



## FINDINGS / SPECIALIZED REQUIREMENTS:

### CLASS 32 CATEGORICAL EXEMPTION

#### WHAT IS A CEQA?

CEQA, or the California Environmental Quality Act, is a statute that requires state and local agencies to identify the significant environmental impacts of their actions by conducting environmental review before making a determination on a project. Environmental review procedures are used to identify a project's potential impacts, develop ways to reduce those impacts, and report the results of the analysis to the public.

#### WHAT IS A CATEGORICAL EXEMPTION?

Every discretionary action requires environmental review pursuant to CEQA. However, the CEQA Guidelines include a list of classes of projects which have been determined to not have a significant effect on the environment, also known as Categorical Exemptions. If your project falls within one of these classes, it is exempt from the provisions of CEQA and no environmental review is required.

#### WHAT IS THE CLASS 32 CATEGORICAL EXEMPTION?

The Class 32 "Infill" Categorical Exemption (CEQA Guideline Section 15332), hereafter referred to as the Class 32 Exemption, exempts infill development within urbanized areas if it meets certain criteria. The class consists of environmentally benign infill projects that are consistent with the local General Plan and Zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts. It may apply to residential, commercial, industrial, and/or mixed-use projects.

#### HOW DO I QUALIFY?

In addition to general statewide guidelines, all public agencies are required to adopt specific criteria, objectives and procedures for implementing CEQA. In the City of Los Angeles, the Class 32 Exemption is available only for projects that: (a) do not trigger Site Plan Review; or (b) trigger Site Plan review, but the Initial Study shows that a Negative Declaration may be adopted. The Class 32 Exemption *is not* available for any project that requires mitigation measures to reduce potential environmental impacts to less than significant. Additionally, there are exceptions to the exemptions depending on the nature or location of the project, pursuant to CEQA Section 15300.2. For a proposed project to qualify, you must be able to demonstrate that it does not fall under the following 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;*
- 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; or*
- e. *The project may cause a substantial adverse change in the significance of an historical resource.*

## HOW DO I REQUEST A CLASS 32 EXEMPTION?

If your project does not fall under any of the Exceptions listed above, you may request a Class 32 Exemption by indicating on your Environmental Assessment Form (EAF) that you would like your project to be considered by checking the box under Section 5. As part of the preliminary review of the project, the Project Planner will determine whether it is eligible for a Class 32 Exemption. In order for the Project Planner to make such a determination, you will still need to file an EAF, demonstrate that your proposed project does not fall under one of the above Exceptions, and provide the CEQA justifications listed below.

## WHAT DO I NEED TO SUBMIT?

When filing a request for the Class 32 Exemption, the following items are required:

1. An Environmental Assessment Form (EAF) (CP-1204), including required exhibits, materials and fees pursuant to Los Angeles Municipal Code (LAMC) Section 19.05. This includes the “Environmental Assessment Form (EAF)/Initial Study leading to Negative Declaration or Mitigation Negative Declaration”. A “Publication Fee for Negative Declaration or Mitigated Negative Declaration” fee will not be charged unless it is determined that the project is not eligible for the Class 32 Exemption.
2. Any supporting documents and/or technical studies to corroborate your position that the proposed project is eligible for the Class 32 Exemption, and/or to further substantiate the justifications listed under Paragraph 3 below. Examples of supporting documents, and when they may be required, are listed below.
  - a. **Traffic Study.** A Traffic Study may be required for projects which exceed the Traffic Study Exemption Thresholds set by the Department of Transportation (DOT). In order to determine whether or not a Traffic Study is required, the Applicant shall submit a DOT Referral Form after case filing. If it is determined that a Traffic Study is required, the Applicant shall have one prepared and reviewed by DOT. A DOT Interdepartmental Correspondence Letter will be transmitted to Planning staff and must reflect that no significant traffic impacts will result from the proposed project in order for the project to qualify for the Class 32 Exemption.
  - b. **Air Quality (AQ) Study.** Working with the South Coast Air Quality Management District (SCAQMD), Department staff has established interim air quality screening criteria to determine if a project requires an Air Quality Assessment. The purpose of this assessment is to evaluate the regional significance of criteria pollutant emissions from both the construction and operation of a proposed project. The analysis is provided utilizing the California Emissions Estimator Model (CalEEMod). The selected screening criteria is based on a survey of published air quality studies for which the criteria pollutants did not exceed the established SCAQMD construction or operational thresholds.

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 Assessment. If your proposed project exceeds this screening criteria, an air quality assessment will be required. An Air Quality Study may also be required if prompted by the South Coast Air Quality Management District (SCAQMD), if the CE is challenged or if the project is particularly controversial. The applicant may voluntarily provide one if it is anticipated that this information will be requested by another party.

Please note this does not mean the project will have any significant impacts under CEQA, just that further analysis is required. The criteria can be used for all CEQA clearances, including Class 32 (Infill Development) exemptions pursuant to Section 15332 of the CEQA Guidelines.

- c. **Noise Study.** A Noise Study is not required. However, the applicant must provide substantial evidence that there will not be significant noise impacts as this will disqualify them from eligibility for the Class 32 Exemption (see State CEQA Guidelines Sections 15064(b) and 15064.7). LAMC Chapter XI, Article 2, Section 112.05 on construction noise may be used to demonstrate that the project will not result in a significant impact. Under this standard, the applicant must at minimum demonstrate compliance with LAMC Section 112.05. The record evidence would need to support the conclusion that construction noise

would not exceed the 75 dBA limitation in 112.05. If necessary, features to reduce noise to below-threshold levels (75 dBA) can be incorporated into the project design. If, however, the applicant cannot demonstrate to the City's satisfaction (pursuant to the evidentiary requirements of CEQA) that construction noise will be reduced to below-threshold levels (75 dBA) then a MND or EIR would be appropriate.

- d. **Phase I and/or II Environmental Site Assessment (ESA).** A Phase I ESA may be required if the project site was previously developed with a dry cleaning, auto repair, gasoline station, industrial/manufacturing use, or other similar type of use that may have resulted in site contamination. If the Phase I ESA states that the site is contaminated, a Phase II ESA will be required. Only if the Phase II ESA demonstrates that the site has been fully remediated without mitigation is the project still eligible for the Class 32 Exemption.
- e. **Historic Resource Assessment.** A Historic Resource Assessment may be required if the Project site is listed on the National Register of Historic Place, California Register of Historical Resources, or the Los Angeles Historic-Cultural Monuments Register; or is found to be a potential historic resource in HistoricPlacesLA, SurveyLA or based on discussion with the Office of Historic Resources. If it can be demonstrated that the project complies with the Secretary of Interior's Standards, the project may still be eligible for the CE. An historic resource impact report may be required.

3. 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.
- 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.
- e. The site can be adequately served by all required utilities and public services.

As mentioned above, technical studies may be required in order to substantiate the above justification. If they are not submitted with your application, they may be requested by the Project Planner prior to acceptance of the Class 32 Exemption. Note also that the assigned Project Planner will determine what CEQA clearance will ultimately be required after the request has been submitted.