

COUNTY CLERK'S USE

CITY OF LOS ANGELES

CITY CLERK'S USE

OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 360
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(California Environmental Quality Act 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). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY City of Los Angeles Department of City Planning	COUNCIL DISTRICT 6-Martinez
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PROJECT TITLE APCNV-2017-4406-ZC-ZAA	LOG REFERENCE ENV-2017-4409-CE
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PROJECT LOCATION 9212 N Cedros Avenue
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DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: See Below
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NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY: Alon Gamleil
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CONTACT PERSON Alon Gamleil	AREA CODE 818-	TELEPHONE NUMBER 963-1683	EXT.
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EXEMPT STATUS: (Check One)			
	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES	
<input type="checkbox"/> MINISTERIAL	Sec. 15268	Art. II, Sec. 2b	
<input type="checkbox"/> DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)	
<input type="checkbox"/> EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)	
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1	
Class <u>1</u> Category _____ (State CEQA Guidelines) Class <u>32</u> Category _____ (State CEQA Guidelines)			
<input type="checkbox"/> OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.			

JUSTIFICATION FOR PROJECT EXEMPTION:

Project Description:

The proposed project is the demolition of an approximately 1,499 square foot single-family residence and detached garage, and the construction, use, and maintenance of two 3-unit apartment buildings and one 2-unit apartment building providing a total of 8 units and approximately 9,776 square feet, with each unit providing between 1,198 and 1,262 square feet and a 2-car garage (for a total of 16 parking spaces), constructed to a height of approximately 25 feet 8 inches and two stories, with approximately 2,212 square feet of open space, on an approximately 23,706 gross square foot (0.54 gross acre) site in the (requested) RD3-1 zone. Two short-term bicycle parking spaces are proposed. Eleven non-protected trees, one protected Black Walnut (*Juglans californica*) tree, and one street tree are proposed for removal. The one protected Black Walnut tree (*Juglans californica*) and 11 significant non-protected trees to be removed will be replaced at a 4:1 and 1:1 ratio, respectively, and the street tree will be removed and replaced to the satisfaction of the Department of Urban Forestry. Approximately 1,200 cubic yards of soil import and 500 cubic yards of on-site grading is proposed. As a project which is characterized as operation of private structures involving negligible expansion of the former residential use, and an infill development, the project qualifies for a Categorical Exemption under State CEQA Guidelines, ("CEQA Guidelines") Article 19, Section 15301 (Existing Facilities) and 15332 (In-Fill Development Projects).

In order to implement the proposed project, the applicant proposes a Zone Change from the RA-1 zone to the RD3-1 zone, and a Zoning Administrator's Adjustment (ZAA) to permit a less than 20 percent increase in density (Lot area per dwelling unit) not otherwise permitted in the (requested) RD3 Zone. The requested ZAA would result in the 8th unit being permitted as based on 2,706.1 square feet of lot area, in lieu of the otherwise required minimum lot area of 3,000 square feet.

Notice of Exemption

The City of Los Angeles determined based on the whole of the administrative record, that the Project is exempt from the CEQA pursuant to CEQA Guidelines, Section 15301, Class 1, and CEQA Guidelines, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. Specifically, the project was found to be exempt based on the following:

- CEQA Guidelines, Section 15301, Class 1 consists of the operation of existing private structures involving negligible or no expansion of an existing or former use. The key consideration for Class 1 exemptions is whether or not a project involves negligible or no expansion of use. This Class specifically includes additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet of floor area if i) the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and ii) the area in which the project is located is not environmentally sensitive.

The proposed project meets the key consideration for Class 1 exemptions in that it proposes negligible expansion of a former residential use. Specifically, it will result in a net increase of seven residential units on the site (8 proposed units – 1 existing unit = 7 net new units) and a net increase of 8,277 square feet of floor area (9,776 square feet of proposed floor area – 1,499 square feet of existing floor area = 8,277 square foot net increase), which is less than the 10,000 square foot threshold. Further, the project is in an area where all public services and facilities are available to allow for the maximum development permissible, consistent with the sites' multiple-family land use designation of Low Medium I Residential. In addition, the project site is not located in an environmentally sensitive area, being located in the north eastern portion of the San Fernando Valley within the Mission Hills-Panorama City-North Hills Community Plan area, just over 1 mile east of the I-405 freeway along N. Cedros Avenue, a designated Collector Street which is currently improved with both multiple and single-family uses between Tupper Street (a Collector Street) to the north and Nordhoff Street (an Avenue II) to the south.

- CEQA Guidelines, Section 15332, Class 32, consists of projects characterized as in-fill development meeting the following 5 conditions: (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. These conditions are met 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.

The site is comprised of two lots totaling approximately 23,706 gross square feet (23,517 net square feet), zoned RA-1 (a single-family zone), and is currently developed with a 1,499 square-foot single family dwelling originally constructed in the early 1940's, and a detached garage. Both structures will be demolished. The site is located in the Mission Hills – Panorama City – North Hills Community Plan area and has a General Plan Land Use Designation of Low Medium I Residential, which corresponds to the following multiple-family zones: R2, RD3, RD4, RD5, RD6, RZ3, RZ4, RU, and RW1. The applicant has requested a Zone Change from the non-corresponding RA-1 zone, to the RD3-1 zone which is a corresponding zone, in order to construct 8 units of multiple-family housing consistent with the planned land use designation for this site. The requested RD3 (Restricted Density Multiple Dwelling) zone requires a minimum lot area per dwelling unit of 3,000 square feet. Based on the applicant's stated net lot size of 23,517 square feet, a total of 7 units would be permitted. However, the applicant has requested a Zoning Administrator's Adjustment for a less than 20 percent increase in density in order to permit 1 additional unit, for a total of 8 proposed units. Specifically, the applicant has requested an Adjustment to allow 2,706.1 square feet of lot area for the eighth unit, in lieu of the otherwise required minimum lot area of 3,000 square feet. In regards to density, the requested zone change brings the subject property into consistency with the planned density, by changing the existing RA-1 zone (a single-family zone) to the RD3-1 Zone, which corresponds to the site's Low Medium I designation. The proposed project is consistent with the sites Low Medium I land use designation (a multi-family designation) and applicable general plan policies. The decision maker is ultimately responsible for making the consistency determination. No relief has been requested from any other applicable provision or requirement of the Los Angeles Municipal Code.

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

The subject site is wholly within the City of Los Angeles, on an approximately 23,706 gross square foot (23,517 net square foot) property (i.e., less than five acres), and is substantially surrounded by urban uses. The surrounding area is zoned

(T)(Q)RD3-1, (Q)RD3-1/RA-1, RA-1, (T)(Q)RD1.5-1/RA-1, [Q]RD1.5-1, and (Q)RZ3-1/RA-1, and developed with a mix of single family and multi-family dwellings along N. Cedros Avenue between Tupper Street (to the north) and Nordhoff Street (to the south), respectively.

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

The project is located within an established, fully developed, residential neighborhood. The project site has no value as habitat for endangered, rare or threatened species.

The approved Tree Report dated September 10, 2019 prepared by Lisa Smith, The Tree Resource, identifies removal of 13 significant trees both on-site and within the adjacent public right-of-way, including one street tree, one protected Black Walnut (*Juglans californica*) tree, and 11 other non-protected trees. The applicant proposes to replace the one protected Black Walnut tree (*Juglans californica*) and 11 significant non-protected trees at a ratio of 4:1 and 1:1, respectively. Staff further recommends preservation of the street tree. The project is subject to Regulatory Compliance Measures (RCMs), which require the preservation of as many desirable trees as possible, establish standards and protocols for removal of any street tree or protected trees, require approval by the Board of Public Works for any street tree removal, and require minimum tree replacement ratios (i.e., minimum 24-inch box size) of 1:1 for significant, non-protected trees, and 4:1 for protected trees, to the satisfaction of the Department of Urban Forestry. These RCM measures ensure compliance with the City's Protected Tree Ordinance.

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

The project's eight proposed units are well below the Los Angeles Department of Transportation threshold of 36 apartment units, in regard to potential traffic impacts, and as such no traffic study is warranted. At eight dwelling units, approximately 1,200 cubic yards of soil import, and 500 cubic yards on on-site grading, the proposed project is also under the Department's interim air quality screening criteria of 80 or more residential units, and 20,000 or more cubic yards of soil export, used to identify projects which have the potential to generate criteria pollutants in excess of established SCAQMD construction or operational thresholds, and analysis in an air quality study. As such, no significant air quality effects are anticipated. The project will be subject to Regulatory Compliance Measures ("RCM"), which require compliance with the City of Los Angeles Noise Ordinance (in regard to both proposed construction and operations), and compliance with pollutant discharge, dewatering, and stormwater regulatory control requirements, including implementing Best Management Practices for stormwater runoff. These RCMs will ensure there are no significant impacts related to traffic, air quality, noise, and water quality.

The project is also located on an infill site within a Transit Priority Area, established by SB 743, which states under Section 21099(d)(1) of the Public Resources Code that aesthetics and parking shall not be considered a significant impact on the environment for residential projects.

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

The project site will be adequately served by all required public utilities and services, given that the site is currently served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the neighborhood for more than 50 years. Compliance with Regulatory Compliance Measures as enforced through the Department of Building and Safety permitting process will ensure that any needed improvements are made in order to provide adequate delivery of utilities and services to the proposed project. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these building codes, which are required of all projects, it can be anticipated that the proposed project on the subject property can be adequately served by all required utilities and public services.

Based on the facts herein, it can be found that the project meets the qualifications of the Class 1 and Class 32 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 State CEQA Guidelines Section 15300.2, that would prohibit the use of any categorical exemption. 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 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.

This exception is not applicable as the proposed project does not rely on Classes 3, 4, 5, 6, or 11.

- 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.

Based on a review of databases including the City of Los Angeles Department of City Planning Zone Information Map Access System (ZIMAS) for nearby case approvals(<http://zimas.lacity.org/>), the Los Angeles Department of Building and Safety (LADBS) for recently issued permits, and Navigate LA for other entitlements requested on property in the surrounding area within 500 feet of the subject site, research reveals one by-right project on the adjacent property to the north located at 9218 N. Cedros Avenue, for eight apartment units (two 3-unit apartment buildings and one duplex; permit numbers 18010-20000-00543, 18010-20000-00541, and 18010-20000-00542). While this ministerial project is not subject to environmental review under CEQA, this project will be required to comply with all applicable sections of the Municipal Code in regard to both construction and operations, which serve to minimize potential impacts due to noise, traffic, and air quality. Specifically, all projects are required to comply with the Good Neighbor Construction Practices, which are the City's Municipal Code requirements of the Department of Building and Safety (LADBS), Department of Transportation (LADOT), Bureau of Street Services (BOSS), and the Los Angeles Police Department (LAPD), which address construction vehicle parking, delivery of construction materials, street closures, concrete truck delivery operations, construction noise management, street and sidewalk maintenance during construction, ongoing trash truck pick-up operations during construction, storage of construction materials on-site and within the public right-of-way, and permitted hours for construction/demolition activities. In regards to operational impacts, all projects, including the proposed project, are required to comply with the Regulatory Compliance Measures of the Municipal Code, including Chapter XI which embodies the City's Noise Ordinance.

One 6-unit condominium project located at 9246 N. Cedros Avenue (several lots to the north of the subject property) was also approved April 15, 2008 (APCNV-2006-3846-ZC), but has not yet been constructed. The building permits for this project were applied for in 2006 (permits No. 06010-30000-05225 through 06010-30000-05230), however there is no indication of when or if this project will move forward to construction. Nevertheless, in addition to the above described requirement to comply with the Good Neighbor Construction Practices, this project is also required to comply with the mitigation measures identified in the environmental clearance adopted for this project (ENV-2006-3847-MND) and made a part of the Conditions of approval. Further, because the proposed project will not itself result in potentially significant impacts, the combined effect of the proposed project together with the above described projects of a similar type in the surrounding areas would not be significant. There are no other identified successive projects of the same type and in the same place as the subject project. As such, the proposed project would not result in a significant cumulative impact, and potential cumulative impacts will be less than significant.

- 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.

Per ZIMAS, the site is located within the Los Angeles State Enterprise Zone (ZI-2374), however the proposed project is a residential project and does not include any uses which are eligible for reduced parking or FAR incentives. Equine Keeping in the City of Los Angeles (ZA-2438) is also applicable to the site, which requires specified buffer distances between horse keeping uses and habitable floor area. It applies to specific zones including RA-1 zoned property such as the project site. However, with approval of the applicant's requested zone change to the RD3-1 zone, the provisions of this ZI will no longer apply. Further, based on ZIMAS aerial photographs of the surrounding properties, no horse keeping uses are located on any of the adjacent properties. Thus, no impact to horse keeping uses would result. Modifications to SF Zones and SF Zone Hillside Areas (ZI-2462) also applies the subject property and establishes regulations regarding the size and bulk of new and enlarged homes within specific single-family zones (i.e., RA, RE, RS, R1). However, the applicant has requested a zone change from the RA-1 zone to the RD3-1 zone, and as such this ZI will no longer apply with approval of the requested zone change. The site is not located within a Hillside Area, and there are no General Plan land use footnotes applicable to the subject property that would preclude development of the proposed project. As a project that will result in the addition of dwelling units, it is subject to the Affordable Housing Linkage Fee, and will be required to provide the appropriate payment to the City prior to the issuance of a Certificate of Occupancy. The site is not located within 500 feet of a public school, but is located within 500 feet of Tobias Avenue Park, which is located along Tobias Avenue, one block to the east. However, based on the location of the closest freeway (I-405) approximately 1 mile to the west, and given that a major thoroughfare, Nordhoff Street, is located approximately 700 feet to the south of the subject property, it is not likely that trucks importing soils to the site would need to pass by Tobias Park, in route to the project site. The site is located within an Airport Hazard area (i.e., 250 feet above elevation 790), however no conflict will result because the proposed buildings will be constructed to a maximum height of approximately 26 feet. The site is not located within a Coastal Zone but is located within an Urban

Agricultural Incentive Zone. However, the project does not propose entering into a contract to gain tax incentives in exchange for dedicating use of the subject property to agricultural purposes. The site is not located within a Very High Fire Hazard Severity Zone, a Flood Zone, a Hazardous Waste/Border Zone Property, Methane Hazard area, High Wind Velocity area, of Special Grading Area, and does not contain oil wells. Geological and Geotechnical Reports (dated October 14, 2016 and May 16, 2017, respectively) were prepared by Novus Geoconsultants for the proposed project, and the Department of Building and Safety has issued a Geology and Soils Report Approval Letter dated June 13, 2017. The project will be required to comply with all conditions of the Soils Report Approval Letter and any amendments thereto, through the building permitting process. The applicant proposes an on-site infiltration trench to meet Low Impact Development requirements. Best Management Practices will be determined at the time of permitting, consistent with Regulatory Compliance measures applied by the Bureau of Engineering. The site is not located in an Alquist-Priolo Fault zone, an area subject to liquefaction, or land slide, and is not within a fault rupture study area, or tsunami inundation area. The site is located within 3.2 kilometers (1.9 miles) from the Northridge Fault, however, specific Regulatory Compliance Measures in the City of Los Angeles regulate the construction of projects in these particular types of "sensitive" locations, and will reduce any potential impacts to less than significant. Specifically, Regulatory Compliance Measures (RCMs) include requirements that design and construction of the building must conform to the California Building Code. These RCM's have been historically proven to work to the satisfaction of the City Engineer. Further, the Environmental and Public Facility maps do not show the site is within any other special designation. Thus, the location of the project will not result in a significant impact based on its location.

- 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.

According to Appendix B of the City of Los Angeles Mobility Plan, the subject site is not designated as a Scenic Highway, nor are there any designated Scenic Highways located near the project site. Based on this, the proposed project will not result in damage to scenic resources including 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 Sites.** Projects located on a site or facility listed pursuant to California Government Code 65962.5.

Based on a review of the California Department of Toxic Substances Control "Envirostor Database" (<http://www.envirostor.dtsc.ca.gov/public/>), no known hazardous waste sites are located on or proximate to the project site. In addition, there is no evidence of historic or current use, or disposal of hazardous or toxic materials at this location. Based on this, the project will not result in a significant effect due hazardous waste and this exception does not apply.

- F. Historical Resources.** Projects that may cause a substantial adverse change in the significance of an historical resource.

The project site is currently zoned RA-1 and improved with a single family dwelling built in 1942, and a detached garage. The 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. 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, since the project meets all of the requirements for categorical exemption as set forth at CEQA Guidelines, Section 15332, and none of the applicable exceptions to the use of an exemption apply to the project, it is appropriate to determine this project is categorically exempt from the requirements of CEQA.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE <i>Rep. Makro-Brown</i>		TITLE City Planning Associate		DATE <i>2.12.20</i>	
FEE: \$2,736		RECEIPT NO.		REC'D. BY Anna Vidal	
				DATE 4/4/16	

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record

Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:

DATE _____ NAME (PRINTED)

SIGNATURE