

July 2024

JUSTIFICATION FOR PROJECT EXEMPTION CASE NO. ENV-2023-4546-CE

The City of Los Angeles determined based on the whole of the administrative record that the project is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The 638 Berendo Project (the "Project") would demolish the existing surface parking lot and construct a new eight-story residential building with 163 apartment dwelling units with 39 parking spaces on the ground-floor level and one subterranean level (P1). Of the 163 dwelling units, 18 dwelling units will be reserved for Extremely Low Income Households. The Project Site contains a two- to three-story, 33,057 square-foot commercial building (Roseberry Building) and approximately 15,119 square foot surface parking lot with 64 automobile parking spaces. The Roseberry Building would be retained and the parking lot would be redeveloped. The Project would make minor alterations to the utilitarian north (rear) of the Roseberry Building. The required alterations to the Roseberry Building would be limited in scope, will be restricted to the utilitarian rear façade, and would not alter or remove any of the building's character-defining features. The Project would also provide 118 bicycle parking spaces (11 short-term and 107 long-term). The Project would remove two (2) non-protected street trees and will plant a total of 41 on-site trees. As a housing development project and a project which is characterized as in-fill development, the Project qualifies for the Class 32 Categorical Exemption.

The Project requires the following:

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.22 A.31, and the Transit Oriented Communities Affordable Incentive Program (TOC Guidelines) approval of a 163-unit Tier 4 development that will set aside 11 percent (18 units) of the Project's total number of dwelling units for Extremely Low Income Households and would utilize the following one (1) Base Incentive and three (3) Additional Incentives:

- a. Base Incentive – No required parking for residential units;
- b. Additional Incentive – A front yard setback which aligns with the northern adjoining building and a 35 percent reduction in the northern rear yard setback;
- c. Additional Incentive – A 25 percent reduction in required open space; and
- d. Additional Incentive – Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access.

Pursuant to Los Angeles Municipal Code (LAMC) Section 16.05, the approval of Site Plan Review findings for a development project which creates, or results in, an increase of 50 or more dwelling units or guest rooms, or combination thereof.

Implementation of the California Environmental Quality Act

Pursuant to Section 21084 of the Public Resources Code, the Secretary for the Natural Resources Agency found certain classes of projects not to have a significant effect on the environment and declared them to be categorically exempt from the requirement for the preparation of environmental documents.

The project meets the conditions for a Class 32 Exemption found in CEQA Guidelines, Section 15332 (In-Fill Development Projects), and none of the exceptions to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 apply.

Conditions for a Class 32 Exemption

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria:

- 1) 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;
- 2) The proposed developed occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- 3) The project site has no value as habitat for endangered, rare, or threatened species;
- 4) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- 5) The site can be adequately served by all required utilities and public services.

The Project is located within the Wilshire Community Plan which designates the subject property for Regional Center Commercial land uses with the corresponding zones CR, C1.5, C2, C4, P, PB, RAS4, RAS4, R3, R4, and R5. The subject property is located in the C2-2, C4-2, and R5P-2 Zones. The Project is consistent with the applicable general plan land use designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.

The Project site is wholly within the City of Los Angeles, on a site that is approximately 36,066 square feet, or 1.99 acres, in size. Lots adjacent to the subject properties are developed with multi-story commercial-office buildings, multi-family residential buildings, and a surface parking lot. The Project site is currently developed with a two- to three-story commercial building, also known as the Roseberry Building, which is located at the southern portion of the site fronting West Wilshire Boulevard and South Berendo Street. The northern portion of the Project site is developed with a surface parking lot. Therefore, the Project site has no value as a habitat for endangered, rare or threatened species. 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.

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. The Project would not result in any significant effects related to traffic, noise, air quality, or water quality.

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- Noise Technical Modeling and Vibration Technical Modeling dated June 2023, was prepared by DKA Planning, for the proposed project indicating that construction and operation activities associated with the development of the proposed Project will result in less than significant impacts.
- Air Quality Technical Modeling dated March 2024, was prepared by DKA Planning, for the proposed Project indicating construction and operation emissions associated with the proposed Project will not result in significant air quality impacts.
- Addendum I – Updated of Geotechnical Engineering Investigation dated May 8, 2023, was prepared by Geotechnologies, Inc., concluded that the construction of the proposed residential complexes and parking structure is considered feasible from a geotechnical standpoint provided the advice and recommendations presented in the report are followed and implemented during construction.
- The proposed Project would not result in significant transportation impacts.
- The proposed Project would not result in significant impacts to water quality.
- The proposed Project will not result in the removal of any protected trees.

The Project site will be adequately served by all public utilities and services given that the construction of a 163-unit multi-family development will be on a site which has been previously developed and is consistent with the General Plan. Therefore, the Project meets all the Criteria for the Class 32.

Exceptions to Categorical Exemptions

There are six (6) exceptions to categorical exemptions must be considered in order to find a project exempt from CEQA: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

The Project is not located on or near any environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. Seventeen (17) related projects located within one-half mile were identified and based on the analyses the analyses provided in the *Appendices* and *Categorical Exemption – Class 32* report prepared for this project, the Project would not result in significant cumulative impacts. The Project would not reasonably result in a significant effect on the environment due to unusual circumstances. The Project is not located near a State Scenic Highway. Furthermore, according to Envirostor and GeoTracker, the State of California's database of Hazardous Waste Sites and Water Resources Control Board, neither the subject site, nor any site in the vicinity is identified as an active hazardous waste site. 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 or 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. 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.