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March 23, 2022

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RE: DIR-2021-9706-TOC-HCA
Related Cases: none
Address: 950-962 ½ South Berendo Street
Community Plan: Wilshire
Zone: R4-1
Council District: 10
CEQA No.: ENV-2021-9707-CE

RE: ENV-2021-9707-CE (Categorical Exemption - Class 32)

The subject property is a relatively flat, regular-shaped, 17,719 square-foot interior parcel of land with a frontage of 138 feet along the eastern side of Berendo Street. The subject site is zoned R4-1 with a corresponding land use designation of High Medium Residential within the Wilshire Community Plan area. The project is also located within a Transit Priority Area (ZI-2452) and a Los Angeles State Enterprise Zone (ZI-2374). The project site is not located within the boundaries of or subject to any community design overlay, interim control ordinance, or specific plan. The project site is within the Puente Hills Blind Thrust fault zone.

The subject site was most recently improved with two multifamily buildings and one single-family building, which were demolished as permitted by LADBS. The proposed project includes the construction, use, and maintenance of a new, 77-unit, 92-foot, four-inch in height residential building. The project will set aside eight of the 77 units for Extremely Low-Income Households. The unit mix will be comprised of 33 studios, 31 one-bedroom units, and 13 two-bedroom units. The project proposes to provide 39 automobile parking spaces, as well as 60 long-term bicycle spaces and 5 short-term bicycle spaces. A total of 6,055 square feet of open space will be provided throughout the proposed project.

The project is requesting the following discretionary actions:

1. Pursuant to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), the Tier 3 Project is eligible for and has been granted three (3) Additional Incentives in order to construct the proposed project:

Side Yards. Eligible Housing Developments in Tier 3 may request up to a 30 percent reduction in the otherwise depth of yards or setbacks. The project is requesting a seven-foot nine-inch side yards for the southerly and northerly side yards in lieu of the eleven feet otherwise required by the R4-1 Zone for a building with 8 stories.

Rear Yard. Eligible Housing Developments in Tier 3 may request up to a 30 percent reduction in the otherwise required depth of yards or setbacks. The project is requesting a fourteen-foot rear

yard for the easterly rear yard in lieu of the twenty feet otherwise required by the R4-1 Zone for a building with 8 stories.

Open Space. Eligible Housing Developments in Tier 3 may reduce open space by up to 25 percent. Pursuant to LAMC Section 12.21-G the project is required to provide 8,025 square feet of open space. With the 25 percent reduction, a minimum of 6,019 square feet is required. As proposed, the project provides 6,055 square feet of open space.

2. Any additional actions as deemed necessary or desirable, including but not limited to demolition, grading (up to 500 cubic yards of dirt), excavation, haul route, street tree removal, and building permits.

The proposed project would not have a significant effect on the environment. A “significant effect on the environment” is defined as “a substantial, or potentially substantial, adverse change in the environment” (CEQA Guidelines, Public Resources Code Section 21068). The proposed project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines which establish guidelines and thresholds of significant impact, and provide the methods for determining whether or not the impacts of a proposed project reach or exceed those thresholds. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article 19, Section 15332 of the CEQA Guidelines and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. The subject project has been issued a Notice of Exemption for a Class 32 Categorical Exemption.

CLASS 32 CATEGORICAL EXEMPTION

1. A project qualifies for a Class 32 Categorical Exemption if it is a project to be developed on an infill site and meets the conditions described in this section. The five (5) conditions which the project must meet in order to qualify for the Class 32 Categorical Exemption are as follows: (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.
 - a. **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:**

The project site is located within the Wilshire Community Plan, one of 35 Community Plans that the Land Use Element of the General Plan is comprised of. The Community Plan contains goals, objectives, and policies relative to land use and is implemented through the Zoning Code. The Community Plan designates the site with a land use designation of High Medium Residential. High Medium Residential has corresponding zone of R4. The site is zoned R4-1 and thus the existing zone is consistent with the Land Use Designation. The site is not located within the boundaries of or subject to any specific plan, community design overlay or interim control ordinance. Pursuant to the TOC Guidelines, the project is eligible for Base Incentives and up to three Additional Incentives.

As base incentives, the project is eligible to the following:

- (1) increase the maximum allowable number of dwelling units permitted by 70 percent,
- (2) increase the maximum allowable floor area ratio by 50 percent,
- (3) provide residential automobile parking at a ratio of 0.5 spaces per unit.

The project is seeking a 70 percent increase in density to provide a total of 77 units in lieu of 43 that would otherwise be allowed, an increase in allowable FAR from 3:1 to 4.5:1 and will provide 39 parking spaces, the minimum number of spaces required.

The project is also in request of the following three Additional Incentives:

- (1) A 30% reduction in side yard requirements. The project is requesting a seven-foot nine-inch side yards for the southerly and northerly side yards in lieu of the eleven feet otherwise required by the R4-1 Zone for a building with 8 stories.
- (2) A 30% reduction in rear yard requirements. The project is requesting a fourteen-foot rear yard for the easterly rear yard in lieu of the twenty feet otherwise required by the R4-1 Zone for a building with 8 stories.
- (3) A 25% reduction in open space. Pursuant to LAMC Section 12.21-G the project is required to provide 8,025 square feet of open space. With the 25 percent reduction, a minimum of 6,019 square feet is required. As proposed, the project provides 6,055 square feet of open space.

The project meets the TOC Guideline requirement (Section IV.5.c) of providing at least 11 percent of the base units for Extremely Low Income Households in exchange for being granted three (3) Additional Incentives. In exchange for being granted the three requested Additional Incentives, the project is setting aside eight units for Extremely Low Income Households, which equates to 17 percent of the 45 base units permitted through the underlying zoning of the site.

The site's R4 zoning allows for a residential density of one unit per 400 square feet of lot area. The 17,719 square foot lot, would permit a maximum base density of 45 dwelling units. As the project proposes the construction of 77 dwelling units, the proposed density exceeds the allowable maximum density. Furthermore, the proposed side yard and rear yard setbacks are less than what is required by the R4 Zone and the proposed open space is less than the minimum required by the code. However, with the approval of the requested base and Additional Incentives in conjunction with the set aside of three dwelling units for Extremely Low Income Households, the project would be consistent with the goals, objectives, and policies of the Community Plan and with the applicable zoning 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 project site is comprised of one lot totaling approximately 0.172 acres of lot area. The site is located within the Wilshire Community Plan, which is an urbanized area of the City of Los Angeles. Properties to surrounding the site are zoned for multi-family and commercial uses and are developed with multi-family and commercial uses. As such, the project site is located within an area developed with urban uses and is less than five acres.

c. The project site has no value as habitat for endangered, rare or threatened species:

The project site is located within an established, fully developed, urban area and not adjacent to any habitat for endangered, rare or threatened species. The subject parcels have been developed with existing structures on the site since 1905, and have no value as a 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:

Traffic

In regards to traffic, a significant impact may occur if the project conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The proposed project involves the new construction, use, and maintenance of a 77-unit apartment building. According to LADOT's Transportation Assessment dated January 5, 2022, the project which consists of 77 residential units will not require a transportation analysis by DOT. The

project trip generation will not exceed the City of Los Angeles significant traffic impact thresholds. Therefore, impacts relating to traffic are anticipated to be less than significant.

Noise

In regards to noise, a significant impact would occur if the proposed project would result in exposure of persons to or generation of noise levels in excess of standards established in the general plan, noise ordinance, of applicable standards of other agencies.

A Noise Impact Analysis studying the noise associated with the construction and operation of the proposed project was completed by DouglasKim & Associates, LLC. The study evaluated noise impacts using the thresholds from the State CEQA Thresholds Guidelines and concluded that the Project would comply with the City's existing noise regulations and thus construction and operationally noise impacts would be less than significant.

The City of Los Angeles has established policies and regulations concerning the generation and control of noise that could adversely affect its citizens and noise-sensitive land uses. The Project would be subject to comply with the City's existing noise regulations, including the noise reduction techniques required by LAMC 41.40 and 112.05, to ensure construction noise impacts would be less than significant. Compliance with City regulations requires the applicant to incorporate all feasible noise attenuation features such as noise mufflers and noise curtains. The construction noise would be temporary, intermittent, and typical for construction activity in urban areas such as the site. With compliance with existing City regulations, construction noise impacts would be less than significant.

Upon completion and operation of the residential Project, on-site operational noise would be generated by heating, ventilation, and air conditioning (HVAC) equipment installed for the new structure. However, the noise levels generated by these equipment types are not anticipated to be substantially greater than those generated by apartment buildings in the Project vicinity. As such, the equipment associated with the Project would not represent a new source of noise in the Project Site vicinity. In addition, the operation of any on-site stationary sources of noise would be required to comply with the LAMC Section 112.02, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than five decibels. This operational noise impact would be considered less than significant.

The project operations do not include uses that are expected to generate measurable levels of ground-borne vibration during operation of the proposed project. Therefore, the greatest regular source of project-related ground-borne vibration would be from local trucks making deliveries to the project site and larger garbage trucks picking-up project-related refuse material. The vibration levels associated with these trucks would be less than the levels associated with large construction equipment and would be similar to the noise levels associated with trucks serving the site and project vicinity today. Therefore, the operational impacts associated with ground-borne vibration would be less than significant at nearby sensitive uses.

By complying with all existing regulations governing both construction and operational noise and vibration, impacts would be less than significant.

Air Quality

An Air Quality Analysis evaluating the project for potential air quality impacts was prepared by DouglasKim & Associates, LLC. The study evaluates the project using the South Coast Air Quality Management District (SCAQMD) methodologies and Thresholds of Significance and concludes that project emissions do not exceed any air quality thresholds. Impacts are evaluated below, consistent with the State CEQA Guidelines.

- (1) *Conflict with or obstruct implementation of the applicable air quality plan -- less than significant.*

The proposed project and land uses are consistent with the applicable assumptions used in the development of the Air Quality Management Plan (AQMP) and would not jeopardize attainment of the air quality levels identified in the AQMP. The Project would comply with all SCAQMD rules and regulations that are applicable to the Project. Therefore, potential impacts associated with conflict with or obstruct implementation of the applicable air quality plan would be less than significant.

- (2) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard -- less than significant.*

The SCAQMD recommends that a project's potential contribution to cumulative impacts be assessed utilizing the same significance criteria as those for project specific impacts. Furthermore, the SCAQMD states that if an individual development project generates less-than-significant construction or operational emissions impacts, then the development project would not contribute to a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment. The South Coast Air Basin is in nonattainment for ozone, Particulate Matter (PM10) and Fine Particulate Matter (PM2.5).

The construction phase would involve excavation, shoring, and site preparation. The construction phase would include the construction of the proposed structure, connection of utilities, laying irrigation for landscaping, architectural coatings, and landscaping the project site. These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants.

Appropriate dust control measures would be implemented as part of the proposed project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes (at least two times per day), applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas.

Standard Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.
- With compliance with regulatory measures, construction-related daily emissions associated with the Project would not exceed any regional SCAQMD significance thresholds for criteria pollutants during the construction phases. Therefore, regional construction impacts are considered to be less than significant.

With compliance with regulatory measures and industry best practices, construction-related daily emissions associated with the Project would not exceed any regional SCAQMD significance thresholds for criteria pollutants during the construction phases.

“Project operations” refers to the full range of activities that can or may generate emissions when the project is functioning in its intended use. For apartment building projects, motor vehicles traveling to and from the project represent the primary source of air pollutant emissions. Additionally, on-site energy consumption (national gas combustion) and off-site electric generation can result in emissions. The proposed project’s operations will not cause the SCAQMD’s threshold levels to be exceeded.

By complying with all existing regulations governing both construction and operations, air quality impacts would be less than significant and will not contribute to cumulative impacts.

(3) Expose sensitive receptors to substantial pollutant concentrations -- less than significant.

SCAQMD considers a sensitive receptor to be a person in the population who is particularly susceptible to health effects due to exposure to an air contaminant. Sensitive receptors are identified near sources of air pollution to determine the potential for health hazards. Locations evaluated for exposure to air pollution include, but are not limited to, residences, schools, and churches. The Project site is predominantly surrounded by multi-family residential uses. There are residences, schools, and churches on the same block as the Project site with commercial uses along Olympic Boulevard to the south. Surrounding uses to the Project site include additional multi-family residential uses to the north along San Marino Street and to the east along New Hampshire Avenue.

Maximum daily emissions estimated to occur at the site during the project construction were compared to the SCAQMD localized significance thresholds. Emissions during the construction phases would not exceed the SCAQMD’s thresholds for NO_x, CO, PM₁₀, or PM_{2.5}. Therefore, localized air quality impacts from Project construction activities on the off-site sensitive receptors would be less than significant.

(4) Creation of objectionable odors affecting a substantial number of people -- less than significant.

According to the SCAQMD CEQA Air Quality Handbook, land uses and industrial operations that are associated with odor complaints include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies and fiberglass molding. The Project involves the construction and operation of residential uses, which are not typically associated with odor complaints. Potential sources that may emit odors during construction activities include equipment exhaust. However, odors from these sources would be localized and generally confined to the immediate area surrounding the Project. The Project would use typical construction techniques, and the odors would be typical of most construction sites and temporary in nature. The Project use materials consistent with SCAQMD Rule 1113 – Architectural Coatings which limits the volatile organic content (VOV) of paint and coatings. As the Project involves no operational elements related to industrial projects, no long-term operational objectionable odors are anticipated. Therefore, potential impacts associated with objectionable odors would be less than significant.

Water

In regards to water quality, the development of the project would not result in any significant effects. The project is not adjacent to any water sources and construction of the project will not create any impact to water quality. Furthermore, the project will comply with the City’s stormwater management provisions per LAMC Section 64.70.

e. The site can be adequately served by all required utilities and public services:

The site is currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all projects, it can be anticipated that the proposed project will not create any impact on existing utilities and public services.

EXCEPTIONS TO THE USE OF CATEGORICAL EXEMPTIONS

Planning staff evaluated the exceptions to the use of Categorical Exemptions for the proposed project listed in "CEQA Guidelines" Section 15300.2 and determined that none of the exceptions apply to the proposed project as described below:

- (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 qualifies for a Class 32 Categorical Exemption. Because the proposed Project is not defined as a Class 3, 4, 5, 6 or 11 project, this exception is inapplicable. The project site is not located in a particularly sensitive environment and would not be located on a site containing wetlands, endangered species, or wildlife habitats. As such, the requested project will not impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

- (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.**

The development of the project site with a multifamily residential development is consistent with the zone and land use designation of the site, as designated by the Wilshire Community Plan, and as permitted by the City's Transit Oriented Communities Affordable Housing Incentive Program (LAMC 12.22-A.31). A successive project of the same type and nature would reflect a development that is consistent with the underlying land use designation and Los Angeles Municipal Code. Any such project would be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance; pollutant discharge, building code and regulated construction methods, dewatering, stormwater mitigations; and Best Management Practices for stormwater runoff. These RCMs will mitigate environmental impacts for an individual project and not create a cumulative impact.

- (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.**

The proposed project will be constructed in a in a fully developed urban setting. The project will be required to adhere to any and all building code requirements intended to reduce environmental impacts to less than significant levels. Thus, the project will not result in activity that will have a significant effect on the environment due to unusual circumstances.

- (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.**

According to the California Scenic Highway Mapping System, the project site is not located on or near a portion of a highway that is either eligible or officially designated as a state scenic highway. As such, this exception does not apply to the proposed project.

- (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 has not been identified as a hazardous waste site. In addition, a number of existing state and federal laws and programs apply to hazards and hazardous materials and would apply to subsequent future individual development projects. These include the Resource Conservation and Recovery Act, California Fire Codes, Senate Bill 1082 (Facilities Subject to Corrective Action), Department of Health Services regulations, and Department of Housing regulations. Finally, Municipal Code Section 54.05 requires that a hazardous substance clearance report, including provisions for site remediation if warranted, be approved by the County Health Department and recorded with the County for sale or transfer of any property, upon which there has been an unauthorized disposal or release of a hazardous substance.

- (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 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, or the Los Angeles Historic-Cultural Monuments Register. 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.

CONCLUSION

Therefore, based on the facts herein, it can be found that the project meets the qualifications of the Class 32 Categorical Exemption and the Categorical Exemption reflects the Lead Agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.