

ZA-2015-1155-SPP-CDP-MEL-ZV-1A

Exhibit C -- Environmental Clearance
ENV-2020-5333-CE

COUNTY CLERK'S USE

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
(PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 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

ZA-2015-1155-SPP-CDP-MEL-ZV

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2020-5333-CE

PROJECT TITLE

1301 Abbot Kinney

COUNCIL DISTRICT

11

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

1301 S. Abbot Kinney Boulevard (Abbot Kinney Boulevard and Santa Clara Avenue)

Map attached.

PROJECT DESCRIPTION:

DEMO OF AN EXISTING DUPLEX AND SINGLE-FAMILY RESIDENCE. THE CONSTRUCTION OF A NEW 3-STORY BUILDING WITH RETAIL AND 3 ARTIST IN RESIDENCE UNIT WITH ROOF DECK, 2-SUBTERRANEAN PARKING AND ADA PARKING AT GRADE.

Additional page(s) attached.

NAME OF APPLICANT / OWNER:

RICHARD GOTTLIEB & SPALDING COMMERCIAL LLC

CONTACT PERSON (If different from Applicant/Owner above)

Lea Arenas, CITY LAND USE INC.

(AREA CODE) TELEPHONE NUMBER

(818) 308-0916

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 33)

CEQA Guideline Section(s) / Class(es) _ **15303 and 15332** _____

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

A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.

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



Ira Brown

STAFF TITLE

City Planning Associate

ENTITLEMENTS APPROVED

Coastal Development Permit , Project Compliance, Mello Act Compliance & Zone Variance

FEE:
\$ 373

RECEIPT NO.

[100920A43-B67B6D62-54A1-4079-BCC7-63AAC04B3823](#)

REC'D. BY (DCP DSC STAFF NAME)

Anna M. Vidal

DISTRIBUTION: County Clerk, Agency Record

Rev. 3-27-2019

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

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**CITY OF LOS ANGELES
CALIFORNIA**



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MAYOR

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DEPUTY DIRECTOR

VACANT
DEPUTY DIRECTOR

**JUSTIFICATION FOR PROJECT EXEMPTION
CASE NO. ENV-2020-5333-CE**

On March 22, 2021, 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 Categorical Exempt under State CEQA Guidelines, Article 19, Section 15332 (Class 32), Case No. ENV-2020-5333-CE.

The project is for the demolition of a one-story single-family dwelling and a one-story duplex, and the construction of a new 4,990 square foot three-story mixed-use structure with one subterranean parking level (automated parking system) comprised of two residential dwelling units, one Accessory Dwelling Unit (ADU), 1,587 square feet of retail space; 13 parking spaces and 8 bicycle parking spaces are provided, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption.

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 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.**

The subject site is located within the Venice Community Plan and is designated for Community Commercial Land Uses. The site is zoned C2-1-O-CA and is consistent with the land use designation. As shown in the case file, the project is consistent with the applicable Venice Community Plan designation and policies and all applicable zoning designations 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.**

The subject site is wholly within the City of Los Angeles, on a site that is approximately 0.07 acres. The existing site is improved with residential uses. Lots adjacent to the subject site are developed with the following urban uses: multi-family residential and Commercial.

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

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. There are no trees

on the site, as documented by aerial and site photography. As such, no trees are proposed to be removed from the subject site.

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

An Air Quality Assessment for the project site was prepared by Pomeroy Environmental Services in October 2018. According to the Assessment, during the construction phase and operations the proposed project would not exceed the regional SCAQMD significance thresholds for emissions of Carbon Monoxide (CO), Reactive Organic Compounds (ROG), Nitrogen Oxides (NOx), Particulate Matter (PM10 and PM2.5), and Sulfur Dioxide (SOx). Therefore, regional emission impacts for the proposed project would be less than significant for all construction phases.

Moreover, 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. More specifically, RCMs include but are not limited to:

- **Regulatory Compliance Measure RC-AQ-1(Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- **Regulatory Compliance Measure RC-NO-1 (Demolition, Grading, and Construction Activities):** The project shall comply with the City of Los Angeles

Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

These RCMs will ensure the project will not have significant impacts on noise and water. Furthermore, the project does not exceed the threshold criteria established by the Los Angeles Department of Transportation (LADOT) for preparing a traffic study. Therefore, the project will not have any significant impacts to traffic. Interim thresholds were developed by DCP staff based on California Emissions Estimator Model (CalEEMod) 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.

(e) **The site 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 multi-family residential 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.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

There are five (5) Exceptions which must be considered in order to find a project exempt under Class 32:

- (a) **Cumulative Impact.** A categorical exemption shall not be used if the cumulative impact of successive projects of the same type in the same place, over time, is significant. The project is consistent with the type of development permitted for the area zoned C2-1 and designated Community Commercial use. The proposed 1,587 square foot of commercial space will not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in significant cumulative impacts. The proposed demolition of three dwelling units and construction of three dwelling units does not increase the intensity of use for the site. An Air Quality Assessment for the project site was prepared by Pomeroy Environmental Services in October 2018. According to the Assessment, during the construction phase and operations the proposed project would not exceed the regional SCAQMD significance thresholds for emissions of Carbon Monoxide (CO), Reactive Organic Compounds (ROG), Nitrogen Oxides (NOx), Particulate Matter (PM10 and PM2.5), and Sulfur Dioxide (SOx). Therefore, regional emission impacts for the proposed project would be less than significant for all construction phases. Therefore, it is not anticipated that any successive projects of the same type in the immediate vicinity would create cumulative impacts.
- (b) **Significant Effect.** A categorical exemption shall not be used if there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. An unusual circumstance may result if a project “has some feature that distinguishes it from others in the exempt class.” No unusual circumstances exist in this case. The proposed project is typical of development that has been historically developed along the Abbot Kinney Boulevard. There is nothing about the Property that would differentiate it from other Class 32 infill developments that would create a significant impact. Therefore, there is no fair argument or substantial evidence that the Project would create a significant impact, nor can it be readily perceived that the Project would create a significant impact.

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. The proposed project consists of work typical in a C2 Zone, as such, no unusual circumstances are present or foreseeable.

- (c) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources within a highway officially designated as a state scenic highway. The project site is not located on or near a designated state scenic highway. There is no evidence that the Project may result in damage to scenic resources within a highway officially designated as a State scenic highway because neither Abbot Kinney Boulevard nor any surrounding street is designated as a State scenic highway. According to Appendix B of the City of Los Angeles Mobility Plan, the Project Site is not designated as being on a scenic highway, nor are there any designated scenic highways located near the Project Site.
- (d) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on a designated list of hazardous waste sites. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code. According to Envirostor, the State of California's database of Hazardous Waste Sites, the Project Site, or any other site in the vicinity, is identified as a hazardous waste site. As such, this exception is not applicable.
- (e) **Historical Resources.** A categorical exemption may 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, nor has the Project Site been found to be a potential historic resource based on the City's Historic Places LA. Although it is within the Abbot Kinney Boulevard Commercial Planning District, the structures have not been identified as significant "as an example of early-20th century neighborhood commercial development in Venice [but] does not retain sufficient integrity or cohesion to qualify as a historic district..." A historic resource assessment prepared by ASM Affiliates, dated February 19, 2016, determined that the bungalow residence is not a good representation of the themes within the Craftsmen Movement in comparison with other intact examples of such themes. As such, the report recommended that the structure is not eligible as an individual resource under various criteria. The Office of Historic Resources concurred with this recommendation. Based on this, the Project will not result in a substantial adverse change to the significance of a historic resource.