

# Assessment of 723 Ocean Front Walk Project Eligibility for a Categorical Exemption as a Class 32 In-Fill Development

## California Environmental Quality Act Class 32 Categorical Exemption Evaluation

This assessment evaluates whether the proposed 723 Ocean Front Walk Project (project) located in the City of Los Angeles (City) qualifies for a Class 32 Categorical Exemption under the California Environmental Quality Act (CEQA) as an eligible infill development.

CEQA defines categorical exemptions for various types of projects the Secretary of the Resources Agency of the State of California has determined would not have a significant effect on the environment, and therefore are not subject to further environmental review under CEQA. The Class 32 exemption (Section 15332 of the State CEQA Guidelines) is intended to promote infill development within urbanized areas. The class consists of environmentally benign infill projects consistent with local general plan and zoning requirements.

Pursuant to Section 15332 of the State CEQA Guidelines, for a project to be eligible for a Categorical Exemption as Class 32 In-fill Development, a project must meet the following conditions, or criteria:

### *Criteria*

- (a) 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.
- (b) The proposed development occurs within city limits on a project site of no more than five (5) 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.
- (e) The site can be adequately served by all required utilities and public services.

In addition, projects seeking this Categorical Exemption cannot fall under certain specified exceptions, as follows.

### *Exceptions*

- (a) The project and successive projects of the same type in the same place will result in cumulative impacts.
- (b) There are unusual circumstances creating the reasonable possibility of significant effects.
- (c) 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.

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- (d) 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.
- (e) The project may cause a substantial adverse change in the significance of an historical resource.

The justification for use of a Class 32 Categorical Exemption as an infill project in compliance with CEQA and the City's Class 32 Requirements is provided below in the following format: I. Project Description, II. Evaluation of Class 32 Exemption Criteria, III. Consideration of Exemptions, and IV. Conclusion.

### **I. PROJECT DESCRIPTION**

The subject property consists of one (1) whole existing parcel containing two (2) lots. The parcel is currently vacant; although it previously contained a commercial office building, the structure suffered significant fire damage on January 13, 2021 and was subsequently cleared of all debris. The project proposes a three-story, 13,210-square foot mixed-use building with 16 dwelling units, three (3) of which are designated affordable housing, atop one story of two (2) ground floor retail units and parking facilities. The proposed project is located on an 8,165.3 square foot site. The project site is surrounded by urban development, consisting of mixed-use, multi-family residential, commercial land uses. Site preparation and grading would involve approximately 500 cubic yards of cut and fill.

### **II. EVALUATION OF CLASS 32 EXEMPTION CRITERIA**

The following subsections provide discussion and analysis of the project's consistency with the criteria listed in Section 15332 of the State CEQA Guidelines, for a project to be eligible for a Categorical Exemption as a Class 32 In-fill Development project.

#### **Written justification that the proposed Project meets the following criteria:**

**(a) 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 mixed-use project is consistent with the subject property's existing General Plan designation, as specified in the Venice Community Plan and the Venice Coastal Zone Specific Plan, components of the City's General Plan, which designates the site for "Community Commercial." The site zoning is C1-1. The project would therefore not require a General Plan Amendment or Zoning Change. Mixed-use developments are consistent with C1 uses as outlined in the Los Angeles Municipal Code (LAMC) Section 12.13. Under the existing zoning of C1, the minimum lot area per dwelling unit is 800 square feet. Therefore, the 8,165.3 square foot lot would allow eleven (11) units on the project site. The project is providing a 18 percent affordable housing set-aside for Very Low Income households, which would allow for an additional six (6) units per the LAMC 12.22. A.25. and LAMC 12.24. U.26. for a combined total of 17 allowable units. The project is, therefore, within the parameters of the density allowed for projects in the C1 Zone of the Venice Coastal Zone Specific Plan with its rate and depth of affordability.

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Additionally, the project's on- and off-menu incentives and waivers of development standards allow for an 8 percent increase in floor area ratio, a nine-foot height increase, parking and roof access design adjustments, yard reductions therefore, the project's requests for increases in the building envelope and design constraints are consistent with the project's intended zoning regulations based upon what's allowable in the C1-1 Zone for density bonus projects. The construction of a mixed-use building with 16 apartment units and 1,350 square feet of commercial floor area would be consistent with the General Plan designation and zoning. The project is also located within the Los Angeles Coastal Transportation Corridor Plan Area, where most development projects require a Transportation Impact Assessment Fee (TIA Fee) as calculated by Los Angeles Department of Transportation (LADOT). The Applicant would comply with the TIA payment procedures and pay the required fee as determined by the LADOT.

Therefore, the project would be consistent with all applicable general plan designation, general plan policies and 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.**

The project site is located within the city limits of the City of Los Angeles. The project site consists of approximately 8,165.3 square feet of land, or 0.19 acres, and is surrounded by existing urban uses, including multi-family residential and commercial uses to the north and south and multifamily residential development to the east. Therefore, the project is consistent with this condition.

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

The project site is located within a highly urbanized portion of the City of Los Angeles. The surrounding urban landscape including the project site has been developed for decades. The project site was previously developed with a commercial building and hardscape landscaping. The subject property does not have reported occurrences of special-status species in the California Natural Diversity Database (CNDDDB) maintained by the California Department of Fish and Wildlife (CDFW). The project site does not include riparian areas or other sensitive plant communities. Therefore, the project site has no substantive value as a 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.**

## **Transportation Effects**

The project would have a significant impact if the project would conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)(1), relating to Vehicle Miles Traveled (VMT). CEQA Guidelines Section 15064.3(b)(1) applies to land use projects and states, "Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing

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conditions should be presumed to have a less than significant transportation impact.” Both of the following City of Los Angeles Transportation Assessment Guidelines (TAG) screening criteria must be met in order to require further analysis of a land use project’s VMT contribution: the land use project would both generate a net increase of 250 or more daily vehicle trips and the project would generate a net increase in daily VMT.

This project would not generate a significant traffic impact as determined by LA DOT’s VMT calculator.

### **Air Quality Effects**

Based upon criteria established by the LA City Planning Department and the South Coast Air Quality Management District for screening the air quality impacts of new projects, if the proposed project has less than 80 residential units or less than 75,000 square feet of non-residential use and involves less than 20,000 cubic yards of soil export, it will not likely exceed the SCAQMD construction or operational thresholds, and therefore will not require an Air Quality Assessment.

At sixteen (16) dwelling units, 1,350 square feet of non-residential space, and less than 20,000 cubic yards of soil export, the proposed project does not meet the established thresholds for proceeding with an assessment of the air quality effects of either the project’s construction or operation.

### **Noise Effects**

Based upon the size, scope and features of this project and the project site, it is not likely that the City will require additional documentation or analysis to provide substantial evidence supporting a determination that the project will not have significant impacts related to noise.

### Construction

Construction activities and associated noise would be temporary and be restricted to daytime hours pursuant to Los Angeles Municipal Code (LAMC) Section 41.40. The maximum noise level of construction equipment is regulated by LAMC Section 112.05 to 75 dB at 50 feet from the source; however, the LAMC indicates such restrictions do not apply where technically infeasible despite the use of mufflers, shields, sound barriers and/or other noise reduction device or techniques during the operation of the equipment. The table below is based on the  $L_{max}$  noise levels of construction equipment provided in the Federal Highway Administration Construction Noise Handbook, Construction Noise Levels – Regulatory Compliance provides construction equipment noise levels with the use of mufflers and sound barriers required by LAMC Section 112.05. The number of each equipment type needed for the construction of the proposed project is indicated in the third column of the table.

<b>Phase</b>	<b>Equipment</b>	<b>#</b>	<b>Type</b>	<b>L<sub>max</sub> at 50 ft (dBA)</b>	<b>LAMC Sec. 112.05 Compliance</b>	<b>Reduced L<sub>max</sub> at 50 ft (dBA)</b>

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Demolition	Concrete Industrial Saws	1	Stationary	90	Barrier	70
	Rubber Tired Dozers	1	Mobile	82	Muffler	67
	Tractors/Loaders/Backhoes	2	Mobile	80	Muffler	65
Site Preparation	Graders	1	Mobile	85	Muffler	75
	Tractors/Loaders/Backhoes	1	Mobile	80	Muffler	65
Grading	Graders	1	Mobile	85	Muffler	75
	Rubber Tired Dozers	1	Mobile	82	Muffler	67
	Tractors/Loaders/Backhoes	1	Mobile	78	Muffler	65
Building Construction	Cranes	1	Mobile	81	Muffler	66
	Forklifts	2	Mobile	75	None	75
	Tractors/Loaders/Backhoes	2	Mobile	80	Muffler	65
Paving	Cement and Mortar Mixers	4	Mobile	79	Muffler	64
	Pavers	1	Mobile	77	Muffler	62
	Rollers	1	Mobile	80	Muffler	65
	Tractors/Loaders/Backhoes	1	Mobile	78	Muffler	65
Architectural Coating	Air Compressors	1	Stationary	78	Barrier	58

As shown in the final column of Table II-1, regulatory compliance with LAMC Section 112.05 standards, requiring mufflers, shields, sound barriers and/or other noise reduction device or techniques during the operation of the equipment would reduce the construction noise levels to less than 75 dBA at 50 feet through industrial-grade mufflers on mobile equipment and barriers or enclosures formed by sound transmission obscuring products around stationary equipment. Mufflers and sound transmission obscuring products, like barriers or enclosures, are available from a variety of manufacturers. Therefore, construction related temporary noise level increases would be less than significant with regulatory compliance measures incorporated.

### Operations

Pursuant to LAMC Section 112.02, the project would be considered to exceed operational noise ordinance standards if it would increase the ambient noise level on another property by more than 5 dBA.

This project does not propose to develop commercial, industrial, manufacturing, or institutional facilities that are associated with loud stationary noise sources. The project would introduce new stationary noise sources in the form of Heating, Ventilation, and Air Conditioning (HVAC) units. It is assumed that the project would include rooftop HVAC units for each of the sixteen (16) dwelling units, the lobby, and one for each of the two (2) commercial units for a total of 19 (30) HVAC units. Based on noise levels for HVAC units similar to those expected to be used in the project, each HVAC unit would produce a noise level of 68 dBA Leq at 3.3 ft.

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This analysis assumes all nineteen (19) roof-mounted HVAC units are in simultaneous use as a “worst-case” scenario although actual HVAC use would depend on weather conditions and tenant occupancy. Addition of the reference noise levels for the nineteen (19) HVAC units would result in a composite reference noise level of 81.8 dBA at 3.3 feet, a value that is used to calculate noise levels at greater distances. Of the nearby sensitive land uses, the property which would experience the greatest level of noise from HVAC operation would be the multi-family residences to the north at 719 Ocean Front Walk, approximately 10 feet of horizontal distance and 20 feet of vertical distance from the nearest portion of the project rooftop area in which HVAC units could potentially be placed. At this distance, a diagonal distance of approximately 22.3 feet, noise levels would be reduced by about 16.6 dBA to 65 dBA based on the equation for distance attenuation of a point source. In addition, the parapet, roofline, and building materials of the receiving building would decrease noise levels by a further 10 dBA based on the Federal Transit Administration (FTA) methodology for calculating barrier insertion loss for a final noise level of 55 dBA.

LAMC Section 111.03 establishes a presumed ambient noise levels of 60 dBA during the day and 55 dB at night for the C1 zone. Based on the formula for the addition of decibels, the addition of 55 dBA from the nineteen (19) proposed HVAC units to the ambient daytime noise level would not result in an increase above the presumed daytime ambient noise level of 60 dBA for the C1 zone, which the building is within. Additionally, at nighttime, the HVAC would not result in a dBA increase above the presumed nighttime ambient noise level of 55 dBA. All other property boundaries would experience lower levels of HVAC noise. Therefore, operational HVAC noise would not exceed the ambient noise level by more than 5 dBA in compliance with LAMC Section 112.02. In addition, noise levels would potentially be further reduced by the roofline and parapet.

### **Water Quality Effects**

The proposed infill development would replace the previous commercial land uses with new, higher density residential and commercial uses, which would not significantly differ in potential water quality effects.

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

The project site is located in an urbanized area of the City’s Venice Community Plan Area and consists of a vacant parcel previously developed with one (1) commercial office structure served by existing utility and public service providers. The proposed project would replace the former office building with a mixed-use building including 16 apartment units and two commercial units. The proposed project would be served by the same utility and public service providers that serve the site and surrounding vicinity under existing conditions, including:

- Los Angeles Fire Department Station 63
- Los Angeles Police Department West Bureau
- City of Los Angeles Department of Public Works
- City of Los Angeles Department of Recreation and Parks

The proposed project would add a net increase of sixteen (16) new dwelling units and two (2) new commercial units to the site, consistent with existing planning and zoning (as described in

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Section II.a), on which utilities and public service agencies base their service and facility planning. The project would be served by existing public service providers, is consistent with existing planning and zoning, would not substantially increase demand for utilities or public services over existing conditions. As described in Section III.b., below, the project's sixteen (16) new apartments would provide housing for an estimated 48 persons. The City projects its future population for the year 2040 to increase by 763,900, accommodating growth, such as the project's added population, that utilities and public service agencies use for planning purposes. As the increase in units would not be substantial and would be within the projected City growth, the project would be adequately served by required utilities and public services.

### **III. CONSIDERATION OF EXCEPTIONS**

Section 15300.2 of the CEQA Statutes and Guidelines provides a list of exceptions for consideration of a project as categorically exempt. The exemptions that apply to the project are listed and discussed below:

**(a) 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.**

This project proposes an infill development of residential uses within an urban setting surrounded by existing residential and commercial uses. The project's environmental effects regarding traffic, noise, and air quality would be less than significant, as discussed above. According to the Southern California Association of Governments (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS or Plan) Demographics & Growth Forecast, the population of the City of Los Angeles in 2012 was 3,845,500 with 1,325,500 households. Based on this data, the City's average household size is approximately three (3) persons per dwelling unit, and therefore, the project's sixteen new apartment units would provide housing for an estimated 48 persons. The proposed construction of sixteen multi-family residential units on the site would result in a net increase of sixteen (16) dwelling units and approximately 48 additional persons residing within the site, which would represent an increase of 0.0012 percent in the City's housing and population totals for the year 2012.

SCAG projects the City's future population and housing supply for the year 2040 in the 2016 RTP/SCS to increase by 763,900 and 364,800, respectively, over the 2012 estimates. As such, the project's net increase of 48 persons and 16 residential units on the site would represent less than 0.0063 percent increase of the projected increases of population and .0044 percent of the projected City increases of housing over that time period. The project's net increases of a small fraction of one percent of the projected growth in housing and population for the City would have a less than cumulatively considerable contribution to projected growth and any associated population related impacts such as increases in demand for municipal services that would arise from other foreseeable development. In addition, the project site is located within an urbanized area, is already surrounded by existing residential and commercial uses, and would not have any significant impacts, as evaluated in this Categorical Exemption analysis. Therefore, the proposed development of a 16-unit apartment building with two commercial units on the project site would not be expected to result in a considerable cumulative contribution to impacts involving other past, present, or future projects in the area.

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**(b) 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 construction and operation of a proposed three-story apartment building with sixteen (16) units surrounded by existing residential uses would not have a significant effect on the environment due to unusual circumstances. As discussed in Section II, the project would not have a significant effect on the environment, and there are no unusual site conditions or issues that would warrant further environmental analysis.

**(c) 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.**

There are no designated state scenic highways located within the project vicinity. According to the Mobility Plan 2035, an Element of the City's General Plan, the project is located approximately 435 feet from an Avenue II, Pacific Avenue. However, the project site is not visible from Pacific Avenue and would not result in damage to scenic resources as the site is located in an urbanized area and is infill development. Therefore, the project would not impact resources located within an officially designated state scenic highway.

**(d) 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.**

The project is not located within a site which is included in any list compiled pursuant to Section 65962.5 of the Government Code, commonly referred to as the Cortese List. The site is not listed on the California Department of Toxic Substances Control maintained EnviroStor online data management system for tracking cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues and is not listed on the State Water Resources Control Board GeoTracker online data management system for tracking sites that require cleanup, such as Leaking Underground Storage Tanks (LUSTs). The South Coast Air Quality Management District (SCAQMD) Rule 1403 regulates the removal and disposal of asbestos containing materials, and the Occupational Safety and Health Administration (OSHA) requirements provides safety requirements regarding removal of lead-based paint. Therefore, the project is not identified as a hazardous waste site and would not be in conflict with this exception for a Class 32 In-Fill Development Categorical Exemption.

**(e) 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 project site was not identified on Historic Places LA, the Los Angeles Historic Resources Inventory, or in the City's Zone Information and Map Access System (ZIMAS) as a Los Angeles Historical Cultural Monument, Los Angeles Historic Preservation Overlay Zone, National Register of Historic Places, Potential Historic Multi-Family Resident, Existing or Potential Residential Historic District or National Historic Landmark. Based on Historic Places LA, the ZIMAS database and site plans, the project would not cause a substantial adverse change



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in the significance of a historical resource.

**IV. CONCLUSION**

Based on the above information and above documentation, this analysis shows that development of the proposed 723 Ocean Front Walk Project would be consistent with the criteria for a Class 32 Categorical Exemption under CEQA Statute Section 15332.