

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, N23orwalk, 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-2023-1924-TOC-HCA / Transit Oriented Communities Affordable Housing Incentive Program

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2023-1925-CE

PROJECT TITLE

432 N. Evergreen Ave.

COUNCIL DISTRICT

14 – Kevin de Leon

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

432 N. Evergreen Ave.

Map attached.

PROJECT DESCRIPTION:

Additional page(s) attached.

The proposed project is for the construction, use, and maintenance of a 4-story, 44-foot-tall apartment building with 2 Very Low-Income units, and 10 market rate units, for a total of 12 units. The project will have a total floor area of 15,272 square feet and a Floor Area Ratio of 1.88:1. The project proposes to provide 24 vehicle parking spaces, 12 long-term bicycle parking spaces, and 2 short-term bicycle parking spaces on the ground level. The project proposes the cut and fill of 200 cubic yards of soil and the export of 200 cubic yards of soil. The project proposes the planting of 5 trees on site and 3 Street Trees. The project assumes a worst-case scenario of removing all street trees, in the event of changes to the right-of-way improvement plans after approval of the environmental clearance. However, this environmental analysis does not authorize the removal of any street trees without prior approval of Urban Forestry, in compliance with LAMC Sections 62.169 and 62.170 and their applicable findings.

NAME OF APPLICANT / OWNER:

Young Kim

CONTACT PERSON (If different from Applicant/Owner above)

Simon Gwon / Fore Architects

(AREA CODE) TELEPHONE NUMBER

213-446-9234

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) 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

The project complies with Class 32, as it is in-fill development. 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 proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. 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

Bryant Wu

STAFF TITLE

City Planning Associate

ENTITLEMENTS APPROVED

Transit Oriented Communities Affordable Housing Incentive Program

DISTRIBUTION: County Clerk, Agency Record

Rev. 6-22-2021

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

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JUSTIFICATION FOR PROJECT EXEMPTION CASE NO. ENV-2023-1925-CE

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 Categorically Exempt under Article 19, Section 15332, Class 32, Case No. ENV-2023-643-CE.

PROJECT DESCRIPTION

The Applicant proposes the construction, use, and maintenance of a four-story apartment building with two (2) Very-Low-Income units, and 10 market rate units, for a total of 12 units. The project site is located at 432 N. Evergreen Avenue within the Boyle Heights Community Plan. The project will have a maximum total floor area of 15,272 square feet and a Floor Area Ratio (FAR) of 1.88:1, which is less than the maximum 3:1 FAR permitted in the R2 zone. The proposed building will be four stories and 44-feet tall, consistent with the maximum height permitted in the R2-1 zone with an 11-foot height increase permitted with TOC projects. The unit mix will be comprised of three (3) three-bedroom units, three (3) four-bedroom units, and six (6) five-bedroom units. The project proposes to provide 24 vehicle parking spaces, 12 long-term bicycle parking spaces, and two (2) short-term bicycle parking spaces at the ground level. The project will provide a total of 2,144 square feet of common open space, which consists of a 488 square feet ground floor recreation room and 1,656 square feet from the rear yard. The project proposes the cut and fill of approximately 200 cubic yards of soil and the export of 100 cubic yards of soil. There are no trees on the project site or in the public right-of-way. The project assumes a worst-case scenario of removing all street trees, in the event of changes to the right-of-way improvement plans after approval of the environmental clearance. However, this environmental analysis does not authorize the removal of any street trees without prior approval of Urban Forestry, in compliance with LAMC Sections 62.169 and 62.170 and their applicable findings.

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;

- (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.

As a Transit Oriented Community development, and a project which is characterized as in-fill development, the project qualifies for the Class 32 Categorical Exemption. The site is zoned R2-1-CUGU and has a General Plan Land Use Designation of Low Medium I Residential. As shown in the case file, the project is consistent with the applicable Boyle Heights Community Plan designation and policies and all applicable zoning designations and regulations. The subject site is wholly within the City of Los Angeles, on a site that is approximately 12,040 square feet, which is approximately one-quarter of an acre. The abutting properties to the north are similarly zoned R2-1-CUGU and developed with one story auto shop and a one-story single-family residence. The abutting property to the east is also zoned R2-1-CUGU and is developed with one-story multifamily residential structures. Properties to the west across Evergreen Avenue are zoned RD1.5-1-CUGU and developed with residential structures ranging from one-story single-family residences to multi-story multifamily residential structures.

The site is vacant but surrounded by development and therefore is not, and has no value as, a habitat for endangered, rare or threatened species. No protected trees are on-site or in the public right-of-way. Should the applicant be required to improve the right-of-way, the applicant will be required to obtain approved plans from the Department of Public Works prior to any work on the right-of-way. As there currently is no approved right-of-way improvement plan and for purposes of conservative analysis and the requirements of CEQA, Planning has analyzed the worst-case potential for removal of all street trees. Note, no street tree or protected tree may be removed without prior approval of the Board of Public Works/Urban Forestry (BPW) under LAMC Sections 62.161 - 62.171. At the time of preparation of this CE, no approvals have been given for any tree removals on-site or in the right-of-way by the Board of Public Works/Urban Forestry.

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. Furthermore, the project does not exceed the threshold criteria established by LADOT for preparing a transportation study. The calculation from the LADOT Vehicle Miles Travelled Calculator resulted in less than the 250 daily trip threshold. The Los Angeles Department of Transportation confirmed in an email dated July 14, 2023 that a VMT analysis would not be required. Therefore, the project will not have any significant impacts to traffic or transportation.

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. 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.

The project site will be adequately served by all public utilities and services given that the construction of a four-story multi-family residential building will be on a site which has been previously developed and adjacent to parcels which are improved, and as such, there are utilities in place. 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.

CEQA SECTION 15300.2: EXCEPTIONS TO THE USE OF CATEGORICAL EXEMPTIONS

There are six (6) Exceptions which must be considered in order to find a project exempt under Section 15303 Class 3: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources. None of the exceptions are triggered as noted 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 effect on the environment may in a particularly sensitive environment be significant. Therefore, these classes may not be utilized 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.*

As the project is utilizing a Categorical Exemption Class 32, this exception does not apply.

- B. **Cumulative Impact.** *The exception applies when, although a particular project may not have a significant impact, the impact of successive projects, of the same type, in the same place, over time is significant.*

A significant impact may occur if the proposed project, in conjunction with the related projects, would result in impacts that are less than significant when viewed separately but significant when viewed together. The following projects were or are filed with the Department of City Planning:

PROJECTS WITHIN A QUARTER-MILE FEET FROM THE SUBJECT SITE			
Address	Case Number	Date Filed	Scope of Work
2847 E. Cincinnati Street	ADM-2018-1778-UDU	8/16/2017	Legalization of one unpermitted dwelling unit
603 N. Evergreen Avenue	ZA-2016-4599-ZV	12/2/2016	A variance to continue the use of the existing non-conforming grocery store

According to the table above, there were only (2) projects filed with the Department of City Planning within the quarter-mile radius. The certificate of occupancy for the dwelling unit located at 2847 E. Cincinnati Street was issued on April 19, 2022 (Permit No. 17014-10000-05501). Additionally, the Zone Variance case for the grocery store located at 603 N. Evergreen Avenue did not propose any construction as the case related to the continued use of the site. As such, neither project will result in construction impacts. There

are no known projects which will result in a significant cumulative impact and this exception does not apply.

- C. **Significant Effect Due to Unusual Circumstances.** *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.*

The project proposes a 12-unit apartment complex in an area zoned and designated for such development. Adjacent lots are developed with similar multi-story multi-unit residential buildings, and the subject site is of a similar size and scope to nearby properties. The adjacent uses are primarily multi-story multi-unit residential buildings, so the proposed project would not create unusual circumstances which may lead to a significant effect on the environment. The project proposes a Floor Area Ratio (FAR) of 1.88:1 on a site that is permitted to have a maximum FAR of 3:1 or a maximum FAR of 4.5:1 under LAMC 12.22 A.31 Transit Oriented Communities Affordable Housing Incentive Program. A multi-story multi-family residential building is not unusual for the vicinity of the subject site, and is similar in scope to other existing multi-family residential buildings in the area. Thus, there are no unusual circumstances that may lead to a significant effect on the environment, and this exception does not apply.

- D. **Scenic Highways.** *This exception applies when, although the project may otherwise be exempt, there may be 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 approximately 33 miles from State Route 27 and thus no potential damage to this resource would result from the project. Therefore, the subject site will not create any impacts within the designated state scenic highway, and this exception does not apply.

- E. **Hazardous Waste Sites.** *Projects located on a site or facility listed pursuant to California Government Code 65962.5.*

According to Envirostor, the State of California's database of Hazardous Waste Sites, the site is not identified as a hazardous waste site. The nearest identified site includes the East Los Angeles High School School clean up area located approximately 3500 feet to the west on Cromwell Street. Although the site is located within a Methane Zone, there are no oil wells on-site according to CalGEM, with the nearest oil well located approximately 2000 feet away on Rivera Street between 1st Street and 2nd Street. 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.

- F. **Historical Resources.** *Projects that may cause a substantial adverse change in the significance of an 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. Therefore, the City does not identify the site as a historic resource. 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.

In conclusion, this project is categorically exempt from the requirements of CEQA, pursuant to CEQA Guidelines, Section 15332, Class 32, and based on the whole of the administrative record, there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.