

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

TEMPORARY SPECIAL EVENTS

LEAD CITY AGENCY

City of Los Angeles (Department of Building and Safety)

CASE NUMBER: N/A

PROJECT TITLE – **TEMPORARY SPECIAL EVENTS**

COUNCIL DISTRICT

ALL

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

CITY WIDE

☐ Map attached.

PROJECT DESCRIPTION:

☐ Additional page(s) attached.

The proposed project is an ordinance amending Sections 91.106 and 91.107, of Division 1, Article 1, Chapter IX of the Los Angeles Municipal Code with respect to temporary special event permits (TSE) issued by the Los Angeles Department of Building and Safety (LADBS) and associated fees. In particular, this ordinance codifies long-standing department policies and practices used by LADBS to issue ministerial permits for the following types of TSEs: (1) temporary installations (2) temporary outdoor uses, and (3) certified farmer's markets. One new change, however, is to allow certified farmer's markets, consistent with other City requirements, to obtain an annual ministerial permit related to temporary installations and uses.

The proposed ordinance covers different types of TSE permits, eligibility requirements, permit application and inspection requirements, performance standards, appeals, requests for slight modifications, and fees. Except for certified farmers' markets, applicants are limited to no more than five events in a 12-month period. No TSE permit shall be valid for more than seven consecutive days at any single location. Any uses or installations are authorized only for the period set forth in the TSE permit. The ordinance is not intended to alter the permitting or regulatory authority of any other state or local agency. Any activities enabled by the TSEs are expected to fully comply with other applicable laws in addition to the regulatory and permitting authority of other applicable state or local agencies.

All activities eligible for TSE permits are minor temporary uses of land, involve no permanent physical construction (set up and break down only), and do not involve ground disturbing activities. All temporary construction, uses or installations associated with a TSE shall be stopped immediately and removed (or demolished) within 5 days after the expiration of the permit. The site shall be restored to the original condition.

NAME OF APPLICANT / OWNER:

EUGENE BARBEAU

CONTACT PERSON (If different from Applicant/Owner above)

(213) 482-0455

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) **15303, 15304, 15311, 15323, and 15332**

☐ 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



State CEQA Class 3 Exemption:

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

The proposed project allows TSEs on private property under a ministerial entitlement process. TSEs do not involve any permanent physical construction or ground disturbing activities. TSEs tend to be located on previously developed private lots, such as existing parking lots, courtyards, or outdoor spaces. TSEs may involve setting up small temporary structures, such as tents or booths, or the installation of stages, platforms or bleachers. All temporary construction, uses or installations associated with a TSE shall be stopped immediately and removed (or demolished) within 5 days after the expiration of the permit. The site shall be restored to the original condition. Therefore, since these ministerial TSEs only involve temporary structures, and the temporary conversion of the existing use (parking lot or vacant lot, etc.) to a different temporary use, the project meets the criteria for a Class 3 Exemption.

State CEQA Class 4 Exemption:

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. One of the examples listed in the CEQA guidelines is "minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc."

TSEs are considered a temporary land use, and all activities eligible for temporary special event permits are minor temporary uses of land, involve no permanent physical construction (set up and break down only), and do not involve ground disturbing activities. All installations and structures associated with the temporary use will be removed once the event time limitation expires and the site will be restored to the original condition. therefore, no permanent effects on the environment would occur.

TSEs are subject to performance standards, including compliance with applicable state and city laws, no recent history of any nuisance or violations in the past 12 months, and an allowed accessory use to an existing main structure (except for certified farmers' markets). This ordinance limits the frequency and time in which the events can be held. Overall, TSEs are similar to periodic or seasonal carnivals or sales of Christmas trees in that they are temporary events which do not involve: a) permanent physical construction, alteration or demolition; or b) ground disturbing activities. All temporary construction, uses or installations associated with a TSE shall be stopped immediately and removed (or demolished) within 5 days after the expiration of the permit. The site shall be restored to the original condition. Nothing in this ordinance permits the removal of healthy, mature, scenic trees. Therefore, the project is exempt from CEQA under Class 4 exemption.

State CEQA Class 11 Exemption:

Class 11 consists of construction or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities. One of the examples (c) is "placement of seasonal or temporary use items..."

The proposed project allows TSEs on private property under a ministerial entitlement process. A TSE is considered a temporary land use and does not involve any: a) permanent physical construction, alteration or demolition; or b) ground disturbing activities. TSEs tend to be located on previously developed private lots, such as existing parking lots, courtyards, or outdoor spaces, and are an allowed accessory use for existing commercial, industrial, or institutional facilities. TSEs may involve setting up small temporary structures, such as tents or booths, or the installation of stages, platforms or bleachers. All temporary construction, uses or installations associated with a TSE shall be stopped immediately and removed (or demolished) within 5 days after the expiration of the permit. The site shall be restored to the original condition. No permanent effects on

the environment will occur. Therefore, the project is categorically exempt from CEQA under the Class 11 exemption.

State CEQA Class 23 Exemption:

Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheatres, planetariums, swimming pools, and amusement parks.

The project allows TSEs on private property. A TSE is considered a temporary land use, and does not involve any: a) permanent physical construction, alteration or demolition; or b) ground disturbing activities. TSEs on private properties are normally located on existing parking lots or other open areas, which are part of existing commercial, industrial, or institutional facilities. The setups normally consist of temporary tents or booths removed at the end of the day. Temporary Special Events involve the placement of seasonal or temporary structures (e.g., tents or booths) accessory to existing commercial, industrial, or institutional facilities, and all activities eligible for TSE permits are minor temporary uses of land, involve no permanent physical construction (set up and break down only), and do not involve ground disturbing activities. TSEs are an ongoing activity in the City of Los Angeles and an allowable ancillary use where permitted. All installations and structures associated with the temporary use will be removed once the event time limitation expires and the site will be restored to the original condition. Therefore, no permanent effects on the environment would occur. Therefore, the project is categorically exempt from CEQA under the Class 23 exemption.

State CEQA Class 32 Exemption:

Class 32 consists of projects characterized as in-fill development meeting the five conditions discussed below:

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 TSE ordinance will require all events to be consistent with all applicable general plan policies and regulations.

The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

Except for very limited circumstances, TSEs would occur on project sites that are equal to or less than five acres and substantially surrounded by urban uses. The vast majority of TSEs occur on previously developed private lots. Therefore, any new TSEs would meet this requirement.

The project site has no value as habitat for endangered, rare or threatened species. All TSEs are, and will be, located in developed, urbanized areas, which have no value as habitat for endangered, rare or threatened species.

Based on existing practices and experience, TSEs already occur on previously developed private lots in urbanized areas, lots which have no value as habitat for endangered, rare or threatened species. Therefore, it is unlikely that any new TSEs allowed under this ordinance will be located in areas considered to have value as habitat for endangered, rare or threatened species. It is expected that TSEs will be on previously developed sites (e.g. paved surfaces).

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

- **Traffic:** Traffic associated with TSEs is likely to be neighborhood oriented, and temporary in nature for no more than the length of time the permit is active. As this ordinance is codifying existing allowable events, it is not anticipated that an increase in traffic would occur.
- **Air Quality:** Air quality impact is correlated with traffic generation. TSEs are expected to have less than significant impact on traffic as discussed in the section above. Therefore, the impact on air quality would be less than significant.
- **Noise:** The proposed ordinance requires TSEs to comply with the existing City noise restrictions, including the City's noise ordinance. Therefore, the impact on noise would be less than significant.
- **Water Quality:** The project has no impact on water quality since TSEs do not involve any permanent physical construction or ground disturbing activities. As a result, there would be no impact to underground water sources.

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

TSEs are normally located in developed, urbanized areas, which are adequately served by public services and utility companies. It is expected that TSEs will be on previously developed sites (e.g. paved surfaces). Utility and public service capacity projection is calculated based on the service population in the area. As a temporary land use, TSEs will not induce population growth in the area. Therefore, no additional utility or public service is required.

Exceptions to the Use of Categorical Exemptions:

CEQA Section 15300.2 Exceptions to the Use of Categorical Exemptions:

The City has further considered whether the proposed project is subject to any of the six exceptions set forth in the State CEQA Guidelines Section 15300.2 that would prohibit the use of any categorical exemptions. None of the exceptions are triggered for the following reasons:

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 proposed project permits TSEs and does not involve any: a) permanent physical construction, alteration or demolition; or b) ground disturbing activities. TSEs may involve setting up small temporary structures, such as tents or booths, or the installation of stages, platforms or bleachers. All temporary construction, uses or installations associated with a TSE shall be stopped immediately and removed (or demolished) within 5 days after the expiration of the permit. The site shall be restored to the original condition. Based on the proposed ordinance, future TSEs are unlikely to be located in environmentally sensitive sites, because TSEs will be held on previously developed land in the City. Therefore, this exception does not apply.

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 proposed project codifies long-standing department policies and practices used by LADBS to issue ministerial permits for the following types of TSEs: (1) temporary installations, (2) temporary outdoor uses, and (3) certified farmer's markets. One new change, however, is to allow certified farmer's markets, consistent with other City requirements, to obtain an annual ministerial permit related to temporary installations and uses. This ordinance is not expanding the allowance of TSEs or expected to create any new concentrations of TSEs. The proposed regulations under this ordinance continue to limit the frequency and time in which the events can be held. No significant increase in the number of events is expected upon adoption of the proposed ordinance. As a result of the current and ongoing geographical spread of the

existing events and the temporary nature of the events, the cumulative impact is considered less than significant. Therefore, this exception does not apply.

- 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 codifies long-standing department policies and practices used by LADBS to issue ministerial permits for the following types of TSEs: (1) temporary installations, (2) temporary outdoor uses, and (3) certified farmer's markets. One new change, however, is to allow certified farmer's markets, consistent with other City requirements, to obtain an annual ministerial permit related to temporary installations and uses. This ordinance is not expanding the allowance of TSEs or expected to create any new concentrations of TSEs. The proposed regulations under this ordinance continues to limit the frequency and time in which the events can be held. No significant increase in the number of events is expected upon adoption of the proposed ordinance. The proposed project does not expand the area where new TSEs may be located. It does not involve any physical development or construction. These TSEs are located on private property in developed and urbanized areas. As such, there are no foreseeable significant impacts expected on the environment due to unusual circumstances. Therefore, this exception does not apply.

- 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 Designated Scenic Highway in the City of Los Angeles is Topanga Canyon within Topanga State Park, where TSEs would likely not occur. If a TSE were to be located in proximity to a scenic highway, it would not result in damage to scenic resources since all uses or installations are temporary in nature and involve no permanent changes to the existing site. Therefore, this exception does not apply.

- 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.*

It is unlikely that a temporary special event or farmers market would be located on a known hazardous waste site due to health concerns. Temporary special events are not expected to involve permanent physical construction or ground disturbing activities and therefore are not expected to exacerbate any existing condition involving hazardous waste. Therefore, this exception does not apply.

- 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.*

All TSEs will be required to comply with existing city and state laws, including those pertaining to historic resources. Since the proposed project is for outdoor events, and not doing any construction or alteration to the exterior or interior of historic resources, the impact to the allowable project sites is considered less than significant. Therefore, this exception does not apply.

- ☐ 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 different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE

EUGENE BARBEAU



STAFF TITLE

BUILDING CIVIL ENGINEER

ENTITLEMENTS APPROVED

N/A

FEE:

N/A

RECEIPT NO.

N/A

REC'D. BY N/A

DISTRIBUTION: County Clerk, Agency Record

Rev. 3-27-2019