



Class 1 Categorical Exemption

Dream Hollywood Hotel Project

Project Addresses: 6415 – 6419 W. Selma Avenue, Los Angeles, CA 90028

Community Plan Area: Hollywood

Council District: 13 – O'Farrell

Project Description: The Project Site is currently occupied by a 10-story hotel building with 182 guest rooms and with accessory uses, including meeting rooms, restaurant, bar, and retail space, known as the Dream Hollywood Hotel. The Dream Hollywood Hotel opened its doors in 2017, and has been continuously operating since then. The Project consists of the modification of the previously granted variance and conditions of approval for Case No. ZA-2013-3504-ZV by (a) increasing the total Project floor area from 79,376 square feet to 93,803 square feet, with no change to the overall Project's floor area ratio (FAR) or gross floor area, (b) increasing the total commercial floor area from 4,581 square feet to 6,031 square feet, (c) increasing the total lot size from 13,923 square feet to 16,173 square feet to reflect the alley vacation approved by City Council on January 15, 2016 pursuant to VAC-E1401249, and (d) allow all required automobile parking spaces to be provided off-site by covenant or lease agreement in lieu of the otherwise permitted 14 automobile parking spaces. No physical alterations are proposed or requested as part of the Project.

PREPARED FOR:

The City of Los Angeles
Department of City Planning

PREPARED BY:

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APPLICANT:

6417 Selma Holdings, LLC

May 2020

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1.0 Project Description

A. Project Summary

6417 Selma Holdings, LLC (the “Applicant”) is the owner of the property located at 6417 Selma Avenue (“Project Site”). The Project Site includes an existing 10-story hotel with 182 guest rooms and approximately 93,783 square feet, which was opened in 2017. Accessory uses to the hotel, include meeting rooms, restaurant and bar, and retail spaces.

The Applicant seeks approvals for the modification of the approval to reflect the updated LAMC-defined floor area and parking requirements (“Current Project”). The Current Project consists of the modification of the previously granted variance and conditions of approval for Case No. ZA-2013-3504-ZV by (a) increasing the total Project floor area from 79,376 square feet to 93,803 square feet, with no change to the FAR or gross floor area, (b) increasing the total commercial floor area from 4,581 square feet to 6,031 square feet, (c) increasing the total lot size from 13,923 square feet to 16,173 square feet to reflect the alley vacation described above, and (d) allow all required automobile parking spaces to be provided off-site by covenant or lease agreement in lieu of the otherwise permitted 14 automobile parking spaces. No physical alterations are proposed or requested as part of the Current Project.

B. Environmental Setting

1. Project Location

The Project Site is located in the Hollywood Community Plan area within the City of Los Angeles. The Project Site’s location within the City of Los Angeles and the greater Los Angeles region is depicted in Figure 1.1, Project Location Map. The Project Site encompasses five parcels and includes approximately 16,173 square feet of lot area (0.37 acres). The Project Site’s property addresses, Assessor’s Parcel Numbers (APN), land use and lot area are summarized in Table 1.1, Summary of the Project Site, below.

**Table 1.1
Summary of Project Site**

| Address | APN | Existing Land Use | Lot Area (square feet) |
|----------------------|--------------|--|------------------------|
| 6415 W. Selma Avenue | 5546-007-038 | Hotel with restaurant, bar, and lounge | 16,173 |
| 6417 W. Selma Avenue | | | |
| 6419 W. Selma Avenue | | | |
| None | | | |
| None | | | |
| None | | | |
| None | | | |

Sources: City of Los Angeles Department of City Planning, Zone Information and Map Access System, website: <http://zimas.lacity.org/>, accessed November 2019.



Source: Yahoo Maps, 2019.



Figure 1.1
Project Location Map

The Project Site is generally bound by W. Selma Avenue to the south, a commercial office building to the north, and restaurant/bar lounges and commercial uses to the west and east of the Project Site.

Primary vehicular access to the Project Site is provided by the Hollywood Freeway (US-101) approximately 0.4 mile to the northeast. Local street access is provided by the grid roadway system surrounding the Project Site. W. Selma Avenue, which borders the Project Site to the south, is a two-way street providing one travel lane in each direction. W. Selma Avenue is classified as a Local Street in the City’s Mobility Plan 2035. N. Cahuenga Boulevard, which is located approximately 120 feet east of the Project Site, is a two-way street providing two travel lanes in each direction. N. Cahuenga Boulevard is designated as a Modified Avenue II roadway in the City’s Mobility Plan 2035. N. Wilcox Avenue, which is located approximately 200 feet west of the Project Site, is a two-way street providing one travel lane in each direction. N. Wilcox Avenue is classified as a Modified Avenue III roadway in the City’s Mobility Plan 2035. Street parking is provided along Selma Avenue, Cahuenga Boulevard, and Wilcox Avenue. Other major arterial roadways providing access to the Project Site are Sunset Boulevard, which is located approximately 650 feet south of the Project Site, and Hollywood Boulevard, which is located approximately 360 feet north of the Project Site. Sunset Boulevard and Hollywood Boulevard are designated as Avenue I roadways in the City’s Mobility Plan 2035.

Transit Priority Area

In 2013, the State of California enacted Senate Bill 743 (SB 743), which provides that “aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” Public Resources Code Section 21099 defines a “transit priority area” as an area within one-half mile of a major transit stop that is “existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.” Public Resources Code Section 21064.3 defines “Major Transit Stop” as “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” Public Resources Code Section 21061.3 defines an “Infill Site” as a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins or is separated only by an improved public right-of-way from parcels that are developed with qualified urban uses.

The Project Site is an infill site within a Transit Priority Area as defined by California Environmental Quality Act (CEQA).¹ The Project Site is located within 0.4 miles from the Hollywood / Vine Subway Station (refer to Figure 1, Project Location Map). This subway station is serviced by the Metro Red Line. The Metro Red Line provides service between the community of North Hollywood and Union Station in downtown Los Angeles. The Metro Red

¹ *Public Resources Code Sections 21061.3 and 21099. See also City of Los Angeles, Department of City Planning, City of Los Angeles Zoning Information and Map Access System (ZIMAS), Parcel Profile Report, website: www.zimas.lacity.org, accessed November 2019.*

Line provides access to other subway lines that connect to other parts of the City of Los Angeles and to the greater Los Angeles metropolitan area. Additionally, the Los Angeles County Metropolitan Transportation Authority (Metro) and Los Angeles Department of Transportation (LADOT) operate multiple bus lines with multiple bus stops within walking distance from the Project Site. In the vicinity of the Project Site, bus stops are primarily located along Hollywood Boulevard and Sunset Boulevard. Bus lines that operate in the Project Site area include, but are not limited to, Metro Local lines 2, 210, 212, 217, 222, 237, and 656; Metro Limited lines 302 and 312; Metro Rapid 780; and LADOT line DASH Hollywood.

The Project Site is also situated within easy walking distance to retail, restaurants, and other commercial businesses located in the Hollywood area and in particular along the Hollywood Boulevard and Sunset Boulevard corridors.

2. Existing Conditions

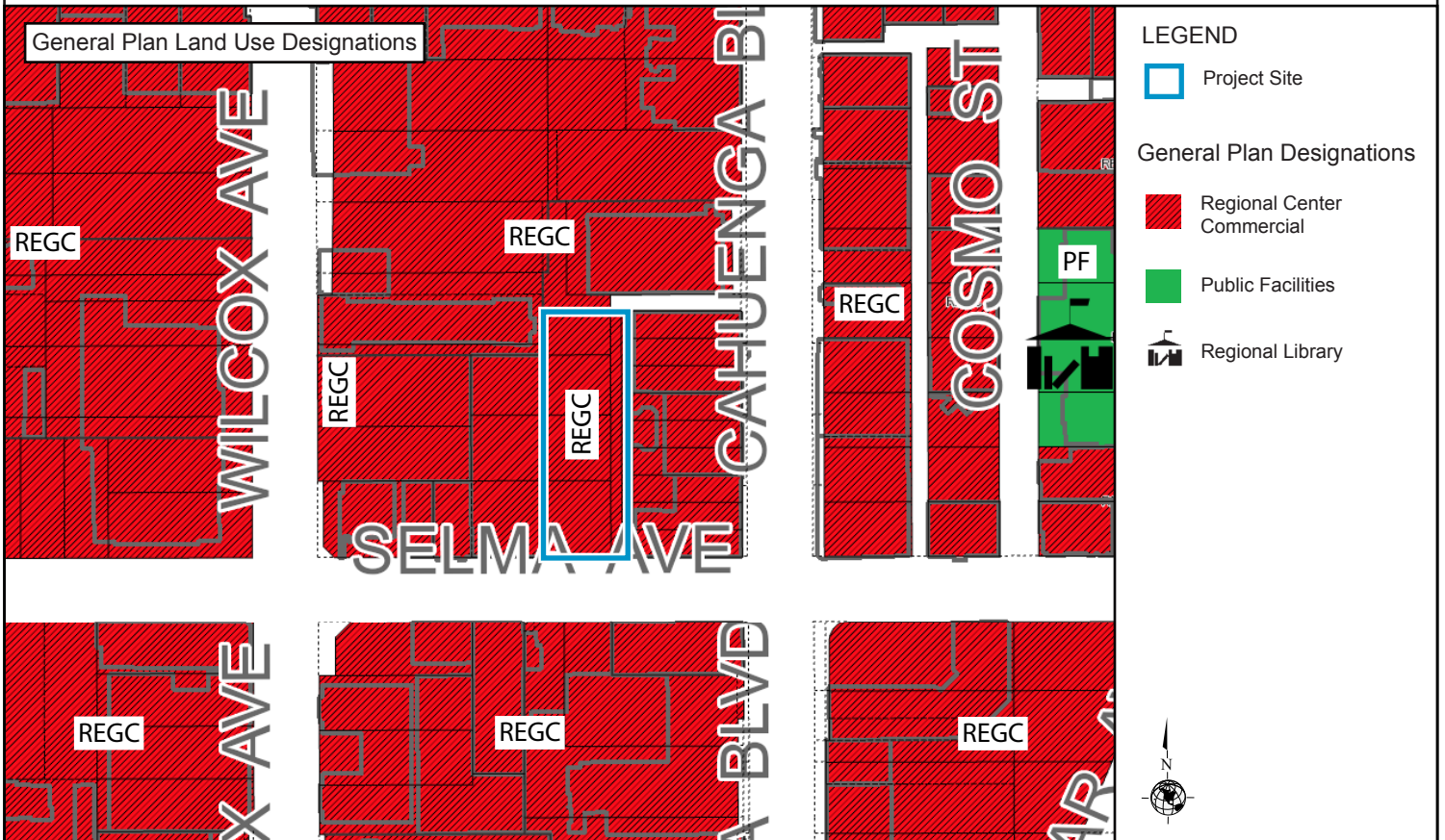
2.1 Zoning and Land Use Designations

Figure 1.2, Zoning and General Plan Designations, shows the existing and proposed zonings and land use designations on the Project Site and in the surrounding area. The zoning designations for the Project Site are zoned (T)(Q)C4-2D (Commercial Zone) with a General Plan land use designation of Regional Center Commercial. The Project Site is located within Height District No. 2 with an accompanying “D” limitation, per Ordinance No. 180,381. Height District 2 provides for unlimited height for the development in commercial zones. The underlying D limitation restricts development on-site to a floor area ratio (FAR) of 5.3:1 in lieu of a 6:1 FAR otherwise permitted by Height District 2. The Project Site is also located within a Transit Priority Area (ZI-2452), the Hollywood Redevelopment Project area (ZI-1352), and the Los Angeles State Enterprise Zone (ZI-2374).

2.1.1 Hollywood Community Plan

The Project Site is located within the Hollywood Community Plan (“Community Plan”) area of the City of Los Angeles. The Community Plan is “intended to promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community, within the larger framework of the City; guide the development, betterment, and change of the Community to meet the existing and anticipated needs and conditions; balance growth and stability; reflect economic potentials and limits, land development and other trends; and protect investment to the extent reasonable and feasible.”²

² City of Los Angeles Department of City Planning, Hollywood Community Plan (pg. HO-1).



Source: ZIMAS, City of Los Angeles, Department of City Planning, 2019.

2.1.3 Hollywood Redevelopment Plan

The Project Site is located within the Hollywood Redevelopment Plan Project Area. The Hollywood Redevelopment Plan, effective July 12, 2003, is valid until July 12, 2033.³ While AB1X-26 dissolved redevelopment agencies and called for the wind down of their affairs, the land use regulations of the Hollywood Redevelopment Plan remain in effect. Pursuant to Ordinance 183,325 (effective 11/11/19), the authority or responsibility to perform actions and related land use functions regarding any Redevelopment Plan Amendment or land use approval or entitlement pursuant to Section 11.5.14 and applicable provisions of the Code was transferred to the City. The Hollywood Redevelopment Plan sets overarching goals to redevelop and improve the Redevelopment Plan Project Area for all segments of the community. The Hollywood Redevelopment Plan aims to improve the quality of the environment, promote a positive image for Hollywood and provide a safe environment.

The Redevelopment Plan aims to preserve and increase employment and business; encourage the involvement and participation of the community; promote a balanced community meeting the needs of the residential, commercial, industrial, arts and entertainment sectors; support and encourage the development of social services and promote the development of health, education, child and youth care, and senior citizen facilities and programs; promote and improve housing opportunities for all income and age groups; support and encourage a circulation system which would improve the quality of life in Hollywood; promote the development of recreational and cultural facilities and open space; and promote the development of the varied ethnic communities in Hollywood. The Hollywood Redevelopment Plan supports and promotes Hollywood as the center of the entertainment industry and a tourist destination through the retention, development, and expansion of all sectors of the entertainment industry and the preservation of landmarks. Along the same lines, the Redevelopment Plan calls to promote and encourage the retention and expansion of all segments of the arts community.

2.2 Existing Site Conditions

Figure 3, Aerial Photograph of the Project Site and Surrounding Land Uses, shows an aerial view of the Project Site and identifies the photograph locations for the Project Site and surrounding land use photographs shown in Figure 1.4, Photographs of the Project Site.

The Project Site is currently occupied by a 10-story hotel with a restaurant, bar, retail spaces, and meeting rooms, known as the Dream Hollywood Hotel.

3. Surrounding Land Uses

As shown in Figure 1.2, the Project Site is zoned “[T][Q]C4-2D” with a General Plan land use designation of Regional Center Commercial, and properties immediately bordering the Project Site are zoned (T)(Q)C2-2D, C4-2D, or C4-2D-SN with a General Plan land use designation of Regional Center Commercial. The properties surrounding the Project Site include a mix of commercial uses (including restaurants, bars, and retail), hotels, and commercial office uses.

³ *City of Los Angeles Community Redevelopment Agency, Redevelopment Plan for the Hollywood Redevelopment Project, 2003.*

These land uses range in height from one- to ten-stories above grade. Photographs of the land uses immediately surrounding the Project Site are provided in Figure 1.5. Figure 1.3 shows an aerial photograph and list of the uses surrounding the Project Site. Below is description of the existing conditions in the surrounding area.

North: North of the Project Site is a 10-story commercial office building. The property to the north is zoned C4-2D-SN with General Plan land use designation of Regional Center Commercial. Refer to Figure 1.5, View 12.

West: To the west of Project Site is a one-story restaurant/bar and a single-story retail development currently under construction, as well as a surface parking lot. The lots containing the existing restaurant/bar and retail construction are zoned (T)(Q)C2-2D, and the surface parking lot is zoned C4-2D, all with a General Plan land use designations of Regional Center Commercial. Refer to Figure 1.5, Views 10 and 11.

East: One- to two-story commercial buildings immediately border the Project Site to the east. These buildings consist of restaurants, bars, and hotel uses. These properties are zoned C4-2D-SN with a General Plan land use designation of Regional Center Commercial. Refer to Figure 1.5, View 9.

South: W. Selma Avenue immediate borders the Project Site to the south. Further south, across Selma Avenue, are one-story commercial buildings and associated parking lots. These properties are zoned C4-2D-SN with a General Plan land use designation of Regional Center Commercial. Refer to Figure 1.5, Views 7 and 8.



Source: Google Earth, Aerial View, 2019.

Figure 1.3
Aerial Photograph of the Project Site and Surrounding Land Uses



View 1: On the south side of Selma Avenue looking north at the Project Site.



View 2: North of Selma Avenue, in the alley east of the Project Site, looking southwest at the Project Site.



View 3: North of Selma Avenue, in the alley east of the Project Site, looking southwest at the northeast corner of the Project Site.



View 4: North of Selma Avenue, in the alley east of the Project Site, looking southwest at the Project Site.



View 5: On the south side of Selma Avenue looking northeast at the Project Site.



View 6: On the west side of Wilcox Avenue looking east at the Project Site.

Source: Parker Environmental Consultants, November 12, 2019.



Figure 1.4
Photographs of the Project Site
Views 1-6



View 7: On the north side of Selma Avenue looking southwest at the properties south and southwest of the Project Site.



View 8: On the north side of Selma Avenue looking southeast at properties southeast of the Project Site.



View 9: On the south side of Selma Avenue looking northeast at properties east of the Project Site.



View 10: On the south side of Selma Avenue looking northwest at properties west of the Project Site.



View 11: On the west side of Wilcox Avenue looking northwest at the properties northwest of the Project Site.



View 12: On the east side of Cahuenga Boulevard looking northwest at properties east and northeast of the Project Site.

Source: Parker Environmental Consultants, November 12, 2019.



Figure 1.5
Photograph of the Surrounding Land Uses
Views 7 - 12

C. Description of the Project

1. History of the Project Site / Previous Entitlements

On September 17, 2008, the Los Angeles City Planning Commission approved Case No. CPC-2007-3931-ZC-HD-CU-ZV-SPR, and the City Council approved Ordinance No. 180,381. These approvals permitted the development of a 9-story hotel building with 120 guest rooms with accessory uses, including meeting rooms, restaurant, bar, and retail space, known as the Dream Hollywood Hotel (“Original Project”). An Initial Study/Mitigated Negative Declaration was prepared for the Original Project (ENV-2007-3932-MND) in 2008.

On April 4, 2014, the City approved Case No. ZA-2013-3504-ZV granting a variance application to modify the Q Conditions of Ordinance No. 180381 and Case No. CPC-2007-3931-ZC-HD-CU-ZV-SPR (“Modified Project”). The approvals requested for the 2014 Modified Project included (a) a variance from the Q Condition to allow 182 hotel room in lieu of 120 hotel rooms, 79,376 square feet of floor area in lieu of 73,814 square feet, and 4,581 square feet of commercial space in lieu of 17,045 square feet; (b) a variance from the Q Condition to allow a height of ten stories or 125 feet in lieu of nine stories or 125 feet; (c) a variance from the Q Condition to allow a maximum FAR of 5.8:1 in lieu of FAR of 5.3:1; (d) a variance from the Q Condition to introduce bicycle parking per Ordinance 182,386 in conjunction with a reduction in the number of required parking spaces; (e) a variance from Section 12.26-E.5 to allow off-site parking by lease in lieu of a recorded covenant; and (f) a variance from applicable design guidelines for the design of parking facilities per LAMC Section 12.21-A.5 and the LADBS’s Information Bulletin No P/ZC 2002-001 to permit a driveway between the points of curvature on a curb return having a radius of less than 20 feet. The Department of City Planning issued an Addendum (ENV-2007-3932-MND-REC1) to the previously adopted Initial Study/Mitigated Negative Declaration and on the basis of the whole of the record before the lead agency including any comments received, the lead agency found that there was no substantial evidence that the proposed project would have a significant effect on the environment.

The Dream Hollywood Hotel opened its doors in 2017 and has been continuously operating since then.

Subsequent to the approval of the Modified Project, the Applicant applied for, and was issued two supplemental permits by the Department of Building & Safety (LADBS), Permit Nos. 13010-10006-03647 and 13010-10007-03647, issued in December 2016 and February 2017 respectively, which included scopes of work to “revise roof top restaurant configuration; and additional covered floor area” (Permit No. 13010-10006-03647) and to “convert parking areas at levels 1st story and 2nd story levels to retail, fitness center, storage, utility rooms, machine rooms, employee cafeteria, treatment room, trash and recycle, and office spaces” (Permit No. 03010-10007-03647). As a result of these permitted improvements in 2016 and 2017, the total code-defined floor area of the Dream Hollywood Hotel was modified. Specifically, the total floor area increased from 79,376 square feet to 93,803 square feet, and the total commercial space increased from 4,581 square feet to 6,031 square feet. Though the overall code-defined floor area increased, the total FAR for the Project Site remained unchanged. At the time of the 2014

approval of the zone variance, the total lot area was 13,923 square feet. At 79,376 square feet of floor area, the Project had a FAR of 5.8:1.

On January 15, 2016, the City Council approved Case No. VAC-E1401249 for the vacation of the public alley adjacent the Project Site, which added half the area of the alley to the Project Site, or approximately 2,250 square feet. Thus, the total lot area increased as a result of the alley vacation to approximately 16,173 square feet. With a total lot area of 16,173 square feet and a total floor area of 93,803 square feet, the Current Project maintains a FAR of 5.8:1.

2. Entitlement Requests

The Applicant seeks to modify the existing approvals to reflect the revised floor area and parking requirements. The Current Project consists of the modification of the previously granted variance and conditions of approval for Case No. ZA-2013-3504-ZV by (a) increasing the total Project floor area from 79,376 square feet to 93,803 square feet, with no change to the FAR or gross floor area, (b) increasing the total commercial floor area from 4,581 square feet to 6,031 square feet, (c) increasing the total lot size from 13,923 square feet to 16,173 square feet to reflect the alley vacation described above, and (d) allow all required automobile parking spaces to be provided off-site by covenant or lease agreement in lieu of the otherwise permitted 14 automobile parking spaces. No physical alterations are proposed or requested as part of the Current Project.

D. Requested Permits and Approvals

Pursuant to Chapter I, Article 2, of the City of Los Angeles Municipal Code (the “Code” or “LAMC”), the Applicant is requesting the following entitlement to permit the Project:

- 1) Plan Approval to modify the floor area calculations and parking requirements previously permitted by variance planning case number ZA-2013-3504-ZV, pursuant to LAMC §12.27.U as follows:
 - Modify total floor area to permit 93,803 square feet in lieu of 79,376 square feet;
 - Modify total commercial floor area to permit a total of 6,031 square feet of floor area in lieu of 4,581 square feet;
 - Modify the total lot size to 16,173 square feet in lieu of 13,923 square feet to reflect the subsequent alley vacation;
 - To allow all required automobile parking spaces to be provided off-site by covenant or lease agreement in lieu of the otherwise permitted 14 automobile parking spaces.

As mentioned previously, no physical alterations are proposed or requested as part of the Current Project.

E. CEQA Compliance and Methodology

The Current Project does not propose any new construction or operations beyond what currently exists on the Project Site. The requested land use entitlements represent a

modification to existing land use entitlements for the Original Project and Modified Project to accurately reflect minor changes made in 2016 and 2017 during subsequent permitting, construction, and operations. The Original Project was previously analyzed in an adopted MND (ENV-2007-3932-MND), and the Modified Project was previously analyzed in a subsequent Addendum letter (ENV-2007-3932-MND-REC1). Due to the complex history of the approved project and discrepancies that exist between building permits and associated land use entitlements, the Current Project seeks to memorialize and reconcile the land use entitlements and conditions of approval to accurately reflect the Current Project.

The CEQA Guidelines (California Public Resources Sections 15300 to 15332) include a list of classes of projects, which have been determined to not have a significant effect on the environment, known as Categorical Exemptions. If a project falls within one of these classes, it is exempt from the provisions of CEQA, and no further environmental review is required. In addition to the above qualifying criteria, there are exceptions to the exemptions depending on the nature or location of a project, or unusual circumstances that create the reasonable possibility of significant effects.

Section 2.0 of this analysis provides supporting analysis to demonstrate that none of the conditions that would preclude the use of a Categorical Exemption are present or would occur as a result of the Current Project.

Section 3.0 of this analysis provides the justification for and evaluation of the Current Project to be exempt from CEQA as a Class 1 Project. If a project by definition meets the qualifying criteria as specified under CEQA Guideline Section 15301 the project is deemed to be exempt from CEQA and no further analysis is required.

2.0 Exceptions to Categorical Exemptions

In addition to the above qualifying criteria, there are exceptions to the exemptions depending on the nature or location of a project, or unusual circumstances that create the reasonable possibility of significant effects. As provided in CEQA Section 15300.2, for a project to qualify for an exemption to CEQA, the project must be able to demonstrate that it does not fall under the following exceptions:

1. The project and successive projects of the same type in the same place will result in cumulative impacts;
2. There are unusual circumstances creating the reasonable possibility of significant effects;
3. The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within an officially designated scenic highway;
4. The project is located on a site that the Department of Toxic Substances Control and the Secretary of the Environmental Protection have identified, pursuant to Government code section 65962.5, as being affected by hazardous wastes or clean-up problems; or
5. The project may cause a substantial adverse change in the significance of an historical resource.

1. **Cumulative Impacts**

As presented in the analysis below within Section 3.0, Supporting Analysis for a Class 1 Categorical Exemption, the Current Project would not result in any physical alterations to the existing structure. The Current Project would have no significant impacts to the environment, since the Current Project would only consist of modifying the current conditions of approval for an existing and operational hotel building. As such, the Current Project would not result in cumulatively considerable impacts. Thus, the potential for the Current Project to result in cumulative impacts is less than significant.

2. **Unusual Circumstances**

There are no unique circumstances affecting the Current Project, the Project Site, or the surrounding area that would preclude the use of a Class 1 CEQA Exemption.

The Project Site does not present any unusual circumstances with respect to its size, dimensions, layout, configuration, natural features, topography, or geography. The Project Site is already developed and is located in an urbanized area of the Hollywood Community Plan Area. The Project Site is consistent with the existing physical arrangement of the properties within the vicinity of the Project Site. The Project Site does not contain unusually steep slopes or other unusual topographic or geological features as compared to other parcels in the vicinity.

The Current Project does not present any unusual circumstances because its location, size, density, and other characteristics are similar to those of other developments in the surrounding area. The Current Project would consist of the continued operation of a hotel with accessory uses, including meeting rooms, restaurant, bar, and retail space, which are typical land uses characterized in the surrounding area. Hotel, retail, and restaurant land uses are allowed within the C4 zone.

Therefore, and as further detailed in the analyses presented herein, there are no unusual circumstances that exist in connection with the Current Project, Project Site, or surrounding environmental conditions that have the potential to result in a significant environmental impact upon the environment.

3. Scenic Resources

The Project Site is not bordered by or within the viewshed of any designated scenic highway as identified in Mobility Plan 2035 of the City of Los Angeles General Plan. Further, there are no protected trees or unique geologic features on-site. The Current Project would not damage any scenic resources within an officially designated scenic highway.

4. Hazardous Materials

Pursuant to Government Code Section 65962.5, the Department of Toxic Substances Control (DTSC) shall compile and update as appropriate, at least annually, a list of all hazardous waste facilities subject to corrective action (pursuant to Section 25187.5 of the Health and Safety Code), all land designated as hazardous waste property or border zone property (pursuant to Section 25220 of the Health and Safety Code), all information received by the DTSC on hazardous waste disposals on public land (pursuant to Section 25242 of the Health and Safety Code), and all site listed pursuant to Section 25356 of the Health and Safety Code. Based on the DTSC EnviroStor Database, the Project Site is not listed for cleanup, permitting, or investigation of any hazardous waste contamination. Therefore, the Project Site is not located on a site that the DTSC and the Secretary of the Environmental Protection have identified as being affected by hazardous wastes or clean-up problems.

5. Historic Resources

Based on the City’s Historic Resources Inventory, the Project Site is not identified as a historic resource listed on the National Register, California Register, or local listing. Additionally, as stated above, the existing structure was recently constructed and operational in 2017. Therefore, the Current Project is a newly developed structure and cannot qualify as a historic resource. Furthermore, the Current Project does not involve the demolition of any historical resources; relocation of any buildings or structures; involve the conversion, rehabilitation or alteration of any historical resources; or involve construction that materially impairs the integrity or significance of important resources on the Project Site or in the vicinity. Therefore, the Current Project would not result in significant adverse impacts on identified historical resources located on, adjacent to, or in the vicinity of the Project Site.

3.0 Supporting Analysis for a Class 1 Categorical Exemption

The CEQA Guidelines (California Public Resources Sections 15300 to 15332) include a list of classes of projects, which have been determined to not have a significant effect on the environment, known as Categorical Exemptions. If a project falls within one of these classes, it is exempt from the provisions of CEQA, and no further environmental review is required.

The Class 1 “Existing Facilities” Categorical Exemption (CEQA Guideline Section 15301), hereafter referred to as the Class 1 Exemption, exempts developments consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of existing or former use. Section 15301 provides a non-exhaustive list of examples of “existing facilities.” The key consideration is whether the project involves negligible or no expansion of use. Under the case law, the size or scope of the existing facility is not determinative of whether the exemption can be applied; the question is the scope of the expansion.⁴ As supported by the information presented herein, the Current Project qualifies under the Class 1 Exemption.

Article III, Section 1a of the City of Los Angeles CEQA Guidelines provides additional examples of projects that the City, as the lead agency, has determined could qualify for a Class 1 exemption, including “[g]ranteeing or renewal of a variance or conditional use for a non-significant change of use in an existing facility.” Examples of developments that fall under Class 1 Exemption are provided in Section 15301(a)-(p) of the State CEQA Guidelines. The example use applicable to the Current Project include the following:

- (1) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (2) Additions to existing structures provided that the addition will not result in an increase of more than:
 - (A) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, or whichever is less; or
 - (B) 10,000 square feet 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.

⁴ [*World Business Academy v State Lands Comm'n \(2018\) 24 CA5th 476*](#) (upholding application of this exemption to renewal of leases for facilities of nuclear power plant that provided ten percent of state's electric power); [*North Coast Rivers Alliance v Westlands Water Dist. \(2014\) 227 CA4th 832, 840*](#) (upholding application of this exemption to renewal of water contracts for very large reclamation and water supply project).

Consistent with the CEQA Guidelines and the Department of City Planning’s policies for implementing CEQA, the following assessment provides substantial evidence to support the determination that the Project meets the above criteria, pursuant to the Class 1 (Existing Facilities) requirements as set forth in Section 15301 of the State CEQA Guidelines. The following provides detailed information to support the necessary findings to qualify for an exemption.

Findings

Non-significant Change of Use

The key consideration in determining whether a Class 1 Exemption applies to the minor alteration of a private structure is whether it will have negligible or no expansion of existing or former use. The City's Class 1, Category 22 Categorical Exemption recognizes this CEQA Guidelines requirement by allowing exemptions for projects seeking a grant of a "variance or conditional use for a *non-significant* change of use in an existing facility." The Current Project does not include any new construction or significant change of use. The Current Project would not physically construct or add additional gross building area to the existing building beyond what has already been approved by LADBS and constructed in 2016 and 2017. Rather, granting the requested Plan Approval will update the conditions of approval in Case No. ZA-2013-3504-ZV to reflect the current conditions, and clarify that code required parking may be satisfied administratively as permitted by the LAMC. Therefore, the Current Project would be consistent with the Class 1, Category 22, by involving a non-significant change or use.

Increase in Floor Area

The Class 1 Exemption also applies to the minor alteration of a private structure, involving negligible or no expansion of existing or former use, which includes “[a]dditions to existing structures provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, or whichever is less; or (2) 10,000 square feet if: (A) 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 (2) The area in which the project is located in not environmentally sensitive.”⁵

While the State CEQA Guidelines do not define “floor area” for purposes of applying a Class 1 Exemption, the City reasonably assumes that “floor area” for purposes of this categorical exemption means “gross floor area”. Pursuant to the California Building Code (“CBC”), Section 202, gross floor area is defined as the “floor area within the exterior walls of the building [...] exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features.” Because each lead agency may define floor area differently, it is reasonable for the City to interpret the CEQA Guidelines, as a statewide regulatory document, to apply the broader, CBC definition of gross floor area. This definition is notably different than the LAMC definition of “floor area” which excludes certain

⁵ State CEQA Guidelines Sec. 15301(e).

areas such as stairways, shafts, parking areas, and rooms housing building operating equipment or machinery (e.g., MEP).⁶ Further, by capturing these otherwise exempt areas, “gross floor area” represents a more conservative analysis of any potential expansion of an existing or former use. Therefore, the City uses gross floor area when determining whether the Class 1 Exemption for minor alterations of private structures applies.

Furthermore, the key consideration is not a facility's purpose or use but rather "whether the project involves negligible or no expansion of an existing. The approval of the requested Plan Approval does not include any new construction and thus would not physically alter any portions of the existing building. The Current Project would not physically construct or add additional gross building area to the existing building beyond what has already been approved by LADBS and constructed in 2016 and 2017. Rather, granting the requested Plan Approval will update the conditions of approval in Case No. ZA-2013-3504-ZV to reflect the current conditions, and clarify that code required parking may be satisfied administratively as permitted by the LAMC. Therefore, the Current Project would be consistent with the Class 1 Criteria, by not physically constructing additional floor area and involving negligible or no expansion of use beyond the existing.

Furthermore, the FAR would remain unchanged. At the time of approval of the zone variance, the total lot area was 13,923 square feet. At 79,376 square feet of floor area, the Current Project at the time had an FAR of 5.8:1. On January 15, 2016, the City Council approved Case No. VAC-E1401249, which approved the vacation of the public alley adjacent the Project Site, which added half the area of the alley to the Project Site, or approximately 2,250 square feet. Thus, the total lot area increased as a result of the alley vacation to approximately 16,173 square feet. With a total lot area of 16,173 square feet and a total floor area of 93,803 square feet, the Project maintains a FAR of 5.8:1.

Bicycle Parking Requirements

The addition of 802 square feet of commercial retail and 648 square feet of additional restaurant space pursuant to Permit Nos. 13010-10006-03647 and 13010-10007-03647 in 2016 and 2017, increased the required bicycle parking by eight spaces, including four short-term spaces and four long-term spaces. Therefore, the Current Project is required to provide 24 short-term and 24 long-term bicycle parking spaces. The Project would provide 28 short-term and 36 long-term bicycle spaces. As such, the Current Project would provide more than the required bicycle parking, to utilize the parking reduction provisions in the LAMC Section 12.21.A.4. The provision of on-site bicycle parking can be accommodated within the existing structure and would not require any new development.

Vehicle Parking Requirements

⁶ Section 12.03 of the LAMC defines “floor area” as the area in square feet confined within the exterior walls of a building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing building-operating equipment or machinery, parking areas with associated driveways and ramps, space for the landing and storage of helicopters, and basement storage areas.

The Current Project would continue to provide 14 off-site parking spaces through private lease agreement as permitted in Case No. ZA-2013-3504-ZV. The Current Project would also provide the remaining 65 parking spaces off-site at nearby properties by covenant or lease agreement as described in Table 3.2 below. LAMC Section 12.21.A.4(g) permits on-site parking requirements to be satisfied off-site not more than 750-feet from the subject site with administrative approval of a parking covenant pursuant to LAMC Section 12.26.E.5. As such, the Current Project would continue to comply with the parking requirements of the LAMC without any new construction.

**Table 3.2
Parking to be Provided by Current Project**

| Covenant or Lease | Location | Number of Parking Spaces |
|--------------------------|---|---------------------------------|
| N/A | On-Site (6417 Selma Avenue) | 1 (ADA) |
| Covenant or Lease | 1541 Wilcox Avenue; 6516 Selma Avenue; or other eligible location as determined by LADBS | 65 |
| Lease | 1528 Ivar Street | 14 |
| TOTAL | | 79 |

Conclusion

Approval of the requested entitlements does not grant an increase in Project FAR, height, or a reduction in parking requirements, but reflects the changes in the existing building and uses that were previously permitted by the LADBS. The Plan Approval request, if approved, would update the conditions of approval in Case No. ZA-2013-3504-ZV to reflect the existing conditions, and comply with the parking requirements in the LAMC. The revised floor area of the Current Project maintains the overall gross floor area of the building as the structure has not been expanded. Rather the additional code-defined floor area permitted by Building Permit Nos. 13010-10006-03647 and 13010-10007-03647 resulted from the conversion of previously ancillary hotel space and un-parked floor area to additional code-defined commercial floor area use that required parking. The Current Project would continue to adhere to the conditions related to height, FAR, and off-site parking.

Consistent with the CEQA Guidelines and the Department of City Planning’s policies for implementing CEQA, this assessment provides substantial evidence to support the determination that the Current Project meets the above criteria, pursuant to the Class 1 (Existing Facilities) requirements as set forth in Section 15301 of the State CEQA Guidelines.

4.0 References

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