



JUSTIFICATION FOR PROJECT EXEMPTION CASE NO. ENV-2020-5078-CE

The Director of Planning has determined that based on the whole of the administrative record, that the project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, Class 32 In-Fill Development Projects, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA 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.

The proposed project includes the demolition of the existing surface parking lot, a single-story mart, and single-story plaza mall, and the new construction, use and maintenance of a seven-story mixed use building comprised of approximately 105,622 square feet of residential and commercial floor area, for a proposed floor area ratio (FAR) of 3.63:1. The project proposes 100 dwelling units, of which 10 units or 10 percent of the total units will be restricted to Extremely Low Income Households. Additionally, the project proposes 13,046 square feet of ground floor commercial use. The building will have a maximum height of 92 feet, as measured from grade to the top of the roof structure. The project will provide 50 residential parking spaces and 22 commercial parking spaces across one (1) subterranean level and one (1) above-grade at the second level. The project will also provide a total of 157 residential and commercial bicycle parking spaces, which includes 24 short-term and 10 long-term commercial spaces, and eight (8) short-term and 115 long-term residential bicycle parking spaces. The project includes a total of 14,728 square feet of usable open space, consisting of a 2,066 square-foot gym on the second floor, a 4,466 square-foot courtyard and a 977 square-foot community hall on the third floor, a 7,219 square-foot roof deck, and 1,750 square feet of private open space through balconies.

The project proposes the removal of one (1) on-site non-protected tree and one (1) non-protected street tree in the public right-of-way. Additionally, the applicant proposes to plant twenty six (26) 24-inch box trees on-site. The project assumes a worst-case scenario of removing all street trees, in the event of changes to the right-of-way improvement plans after approval of the environmental

clearance. However, this environmental analysis does not authorize the removal of any street trees without prior approval of Urban Forestry, in compliance with LAMC Sections 62.169 and 62.170 and their applicable findings. The project proposes to export of up to 21,400 cubic yards of earth.

The project proposes the following haul route:

Loaded trucks: Northwest on West 6th Street toward S. Burlington Avenue. Turn right onto South Alvarado Street. Merging onto US-101 North Freeway towards Ventura. Exit the Santa Clara Avenue/Rice Avenue exit (exit 60). Turn left onto North Rice Avenue. U-Turn on North Rice Avenue. Arriving at 2098 N. Rice Avenue, Oxnard, California, CA 93036-8905.

The subject property is zoned C2-1 and has a General Plan Land Use Designation of Community Commercial by the Westlake Community Plan. Pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.31, the applicant is requesting to utilize the Transit Oriented Communities (TOC) Affordable Housing Incentive Program (Tier 3) in order to qualify for base incentives for an increase in density (up to 70 percent), an increase in floor area (up to 3:75:1), a reduction in parking requirements (0.5 spaces per unit), and one (1) additional incentive to reduce the required front, side and rear yards/setbacks. With the TOC base incentives for a density increase and an FAR increase, the proposed project will comply with the density and FAR allowed on the site. As shown in the case file, the project is consistent with the applicable Westlake Community Plan designation and policies and all applicable zoning designations and regulations. The site is located in the Westlake Recovery Redevelopment Project Area. On January 6, 2021, Planning staff approved an administrative review and noted the proposed seven-story, 100-unit multi-family residential development is permitted in the Community Commercial areas of the Westlake Redevelopment Plan consistent with the Community Plan.

The subject property is wholly within the City of Los Angeles, on a site that is approximately 0.653 acres (approximately 29,058 square feet) and a half-alley north of the site along Union Avenue. Surrounding properties are developed with commercial and multi-family residential buildings, and a grocery store. Properties to the north are zoned R4-1 and are developed with a one-story cottage bungalow complex, and a two-story residential building. Properties to the east, across Union Avenue, are zoned C2-4 and developed a series of small commercial retail businesses, including a bakery and market and a three-story residential abutting an alley. The property to the south, across 6th Street is zoned C2-2 and is developed with a one-story supermarket with a surface parking lot. Finally, the property to the west facing 6th Street is zoned C2-1 and is developed with a five-story commercial building with dental offices on the ground floor.

The subject property is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. There are no protected trees on the site, as identified in the Tree Report by McKinley & Associates dated June 17, 2022. There is one (1) non-protected tree on-site and another non-protected tree within the right of way. The street tree, commonly known as a Yew Pine, will remain within the right of way and the tree within the project, commonly known as Sapphire Dragon Tree, is planned for removal.

Prior to any work on the adjacent public right-of-way, the applicant will be required to obtain approved plans from the Department of Public Works. As there currently is no approved right-of-way improvement plan and for purposes of conservative analysis under CEQA, Planning has analyzed the worst-case potential for removal of all street trees. Note that street trees and protected trees shall not be removed without prior approval of the Board of Public Works/Urban Forestry (BPW) under LAMC Sections 62.161 - 62.171. At the time of preparation of this environmental document, no approvals have been given for any tree removals on-site or in the right-of-way by BPW. The City has required a Tree Report to identify all protected trees/shrubs on the project site and all street trees in the adjacent public right-of-way. The project proposes to remove (0) protected trees, (0) protected shrubs, and up to 1 street trees. The project proposes a total of 26 new trees within the site, which

includes five (5) new street trees, for a total of six (6) street trees, eight (8) trees on the third floor, and 12 trees on the roof deck.

The subject site is located within a Special Bureau of Engineering (BOE) Grading Area; however, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate the grading and construction of projects in these particular types of “sensitive” locations and will reduce any potential impacts to less than significant. Specifically, the following RCM would apply:

- **Regulatory Compliance Measure RC-GEO-2 (Hillside Grading Area):** The grading plan shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division. Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.

As previously mentioned, 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.

Furthermore, a Transportation Study Assessment form was reviewed and signed on March 31, 2021 by the Department of Transportation, and Planning staff confirmed on July 8, 2022 the Vehicle Miles Traveled (VMT) calculator analysis that the project generates a total of 741 new daily vehicle trips and exceeds the threshold criteria established by the Los Angeles Department of Transportation (LADOT) of 250 daily vehicle trips for preparing a traffic study. Therefore, as the form indicates, the project was required to provide a VMT Analysis, and an Access, Safety, and Circulation Evaluation. In a Memo dated October 3, 2022, the Los Angeles Department of Transportation reviewed the Transportation Assessment report provided by the DC Engineering group and submitted by the development team dated September 2022, and confirmed overall that the project would not have significant transportation impacts and Planning Staff confirmed that the project still qualifies for a Class 32 California Environmental Quality Act (CEQA) Exemption. With regard to air quality, 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.

The subject property will be adequately served by all public utilities and services given that the construction of a 100-unit, seven-story apartment building will be on a site which has been previously developed and is consistent with the General Plan. Therefore, the project meets all of the Criteria for the Class 32.

There are five (5) exceptions which the City is required to consider before finding a project exempt under Class 32: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

There are no known projects of the same type and in the same place as the proposed project. As mentioned, the project includes the demolition of the existing surface parking lot, single-story mart, and single-story plaza mall, and the new construction, use and maintenance of a seven-story mixed use building mentioned, in an area zoned and designated for such development. All adjacent lots are developed with commercial and residential uses, and the subject site is of a similar size and slope to nearby properties. The project utilizes a Floor Area Ratio (FAR) of 3.63:1 on a site that is

permitted to have a maximum FAR of 3.75:1 per the Transit Oriented Communities Program. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

The project also proposes the export of 21,400 cubic yards of earth. According to Navigate LA, there are no haul routes that are either approved or pending approval within 500 feet of the site. The haul route approval will be subject to recommended conditions prepared by the Los Angeles Department of Transportation (LADOT) to be considered by the Board of Building and Safety Commissioners that will reduce the impacts of construction related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. Furthermore, the Department of Building and Safety (DBS) staggers the haul route schedules to ensure that all of the haul routes do not occur simultaneously. While the proposed haul route would utilize the same streets as the approved haul route identified above, it is anticipated that the projects would be in different stages of construction and concurrent use of the streets for purposes of hauling is anticipated to be minimal. Additionally, each project would be subject to the review of LADOT and the Bureau of Street Services and conditions of approval issued by the Board of Building and Safety Commissioners. Therefore, in conjunction with Citywide Regulatory Compliance Measures (RCMs) and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

Additionally, 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. The site is approximately 26 miles east from State Route 27. Therefore, the subject site will not create any impacts within a designated as a state scenic highway. Furthermore, according to Envirostor, the State of California's database of Hazardous Waste Sites, there are two sites within 1,000 feet that are identified as a hazardous waste site. Both sites are school cleanup sites where either no action was required, or the site had been certified.

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. According to an email from the Office of Historic Resources dated November 23, 2021, it has been determined that this property does not appear to have been otherwise identified as a historical resource for the purposes of CEQA. As such, the City does not choose to treat the site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.