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September 23, 2021

The Honorable Nury Martinez
President
The Los Angeles City Council

c/o Holly L. Wolcott
City Clerk
Room 360, City Hall

RECOMMENDATION FOR COUNCIL ACTION REGARDING PROPOSED DIRECT SALE OF THE SURPLUS PROPERTY LOCATED AT 3971/3973 S. FLOWER DR., LOS ANGELES, CA 90037 (APN 5037-032-900); AND 3977/3979 S. FLOWER DR., LOS ANGELES, CA 90037 (APN 5037-032- 901) (Council File 17-1002-S1)

Dear President Martinez and Honorable Members,

In a report dated May 20, 2021, the Office of the Administrative Officer outlined steps to the Municipal Services Committee to surplus the above-mentioned property. Based on a review of the record, including communications received at the Information, Technology, and General Services Committee on August 5, 2021, BOE is recommending the Budget and Finance Committee consider the following additional information and take the additional recommended CEQA action before the other recommended actions.

RECOMMENDATION

DETERMINE that the sale of City-owned surplus property located at 3971/3973 South Flower Drive, Los Angeles, CA 90037 (APN 5037-032-900); and 3977/3979 South Flower Drive, Los Angeles, CA 90037 (APN 5037-032- 901) is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to a Class 12 exemption as authorized by Section 15312 of the State's CEQA Guidelines as well as Class 12, Section I of the City's CEQA Guidelines.

DISCUSSION

The City of Los Angeles has designated the property located at 3971 and 3977 South Flower Drive as surplus land and intends to sell the property at fair market value to the adjacent property owner to the north. The property to the north is the site of a privately financed mixed-use development project, which was approved by the City in 2019.



The surplus land will be sold subject to an approximately 45-foot wide dedication requirement, which is necessary in order to complete a southerly extension of the currently substandard Flower Drive to bring it into conformance with current City standards. The mixed-use development project does not propose to construct any improvements upon the surplus land parcel, and its City approvals are entirely separate and distinct from the City's currently proposed surplus land sale. The project has been conditioned to perform the 45-foot dedication and improvement and could still meet this requirement independent from purchasing the property. In addition, if the sale of the surplus property to the project were not to occur, the improvement would still be required to be implemented by the mixed-use development project, or if the mixed-use development project were not to go forward, by any future party who purchased the surplus property in order to achieve City standards.

Accordingly, the City has determined that the sale of the surplus land parcel is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to a Class 12 exemption as authorized by Section 15312 of the State's CEQA Guidelines as well as Class 12, Section I of the City's CEQA Guidelines. The Class 12 CEQA exemption applies to the sale of surplus government property that is not located in an area of statewide, regional, or areawide concern, and the surplus land parcel is not located in any such area. In addition, pursuant to CEQA Guidelines Section 15312(b)(3), the use of the surplus land parcel as well as the adjacent property has not changed since the time the City acquired the surplus land parcel.

Furthermore, based on an updated analysis, none of the limitations set forth in State CEQA Guidelines 15300.2 apply (see updated Categorical Exemption Narrative, attached). Accordingly, the Class 12 exemption is appropriate for the proposed sale.

If you have any questions, please contact Maria Martin at maria.martin@lacity.org or (213) 485-5753.

Sincerely,



for

Gary Lee Moore, PE, ENV SP
City Engineer

GLM/JF/mem

cc: Jose Fuentes, Bureau of Engineering
Maria Martin, Bureau of Engineering

COUNTY CLERK'S USE

CITY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
BUREAU OF ENGINEERING
1149 S. BROADWAY, 7th FLOOR
LOS ANGELES, CALIFORNIA 90015
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
(Articles II and III – City CEQA Guidelines)

Submission of this form is optional. The form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, California, 90650, pursuant to Public Resources Code Section 21152(b). Pursuant to Public Resources Code Section 21167(d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project.

LEAD CITY AGENCY AND ADDRESS: City of Los Angeles c/o Bureau of Engineering 1149 S. Broadway, Ste. 600, MS 939 Los Angeles, CA 90015	COUNCIL DISTRICT 9
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PROJECT TITLE: APNs 5037-032-900 & -901 – Sale of Surplus Land	LOG REFERENCE
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PROJECT LOCATION: The project is located at 3971 & 3977 South Flower Drive in the Southeast Los Angeles Community Plan. The Project is located north of the intersection of Martin Luther King Jr. Boulevard and South Flower Drive. The Assessor's Parcel Numbers are 5037-032-900 & -901. Please see attached narrative.

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DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: The City of Los Angeles intends to sell the designated surplus property located at 3971 & 3977 South Flower Drive for fair market value. Any future proposed plans for or different use of the property would be subject to California Environmental Quality Act (CEQA) review and compliance.

CONTACT PERSON Jan Green Rebstock	TELEPHONE NUMBER
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EXEMPT STATUS: (Check One)	CITY CEQA GUIDELINES	STATE CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Art. II, Sec. 2.b	Sec. 15268
<input type="checkbox"/> DECLARED EMERGENCY	Art. II, Sec. 2.a(1)	Sec. 15269(a)
<input type="checkbox"/> EMERGENCY PROJECT	Art. II, Sec. 2.a(2)	Sec. 15269(b)(c)
<input type="checkbox"/> GENERAL EXEMPTION	Art. II, Sec. 1	Sec. 15061(b)(3)
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION*	Art. III, Sec. 1 Class 12	Sec. 15312
<input type="checkbox"/> STATUTORY*	Art. _____	Sec. _____

* See Public Resources Code Sec. 21080 and set forth state and city guidelines provisions.

JUSTIFICATION FOR PROJECT EXEMPTION: The project is categorically exempt pursuant to State CEQA Guidelines Article 19, Section 15312, Class 12 *Surplus Government Property Sales*. The project is also categorically exempt under the *City of Los Angeles CEQA Guidelines*, Art. III, Sec. I, Class 12 *Surplus Government Property Sales*. None of the limitations set forth in State CEQA Guidelines 15300.2 apply (see attached narrative).

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING

SIGNATURE: Maria Martin	TITLE: Environmental Affairs Officer Environmental Management Group	
FEE: \$75.00 _____	RECEIPT NO.	REC'D BY
		DATE

CATEGORICAL EXEMPTION NARRATIVE

I. PROJECT DESCRIPTION, CONTINUED

The City has declared the property located at 3971 and 3977 South Flower Drive as surplus and now proposes to sell the property at fair market value to the adjacent property owner. The surplus property is currently vacant and does not have any significant value for wildlife habitat or other environmental purposes. Any future proposed plans for or different use of the property are not covered by this exemption and would be subject to subsequent CEQA review.

II. PROJECT HISTORY

According to historical aerial imagery obtained from www.historicaerials.com/viewer, the property was developed with two single-family residences from at least 1948 until at least 1989 and has been vacant since at least 1994.

The property to the north is the site of a privately financed mixed-use development project that was approved by the City in 2019. The surplus land will be sold subject to an approximately 45-foot wide dedication requirement, which is necessary in order to complete a southerly extension of the currently substandard Flower Drive to bring it into conformance with current City standards. The mixed-use development project does not propose to construct any improvements upon the surplus land parcel, and its City approvals are entirely separate and distinct from the City's proposed surplus land sale. The project has been conditioned to perform the 45-foot dedication and improvement of Flower Drive, but if the sale were not to occur, the improvement would still be required in order to achieve City standards.

III. ENVIRONMENTAL REVIEW

Basis for Categorical Exemption

The sale of the property is exempt from CEQA pursuant to State CEQA Guidelines Section 15312 as well as City CEQA Guidelines Class 12, Section I. The Class 12 CEQA exemption applies to the sale of surplus government property that is not located in an area of statewide, regional, or areawide concern; the surplus land parcel is not located in any such area. Even if the surplus land parcel was located in such an area, the Class 12 exemption would continue to apply, as the property does not have any significant value for wildlife habitat or other environmental purposes, and pursuant to CEQA Guidelines Section 15312(b)(3), the use of the surplus land parcel as well as the adjacent property has not changed since the time the City acquired the surplus land parcel. Accordingly, the Class 12 exemption is appropriate for the proposed sale. Any future proposed plans for or different use of the property would be subject to subsequent CEQA review.

Consideration of Potential Exceptions to use of a Categorical Exemption

The State CEQA Guidelines (CCR Sec 15300.2) limit the use of categorical exemptions in the following circumstances:

1. Location. Exemption 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 be significant in a particularly sensitive environment. 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 proposed sale is exempt under Class 12 (sale of surplus government property); therefore, this exception has no application here. Moreover, as described below, the subject property has no unique or sensitive environmental characteristics under any relevant federal, state, or local law or regulation.

2. Cumulative Impact. This exception applies when, although a particular project may not have a significant impact, the cumulative impact of successive projects of the same type in the same place, over time is significant. A search for building permits pulled from the Los Angeles Department of Building and Safety's online permit portal was performed in September 2021. None of the permits reviewed in the vicinity of the project are expected to cause a cumulative impact in connection with the project. There are no other known projects that could involve cumulatively significant impacts. Therefore, this exception has no application here.

3. Significant Effect. This exception applies when, although the project may otherwise be exempt, there is a reasonable possibility that the project will have a significant effect due to unusual circumstances. Large municipalities, such as the City of Los Angeles, are constantly evaluating their real estate holdings and are engaged in acquisition and sale of real estate to meet the City's needs. There are no unusual circumstances pertaining to the surplus land parcel that present a reasonable possibility that the proposed sale would result in a significant effect on the environment, including size and location. The City is aware of no substantial evidence to the contrary and none has been presented.

4. Scenic Highway. 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. The surplus land parcel is not within a state designated scenic highway or within sight of any state designated scenic highway. The location of the parcel was referenced against the database of scenic highways at (<https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>) and no scenic highway is located within the vicinity of the project or within the project site. Since the proposed project is not within a state designated scenic highway or within sight of any state designated scenic highway, this exception has no application.

5. Hazardous Waste Site. This exception applies when a project is located on a site listed as a hazardous waste site under Government Code Section 65962.5. As of September 14, 2021, the State Department of Toxic Substances Control (DTSC) (Envirostor at www.envirostor.dtsc.ca.gov) has not listed any contaminated sites at or in the vicinity of the surplus land parcel; therefore, this exception does not apply here. As September 14, 2021, the California Regional Water Quality Control Board (RWQCB) (Geotracker at <https://geotracker.waterboards.ca.gov/>) has not listed any contaminated sites at or in the vicinity of the surplus land parcel; therefore, this exception does not apply here.

6. Historical Resources. This exception applies when a project may cause a substantial adverse change in the significance of a historical resource. No historical resource is located on the surplus land parcel so this exception has no application here.

As demonstrated, none of the exceptions to a categorical exemption apply, and the City has properly determined that the surplus land sale is categorically exempt from CEQA.

IV. REFERENCES

California Regional Water Quality Control Board. *Geotracker*. Retrieved September 14, 2021, from

[https:// geotracker.waterboards.ca.gov](https://geotracker.waterboards.ca.gov).

City of Los Angeles Department of Public Works Bureau of Engineering. *NavigateLA*. Retrieved on September 22, 2021, from [https://navigatela.lacity.org/navigatela/City of Los Angeles Environmental Quality Act Guidelines](https://navigatela.lacity.org/navigatela/City%20of%20Los%20Angeles/Environmental%20Quality%20Act%20Guidelines).

State CEQA Guidelines.

State Department of Toxic Substances Control. *Envirostor*. Retrieved September 14, 2021, from www.envirostor.dtsc.ca.gov

State Department of Transportation. *California Scenic Highway Mapping System*. Retrieved on September 22, 2021, from <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>