

Exhibit D

Environmental

NOTICE OF EXEMPTION

(PRC Section 21152; CEQA Guidelines Section 15062)

Pursuant to Public Resources Code § 21152(b) and CEQA Guidelines § 15062, the notice should be posted with the County Clerk by mailing the form and posting fee payment to the following address: Los Angeles County Clerk/Recorder, Environmental Notices, P.O. Box 1208, Norwalk, CA 90650. Pursuant to Public Resources Code § 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

APCSV-2016-1344-ZC-CU-WDI

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV- 2016-1345-CE

PROJECT TITLE

Bellagio Car Wash

COUNCIL DISTRICT

6 - Padilla

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

6344 N Sepulveda Blvd☐ Map attached.

PROJECT DESCRIPTION:

Zone change from P-1VL-RIO to C2-1VL-RIO on a portion of the lot to legalize 11 additional vacuum stations for an existing car wash

☐ Additional page(s) attached.

NAME OF APPLICANT / OWNER:

Farzad N. Nourollah, FN Property Investment 3

CONTACT PERSON (If different from Applicant/Owner above)

Nathan Freeman, FMG

(AREA CODE) TELEPHONE NUMBER

212-220-0170

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

☐ STATUTORY EXEMPTION(S)

Public Resources Code Section(s) _____

☒ CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 3)CEQA Guideline Section(s) / Class(es) **Class1, Class 3**☐ OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION:

☒ Additional page(s) attached☒ None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.☐ The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE

Christian Pearson

STAFF TITLE

City Planning Associate

ENTITLEMENTS APPROVED

DISTRIBUTION: County Clerk, Agency Record

Rev. 6-22-2021

JUSTIFICATION FOR PROJECT EXEMPTION:
APCSV-2016-1344-ZC-CU-WDI
ENV- 2016-1345-CE

Based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301 (Class 1, Existing Facilities) and CEQA Guidelines Section 15303 (Class 3, New Construction or Conversion of Small Structures), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of exiting public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized in the guidelines are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

The project consist of expansion of an existing car wash by increasing the number of vacuum stations through a zone change on a portion of the lot currently zoned P-1VL-RIO. The Zone Change will legalize 11 vacuum bays out of a total of 19 stations currently on lot.

Class 3 consists of construction and location of limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

The project consist of expansion of an existing car wash by increasing the number of vacuum stations through a zone change on a portion of the lot currently zoned P-1VL-RIO. The Zone Change will legalize 11 vacuum bays out of a total of 19 stations currently on lot. The vacuum station are small, accessory structures to the main use of the car wash, which has been in operation for more than 50 years.

15300.2 Exceptions.

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project is located in an urbanized area and is an expansion of an existing use. The location is not in a particularly sensitive environment, and there are no environmental resources of hazardous or critical concern that are designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. Further, the project incorporation of a sound wall and the resultant sound studies indicate that there are no impacts to the surrounding environment.

(b) Cumulative Impact. 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.

There are no other car washes in the immediate vicinity, and the project is surrounded by other longstanding automobile uses. Therefore, expansion of the use does not result in cumulative impacts as there is not a succession of project of the same type in the same place over time.

(c) 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.

There are no unusual circumstances involved in the project or the site. The car was has been operating on this site for over fifty years and is a use allowed by the General Plan Land Use and the zoning on a portion of the site.

(d) 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. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The location of this project on Sherman Way in the Van Nuys – North Sherman Oaks Community Plan is not part of any scenic resource.

(e) Hazardous Waste Sites. 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.

The project site is not on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical 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 is itself, or located near, a historic cultural monument, or any other historic resource identified by the city, or on a list of state and national historic resources.

Therefore, there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.