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JUSTIFICATION FOR PROJECT EXEMPTION

CASE NO. ENV-2022-2789-CE

The Planning Department determined that the City of Los Angeles Guidelines for the implementation of the California Environmental Quality Act of 1970 and the State CEQA Guidelines designate the subject project as Categorically Exempt under Article 19, Section 15311, Class 11 (On-premise Signs), and 15332, Class 32 (In-fill Development).

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 project is for the demolition of an existing 6,739 square feet commercial building and the construction, use, and maintenance of a 3,426 square-foot drive-through, fast-food restaurant (In-N-Out Burger) with two (2) wall signs and a 31-space parking lot and a queuing lane for 23 cars and two (2) long term and four (4) short term bike parking spaces on the site and 12 short-term bike parking spaces on the public right-of-way. The proposed hours of operation are from 10:30 a.m. to 1:00 a.m. Sunday through Thursday, and from 10:30 am to 1:30 am on Friday and Saturday. The project proposes the removal of three (3) non-protected on-site trees and six (6) street trees from the public right-of-way subject to approval from the Board of Public Works. The project proposes grading and export of up to 2,000 cubic yards of earth. As the construction of a drive-through, fast-food restaurant, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

The site is zoned C4-1VLD and P-1VLD and has a General Plan Land Use Designation of General Commercial. As shown in the case file, the project is consistent with the applicable Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan designation and policies and all applicable zoning designations and regulations. The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.89 acres. Lots adjacent to the subject site are developed with the following urban uses: commercial, residential, and highway. The site is previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species.

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, the Noise Impact Study prepared by Ganddini Group, Inc., dated February 2, 2022, concluded the project will not result in impacts with the best management practices implemented. The transportation study, prepared by Ganddini Group, Inc., dated November 18, 2021, and reviewed by the Department of Transportation concluded the project will not result in a significant transportation impact on VMT. Therefore, the project will not have any significant impacts to traffic or transportation. The Air Quality, Global Climate Change, and Energy Impact Analysis Study prepared by Ganddini Group, Inc., dated February 8, 2022, and memorandum, dated June 7, 2023, concluded the project will not result in impacts to air quality. The project site will be adequately served by all public utilities and services given that the construction of a drive-through, fast-food restaurant 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 six (6) Exceptions which the City is required to consider before finding a project exempt under Class 15303 and 15332: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

While the subject site is located within an Urban Agriculture Incentive Zone, Special Grading Area (BOE basic Grid Map A-13372), and Liquefaction Area, 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. These RCMs have been historically proven to work to the satisfaction of the City Engineer to reduce any impacts from the specific environment the project is located. Thus, the location of the project will not result in a significant impact based on its location.

There is not a succession of known projects of the same type and in the same place as the subject project. As mentioned, the project proposes the construction of a drive-through, fast-food restaurant in an area zoned and designated for such development. All adjacent lots are developed with residential and commercial uses. The Property’s immediate neighbors to the east are a single-story retail structure and a two-story multi-family condominium building. Properties located across Rigoletto Street are improved with single-story retail structures and a two-story multi-family apartment building. Properties located on the north side of Ventura Boulevard (nearest to the Property) are improved with either single-story retail and restaurant structures or multi-story office structures. Properties to the south are improved with 101-Ventura Freeway, and the subject site is of a similar size and slope to nearby properties. The project proposes a Floor Area Ratio (FAR) of 0.09:1 on a site that is permitted to have a maximum FAR of 1.0:1. The project proposes a height of X feet and lot coverage of X percent on a site that is permitted to have a maximum height of 45 feet and lot coverage of 60 percent. The proposed development is not unusual for the vicinity of the subject site, and is similar in scope to other existing General Commercial in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment. 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. State Route 27 is located approximately one (1) mile east of the subject property. Therefore the subject site will not create any impacts within a designated as a state scenic highway. 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, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site. 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. Finally, 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.