



## JUSTIFICATION FOR CATEGORICAL EXEMPTION CASE NO. ENV-2023-2588-CE

The Department of City Planning determined that the City of Los Angeles Guidelines for the implementation of the California Environmental Quality Act and the State CEQA Guidelines designate the subject Project as Categorically Exempt under Section 15332 (Class 32), Case No. ENV-2023-2588-CE, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

### **Project Description**

The proposed project includes the demolition of a two (2)-story, four (4)-unit apartment building and accessory structure and the construction, use, and maintenance of a four (4)-story, 16,820 square-foot mixed-use building, consisting of 19 dwelling units and 570 square feet of commercial floor area within Subarea B (Mixed Use Boulevards) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan. The four (4)-story building measures up to 52 feet, three (3) inches in overall height. The project site will include balconies, rooftop deck, 20 residential bicycle parking spaces, and two (2) commercial bicycle spaces. The proposed project will provide zero parking. No grading is proposed. The type of proposed uses and size are not unusual for the vicinity of the subject site and are similar in scope to other existing commercial buildings and residential dwellings in the area. Thus, there are no unusual circumstances that may lead to a significant effect on the environment.

### **CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions**

The City has considered whether the Proposed Project is subject any of the five (5) exceptions that would prohibit the use of a categorical exemption as set forth in State CEQA Guidelines Section 15300.2. There are five (5) Exceptions which must be considered in order to find a project exempt under CEQA: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

**(a) Cumulative Impacts.** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

The project is located at 5271 West Sunset Boulevard within the Hollywood Community Plan and Vermont/Western Station Neighborhood Area Plan (SNAP) Subarea B (Mixed Used Boulevards). There are currently eight (8) projects dating back to January 8, 2015, which are either currently filed with the Department of City Planning or have received a Letter of Determination from the Department of City Planning but have yet to receive a Certificate of Occupancy from the Los Angeles Department of Building and Safety (LADBS). As such, there are projects within a quarter-mile of the same type and in the same place as the subject project at the time of filing.

PROJECTS WITHIN A QUARTER-MILE FROM THE SUBJECT SITE			
Address	Case Number	Date Filed	Scope of Work
5520 West Sunset Boulevard	CPC-2015-74-GPA-SP-CUB-SPP-SPR	01/08/2015	New Commercial Building with a parking structure
5525 West Sunset Boulevard	CPC-2019-4639-CU-DB-SPE-SPP-SPR-DD-MCUP-PHP	08/06/2019	New 412-unit mixed-use building
1525 North Hobart Boulevard	DIR-2017-1835-DB-SPP	05/08/2017	New 21-unit residential building
1553-1555 North Kingsley Drive	DIR-2019-906-SPP	02/13/2019	New 4-unit residential building
1615 #1-4 North Winona Boulevard	DIR-2020-4097-SPP-HCA	07/10/2020	New 2-unit residential building
5314 – 5322 West Sunset Boulevard	DIR-2023-6077-SPP	09/07/2023	New 3-story commercial building
1559 North Harvard Boulevard	DIR-2023-6714-TOC-SPP-HCA	10/10/2023	New 7-unit residential building with 1 ADU
5420 West Sunset Boulevard	ZA-2017-1083-MCUP-SPP-SPR	03/14/2017	New 735-unit residential building

According to SCAQMD, individual construction projects that do not exceed the SCAQMD's recommended daily thresholds for project-specific impacts would not cause a cumulatively considerable increase in emissions for those pollutants for which the Air Basin is in non-attainment. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. Construction-related daily emissions at the project site would not exceed SCAQMD's regional or localized significance thresholds. In addition, an Air Quality Technical Report prepared by CAJA Environmental Services, LLC on September 2023 concluded that any cumulative impacts would be less than significant. Therefore, the project's contribution to cumulative construction-related regional emissions would not be cumulatively considerable and therefore would be less than significant. Construction of the project also would have a less-than-significant impact with regard to localized emissions.

As noise is a localized phenomenon and decreases in magnitude as the distance from the source increases, only projects and ambient growth in the nearby area could combine with the proposed project to result in cumulatively considerable noise impacts. These above-noted projects will begin construction and end construction at different timelines, with minor overlap between projects. A Noise Technical Report, prepared by CAJA Environmental Services, LLC on September 2023 concluded that any cumulative impacts would be less than significant. Thus, the construction of these known projects will be staggered and therefore do not have the potential to cumulatively contribute to air quality, construction traffic, and noise levels.

- (b) Significant Effect.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

As mentioned, the proposed project includes the demolition of a two (2)-story, four (4)-unit apartment building and accessory structure and the construction, use, and maintenance of a four (4)-story, 17,273-square-foot mixed-use building, consisting of 19 dwelling units and 570 square feet of commercial floor area. The project proposes a FAR of 2.1:1 which is within the maximum 2.1:1 FAR otherwise permitted by Subarea B of the SNAP. The proposed project will be a four (4)-story mixed-use building in an area that is currently developed with residential and commercial buildings that range in height from one (1)- to four (4)-stories. Thus, there are no unusual circumstances that may lead to a significant effect on the environment.

- (c) Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

As it relates to development along a Scenic Highway, the only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. State Route 27 is located approximately 16 miles to the west of the subject property. Therefore, the subject site will not create any impacts within a designated state scenic highway.

- (d) Hazardous Waste.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

In regards to Hazardous Waste sites, according to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site nor any site in the vicinity, is identified as a hazardous waste site. As such, the project would not be developed on a site identified as a hazardous site pursuant to Section 65962.5 of the Government Code.

- (e) Historic Resources.** *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 project site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. The Department of City Planning, Office of Historic Resources confirmed that the existing single-family dwelling and detached garage are not considered historic resources for the purposes of CEQA per an email dated February 5, 2024.

## **CEQA Determination – Class 32 Categorical Exemption Applies**

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the conditions as follows: (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.

**(a) The project is consistent with applicable general plan designation, applicable policies, and applicable zoning designations.**

The subject site is located within the Hollywood Community Plan and the Vermont-Western Station Neighborhood Area Plan (SNAP) Specific Plan. The site is zoned C2-1D and has a General Plan Land Use Designation of Highway Oriented Commercial. As shown in the case file, the project is consistent with the applicable Hollywood Community Plan designation and policies and all applicable zoning designations and regulations.

**(b) The proposed development occurs within city limits on a project site no more than five acres substantially surrounded by urban uses.**

The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.19 acres. The surrounding area is characterized by level topography, improved streets, and commercial and residential uses. The surrounding area is characterized by level topography and improved streets. Properties to the west and east are zoned C2-1D, located within Subarea B (Mixed-Use Boulevards) of the Vermont/Western SNAP Specific Plan, and developed with commercial buildings. The property to the south, across Sunset Boulevard, is zoned C2-1D, located within Subarea B of the Vermont/Western SNAP Specific Plan, and developed with a commercial building and surface parking lot. Lastly, the property to the north is zoned R3-1XL, located within Subarea A (Neighborhood Conservation) of the Vermont/Western SNAP Specific Plan and developed with a residential building.

**(c) The project has no value as a habitat for endangered species, rare, or threatened species.**

The site was previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare, or threatened species. Moreover, a Tree Disclosure statement, prepared by the Owner and dated April 17, 2023, declared there are no protected trees or shrubs on-site.

**(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations, and Best Management Practices for stormwater runoff. These RCMs will ensure the project will not have significant impacts on noise and water.

A Noise Technical Report, prepared by CAJA Environmental Services, LLC, on September 2023 concluded that any cumulative impacts would be less than significant. Furthermore, the City of Los Angeles Vehicle Miles Traveled (VMT) Calculator resulted in the proposed project having a net increase of 76 daily vehicle trips and a net increase of 495 daily VMT. Based on

the VMT Calculator, the project is not required to perform VMT analysis under the VMT standards.

Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds. In addition, an Air Quality Technical Report was prepared in September 2023 by CAJA Environmental Services, LLC which concluded that the construction and operation of the proposed project would result in no significant impact. Therefore, the project would not result in any significant effects related to traffic, noise, air quality, or water quality.

**(e) The proposed project has been reviewed by City staff and can be adequately served by all required utilities and public services.**

The project site will be adequately served by all public utilities and services given that the construction of a residential building will be on a site that has been previously developed and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32. As the project has been found to be categorically exempt from CEQA, the project is not anticipated to have a negative effect on the environment and no mitigation measures are required.