

COUNTY CLERK'S USE

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
(PRC Section 21152; CEQA Guidelines Section 15062)

Pursuant to Public Resources Code § 21152(b) and CEQA Guidelines § 15062, the notice should be posted with the County Clerk by mailing the form and posting fee payment to the following address: Los Angeles County Clerk/Recorder, Environmental Notices, P.O. Box 1208, Norwalk, CA 90650. Pursuant to Public Resources Code § 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

ZA-2022-6633-ZAD-ZAA, ZA-2022-6634-ZAD-ZAA

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2022-6635-CE

PROJECT TITLE

9955 - 9961 W. Beverly Grove Drive, 1297 - 1289 N. Beverly Grove Place

COUNCIL DISTRICT

5 – Young Yaroslavsky

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

☐ Map attached.**9955 - 9961 W. Beverly Grove Drive, 1297 - 1289 N. Beverly Grove Place, Los Angeles, CA 90210**

PROJECT DESCRIPTION:

☒ Additional page(s) attached.

The project is for the construction, use, and maintenance of two (2) new single-family dwellings and appurtenant structures on adjoining properties at 9955 - 9961 West Beverly Grove Drive, 1297 - 1289 North Beverly Grove Place.

NAME OF APPLICANT / OWNER:

Upper Deck Property Holdings, LLC

CONTACT PERSON (If different from Applicant/Owner above)

Tony Russo, Crest Real Estate

(AREA CODE) TELEPHONE NUMBER

(408) 655-0998

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

☐ STATUTORY EXEMPTION(S)

Public Resources Code Section(s) _____

☒ CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)CEQA Guideline Section(s) / Class(es) **Section 15303 (Class 3), Section 15332 (Class 32)**☐ OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION:

☒ Additional page(s) attached

The proposed project will include the construction of two (2) new single-family dwellings on an infill site in an urbanized area, and appurtenant structures including fences and a guard house. As such, the Proposed Project qualifies for the Section 15303 (Class 3) and Section 15332 (Class 32) Categorical Exemptions.

☒ None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.☐ The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

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

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE

Esteban Martorell

Esteban Martorell

STAFF TITLE

Planning Assistant

ENTITLEMENTS APPROVED

Zoning Administrator Determination, Zoning Administrator Adjustment

DISTRIBUTION: County Clerk, Agency Record

Rev. 6-22-2021

Please return to OZA:
200 N. Spring Street, Room 763
Los Angeles, CA 90012

I hereby certify and attest this to be a true and correct
copy of the original record on file in the office of the
Department of City Planning of the City of Los Angeles
designated as Office Training

Mayra Cervantes 6/25/2021
Department Representative



JUSTIFICATION FOR PROJECT EXEMPTION CASE NO. ENV-2022-6635-CE

9955 - 9961 West Beverly Grove Drive
1297 - 1289 North Beverly Grove Place

A Categorical Exemption, ENV-2022-6635-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act. The project is for the construction, use, and maintenance of two (2) new single-family dwellings and appurtenant structures on adjoining properties at 9955 - 9961 West Beverly Grove Drive, 1297 - 1289 North Beverly Grove Place. Categorical Exemption prepared for the proposed project is appropriate pursuant CEQA Guidelines Section 15303 (Class 3), and Section 15332, Class 32.

The Class 3 categorical exemption allows for the construction and location of limited numbers of new, small facilities or structures, including one single-family residence. In urbanized areas, up to three single-family residences may be constructed under this exemption. The proposed project will include the construction of two (2) new single-family dwellings in an urbanized area, and appurtenant structures including fences and a guard house. As such, the Proposed Project is eligible for the Class 3 categorical exemption.

A Project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the conditions 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; (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.

(a) The project is consistent with applicable general plan designation, applicable policies, and applicable zoning designations.

The Site is currently being developed with two single-family dwellings. The Site is zoned RE20-1-H-HCR and has a General Plan Land Use Designation of Very Low I Residential. The Proposed Project is subject to the Zoning Information (ZI) file attached to the subject property. As new single-family dwellings, the Project is in conformance with the applicable Bel Air - Beverly Crest Community Plan designation and policies, and all applicable zoning designations and regulations.

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

The subject Site is wholly within the City of Los Angeles, on a site that is approximately 1.613 acres. Lots adjacent to the Subject Site are also developed with single-family dwellings.

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

The Site is not a wildland area, and is not inhabited by endangered, rare, or threatened species. According to ZIMAS, the project site is not located in a wetland, a natural community conservation plan, a habitat conservation plan or other adopted natural resource protection plan (LA County Significant Ecological Area). The project site is located in the foothills of the Santa Monica Mountains, within a residential neighborhood developed with single-family dwellings. The applicant provided a signed Biologist's Statement of Biological Resources, dated March 16, 2023. There are five protected trees on the Site, four coast live oak trees and one Southern California black walnut tree, as identified in the Protected Tree Report prepared by Lisa Smith of The Tree Resource on January 1, 2021. There are also two protected trees, both coast live oak trees, off-site, just outside the property line. All protected trees are in fair condition and ranging in height from 12 to 40 feet. All protected trees are outside of the construction zone and no trees will be removed from the Subject Site. The Protected Tree Report was reviewed and approved by the Urban Forestry Division of the Bureau of Street Services.

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

The Project will be subject to Regulatory Compliance Measures (RCMs). These 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 reduce any potential impacts on noise and water to less than significant. Furthermore, the Project does not exceed the threshold criteria established by LADOT for preparing a traffic study. The Project will also be governed by an approved haul route under City Code requirements, which will regulate the route hauling trucks will travel, and the times at which they may leave the site, thereby reducing any potential traffic impacts to less than significant. Interim thresholds were developed by DCP staff based on CalEEMod model runs relying on reasonable assumptions, consulting with AQMD staff, and surveying published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds.

- (e) The proposed project has been reviewed by City staff and can be adequately served by all required utilities and public services.*

The Project Site will be adequately served by all public utilities and services given that the construction of two new single-family dwellings will be on a Site which has been previously developed with a single-family dwelling, therefore resulting in a minor increase in density with no significant increase in population. Therefore, it can be found that the Project meets the qualifications of the Class 32 Exemption.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions

Furthermore, the Exceptions outlined in the State CEQA Guidelines Section 15300.2 do not apply to the project:

- (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 subject property is located within the Hillside Area, a Very High Fire Hazard Severity Zone, a Special Grading Area, landslide area, and is within the Hollywood Fault Zone. However, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate development in these particular types of "sensitive" locations and will reduce any potential impacts to less than significant. Such RCMs include:

- Regulatory Compliance Measure RC-GEO-1 (Seismic): The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- Regulatory Compliance Measure RC-GEO-2 (Hillside Grading Area): The grading plan shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Department of Building and Safety's Grading Division. Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
- Regulatory Compliance Measure RC-GEO-3 (Landslide Area): Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any landslide and soil displacement, capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to:
 - ground stabilization
 - selection of appropriate foundation type and depths
 - selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures
 - the project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

These RCMs have been historically proven to work to the satisfaction of the City Engineer to reduce any impacts from the specific environment in which the project is located. The project is also subject to compliance with the requirements of the Building and Zoning Code that outline standards for residential construction.

The Biological Resources Report prepared by Scott Altmann of South Environmental, dated August 2022, concluded that no impacts to plant communities or habitat, special-status plants, nor wildlife movement or habitat linkages would result from the project. Further, with the implementation of Regulatory Compliance Measures, the proposed project would avoid impacts to active bird nests, eggs, or young. Thus, the proposed project will not result in a significant environmental impact based on its location.

(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 area is zoned RE20-1-H-HCR and designated Very Low I Residential. The project is consistent with the size and type of development permitted for the area, which includes the construction and use of single-family residences and appurtenant structures. The proposed project does not exceed thresholds identified for impacts to the area (i.e. traffic, noise, etc.) and will not result in an increase in density or intensity of use. Furthermore, new construction is subject to the requirements of the Los Angeles Municipal Code. Therefore, no foreseeable cumulative impacts are expected.

- (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.*

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. Properties surrounding the site are developed with single-family residence and are characterized predominantly by sloping terrains. The proposed project consists of work typical to for a single-family dwelling and appurtenant structures in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment.

- (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 Scenic Highway in the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project site is located approximately 9.39 miles east of this State Scenic Highway. Therefore, the subject site will not create any impacts within a designated as a state scenic highway.

- (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.*

According to EnviroStor, the State of California's database of Hazardous Waste Sites, neither the subject property nor any property in the area is identified as a hazardous waste site. Furthermore, the building permit history for the Project Site does not indicate the Site may be hazardous or otherwise contaminated. 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.*

The subject property has not been identified as a historic resource by local or state agencies; has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, 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. Finally, the City does not choose to treat the subject property as a historic resource.

The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located outside of the Flood Zone.