

**BACKGROUND REPORT AND JUSTIFICATIONS**  
**14356 and 14358 W. Calvert Street, 91401**  
(Hyperlink<sup>1/</sup>)

**PROJECT**

Hero Motorsports is a full-service collision center equipped to repair body, paint, and frame. It specializes in BMW, MBZ, Mini Cooper, Audi, Porsche, Ferrari, Lamborghini, and other European cars. Its technicians are trained to handle the most comprehensive mechanical issues.

On August 04, 2022 (Effective date), Hero Motorsports, Inc. received an [Order to Comply](#) from the Los Angeles Department of Building and Safety. The listed violations included: *(Abridged)*

Auto repair with spray painting: CITATIONS 12.21A.1.(a), 12.26EI, 91.0104.2.5, 91.0106.1.1, 91.0106.3.2.1,91.0108.1, 91.0109.1, 91.8203, 91.8204, 12.22.A28, 12.22.24 W.4 of the L.A.M.C. COMMENT Conditional Use Permit from the Planning Dept. may be required. Per 12.22.A28, 12.22.24 W.4 after 03/24/2007.

Paint Booth: CITATIONS Code Section(s) in Violation: 91.8105, 91.106.1.1, 91.106.1.2, 91.108.4, 91.106.3.2,91.103.1, 91.104.2.4, 91.104.2.2. COMMENT A Conditional Use Permit from the Planning Dept. may be required.

Parking of cars in the custody of garage and/or used vehicle sales: CITATIONS Code Section(s) in Violation:12.261.4 and 12.21A.1.(a) of the L.A.M.C. COMMENT: Comments: Vehicles shall not be parked, left standing or stored outside the lot on which the repair garage or vehicle sales area is located.

You were instructed to "[d]iscontinue the unapproved building use and return the site to its approved condition. Or submit plans, and obtain all required permits, inspections, approvals, clearances and secure a new Certificate of Occupancy ..."

The site is zoned CM-1VL (Commercial Manufacturing Zone) with the General Plan designation of Commercial Manufacturing.

The applicant intends to apply to the Department of Building and Safety for a Change of Use Permit, which requires approval of a Conditional Use Permit for the 9,656 square feet of automotive repair that includes a spray booth. A total of ten (10) parking spaces and four bicycle spaces are provided on-site. No construction nor increase in square footage of the existing building or parking area is proposed.

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<sup>1/</sup> Hyperlink enables readers to review desired documents and return to the Background and Supplemental Information Report. All files must be in the same folder (download the contents of the CD) and use Adobe Reader or Acrobat for seamless integration of the documents.

## REQUEST

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24-W.4, a Conditional Use Permit to use and maintain an automotive body shop with a spray booth of approximately 9,656 square feet with ten (10) parking spaces not within 500 feet of A or R zones nor school. The request includes waivers in windows and landscape

## RELEVANT CODE SECTIONS *(Underline added for emphasis)*

**Section 12.22-A,28. (Exceptions)** “Automotive Use. (Added by Ord. No. 178,382, Eff. 3/24/07.) In the C2 or less restrictive zones, a new automotive use, change of use, or addition of floor area to an existing automotive use may be established without first obtaining approval pursuant to Section 12.24 W.4. of this Code if the development standards set forth in Paragraph (a) and the operating conditions set forth in Paragraph (b) of this subdivision are met. Notwithstanding the above, new automobile dealership franchises, and their associated activities, are exempt from the requirements of this subdivision.”

**Section 12.24-W,4 (Conditional Use Permits)** Automotive Uses in the C Zones that Do Not Comply with the Development Standards and Operating Conditions Enumerated in Sections 12.22 A.28. or in the M Zones that do not comply with Section 12.17.6 of this Code. *(Amended by Ord. No. 178,382, Eff. 3/24/07.)*

## CODE, CONTEXT, AND GUIDING LAND USE POLICY

### Conditional Use Permit

A Conditional Use Permit (CUP) is a discretionary action for a particular use that is not allowed as a matter of right within the Zone Classification. The discretionary review has singled out types of uses that are essentially desirable but, because of potential impacts, are not desirable in every location, unlimited numbers, or location without restrictions tailored to them. *(Concept noted in Neighborhood Action Group v. County of Calaveras (1984) 156 Cal. App.3d 1176).*

CUPs over the years have become more important in planning as we move further away from Euclidean zoning (i.e., Euclid Township vs. Amber Board of Realty), which separates land uses by type, density, and intensity. For example, the City has allowed nonresidential uses in or near residential areas (e.g., churches, childcare, equine boarding and riding, home occupations, and wireless telecommunications facilities) through a CUP process.

“The goal in regulating conditional uses should be to balance the need for diversity and proximity to certain uses against any potential impacts such uses may have on the surrounding community.” *(PAS Quicknotes (ISSN 2169-1940) publication of the American Planning Association’s Planning Advisory Service, 2012)*

The decision to deny a conditional use should not be based upon generalized objections or arbitrary and capricious concerns of neighboring community members but rather a review and application of the specific criteria and conditions for the conditional use. Conditions are imposed to address relevant impacts and must be directly related and incidental to the proposed use. Automotive Uses require specific findings (Justification Nos. 4-7) in addition to the Findings of Approval established under Code Section 12.24-E. (Justification Nos. 1-3)

A link to the Planning and Zoning Code is available on the Department of City Planning website at <http://planning.lacity.org>.

## PROJECT SITE AND SURROUNDING PROPERTIES

Subject Property (See [Google Map](#)) (See [ZIMAS](#))

The subject site consists of two parcels (APN Nos. 224000903 and 2240009033) totaling 10,609.7 square feet, 5,250 square feet, and 5359.7 square feet, respectively. The existing 9,656 square-foot one-story building was constructed in 1940 and partially projects into APN 224000903. The remaining APN 224000903 is used for ten parking spaces, and the building was previously used as a warehouse, then Pool Hall (1999), and subsequently converted to Automotive Use. The site is zoned CM-1VL with the General Plan designation of Commercial Manufacturing.

Zoning Information File(s):

- ZI-2452 Transit Priority Area in the City of Los Angeles
- ZI-2374 State Enterprise Zone: Los Angeles
- ZI-1117 MTA Right-of-Way (ROW) Project Area
- ZI-2498 Local Emergency Temporary Regulations - Time Limits and Parking Relief - LAMC 16.02.1

## Surrounding Uses and Neighborhood Character

Adjacent properties are in the C2, PF, and CM Zone Classifications used for Automotive Uses and public parking. (See [Adjacent Uses Map](#))

## STREETS AND CIRCULATION

**Calvert Street** is a Collector Street, to the north of the subject site, with a dedication right of way of 66 feet and roadway of 40 feet, and is fully improved.

**Sylmar Avenue** is a Local Street Standard, to the west of the subject site, with a dedication right of way of 60 feet and a roadway of 36 feet.

**Bessemer Street** is a Local Street Standard, to the south of the subject site, with a dedication right of way of 60 feet and a roadway of 36 feet.

## RELATED CASES ON-SITE

Building Permits (See [Building Permits Records](#))

## RELATED CASES IN THE SURROUNDING AREA

**[Case No. ZA-1990-1086-CUZ](#)** - On March 18, 1991, the Zoning Administrator approved the construction, use, and maintenance of a proposed 6,624 square-foot automobile repair facility in a CM Zone, within 300 feet of residentially zoned property. More than one lease space in a mini-shopping center at Conditions include: a 15-foot rear yard setback, a minimum of 13 parking spaces on-site, no building or structure shall exceed 30 feet in height, no auto body, fender repair or spray painting shall be permitted, an 8-foot in height masonry wall shall be constructed on the south property line, masonry walls 6 feet in height shall be constructed along the east, and west property lines, 6-foot in height wrought iron fence and gate shall be provided along the front property line, landscaping be provided along the frontage to a height of 6 feet within two years of installation, and five 24-inch box trees to be planted in rear yard setback. *(14122 Oxnard Street)*

**[Case No. ZA-1993-0328-CUZ](#)** - On June 2, 1993, the Office of Zoning Administration approved the continued use and maintenance of an existing auto repair facility, with the addition of an automobile body repair and painting use unit and related uses. On July 21, 1993, the Zoning Administrator issued a Letter of Correction clarifying that tire sales and installation are allowed under the grant. *(14101 Oxnard Street)*

**[Case No. ZA-1997-0167-CUZ-PA1](#)** - On October 15, 2002, the Zoning Administration denied plans to permit a one-story addition for auto body and fender work to an existing one-story automotive repair and steam cleaning business. On December 12, 2002, the South Valley Area Planning Commission granted Case No. ZA 97-0167(CUZ)(PA)-A1 on appeal a 1,600 square-foot, one-story addition for auto body and fender work to an existing 4,478-square foot, one-story automotive repair, steam cleaning business. On May 20, 2004, the Office of Zoning Administration issued a Letter of Clarification stating that a condition imposed requires a re-examination of the matter, which will be approximately one year from June 2004. *(14232 Oxnard Street)*

**[Case No. ZA-1997-0303-CUZ](#)** - On July 15, 1997, the Office of Zoning Administration approved a Conditional Use to expand an existing 2,000-square-foot auto repair facility by adding a 504-square-foot automotive spray paint booth. *(14222 Oxnard Street)*

**[Case No. ZA-1999-3134-ZV-YV](#)** - On June 9, 2000, the Office of Zoning Administration approved Variances for permitting the construction, use, and maintenance of a two-level parking structure with a roof deck accommodating 268 parking spaces in the RDI .5 Zone; to permit parking and storage of automobiles as a "main use" rather than an "accessory use," being separate and apart from the land it serves, in diverse locations regardless of the status of maintenance of the main building or use it serves, and separated by an alley from the building or use it serves; and to permit a reduced side

yard of 10 feet instead of the 15 feet otherwise required along Tilden Avenue. (5700 Tilden Avenue)

**Case No. ZA-2003-3392-CU** - On December 19, 2003, the Office of Zoning Administration approved a Conditional Use with specified deviations from Section 12.22-A,23 of the Los Angeles Municipal Code, to permit the construction, use, and maintenance of a 48,017 square-foot automobile dealership with basement repair facilities, located within 300 feet of an "R Zone. (5746 Van Nuys Boulevard)

**Case No. ZA-2004-2013-CU** - On January 6, 2005, pursuant to Los Angeles Municipal Code Sections 12.24-W,4 and 27,I, the Office of Zoning Administration approved a conditional use permit for the construction, use, and maintenance of an auto showroom, service, and parts building in the C2-IVL Zone, that is within 300 feet of an R zoned property, with deviations from the Commercial Corner provisions of Section 12.22-A,23 of the Los Angeles Municipal Code as to extended hours of operation, less than 50 percent transparent windows fronting along a street, and a replacement pole sign, and Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27,I approve a variance from Sections 12.1 I -A and 12.12.1 -A of the Los Angeles Municipal Code to permit a portion of the auto facility in the R4 and P Zones (5803-5919 North Van Nuys Boulevard)

**Case No. ZA-2005-1242-CU** - On June 10, 2005, pursuant to Los Angeles Municipal Code Section 12.24-W,4, the Office of Zoning Administration approved the construction, use, and maintenance of an automotive repair facility within 300 feet of a residential zone (4152 West Oxnard Street)

**Case No. ZA-2015-4165-CU** - On November 28, 2016, the Office of Zoning Administration approved a conditional use to authorize an animal boarding facility in the M2 Zone, which is within 500 feet of a residential zone(14859 W. Bessemer Street)

**Case No. ZA-2019-5135-CU** – On August 27, 2021, pursuant to Los Angeles Municipal Code Section 12.24W.4, the Office of Zoning Administration approved Conditional Use authorizing the use and maintenance of three automotive repair uses within the M2-1 Zone, also within 500 feet of any A or R zone, as otherwise prohibited. (14725 West Bessemer Street)

**Case No. ZA-2021-1243-CU** - On February 11, 2021, the Office of Administration approved an automotive repair in the M2-1 Zone within 500 feet of an R Zone located at (14814 W. Calvert Street)

**Case No. ZA-2021-2766-CU** - August 4, 2022, pursuant to Los Angeles Municipal Code Section 12.24-W.4, the Office of Zoning Administration approved a Conditional Use to allow a fully enclosed automotive repair use within an existing 4,954 square foot building within the M2 Zone. (14762 West Calvert Street)

## JUSTIFICATIONS BASED ON REQUIRED FINDINGS

The Project is to apply to the Department of Building and Safety for a Change of Use Permit, which will require approval of a Conditional Use Permit for the 9,656 square feet of Automotive Use. No construction nor increase in square footage of the existing building or parking area is proposed. A total of ten (10) parking spaces and four bicycle spaces are provided on-site.

**1. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

There are numerous facets to the automotive industry, which in total commands a sufficient share of the U.S. Gross Domestic Product. Automakers and their suppliers alone are America's largest manufacturing sector, responsible for 3% of America's GDP. <sup>2/</sup>

No other manufacturing sector generates as many American jobs. Its growth creates jobs and expands state and local budgets' taxable base and revenues. Therefore, the effective functioning and development of the automotive industry are of economic importance.

One facet of the automotive industry is auto body repair, which restores, refinishes, and replaces vehicle bodies and frames. At some point, those who own cars may incur dings, dents, scrapes, and scratches. If not to repair a car for one's use, there will come a point in time one will sell the car. To get as much money as possible for the car, upgrading its appearance can ensure a higher offer. For the price it takes for auto body repair, the "Return on Investment" could be covered and surpassed upon reselling the car.

Hero Motorsports is a fully equipped auto repair shop providing a full-service collision center equipped to repair body, paint, and frame. Hero MotoSports specialize in BMW, MBZ, Mini Cooper, Audi, Porsche, Ferrari, Lamborghini, and other European cars. Their technicians are trained to handle the most comprehensive mechanical issues. Hero also fixes mechanical and electrical problems. Services include a spray paint booth, which other repair shops must subcontract to outside vendors. This assemblage of services offers customers one-stop vehicle body repair rather than seeking comprehensive service elsewhere.

The area's land uses comprise automotive-related uses, particularly along Calvert and Oxnard Streets. Hero MotoSports' location is proximate to similar Automotive Uses, making this use ideally situated to serve the needs of the community and city.

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<sup>2/</sup> STATE OF THE U.S. AUTOMOTIVE INDUSTRY 2020, American Automotive Policy Council (AAPC) Economic Contribution Report

**2. That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

Several notable factors cause Hero MotoSports to be compatible with and not adversely affect adjacent properties, including:

- Adjacent properties are in the C2, PF, and CM Zone Classifications and are used for automotive repair uses and public parking.
- The site is more than 500 feet away from a residentially zoned property or a school.
- Its two rollup doors face east towards another Automotive Use across the street.
- All loading and unloading can occur on-site.
- No repair work is done outside of the building.
- The paint booth is self-contained and within the building with advanced technology that mitigates any potential effects on the neighborhood or environment. It meets [AQMD standards](#) to prevent significant noise, fumes, and vibrations.

For the reasons cited above, it appears that the existing facility will continue to be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety. (See [Adjacent Uses Map](#))

**3. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City and addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan comprises the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. Designates the subject property for designated Light Manufacturing with the corresponding zones of MR2 and M2. The subject property is located within the Van Nuys - North Sherman Oaks Community Plan area. The property is not located in an area subject to an Interim Control Ordinance, Specific Plan, or Community Design Overlay. Further, Hero Motorsports is appropriately located within an industrially zoned area, and the property is located outside 500 feet of A or R zones or uses and schools.

The Van Nuys - North Sherman Oaks Community Plan text is silent regarding the use and maintenance of automotive repair uses. In such cases, the Zoning Administrator must interpret the intent of the Plans. The Conditional Use Permit process allows a Zoning Administrator to consider the individual operation of uses that could be problematic if allowed to operate by right. The review process determines if the proposed use is compatible with its surroundings and ensured by imposing conditions.

Hero Motorsports is consistent with the Van Nuys-North Sherman Oaks Community Plan's objectives: "To provide for existing and future industrial uses which contribute job opportunities for residents and which minimize environmental and visual impacts to the community."

In this instance, the proposed Automotive Use will provide job opportunities for those in the repair field and the applicant's employees. Furthermore, the Project furthers the following found in the Community Plan:

GOAL 1 A safe, secure, and high-quality residential environment for all economic, age, and ethnic segments of the community.

Policy 1-1.3 Protect existing stable single family and low-density residential neighborhoods from encroachment by higher density residential and other incompatible uses.

Goal 2: A strong and competitive commercial sector which best services the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the community.

Objective 2-1: To conserve and strengthen viable commercial development. Furthermore, the Plan seeks to promote the economic well-being of the community by designating land for commercial purposes subject to appropriate planning standards that enhance the appearance of commercial districts. Therefore, the instant request appears to substantially conform to the purpose, intent and provisions of the General Plan.

Goal 3: Sufficient land for a variety of industrial uses with maximum employment opportunities for the community's workforce which are safe for the environment and which have minimal adverse impact on adjacent residential uses.

Objective 3-3: To assure mitigation of potential negative impacts generated by industrial uses when they are located in proximity to residential neighborhoods, the Plan proposes design guidelines for new industrial uses when so located.



Policy 3-3.1: Encourage new industrial uses adjacent to residential neighborhoods to mitigate their impact on the residential neighborhoods to the extent feasible.

**4. That the project approval will not create or add to a detrimental concentration of automotive uses in the vicinity of the proposed automotive use.**

The request is due to Hero Motorsports, Inc. received an Order to Comply from the Los Angeles Department of Building and Safety. The request is for the continued operation of the existing facility rather than introducing a new auto repair facility into the neighborhood. There is no intent to expand the existing use nor increase its intensity with expanded hours of operation. Nor will there be construction, renovation of the parking area, or new landscape work.

Hero Motorsports is appropriately located within a commercial manufacturing zoned area. The property is located 500 feet outside A or R zones and schools. While there are other Automotive Uses within the boundary of the radius map, the subject facility does not appear to result in an adverse clustering effect or a detrimental concentration of similar uses. Unlike Automotive Uses along Oxnard Street, Hero Motorsports does not adjoin residential<sup>1</sup>, and all operations occur within the building. Unlike others, Hero Motorsports does not use the center lane of any street for loading and unloading.

The applicant is seeking a waiver to Code Section 12.22-A, 28:<sup>3/</sup>

**Windows** (Code Section 12.22-A, 28(a)(1)):

Waiver Justification: The building was constructed in 1940 with a solid façade along Calvert Street, bay doors, and customer entrance along Sylmar Ave. The exterior walls and doors of any building, excluding bay doors and/or security grills, housing an automotive use, which are parallel to a street, shall consist of at least 50 percent transparent windows unless otherwise prohibited by law. It would be cost-prohibitive to install transparent windows and would not further its purpose of creating a pedestrian ambiance by looking inside Hero's operation.

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<sup>3/</sup> There are two specific tests applied when imposing conditions. One, the Nollan (1987) test is that there is a link (i.e., nexus) between the proposed project and imposed condition. In the Dollan (1994) test, a condition on development or use of property is justified by a benefit if it is "roughly proportionate" to the burden imposed.

If a condition applied to a discretionary action is not linked to some legitimate public need or overly burdens the projects, the condition imposed could be deemed a taking of property in violation of the U.S. Constitution's Fifth and Fourteenth Amendments (*Nollan v. California Coastal Commission* (1987) 97 L.Ed2nd 677)).

**Landscaping.** (Code Section 12.22-A, 28(a)(9)):

All landscaping shall comply with Sections 12.41, 12.42, and 12.43 of this Code and the following requirements:

- (i) Landscaping - Setback. A landscaped, planted area having a minimum width of five feet shall be required along all street frontages of the lot or lots, except for that portion of the lot line where an access driveway is required by the City as determined by the Department of Building and Safety, and on the perimeters of all parking areas of the lot or lots that abut a residential zone or use.  
**Waiver Justification:** The building and parking area were constructed in 1940 from lot line to lot line. There are no changes in the parking area to trigger compliance with current landscape requirements. Furthermore, it would be cost-prohibitive to install landscape.
- (ii) Irrigation System. An automatic irrigation system shall be provided for all landscaped, planted areas. The system shall be installed and operational prior to the issuance of any certificate of occupancy.  
**Waiver Justification:** The building and parking area were constructed in 1940 from lot line to lot line. There are no changes in the parking area to trigger compliance with current landscape requirements. Furthermore, it would be cost-prohibitive to install landscape.

**5. Based on data provided by the Department of Transportation or a licensed Traffic Engineer, ingress to, egress from and associated parking of the automotive use will not constitute a traffic hazard or cause significant congestion or disruption of vehicular circulation on adjacent streets.**

Pursuant to Los Angeles Municipal Code Section 16.05 and various code sections, as per instructions, the Traffic Assessment Referral Form is submitted after the Department of City Planning has accepted an application and issues a case number. The Referral Form (CP-2151.1 Transportation Study Assessment) is not intended to address the site access plan, driveway dimensions and location, internal circulation elements, dedication and widening, and other issues. These items require separate review and approval by LADOT.

The following is a cursory analysis of what will be presented in the Transportation Study Assessment:

- Based on ITE Trip Generation Rates - 9th Edition, Three (3) Service Bays. Daily Trips 37 AM Hour 5 PM hour 7.
- The existing use has existed for more than five (5) years. Based on the VMT Calculator, the existing/proposed Daily Vehicle Trips are 67, and Daily VMT is 503. Thus, there is no net increase in Daily Vehicle Trips or

Daily VMT. (*Estimated*)

- The existing automobile repair use is within an industrial building established in an area with other automobile repair uses and does not appear to result in an adverse clustering effect or a detrimental concentration of similar uses.
- The building's frontage is on Calvert Street (Collector Street), and its vehicle bays and customer entrance are along Sylmar Ave. (Local Street). Parking is at the rear of the site, with access from Sylmar Ave. and Bessemer Street (Local Street).
- All loading and unloading of vehicles can occur on-site.

As such, ingress to egress from the building and associated parking will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets, and no change to vehicular traffic, ingress, or egress is anticipated under the instant request.

- 6. Any spray painting will be conducted within a fully enclosed structure location at least 500 feet from a school or A or R zone, and that all spray painting will be conducted in full compliance with the provisions of Article 7, Chapter 5 of the Code, as well as the South Coast Air Quality Management District rules 1132 and 1151 regulating these installations.**

As noted above and shown in the photographs, the spray booth is within the building and has a fully enclosed structure. As evidenced in the record, the facility has a [permit to operate the spray booth from AQMD](#), which ensures the operation is conducted in full compliance with the provisions of Article 7, Chapter 5 of the code, as well as the South Coast Air Quality District Rules 1132 and 1151 which regulates spray paint booth installations.

- 7. That the applicant has submitted an appropriate landscape plan setting forth all plant materials and irrigation systems, and a written schedule indicating how the landscaping will be maintained.**

Refer to Justification No. 4.

## CEQA JUSTIFICATION

Upon review of similar Conditional Use Permits, the Office of Zoning Administrator determined:

Based on the whole of the administrative record, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities). No substantial evidence demonstrates that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, hazardous waste sites, or historical resources apply.

Based on the whole of the administrative record, the Project is exempt from CEQA pursuant to City CEQA Guidelines, Section 1, Article 111, Class 2, Category 2, and there is no substantial evidence demonstrating that an exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Based on the whole of the administrative record, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15303, Class 3. No substantial evidence demonstrates that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, hazardous waste sites, or historic resources apply.

Based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines Article 19, Section 15301 (Class 1 - Existing Facilities) and 15305 (Class 5 - Minor Alterations in Land Use Limitations) and City CEQA Guidelines, Article 111, Section I, Class 1-Category 22, and Class 5-Category 23. There is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2, applies.

In this instance, based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301, Class 1, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.1.

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