

ENVIRONMENTAL REVIEW

Department of City Planning staff concludes that Categorical Exemptions Class 8 and 31 of the State CEQA Guidelines are appropriate and that the exceptions to these two categorical exemptions do not apply. Categorical Exemption, Article 19, Section 15308, Class 8 “consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.” Categorical Exemption, Article 19, Section 15331, Class 31 “consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Buildings (1995), Weeks and Grimmer.”

Individual construction projects that are subject to the HPOZ and the Preservation Plan will be required to go through project specific environmental review if required under CEQA. Thus, the establishment of an HPOZ does not supersede the California Environmental Quality Act, or other Los Angeles Municipal Code requirements.

State of California CEQA Guidelines, Article 19, Section 15308, Class 8 *“consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.”*

The certification of the Miracle Mile Historic Resources Survey in conjunction with the establishment of a Historic Preservation Overlay Zone and Preservation Plan regulates construction activities to ensure the protection of a City historic resource: the Miracle Mile neighborhood. In fact, the purpose of the proposed HPOZ is to prevent significant environmental impacts to a historic and cultural resource identified in the Wilshire Community Plan. Without regulation of construction activities in Miracle Mile, the historic integrity of the neighborhood could be lost through incompatible alterations and new construction and the demolition of irreplaceable historic structures. The design guidelines in the Miracle Mile Preservation Plan are based upon the Secretary of the Interior’s Standards for Rehabilitation and provide guidance on the historically appropriate construction activities in order to ensure the continued preservation of the Miracle Mile neighborhood. The use of Categorical Exemption Class 8 from the State CEQA Guidelines is consistent with other California jurisdictions, which find that the regulations placed upon historic districts is necessary for the protection of the environment and will make sure that maintenance, repair, restoration, and rehabilitation does not degrade the historic resource.

State of California CEQA Guidelines, Article 19, Section 15331, Class 31 *“consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.”*

The establishment of the Miracle Mile HPOZ and Preservation Plan falls under Categorical Exemption Class 31 for historic resource restoration and rehabilitation. Construction projects within the HPOZ would be reviewed for conformity with the Miracle Mile Preservation Plan, which implements the Secretary of the Interior’s Standards for Rehabilitation. The Preservation Plan explicitly draws from the Secretary of the Interior’s Standards for Rehabilitation by calling for the preservation and repair of historic features and materials, before replacement. Whenever replacement of historic features is necessary due to deterioration, the Plan requires that new features match the original in size, shape,

appearance, and material. For example, Section 7.4.4, Arcades, Patios, Porches & Balconies states that “If elements of the porch, such as decorative brackets or columns, must be replaced, replacement materials should exactly match the originals in design and materials.” This guideline conforms to the Secretary of the Interior’s Standards in that replacement features are to match the original in size, appearance, and whenever possible materials. The proposed HPOZ would effectively require projects to adhere to the Miracle Mile Preservation Plan, which elaborates and clarifies the Secretary of the Interior’s Standards for Rehabilitation as it relates to the unique conditions of the Miracle Mile neighborhood. This will protect Miracle Mile from construction activities that could damage its historic integrity and ensure that maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction is conducted in a historically appropriate manner.

Exceptions to the Use of Categorical Exemptions

Planning staff evaluated all the potential exceptions to the use of Categorical Exemptions for the proposed project and determined that none of these exceptions apply as explained below:

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 exception applies when, although a particular project may not have a significant impact, the impact of successive projects, of the same type, in the same place, over time is significant.

There are currently eight HPOZs within the Wilshire Community Plan area. The parcels of the pending Miracle Mile HPOZ, in the Wilshire Community Plan, have generally been developed to the maximum zoning capacity. The parcels in the pending Miracle Mile HPOZ are located in a Low II Residential, Low Medium I Residential, and Medium Residential land use designation, which is a mix single-family and multi-family zones. It is the intent of the HPOZ program to ensure that proposed projects and new development are compatible in overall scale, size, massing, bulk, setback, and design with the surrounding HPOZ neighborhood and Community Plan areas. Adoption of the pending Miracle Mile HPOZ and Preservation Plan will not alter the environment, but will address development within the HPOZ boundaries to ensure that future projects and development are compatible with the HPOZ and Wilshire Community Plan area; therefore protecting the historic resources within the HPOZ. Consequently, there is no cumulative impact on the environment from previous HPOZ adoptions, current HPOZ adoptions, or future HPOZ adoptions.

Significant Effect - “A categorical exemption shall not be used for any activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” This exception applies when, although the project may otherwise be exempt, there is a reasonable possibility that the project will have a significant effect due to unusual circumstances. Examples include projects, which may affect scenic or historical resources.

Like the other thirty HPOZs in the City, the proposed Miracle Mile HPOZ and Preservation Plan would, through its design regulations, protect identified historic resources. There are no unusual circumstances that would have a significant impact on the environment due to the adoption of the Miracle Mile HPOZ and Preservation Plan. Therefore, there is no possibility of significant effects on the environment.

Scenic Highway - “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. This does not

apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.” This exception applies when a project may result in damage to scenic resources within a duly designated scenic highway.

The proposed Miracle Mile HPOZ does not contain any State or City designated scenic highway or parkway. Thus, the proposed Miracle Mile HPOZ and Preservation Plan would not negatively impact scenic resources within a duly designated scenic highway. Rather, the proposed HPOZ and Preservation Plan would protect the unique character of the neighborhood, which retains much of its original design, street grid pattern, and generous building setbacks.

Hazardous Waste Site - *“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.” This exception applies when a project is located on a site or facility listed pursuant to California Government Code 65962.5.*

The Department of Toxic Substances Control (DTSC) has not listed any parcel in Miracle Mile as a hazardous material site.

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 resources.” This exception applies when a project may cause a substantial adverse change in the significance of an historical resource.*

The proposed project would not cause an adverse change in the significance of a historical resource as defined in State CEQA 15064.5; rather, the proposed project would protect identified historic structures through the Historic Preservation Overlay Zone (HPOZ). The proposed HPOZ would ensure that exterior work on properties within the proposed Miracle Mile HPOZ area is consistent with the Secretary of the Interior’s Standards for Rehabilitation as clarified and elaborated in the proposed Preservation Plan and would require an additional level of review (prior to obtaining other Planning entitlements and building permits), so that new additions or alterations are conducted in a historically appropriate manner, preserving the historic integrity of the property and its environment.

Categorical Exemption ENV-2016-962-CE was prepared on July 11, 2016 and is included as Exhibit D.