

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)

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

DIR-2021-1538-TOC-SPP-HCA-1A

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2021-1539-CE

PROJECT TITLE

DIR-2021-1538-TOC-SPP-HCA

COUNCIL DISTRICT

13 – Soto-Martinez

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

1115 North Berendo Street (1115 and 1117 North Berendo Street)

Map attached.

PROJECT DESCRIPTION:

The demolition of a duplex and a detached garage, and the construction, use and maintenance of a five-story, 15,479 square-foot, 30-unit residential building. The project proposes to grade an export up to 500 cubic yards of earth.

Additional page(s) attached.

NAME OF APPLICANT / OWNER:

Yoav Atzmon, BRK Inc. (Applicant / Property Owner)

CONTACT PERSON (If different from Applicant/Owner above)

Ben Rocca (Representative)

(AREA CODE) TELEPHONE NUMBER

(818) 288-8669

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) Section 15332 / Class 32

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

In-fill development meeting the conditions described in CEQA Guidelines 15332: (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. (e) The site can be adequately served by all required utilities and public services

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

Danalynn Dominguez 

STAFF TITLE

City Planner

ENTITLEMENTS APPROVED

TOC-SPP-HCA

DISTRIBUTION: County Clerk, Agency Record

Rev. 6-22-2021

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

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JUSTIFICATION FOR CATEGORICAL EXEMPTION CASE NO. ENV-2021-1539-CE

The Department of City Planning 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 Section 15332 (Class 32), Case No. ENV-2021-1539-CE, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Project Description

The proposed project is for the demolition of a single-family dwelling and a detached garage and the construction, use and maintenance of a five-story, 15,479 square-foot, 30-unit residential building, measuring 65 feet and 9 inches in height. The project is setting aside 11 percent of the total 30 units and a minimum of 11 percent of the base 17 units, respectively, for Extremely Low-Income Households. The building will contain 15,479 square feet of floor area with a 2.30:1 FAR. The unit mix will be comprised of nine (9) studios, 18 one-bedroom units, and three (3) two-bedroom units. There will be no automobile parking spaces, 18 bicycle parking spaces, and 3,195.6 square feet of usable open space. The number of units and size is not unusual for the vicinity of the subject site and is similar in scope to other existing multi-family dwellings in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

The City has considered whether the Proposed Project is subject any of the five (5) exceptions that would prohibit the use of a categorical exemption as set forth in State CEQA Guidelines Section 15300.2. There are five (5) Exceptions which must be considered in order to find a project exempt under CEQA: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

(a) Cumulative Impacts. *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 project is located at 1115 North Berendo Street within the Hollywood Community Plan. There are currently six (6) projects dating back to March 4, 2019, which are either currently filed with the Department of City Planning or have received a Letter of Determination from the Department of City Planning but have yet to receive a Certificate of Occupancy from the Los

Angeles Department of Building and Safety (LADBS). As such, there are projects within 1,320 feet of the same type and in the same place as the subject project.

PROJECTS WITHIN A QUARTER-MILE FROM THE SUBJECT SITE			
(filed or filed and approved)			
Address	Case Number	Date Filed	Scope of Work
1114 N. Heliotrope Drive	DIR-2021-1238-TOC-SPP-HCA	2/11/2021	New 30-unit residential building
1148 N. Berendo Street	DIR-2021-10890-SPP-HCA	12/30/2021	New duplex and single family dwelling
1200 N. Vermont Avenue	DIR-2019-1254-TOC-SPP	03/04/2019	New 29-unit mixed-use building
4750 W. Santa Monica Boulevard	DIR-2020-4249-TOC-SPP-VHCA	7/17/2020	New 85-unit mixed-use building
1040 N. Kenmore Avenue	DIR-2020-667-TOC-SPP-SIP	1/30/2020	New 62-unit residential building
1015 N. Vermont Avenue	DIR-2019-5645-TOC-SPR-SPP	9/23/2019	New 187-unit mixed-use building

According to SCAQMD, individual construction projects that do not exceed the SCAQMD's recommended daily thresholds for project-specific impacts would not cause a cumulatively considerable increase in emissions for those pollutants for which the Air Basin is in non-attainment. Interim thresholds were developed by DCP staff based on CalEEMod model 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. Construction-related daily emissions at the project site would not exceed SCAQMD's regional or localized significance thresholds. Furthermore, an Air Quality Study prepared by Yorke Engineering, LLC on October 5, 2022, concluded that any cumulative impacts would be less than significant. Therefore, the project's contribution to cumulative construction-related regional emissions would not be cumulatively considerable and therefore would be less than significant. Construction of the project also would have a less-than-significant impact with regard to localized emissions.

As noise is a localized phenomenon and decreases in magnitude as distance from the source increases, only projects and ambient growth in the nearby area could combine with the proposed project to result in cumulatively considerable noise impacts. These above noted projects will begin construction and end construction at different timelines, with minor overlap between projects. Furthermore, a Noise Study prepared by Yorke Engineering, LLC on October 5, 2022, concluded that any cumulative impacts would be less than significant. Thus,

the construction of these known projects will be staggered and therefore do not have the potential to cumulatively contribute to air quality, construction traffic, and noise levels.

- (b) 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.*

As mentioned, the project proposes a 30-unit residential building in an area zoned and designated for such development, through the use of an 80% density increase through the TOC Affordable Housing Incentive Program in exchange for affordable housing. All surrounding lots are developed with multi-family buildings. The project proposes a FAR of 2.30:1 which is within the maximum 2.75:1 FAR otherwise permitted by Subarea C of the SNAP in conjunction with an increase permitted per the TOC Affordable Housing Incentive Program in exchange for affordable housing. The proposed building will be five-stories in an area that is currently developed with buildings that range in height from one- to six-stories. In conjunction with the TOC Affordable Housing Incentive Program, the proposed building will not be unusual for the vicinity of the subject site and will be similar in scope to future residential buildings in the area that use the TOC Affordable Housing Incentive Program in exchange for affordable housing. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- (c) 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.*

As it relates to development along a Scenic Highway, 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 17 miles to the west of the subject property. Therefore, the subject site will not create any impacts within a designated state scenic highway.

- (d) Hazardous Waste.** *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.*

In regards to Hazardous Waste sites, 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. As such, the project would not be developed on a site identified as a hazardous site pursuant to Section 65962.5 of the Government Code.

- (e) Historic 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, 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. The Department of City Planning, Office of Historic Resources confirmed that the existing single-family dwelling is not considered historic for the purposes of CEQA per an email dated April 9, 2024. 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.

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 conditions 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 applicable general plan designation, applicable policies, and applicable zoning designations.

The subject site is located within the Hollywood Community Plan area. Lot 88 are zoned R4-1D and have a General Plan Land Use Designation of Highway Oriented Commercial. As shown in the case file, the project is consistent with the applicable Hollywood Community Plan designation and policies and all applicable zoning designations and regulations in conjunction with the TOC Affordable Housing Incentive Program.

(b) The proposed development occurs within city limits on a project site 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 0.155 acres. The surrounding area is characterized by level topography, improved streets and residential and commercial development. The property to the north is located within Subarea A (Neighborhood Conservation) of the SNAP and is developed with an apartment building. The property to the west is located within Subarea C (Community Center) of the SNAP and is developed with a single family dwelling and a detached garage. The property to the east, across Berendo Street, is located within Subarea C (Community Center) of the SNAP and is developed with a duplex. The property to the south is located within Subarea C (Community Center) of the SNAP and is developed with a commercial building and surface parking lot.

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

The site previously disturbed and surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. Moreover, a Tree Disclosure Statement prepared by Lisa Smith, Certified Arborist #WE-3782B, concluded that there are no protected trees or protected shrubs on-site.

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

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. A Noise Study that was prepared by York Engineering, LLC on October 5, 2022, concluded that any impacts would be less than significant. Furthermore, the City of Los Angeles Vehicle Miles Traveled (VMT) Calculator resulted in the proposed project having a net increase of 109 daily vehicle trips and a net increase of 678 daily VMT. Based on the VMT Calculator, the project is not required to perform VMT analysis under the VMT standards. Interim thresholds were developed by DCP staff based on CalEEMod model 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. Therefore, the project would not result in any significant effects related to traffic, noise, air quality, or water quality.

(e) The proposed project has been reviewed by City staff and 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 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. As the project has been found to be categorically exempt from CEQA, the project is not anticipated to have a negative effect on the environment and no mitigation measures are required.