Sycamore trees from the Project Site in order to construct the Project represents incompatibility with these Elements. However, in making this point, the appellant omits the fact that the Staff Report describes that the Project will provide a total of 157 trees on-site and in the adjacent rights-of-way, which is 111 trees more than the 46 existing trees that are on-site and in the public rights-of-way. The Los Angeles Municipal Code (LAMC) requires that protected trees, of which there are three Western Sycamore trees on-site, be replaced with protected tree species at a ratio of 4:1. The Project will replace the three protected sycamore trees with a minimum of twelve 24-inch box protected trees, as described in the SCEA, the Tree Report (Appendix B of the SCEA), and the determination letters issued for the associated entitlement

cases. Therefore, the Project is consistent with the goal of providing ample green and open space, including a robust tree canopy as it will include a total of 157 trees, of which 111 would be new trees to the Project site and adjacent rights-of-way.

Additionally, the appellant contends that the City “cherry-picked” which General Plan Elements the Project is consistent with, did not include the Conversation and Open Space Element, and provided outdated Housing Element consistency findings in regard to the removal of the three protected sycamore trees. Under State Planning and Zoning law (Government Code Section 65000, et seq.), strict conformity with all aspects of a plan is not required. Generally, plans reflect a range of competing interests and agencies are given great deference to determine consistency with their own plans. As discussed in the Office of Planning and Research (OPR), State of California General Plan Guidelines (2017), a proposed project should be considered consistent with a general plan or elements of a general plan if it furthers one or more policies and does not obstruct other policies. More specifically, a project is considered consistent with the provisions and general policies of an applicable City or regional land use plan if it is consistent with the overall intent of the plan and would not preclude the attainment of its primary goals. Further, state law does not require an exact match between a project and the applicable general plan. Rather, to be “consistent,” the project must be “compatible with the objectives, policies, general land uses, and programs specified in the applicable plan,” meaning that a project must be in “agreement or harmony” with the applicable land use plan to be consistent with that plan, but need not be in perfect conformity with every plan policy.

The appellant asserts that the Housing Element findings were based on the outdated Housing Element, and therefore the City erred in its decision. The Housing Element was adopted by the Los Angeles City Council on November 24, 2021, not October as the appellant claims. The Project was heard by the City Planning Commission on December 16, 2021 and included findings based on the Housing Element that was adopted at the time when the Project application was filed and deemed complete. The Project included a vesting application, which confers a vested right to proceed with a development in substantial compliance with the rules, regulations, ordinances, zones and officially adopted policies of the City of Los Angeles in force on the date the application is deemed complete. Nonetheless, the Project supports the 2021-2029 Housing Element goals in that it results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs; enhances the quality of housing and provides greater housing stability for households of all income levels. The Project is also not in conflict with, and supports the goal of the Housing Element of a City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos. These goals are substantially similar to the goals of the 2013-2021 Housing Element.

Therefore, as it has been demonstrated that the project is consistent with the various General Plan elements, the appeal point should be denied.

Appeal Point 2:

The appellant states that the Project failed to properly disclose to the public that the three protected sycamore trees would be removed from the site. The appellant also claims that the Municipal Code requires protected trees to be replaced at a 4:1 ratio.

Response to Appeal Point 2:

The appellant states that Staff and Applicant (and land owner, Metro Joint Development) abused its discretion when informing the community and the CPC that the removal of the grove of native protected Western Sycamore trees was necessitated by an LADWP requirement that its power vault would need to be placed at the location of the grove.

This statement is incorrect. City Planning Staff did not state that the three protected sycamore trees needed to be removed for the LADWP equipment facility. Instead, Staff indicated that the location of the existing LADWP equipment facility and the above and below grade Metro station facilities constrains the site in such a way that the placement of the proposed building on Site B would require removal of the three protected sycamore trees in order to construct the building.

The appellant stated that the community was not made aware of the protected tree removal during applicant outreach efforts, in the Metro RFP, nor at the joint Advisory Agency/Hearing Officer public hearing on July 7, 2021. The Department of City Planning released the SCEA for public review and comment on June 10, 2021. The SCEA document discussed the removal of the existing on-site protected trees multiple times, including that the Project would replace the protected trees at a 4:1 ratio, both in the body of the document, and in the accompanying Tree Report (Appendix B of the SCEA). The Tree Report indicated the existence of the three on-site protected sycamore trees, and stated that the landscape architect for the Project identified a minimum of twelve 24-inch box protected trees to offset the removal of the protected trees. Exhibit A of the CPC Staff Report includes a tree planting list which indicates that Coast Live Oak and Western Sycamore, both of which are protected trees, will be planted on-site as part of the Project. In advance of the Advisory Agency public hearing on July 7, 2021, City Planning staff made the staff report for VTT-82282 available for public review. This staff report discussed in the draft findings that the protected trees would be removed and replaced on-site. Additionally, the SCEA was presented to PLUM on October 5, 2021, and in addition to the SCEA document, included the Tree Report as an appendix which indicates the replacement of the three protected trees with a minimum of 12 protected trees on-site. The SCEA was adopted by City Council on October 13, 2021, and was subsequently adopted by the Advisory Agency on October 14, 2021 as part of the approval of Case No. VTT-82282.

The appellant's assertion that the removal of on-site protected trees was not disclosed to the public until November 2021 is incorrect. Therefore the appeal point should be denied.

Appeal Point 3:

The appellant asserts that the Decision-makers failed to include sufficient project conditions and mitigations to ensure the continued viability and survival of all 157 newly-planted trees. And, that proposing to provide the minimum Code requirement (LAMC Sections 17.02, 62.170 and 12.21 G) as a means for effectively mitigating impacts is insufficient.

Response to Appeal Point 3:

The Project will include 157 trees on-site, of which 111 will be new trees, including the replacement of the three protected trees with a minimum of twelve 24-inch box protected trees. There will be 41 trees planted in the public right-of-way adjacent to the Project site. LAMC Section 61.175 requires that for a period of five continuous years after the recordation of the tract map, the Board of Public Works of the City of Los Angeles has superintendence and control of the maintenance of street trees in a manner to insure proper growth in accordance with the originally approved planting scheme. Such maintenance may include but shall not be restricted to watering, pruning, replacing and general care of said trees. Additionally, as part of the Vesting Tentative Tract Map approval, the Urban Forestry division of the Bureau of Street Services reviewed the tract map, and the Department of City Planning included the Bureau's standard condition of approval. This condition requires that all street tree planting be brought up to current planting standards, and notes that the removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works, and that the CEQA document must address parkway tree removals. The SCEA prepared for the Project, and adopted as part of the approval of the tract

map, includes a discussion of the existing trees that will be removed and replaced as part of the Project.

Additionally, the Letter of Determination issued for the approval of Case No. CPC-2019-5425-DB-MCUP-SPP-SPR-PHP includes conditions related to tree planting that are meant to ensure viability, including conditioning the minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure, and the minimum amount of soil volume for tree wells based on the size of the tree at maturity.

Pursuant to PRC Section 21155.2, the Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in three prior applicable EIRs: the 2020-2045 RTP/SCS Program EIR, the West Adams-Baldwin Hills-Leimert Community Plan EIR, and the Community Redevelopment Agency of the City of Los Angeles (CRA/LA) Mid-City Redevelopment Plan EIR. The SCEA includes measures that either avoid or mitigate to a level of insignificance all potentially significant or significant effects of the Project required to be identified. Based on its review of the SCEA and on the basis of the whole record, the City found that the Mitigation and Monitoring Program for the Project requires all reasonably feasible mitigation measures, including mitigation measures from the three prior applicable EIRs, as appropriate, and that those mitigation measures will be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program. Pages 4.0-40 to 41 of the adopted SCEA, indicate that the Project would comply with the Tree Preservation Ordinance of the City of Los Angeles and, therefore would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance and potential impacts would be less than significant. As such, and as evidenced and analyzed in the SCEA, no further mitigation is warranted.

The appellant's assertion that the Project does not contain conditions to ensure viability and survival of trees or that additional tree mitigation is required, is not supported by substantial evidence. Therefore the appeal point should be denied.

Appeal Point 4:

The appellant contends that the removal of mature trees and replacement with minimum standards is inappropriate and is an equity issue that disproportionately and negatively affects South Los Angeles communities.

Response to Appeal Point 4:

The appellant provides testimony from local community members and cites studies about the health benefits and environmental justice issues related to lower tree canopies in certain parts of the City, including in South Los Angeles. However, as previously stated, the Project will provide a total of 157 trees on-site and in the adjacent rights-of-way, which is 111 trees more than the 46 existing trees that are on-site and in the public rights-of-way. In addition, the Project will be required to bond for and ensure maintenance of the newly planted trees. As such, the Project will increase the tree canopy within the community. Therefore, the appeal point should be denied.

Appeal Point 5:

The appellant provides a list of requested modifications to the CPC determination regarding the trees, including: redesigning the project to leave the three Western Sycamores in-place, addition of new mitigation measures and reopening of the SCEA, increasing tree replacement levels from 2:1 to 4:1 for non-protected trees, requiring off-site tree planting, watering and maintenance

schedule, annual City site visits for compliance, bonding, construction mitigation, and updating the Findings for the Project.

Response Appeal Point 5:

The Appellant's requests for a project redesign, various mitigation measures and tree protection, and updated findings have been previously addressed in Responses to Appeal Points 1-4. The record contains substantial evidence to demonstrate that the conditions of approval and regulatory measures would adequately address the removal of protected trees on-site, and that the Project's approval is supported findings demonstrating project consistency with the General Plan. As the Appellant has failed to demonstrate how the CPC erred and abused its discretion in approving the project based on these previous responses, no further changes are warranted to the conditions of approval or findings, and the appeal point should also be denied.

Conclusion

The appeal points address specific concerns regarding inconsistency with the General Plan, removal of protected trees, the perceived lack of public disclosure, and the adequacy of conditions of approval. Upon careful consideration of the appellants' points, the appellant has failed to adequately disclose how the City erred or abused its discretion. In addition, no new substantial evidence was presented that the City has erred in its actions relative to the SCEA and the associated entitlements. Therefore, the appeal should be denied and the actions of the City Planning Commission should be sustained.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Alan Como, AICP
City Planner

VPB:MZ:AC

Enclosures
none

c: Planning Director, Council District 10