



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **FEB 06 2018**

Case No.: CPC-2017-1103-DB
CEQA: ENV-2017-1104-CE
Plan Area: Northeast Los Angeles

Council District: 14 – Huizar

Project Site: 1332 Colorado Boulevard

Applicant: Imad Boukhai, General Procurement
Representative: Heather Lee

At its meeting of **January 11, 2018**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Construction of a new, approximately 56,000 square foot mixed-use building with 26 residential units, 3,671 square-feet of commercial floor area, and a total height of approximately 82 feet.

1. **Determined**, based on the whole of the administrative record that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 12.22 A.25(g)(3) of the Los Angeles Municipal Code (LAMC), a 32.5 percent Density Bonus for a project totaling 26 residential dwelling units reserving 10 percent, or two (2) units, for Very Low Income Households, and utilizing parking option 1, with one Off-Menu Incentive to allow a maximum Floor Area Ratio (FAR) of 2.01:1 in lieu of a 1:1, otherwise permitted pursuant to Ordinance No. 173,606 and Section 15.A of the Colorado Boulevard Specific Plan;
3. **Adopted** the attached Conditions of Approval as modified by the Commission, including staff's Technical Modification dated January 11, 2018; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Perlman
Second: Khorsand
Ayes: Choe, Mitchell, Padilla-Campos, Dake Wilson
Absent: Ambroz, Mack, Millman

Vote: 6 - 0



James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: *The decision of the Los Angeles City Planning Commission is final and not appealable.*

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Findings

c: Nicholas Hendricks, Senior City Planner
Azeen Khanmalek, City Planning Associate

CONDITIONS OF APPROVAL

(As modified by the City Planning Commission January 11, 2018)

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Residential Density.** The project shall be limited to a maximum density of 26 residential units including Density Bonus Units.
3. **Affordable Units.** A minimum of 2 units, or 10 percent of the base dwelling units, shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2).
4. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (9a-d).
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 2 units available to Very Low Income Households, for rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
6. **Floor Area Ratio (FAR).** The project shall be limited to a maximum FAR of 2.01:1, or 55,562 square feet.
7. **Height.** The project shall not exceed a maximum of 82-feet 6-inches in height, as shown in "Exhibit A".
8. **Automobile Parking.** Based upon the number of dwelling units and commercial floor area proposed, at least 53 parking spaces shall be provided for the project. Vehicle parking shall be provided consistent with LAMC Section 12.22 A.25, Parking Option 1, which permits one on-site parking space for each residential unit with one or fewer bedrooms, two on-site parking spaces for each residential unit with two to three bedrooms, and two-and-one-half parking spaces for each residential unit with four or more bedrooms, and an up to 15 percent replacement of required residential automobile parking spaces with bicycle parking spaces at a rate of four long-term bicycle parking spaces for each automobile parking space, for a total of 46 residential parking spaces; and LAMC Section 12.24 A.4(x), which permits two parking spaces for every 1,000 square feet of commercial floor area for project within a Los Angeles Enterprise zone, for a total of 7 commercial parking spaces. The project shall provide unbundled parking leases for residential units and commercial tenant spaces. Residential and commercial tenants shall have the option to lease parking spaces separately from the residential dwelling units or commercial tenant space, or to opt out of leasing parking spaces.

9. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.
10. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guest room and one per 2,000 square feet of retail floor area. Short-term bicycle parking shall be provided at a rate of one per ten dwelling units or guest rooms, with a minimum of two short-term bicycle parking spaces, and one per 2,000 square feet of retail floor area. Additionally, an up to 15 percent replacement of required residential automobile parking spaces with bicycle parking spaces at a rate of four long-term bicycle parking spaces for each automobile parking space is permitted. Based upon the number of dwelling units, commercial floor area, and replacement of automobile parking spaces, 28 long-term and 5 short-term bicycle parking spaces shall be provided on-site.
11. **Electric Vehicle Parking.** The project shall include at least twenty percent (20%) of the total Code-required parking spaces provided for all types of parking facilities as capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Five (5) percent of the total Code-required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the 20% or 5% results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
12. **Uses.** The commercial floor area of the project shall not be utilized for any of the uses listed in Section 6.B of the Colorado Boulevard Specific Plan.
13. **Street Wall.** The project shall maintain a street wall, as defined in Section 4 of the Colorado Boulevard Specific Plan. The Street wall shall extend for a minimum of 75 percent of the street frontage of the site.
14. **Setbacks.** The project shall maintain a minimum 5-foot setback on the easterly property line along Linda Rosa Avenue, and the westerly property line along Holbrook Street, in compliance with Section 7.A.1 of the Colorado Boulevard Specific Plan. In addition, the project shall maintain a minimum 7-foot side yard setback along the southerly property line, in accordance with 12.16 C.2 and 12.11 C.2 of the LAMC.
15. **Buffering Wall.** The project shall maintain a minimum 6-foot high decorative masonry wall along the southerly property line, in compliance with Section 9.A of the Colorado Boulevard Specific Plan.
16. **Landscaping.** A minimum of 5 percent of the project's total area shall be landscaped, in compliance with Section 11.A of the Colorado Boulevard Specific Plan. The minimum depth of wells for trees, shrubs, and plantings on the rooftop shall be as follows:

- Minimum depth for trees shall be 42 inches
- Minimum depth for shrubs shall be 30 inches.
- Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
- Minimum depth for an extensive green roof shall be 3 inches.
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In addition, the minimum amount of soil volume for tree wells on the rooftop shall be based on the size of the tree at maturity:

- 600 cubic feet for a small tree (less than 25 feet tall at maturity).
- 900 cubic feet for a medium tree (25-40 feet tall at maturity).
- 1,200 cubic feet for a large tree (more than 40 feet tall at maturity).

16. **Trees.** Twenty-four inch box trees shall be planted at 25 foot intervals along the street frontage of lots on which Projects are located, in compliance with Section 11.B of the Colorado Boulevard Specific Plan. However, the planting of trees shall not obstruct driveways or interfere with utilities. Existing street trees may be used to satisfy this provision. Prior to issuance of any grading or other building permit for a Project, a plan showing all existing and proposed trees on the lot shall be submitted to the City Planning Department and the Street Tree Division of the Bureau of Street Maintenance for approval. If the plan calls for removal of existing trees, then the plan shall be prepared by a reputable tree expert, as defined by L.A.M.C. Section 17.02, and shall contain measures recommended by the tree expert for the preservation of as many trees as possible and the number of desirable trees that require removal. Replacement trees shall not be smaller than 24 inch box trees, less than eight feet in height, or less than two inches in trunk diameter and shall not have a crown spread of less than five feet. Further, all trees shall be in a healthy growing condition. Root bound trees are not acceptable.
17. **MERV Filtration Maintenance.** All MERV filters, as well as all related filtration systems and equipment, shall be adequately maintained according to manufacturer's standards.
18. **Road Restriping.** The applicant shall provide a status update to the file on the volunteered commitment to initiate a B-Permit with the Bureau of Engineering to restripe Colorado Boulevard eastbound in order to allow curbside vehicle parking directly adjacent to the subject site, as well as to restripe Colorado Boulevard westbound in order to install a new left turn pocket at Colorado Boulevard and Mt. Helena Avenue.

Administrative Conditions

19. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
20. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
21. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the

subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.

22. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
23. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
24. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
25. **Covenant.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement for CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file.
26. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
27. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

 - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
 - (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does

- not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

1. Density Bonus/Affordable Housing Incentives Program Findings

Pursuant to Section 12.22 A.25(g) of the LAMC and Government Code Section 65915(d)(a)(A), the Director shall approve a Density Bonus and requested Incentive(s) unless the Director finds that:

- a) The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.**

Requested Off-Menu Incentive – FAR Increase

A project that provides 10% of its base units for Very Low Income households qualifies for two incentives but may request other “waiver[s] or reduction[s] of development standards that will have the effect of physically precluding the construction of a development meeting the [affordable set-aside percentage] criteria of subdivision (b) at the densities or with the concessions or incentives permitted under [State Density Bonus Law]” (Government Code Section 65915(e)(1).)

The record does not contain substantial evidence that would allow the Director to make a finding that the requested incentives are not necessary to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for Very Low, Low, and Moderate Income Households. Section 50052.5 addresses owner-occupied housing and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The subject site is zoned [Q]C4-2D, which generally allows a Floor Area Ratio of 6:1. However, Ordinance No. 173,606, approved on November 15, 2000, imposed a Q Condition on the property which requires project to comply with the regulations of the Colorado Boulevard Specific Plan. Section 15.A of the Specific Plan provides for a base FAR of 1:1, with certain allowances for obtaining greater floor area dependent on the Specific Plan Subarea. However, because the subject site is not within a Specific Plan subarea, it is limited to the base FAR of 1:1. The Menu of Incentives contained in LAMC Section 12.22 A.25 includes the FAR Increase incentive, which permits a percentage increase in the allowable Floor Area Ratio equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35 percent. While the project would qualify for an On-Menu incentive for a 32.5 percent increase in the allowable FAR, this would only permit an FAR of 1.325:1, or approximately 36,507 square feet, which would not allow the applicant enough floor area to construct the project including two (2) units reserved for Very Low Income households. The development standard would not allow enough floor area to make the number of units possible to construct. Increased FAR allows for an expanded building envelope, and space to adequately provide for seven (7) additional units in the proposed development, two (2) of which are proposed to be reserved as affordable for Very Low Income Households. Therefore, the applicant has requested an Off-Menu Incentive to allow a maximum FAR of 2.01:1. As seen in the table below, the proposed FAR allows for an additional 28,009 square feet of floor area, without

which the development would not be physically feasible. The requested incentives allow the developer to expand the building envelope so the additional units can be constructed and the overall space dedicated to residential uses is increased. These incentives support the applicant's decision to set aside 2 Very Low Income dwelling units for 55 years.

FAR by-right	Buildable Lot Area (sf)	Total Floor Area (sf)
1:1	27,553	$27,553 \times 1 = 27,553$

FAR proposed	Buildable Lot Area (sf)	Total Floor Area (sf)	Additional Floor Area (sf)
2.01:1	27,553	55,562	$55,562 - 27,553 = 28,009$

- b) The Incentive will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.**

There is no evidence in the record that the proposed density bonus incentive(s) will have a specific adverse impact. A "specific adverse impact" is defined as, "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The finding that there is no evidence in the record that the proposed incentive(s) will have a specific adverse impact is further supported by the recommended CEQA finding. As required by Section 12.22 A.25 (e)(2), the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a contributing structure in a designated Historic Preservation Overlay Zone or on the City of Los Angeles list of Historical-Cultural Monuments. No evidence has been presented that has identified any written objective health or safety standards that are exceeded or violated. Nor has any evidence been provided that significant, quantifiable, direct and unavoidable impacts will occur. Therefore, there is no substantial evidence that the proposed incentive will have a specific adverse impact on public health and safety.

CEQA FINDINGS

Determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section, 15332, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The proposed Project qualifies for a Categorical Exemption because it conforms to the definition of "In-fill Projects" as follows:

(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 Project is located within the Northeast Los Angeles Community Plan area, and has a General Plan Land Use designation of Neighborhood Commercial. The property is zoned [Q]C4-2D; The C4 zone allows residential uses subject to the density regulations of the R4 Zone. However, Ordinance No. 173,606, approved on November 15, 2000, imposed a Q Condition on the property which limits the density of the site to the lot area regulations of the RD1.5 zone. Based on the area regulations of RD1.5 zone the site allows up to 26 dwelling units on the Project site through the Density Bonus Ordinance. The Project meets parking, yard, open space, and landscaping requirements, with modifications to allow additional FAR through an Off-Menu incentive.

Consistent with the Community Plan, the proposed 26 unit apartment development, which includes two (2) Very Low Income units, adds new, multi-family housing to Los Angeles' housing supply, in a neighborhood which is conveniently located to a variety of community services.

(b) The proposed development occurs within city limits on a Project site of 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 0.63 acres. The Subject Property is substantially surrounded by urban uses. Properties to the north, across Colorado Boulevard, are zoned [Q]C4-2D and developed with a multi-family apartment building, low density multi-family structures, and single-family homes. Adjacent properties to the south are zoned R1-1 and developed with single-family homes. Properties to the east are zoned [Q]C4-2D and are developed with low-density multi-family structures. Properties to the west are zoned [Q]C4-2D and developed with a two-story commercial structure. The site fronts on Colorado Boulevard, which contains a number of commercial uses. The site is also in close proximity to public transit, including Metro Line 81, which runs along Colorado Boulevard.

(c) The Project site has no value as habitat for endangered, rare or threatened species:

The site is not, and has no value as, a habitat for endangered, rare or threatened species. The site is vacant, surrounded by development, and there are no trees on the property.

(d) Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality:

The proposed project adds a total of 26 dwelling units. Based upon the existing mobility and circulation networks in direct proximity to the proposed project, the introduction of 26 additional units to the community will result in no traffic impacts. The project will generate well under 500 daily trips, which is the established CEQA threshold.

The project does not involve the removal of healthy, mature, scenic trees because the trees being removed (pine, ficus, and palm) are not protected trees. The subject property is not in a waterway, wetland, officially designated scenic area, an officially mapped area of severe geologic hazard, or within an official Seismic Hazard Zone. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on the physical environment, on public health and safety, and/or on property listed in the California Register of Historic Resources.

The project must comply with the adopted City of Los Angeles Noise Ordinances Nos. 144,331 and 161,574, as well as any subsequent Ordinances, which prohibit the emission or creation of noise beyond certain levels. These Ordinances cover both operational noise levels (i.e., post-construction), and any construction noise impacts. As a result of this mandatory compliance, the proposed project will not result in any significant noise impacts.

The building construction phase includes the construction of the proposed building on the Subject Property, connection of utilities, laying irrigation for landscaping, architectural coatings, paving, and landscaping the Subject Property. These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Construction activities involving grading and foundation preparation would primarily generate PM_{2.5} and PM₁₀ emissions. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the Project Site) would primarily generate NO_x emissions. The application of architectural coatings would result primarily in the release of ROG emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

Nevertheless, appropriate dust control measures would be implemented as part of the Proposed Project during each phase of development, as required by SCAQMD Rule 403 - Fugitive Dust. Specifically, Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project Site, and maintaining effective cover over exposed areas.

Best Management Practices (BMP) will be implemented that would include (but not be limited to) the following:

- Unpaved demolition and construction areas shall be wetted at least three times daily during excavation and construction, and temporary dust covers shall be used to reduce emissions and meets SCAQMD Rule 403;
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;
- General contractors shall maintain and operate construction equipment to minimize exhaust emissions; and
- Trucks shall not idle but be turned off.

The project, a 55,562 square foot multi-family mixed-use building will be built on a vacant property. Possible project-related air quality concerns will derive from the

mobile source emissions generated from the proposed residential uses for the project site. Operational emissions for project-related traffic will be less than significant. In addition to mobile sources from vehicles, general development causes smaller amounts of "area source" air pollution to be generated from on-site energy consumption (natural gas combustion) and from off-site electrical generation. These sources represent a small percentage of the total pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden generated by the proposed project. The proposed project will not cause the SCAQMD's recommended threshold levels to be exceeded. Operational emission impacts will be at a less-than-significant level.

The development of the project would not result in any significant effects relating to water quality. The project is not adjacent to any water sources and construction of the project will not create any impact to water quality. Furthermore, the project will comply with the City's stormwater management provisions per LAMC 64.70.

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

The site and all surrounding lots are currently and adequately served by the City's Department of Water and Power, the City's Bureau of Sanitation, the Southern California (SoCal) Gas Company, the Los Angeles Police Department, the Los Angeles Fire Department, Los Angeles Unified School District, Los Angeles Public Library, and other public services. These utilities and public services have continuously served the neighborhood for more than 50 years. In addition, the California Green Code requires new construction to meet stringent efficiency standards for both water and power, such as high-efficiency toilets, dual-flush water closets, minimum irrigation standards, LED lighting, etc. As a result of these new building codes, which are required of all Projects, it can be anticipated that the proposed Project will not create any impact on existing utilities and public services through the addition of 26 dwelling units. The project site will be adequately served by all public utilities and services given that the construction of a 26-unit multi-family mixed-use project will be on a site surrounded by similar uses and is consistent with the general plan.

The Project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting the five conditions listed above.