

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
CASE NO. ENV-2023-5641-CE (Environmental Analysis for Haul Route Application)

LEAD CITY AGENCY
City of Los Angeles (Department of City Planning)

CASE NUMBER
ENV-2023-5641-CE

PROJECT TITLE
718 N Figueroa Street

COUNCIL DISTRICT
1

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

Map attached.

PROJECT DESCRIPTION:
The project proposes the demolition of a 1,879-square-foot restaurant building, 1,089 square-foot residential building, 1,164 square-foot residential building, 1,604 square-foot residential building, and 150 square-foot accessory shed, and the alteration of and addition to an 8,247-square-foot mixed-use commercial building on three parcels in the C2-2D zone to create a 77,474-square-foot, seven-story, 86-foot, 6.5-inch mixed-use building with 77 dwelling units including 3,257 square feet of retail area, 6,861 square feet of restaurant area, 8,155 square feet of open space, 111 auto parking spaces (84 residential spaces & 27 commercial spaces), and 76 bike parking spaces. In conjunction with the construction of the mixed-use building, the project will submit a haul route application to the Department of Building and Safety for the export of approximately 21,250 cubic yards of soil.

Additional page(s) attached.

NAME OF APPLICANT / OWNER:
Ash Pathi, Kim Sing Theatre LLC

CONTACT PERSON (If different from Applicant/Owner above)
Gary Benjamin, Alchemy Planning + Land Use

(AREA CODE) TELEPHONE NUMBER | EXT.
(213) 479-7521

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
See attached
 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 *Sophia Kim* STAFF TITLE
Sophia Kim City Planner

ENTITLEMENTS APPROVED
Environmental Analysis for Haul Route Application

FEE: RECEIPT NO. REC'D. BY (DCP DSC STAFF NAME)

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

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CALIFORNIA**



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JUSTIFICATION FOR PROJECT EXEMPTION CASE NO. ENV-2023-5641-CE

Project Description

The project proposes the demolition of a 1,879-square-foot restaurant building, 1,089 square-foot residential building, 1,164 square-foot residential building, 1,604 square-foot residential building, and 150 square-foot accessory shed, and the alteration of and addition to an 8,247-square-foot mixed-use commercial building on three parcels in the C2-2D zone to create a 77,474-square-foot, seven-story, 86-foot, 6.5-inch mixed-use building with 77 dwelling units, including 23 studio units, 36 one-bedroom units, and 18 two-bedroom units, with 8 ELI units (67,629 square feet of residential area), 3,257 square feet of retail area, 6,861 square feet of restaurant area, 8,155 square feet of open space, 111 auto parking spaces (84 residential spaces & 27 commercial spaces), and 76 bike parking spaces. The project is eligible to provide zero parking space per AB 2097. In conjunction with the construction of the mixed-use building, the project will submit a haul route application to the Department of Building and Safety for the export of approximately 21,250 cubic yards of soil.

As an infill mixed-use development proposing minor alterations in the condition of land, this project qualifies for Class 32 Categorical Exemptions, and none of the exceptions to a Categorical Exemption pursuant to CEQA Guidelines Section 15300.2 applies.

The project proposes the following haul route:

Loaded Trucks: From Figueroa Street turn left on Temple Street; Turn left on Temple Street; Merge on 101 Freeway; Left onto I-10 E; Take exit 31B to Merge onto 1-605 N; Take exit 24; Turn right on Los Angeles Street; End at 13026 Los Angeles Street.

Empty Trucks: From Los Angeles Street continue to Lower Azusa Road; Turn left to merge on I-605 S; Merge onto I-10 W; Merge onto 101 N Freeway; Take exit 3; Turn left to Grand Avenue; Turn left to Cesar E. Chavez Avenue; Turn right to Figueroa Street; End at 718 N Figueroa Street.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions.

The City has considered whether the proposed project is subject to any of the six exceptions that would prohibit the use of a categorical exemption as outlined in State CEQA Guidelines Section 15300.2. The six exceptions to this Exemption are: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

(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 in 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 is located within the Upper Elysian Park Fault Zone, BOE Special Grading Area, and Methane Zone; however, 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. Specifically the following RCMs would apply:

- **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-GEO-4 (Liquefaction Area):** The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to:
 - ground stabilization
 - selection of appropriate foundation type and depths
 - selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

The project shall comply with the conditions contained within the Department of Building and Safety’s Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

- **Regulatory Compliance Measure RC-HAZ-2: Explosion/Release (Methane Zone):** As the project site is within a methane zone, prior to the issuance of a building permit, the Site shall be independently analyzed by a qualified engineer, as defined in Ordinance No. 175,790 and Section 91.7102 of the LAMC, hired by the project Applicant. The engineer shall investigate and design a methane mitigation system in compliance with the LADBS Methane Mitigation Standards for the appropriate Site Design Level which will prevent or retard potential methane gas seepage into the building. The Applicant shall implement the engineer’s design recommendations subject to DOGGR, LADBS and LAFD plan review and approval.
- **Regulatory Compliance Measure RC-HAZ-3: Explosion/Release (Soil Gases):** During subsurface excavation activities, including borings, trenching and grading, OSHA worker safety measures shall be implemented as required to preclude any exposure of workers to unsafe levels of soil-gases, including, but not limited to, methane.
- **Regulatory Compliance Measure RC-GEO-5 (Subsidence Area):** Prior to the issuance of building or grading permits, the applicant shall submit a geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety. The geotechnical report shall assess potential consequences of any subsidence and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation

measures that may include building design consideration. Building design considerations shall include but are not limited to ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

These RCMs have been historically proven to work to the satisfaction of the City Engineer to reduce any impacts from the specific environment of the project site. In addition, all haul route applications require the submittal of a Geology and Soils Report to the Department of Building and Safety (DBS) detailing conditions of approval that must be followed. DBS issued a Geology and Soils Report Approval Letter, Log No. 126519, for the subject property on June 22, 2023. Additionally, roof and site drainage, as well as sewer availability must comply with the Bureau of Engineering and Bureau of Sanitation standards; and hydrants, Fire Department Access and Fire Safety must be reviewed and approved by the Los Angeles Fire Department before permits can be issued. Thus, in conjunction with the above RCMs and compliance with other applicable regulations, the Project will not result in a significant impact based on its location.

(b) 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 haul route approval will be subject to recommended conditions prepared by the Los Angeles Department of Transportation (LADOT) and considered by the Board of Building and Safety Commissioners and will reduce the impacts of construction-related hauling activity, monitor the traffic effects of hauling, and reduce haul trips in response to congestion. Furthermore, DBS staggers the haul route schedules to ensure that all of the haul routes do not occur simultaneously. The following technical studies have been prepared to demonstrate that no foreseeable impacts are expected. A Geotechnical Investigation by Geocon West Inc was produced on May 5, 2013. It was then followed by a City of Los Angeles Department of Building and Safety, Geology and Soils Report Approval Letter, Log #126519, issued on June 22, 2023. The Project will need to comply with the conditions of approval as stated on the Geology and Soils Report Approval Letter. Therefore, in conjunction with citywide RCMs and compliance with other applicable regulations, no foreseeable cumulative impacts are expected.

(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 project proposes the demolition of a 1,879-square-foot restaurant building, 1,089 square-foot residential building, 1,164 square-foot residential building, 1,604 square-foot residential building, and 150 square-foot accessory shed, and the alteration of and addition to an 8,247-square-foot mixed-use commercial building to create a 77,474-square-foot, seven-story, 86-foot, 6.5-inch mixed-use building with 77 dwelling units, including 23 studio units, 36 one-bedroom units, and 18 two-bedroom units, with 8 ELI units (67,629 square feet of residential area), 3,257 square feet of retail area, 6,861 square feet of restaurant area, 8,155 square feet of open space, 111 auto parking spaces (84 residential spaces & 27 commercial spaces), and 76 bike parking spaces. The General Plan Land Use for the project site is Regional Commercial and the zoning is C2-2D. The project is located in the Central City North Community Plan area. The project is in an area zoned and designated for such development.

This type of project is not unusual for the vicinity of the project site. The proposed project is similar in scope to other existing residential uses in the area. The lots to the north and south of the site are zoned C2-2D with a General Plan Land Use Designation of Regional Commercial. The lots to the north of the site are developed with multi-family buildings and the lot to the south of the site is developed with a school building. Lots located to the west from the project site are zoned PF-1XL, with a General Plan Land Use Designation of Public Facilities. These lots are developed with a school. The lots to the east of the site are zoned R4-1, with a General Plan Land Use Designation of High Medium Residential and are developed with multi-family buildings. There are no unusual circumstances which may lead to a significant effect on the environment; thus, no exception applies.

- (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.*

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. The Project site is located approximately 27.5 miles away from the State Route 27. Therefore, the Project will not result in damage to any 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, and this exception does not apply.

- (e) Hazardous Waste.** A categorical exemption shall not apply for a project located on a site included on any list compiled under Section 65962.5 of the Government Code.

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. Furthermore, the building permit history for the project Site does not indicate the Site may be hazardous or otherwise contaminated, and this exception does not apply.

- (f) 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.*

Based on the Historic Resources Assessment dated November 30, 2023, the Kim Sing Theater at 718 North Figueroa Street was identified as an eligible resource in the Historic Resources Survey Report of the Central City North Community Plan Area (CPA) completed by Historic Resources Group in 2016. The Kim Sing Theater was also identified in the Los Angeles Citywide Context: Chinese Americans in Los Angeles, 1850-1980 as a vaudeville theater that opened in 1925 that began showing English and Chinese-language movies in the 1960s. Chronicle Heritage concluded that the Kim Sing Theater is eligible for listing in the National Register of Historic Places (National Register), California Register of Historical Resources (California Register), and for designation as a City Historic-Cultural Monument (HCM) for the reasons identified in SurveyLA. Therefore, the subject property appears to meet the criteria to be considered a historical resource pursuant to Section 15064.5(a) of the CEQA Guidelines. Upon review of the City building permit record associated with the theater, the building has been substantially altered and the remaining character-defining features of the Kim Sing Theater are the western façade, including the storefronts, and the marquee signage. The proposed project was reviewed to determine if the character-defining features would be retained in place and if the proposed new construction complies with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards). Projects that meet the Standards are considered mitigated to a level of less than significant (Section 15064.5(b)(3) of the CEQA Guidelines) and may qualify for a Categorical Exemption. The

proposed Project meets the Standards and would result in a less than significant impact to a historical resource. The additional buildings at 700–702 North Figueroa Street and 839–841 Bartlett Street were not identified as eligible in the 2016 Central City North CPA survey report. The Historic Resources Survey Report also concluded that the subject properties were not in a potentially eligible Historic Preservation Overlay Zone.

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) All required utilities and public services can adequately serve the Site.

- (a)** *The project is consistent with applicable general plan designation, applicable policies, and applicable zoning designations.*

The project site is located within the Central City North Community Plan area and has a General Plan Land Use Designation of Regional Commercial and the zoning is C2-2D. The project proposes the demolition of a 1,879-square-foot restaurant building, 1,089 square-foot residential building, 1,164 square-foot residential building, 1,604 square-foot residential building, and 150 square-foot accessory shed, and the alteration of and addition to an 8,247-square-foot mixed-use commercial building to create a 77,474-square-foot, seven-story, 86-foot, 6.5-inch mixed-use building. The project is in conformance with the applicable Central City North Community Plan designation and policies and all applicable zoning designations and regulations.

- (b)** *The proposed development occurs within city limits on a project site no more than five acres substantially surrounded by urban uses.*

The lots to the north and south of the site are zoned C2-2D with a General Plan Land Use Designation of Regional Commercial. The lots to the north of the site are developed with multi-family buildings and the lot to the south of the site is developed with a school building. Lots located to the west from the project site are zoned PF-1XL, with a General Plan Land Use Designation of Public Facilities. These lots are developed with a school. The lots to the east of the site are zoned R4-1, with a General Plan Land Use Designation of High Medium Residential and are developed with multi-family buildings.

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

The project site is not within a wildland area and it is uninhabited by endangered, rare, or threatened species. Lots adjacent to the project site are developed with multi-family apartment buildings and schools. The applicant submitted a Tree Disclosure Statement dated November 1, 2023, stating that there are no protected trees on the subject property or abutting properties. As such, the project site has no value as habitat for endangered species, rare or threatened species. There are no street trees adjacent to the site.

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

As previously mentioned, the project will be subject to RCMs. These 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 reduce any potential impacts on noise and water to less than significant.

The LADOT Transportation Assessment letter dated February 23, 2024, states that the project does not exceed the threshold criteria established by LADOT for preparing a traffic study; therefore, the proposed project is not expected to result in significant impacts to traffic. The project will also be governed by an approved haul route under City Code requirements, which will regulate the route hauling trucks will travel, and the times at which they may leave the site, thereby reducing any potential traffic impacts to less than significant.

The Noise and Air Quality reports dated February, 2024, states the impact will be less than significant.

As such, the project would not result in any significant effects related to traffic, noise, air quality, or water quality.

- (e)** *The proposed project was 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 new seven-story mixed-use building will be on a site that is developed with three existing apartment buildings and a restaurant. Therefore, it can be found that the project meets the qualifications of the Class 32 Exemption.