TRANSMITTAL TO CITY COUNCIL

Case No.(s)	Planning Staff Name(s) and Contact No.	C.D. No.
CPC-2009-3210-GPA-ZC-HD	LYNDA SMITH 213-978-1196	14

Items Appealable to Council:	Last Day to Appeal:	Appealed:
ZONE CHANGE / HEIGHT DISTRICT	MAY 29, 2012	Yes ☑ No ☐

Location of Project (Include project titles, if any.)

1755 E. 3RD STREET

Name(s), Applicant / Representative, Address, and Phone Number.

SIVOUSH NAYYERI
11916 PRAIRIE
HAWTHORNE, CA 90250
310-722-2707

REPRESENTATIVE:
EMILIO GUITERREZ
8307 GROVE AVE.
RANCHO CUCAMONGA, CA 91730

Name(s), Appellant / Representative, Address, and Phone Number.

SAME AS ABOVE

Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description only those items which are appealable to Council.)

The construction of a 4-story, maximum 45 foot high, 40 unit apartment building, providing 80 parking spaces. The proposed project is located on a 26,253 irregularly shaped site currently zoned PF-1XL.

Fiscal Impact Statement *Determination states administrative costs are recovered through fees.	Environmental No.	Commission Vote:
Yes ☑ No ☐	ENV-2009-2648-MND	6 - 0

JAMES K. WILLIAMS, Commission Executive Assistant II

Date: JUN 22 2012

PLANNING & LAND USE MANAGEMENT
JUL 06 2012

MASTER APPEAL FORM

ORIGINAL

City of Los Angeles – Department of City Planning

APPEAL TO THE: City Council
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: CPC-2009-3210-GPA-ZC-HD

PROJECT ADDRESS: 1755 E. 3RD STREET

FINAL DATE TO APPEAL: _____

TYPE OF APPEAL:

1. ☑ Appeal by Applicant
2. ☐ Appeal by a person, other than the applicant, claiming to be aggrieved
3. ☐ Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: SIVOUSH NAYYERI

- Are you filing for yourself or on behalf of another party, organization or company?

☑ Self ☐ Other: _____

Address: 3950 W IMPERIAL HWY

INGLEWOOD CA Zip: 90303

Telephone: (310) 722-2707 E-mail: EGUTIERREZ_CE@HOTMAIL.COM ✓

- Are you filing to support the original applicant's position?

☑ Yes ☐ No

REPRESENTATIVE INFORMATION

Name: EMILIO GUTIERREZ

Address: 3950 W IMPERIAL HWY

INGLEWOOD Zip: 90303

Telephone: 626-277-6373 E-mail: EGUTIERREZ_CE@HOTMAIL.COM

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

JUSTIFICATION/REASON FOR APPEALING – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

☑ Entire ~~☑ Part~~

Your justification/reason must state:

- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

ADDITIONAL INFORMATION/REQUIREMENTS

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
  - Master Appeal Form
  - Justification/Reason for Appealing document
  - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."
--CA Public Resources Code § 21151 (c)

I certify that the statements contained in this application are complete and true:

Appellant Signature: [signature] Date: 5/23/12

Planning Staff Use Only

Amount 17,630.73	Reviewed and Accepted by	Date
Receipt No. 7174	Deemed Complete by	Date

☑ Determination Authority Notified L. Smith, Dris Fazan-Anguns } email

☑ Original Receipt and BTC Receipt (if original applicant)

CP-7769 (11/09/09)

Sivoush Nayyeri

Project Justification

PROPOSAL TO BUILD A FOUR-STORY MULTIPLE DWELLING

Location:
1755 E. 3RD Street
Los Angeles, CA 90033

Prepared for:
City of Los Angeles
200 North Spring St.
Los Angeles CA 90012

Prepared By:
Emilio Gutiérrez
3950 W. Imperial Hwy
Inglewood, CA 90303

Contact:
Emilio Gutiérrez
(626)277-6373

May 23, 2012

PROJECT JUSTIFICATION

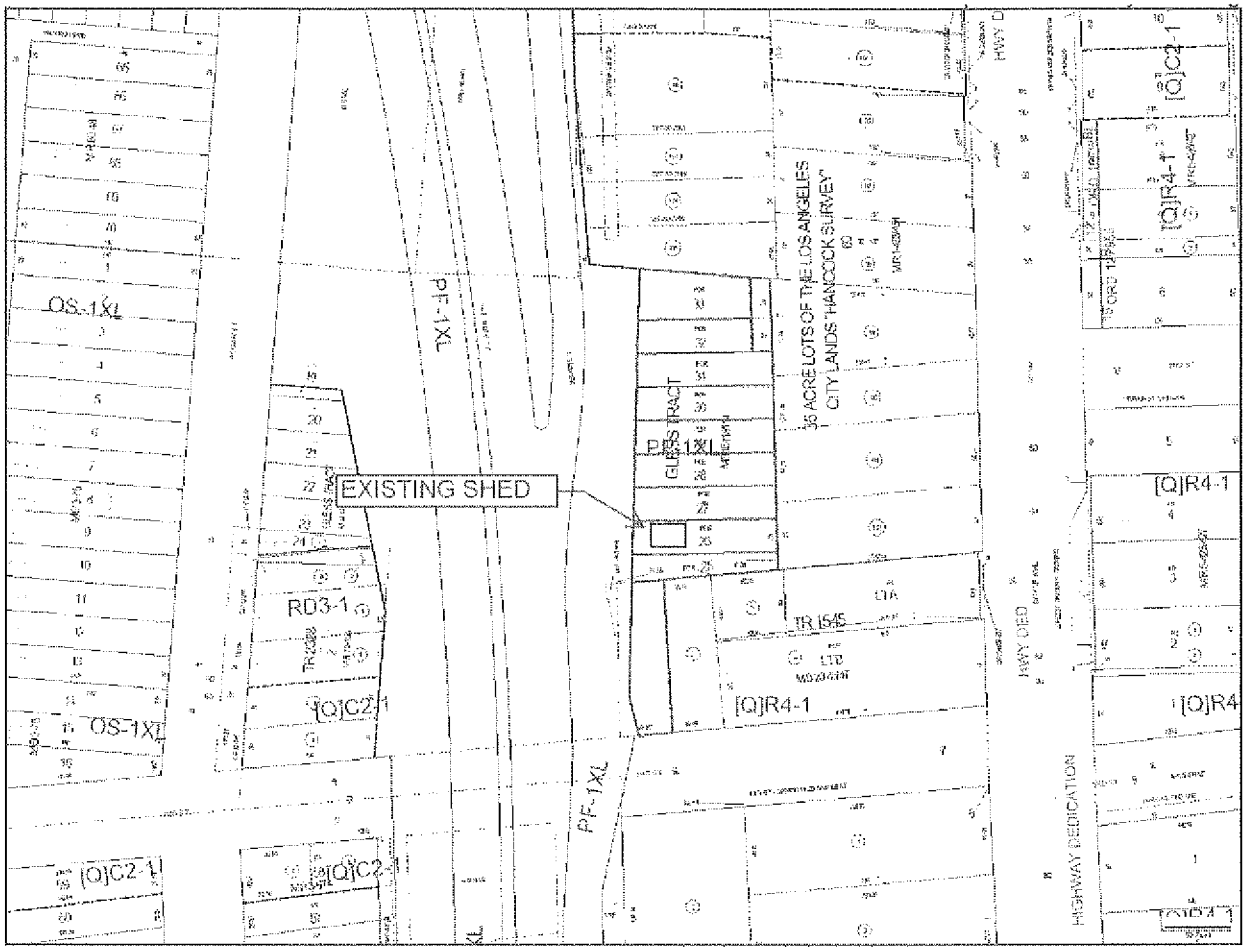


Figure 1. Proposed Project Location. **(ZIMAS Public LA City Planning, 2011)**

The project's objective is to develop the currently vacant lot into a four-story multi-family dwelling. The proposed project will provide 40 apartment units and 80 parking spaces in a 26,253 sq. ft. lot. The currently zoned PF-1XL land will be improved into a resourceful establishment that is beneficial to the community as well as the City of Los Angeles by delivering a high quality structure, creating numerous new jobs, and stimulating business.

Requested Actions subject of the present appeal:

1. Pursuant to Section 11.5.6 of the Municipal Code, a General Plan Amendment to the Boyle Heights Community Plan from Public Facilities to Medium Residential land use.

2. Pursuant to Section 12.32 (F) LAMC, a Zone Change and Height District Change from PF-1XL (Public facility) to R3-1 (Multiple Dwelling)

3. Pursuant to Section 21082.1 (c)(3) of the California Public Resources Code, **Adopt** the Mitigated Negative Declaration (MND) for the above referenced project.

Reasons for the appeal:

Pursuant to Section 12.04.09 of the Los Angeles Municipal Code, the purpose of Public Facility Zone(PF) is to provide regulation for the use and development of publicly owned land for public purposes. The site was sold by Caltrans to the applicant because Caltrans no longer needed the site an declared it surplus. No other public entity expressed interest on the use of the subject property for public facilities. The subject Entitlement requests are necessary to allow for the private development, sale, and use of the property. Under PF Zone, the LAMC limits the type of development that can occur on the now privately owned property.

Concerns regarding environmental effects were addressed as part of the proposed Mitigated Negative Declaration and Air Quality Report. Access and safety concerns were reviewed by the Los Angeles Fire Department for feasibility and conceptual approval. Fire Department conditions and recommendation will ensure the projects appropriate access and safety.

Specifically the points at issue:

The Zone Change and General Plan Amendment (GPA) are necessary to privately develop the lot. The proposed zone is similar to adjacent zones and in substantial conformance with the purposes, intent, and provision of the General Plan.

The reasons listed in the Planning Commission Determination for not approving the Zone Change and General Plan Amendment were based on project observations and concerns. Such concerns were professionally addressed by the submitted third party studies. In addition to the Environmental Assessment Report and the Mitigated Negative declaration, an Air Quality Study an Engineering Investigation for Soil Contamination was submitted for review. The Los Angeles Fire Department Hydrants and Access Unit has had an opportunity to review the plans and make recommendations. Once conditionally approved the applicant is obligated to seek the final clearance from Fire Department before applying for building permits.

Due to the project location the number of residents affected by such a small project is only in the hundreds. The applicant requested and enjoys the support of 140 members of the Boyle Heights community who have provided their names, addresses, and phone numbers to voice their support.

The General Plan Amendment and Zone/Height District change (Requested Actions No.1 and No. 2) were in compliance to the LAMC with no exceptions, request for variances, nor objections. Concerns raised about the project as submitted pertain more directly to the Mitigated Negative Declaration (MND) and features for the specific project. According to the findings listed in the proposed MND ENV-2009-2648-MND:

> "The City Planning Department of the City of Los Angeles has Proposed that a mitigated negative declaration be adopted for this project because the mitiga-

tion measures (s) outlined on the attached pages(s) will reduce any potential significant adverse effects to a level of insignificance.."

The Boyle Heights Community Plan adopted by the City Council on Nov. 10, 1998 recommends "Initiation of residential zone re-designation which will conform to the land use policies of this plan as indicated on the plan map." The General Plan Amendment from PF to Medium Density Residential and Zone/Height District change from PF-1XL to R3-1 is consistent with planned and existing land uses in the immediate area. The change is also consistent with the Boyle Heights Community Plan Footnotes 10 and 8. Footnote 10 indicates that a property sold by government body to a private purchaser may be rezoned to the zone that is most consistent within 500 feet of the property boundary. Footnote 8 indicates that adjacent private properties should be limited to Medium Density Residential Land Use Category (R3).

The Boyle Heights Community Plan adequately designated the then state owned subject property as Public Facility (corresponding zone included PF). However, CalTrans sold the surplus subject property to the applicant . The GPA is necessary for the development by a private owner because LAMC limits the development of properties on PF zones to public uses only.

The site location adjacent to the Santa Ana freeway is not an unusual nor extraordinary location. On the contrary, as proposed, the property will be developed to provide standards that exceed the majority of projects currently located adjacent to the freeway. By following the recommended measures listed in the submitted studies and the MND, the resulting risk to public health and safety will be lower than that of projects built much further from the freeway by reducing impact on health to less than significant thresholds.

How are you aggrieved by the decision:

Since 2009, the applicant has made a significant investment of time, funds, and resources to modify the original project and ensure its compliance with the Los Angeles Municipal Code and expert recommendations. There is more work to be done and the applicant is committed to work with the community, City Council, and the City of Los Angeles to deliver a sound and safe project. Aroused questions and concerns have been addressed through third party studies. The applicant has made a commitment to follow such studies' recommendations in order to mitigate foreseen negative effect.

The applicant reiterates such commitment to modify the project upon City of Los Angeles and City Council recommendations. The denial of the requested action related to the project has been used as grounds for the unwarranted denial of the General Plan Amendment and Zone/Height District change resulting in a complete loss of the adequately requested entitlements. Due to the project's early stage, customary Tentative and Qualitative clearances ensure public safety and compliance to LAMC.

How do you believe the decision-maker erred of abused their discretion:

The decision maker denied the General Plan Amendment and Zone Change based on safety concerns that could be mitigated and not on other real motives. Recommendations from the Los

Angeles Fire Department and pertinent public bodies will refine the project and will prevent public endangerment. The requested entitlements are in substantial conformance with the purposes, intent, and provision of the General Plan. These requests are in conformity to the LAMC and were recommended for City Council approval by the Los Angeles Department of City Planning in its September 8, 2011 and March 8, 2012 Recommendation Reports. Naturally, the developer looks forward to working with the community to deliver a project everyone can be proud of.

LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: MAY 09 2012

CASE NO.: CPC-2009-3210-GPA-ZC-HD
CEQA: ENV-2009-2648-MND

Location: 1755 E. 3rd Street
Council District: 14 - Huizar
Plan Area: Boyle Heights
Request(s): General Plan Amendment, Zone/Height District Change

Applicant: Sivoush Nayyeri

At its meeting on March 8, 2012, the following action was taken by the City Planning Commission:

1. **Denied** the requested **General Plan Amendment** to the Boyle Heights Community Plan from Public Facilities to Medium Density Residential.
2. **Denied** a **Zone Change/Height District Change** from PF-1XL to (T)(Q)R3-1.
3. **Did Not Adopt** Mitigated Negative Declaration No. **ENV-2009-2648-MND** and associated **Findings.**
4. **Adopted** the attached **Findings.**

Recommendation to the City Council:

1. **Recommended** that the City Council **NOT Adopt** the requested **General Plan Amendment** to the Boyle Heights Community Plan from Public Facilities to Medium Density Residential.
2. **Recommended** that the City Council **NOT Adopt** a **Zone Change/Height District Change** from PF-1XL to (T)(Q)R3-1.
3. **Recommended** that the City Council **NOT Adopt** Mitigated Negative Declaration No. **ENV-2009-2648-MND** and associated **Findings.**
4. **Recommended** that the City Council **Adopt** the attached **Findings.**

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

This action was taken by the following vote:

Moved:	Freer
Seconded:	Roschen
Ayes:	Hovaguimian, Kim, Lessin, Woo
Absent:	Burton, Cardoso, Romero

Vote: 6-0

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

Appeals: If the Commission has disapproved the Zone Change request, in whole or in part, the applicant may appeal that disapproval to the Council within 20 days after the mailing date of this determination. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

Final Appeal Date: MAY 29 2012

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: Findings
City Planner: Lynda Smith

FINDINGS

A. **General Plan.** The subject property is located within the Boyle Heights Community Plan, which was adopted by the City Council on Nov. 10, 1998 (City Planning Case No. 94-0210 CPU; Council File No. 95-1302). The Boyle Heights Community Plan map designates the subject property as Public Facility (Corresponding zone includes PF).

B. **General Plan Text.** The Boyle Heights Community Plan text includes the following relevant land use Objectives, policies and programs:

Program(s):
The Plan recommends: *Initiation of residential zone re-designations which will conform to the land use policies of this Plan as indicated on the Plan Map.*

The proposed project meets the Objectives, Policies and Programs of the Boyle Heights Community Plan as follows:

The requested General Plan Amendment from Public Facility to Medium Density Residential and Zone/Height District change from PF-1XL to R3-1, is consistent with planned and existing land uses in the immediate area, and is also consistent with the Boyle Heights Community Plan Footnotes as indicated below.

Boyle Heights Community Plan Footnote No. 10. - *The Public Facility (PF) planning land use designation is premised on the ownership and use of the property by a government agency. The designation of the PF Zone as a corresponding zone is based on the same premise. The Plan also intends that when a board or governing body of a government agency officially determines that a property zoned PF is surplus, and no other public agency has indicated an intent to acquire, and the City is notified that the agency intends to offer the property for sale to a private purchaser, then the property may be rezoned to the zone(s) most consistent within 500 feet of the property boundary and still be considered consistent with the adopted Plan.*

Boyle Heights Community Plan Footnote No 8. - *With respect to those properties* (Zoned [Q]R4-1), *the plan contemplates that the existing development may continue to be maintained and may be reconstructed in the event of accidental destruction, but that upon the abandonment of such existing development, the property may thereafter be used only for the uses and at the density permitted under the Plan designation* (Medium Density Residential).

C. **City Charter Sections 556 and 558.** The recommended General Plan Amendment from Public Facilities to Medium Density Residential **Does not comply** with Charter Sections 556 and 558 in that the recommended amendment reflects the land use patterns and trends and uses in the immediate area, but does not further the intent, purposes and objectives of the Boyle Heights Community Plan. The proposed General Plan Amendment from Public Facilities to Medium Density Residential is NOT consistent with the Boyle Heights Community Plan as follows:

The recommended General Plan Amendment from Public Facilities to Medium Density Residential and Zone and Height District Change from PF-1XL to (T)(Q)R3-1, was denied by the City Planning Commission. The Zone/Height District Change is not consistent with the public necessity, convenience and general welfare, due to the lot configuration (flag lot), emergency/fire access, life safety concerns and the sites' proximity to the freeway.

The location of the proposed project adjacent to the Santa Ana Freeway presents potential health and safety issues for future occupants of the proposed residential use related to air quality, noise and open space. In addition, the configuration of the site (flag lot) presents issues related to access (emergency and walkability). These issues cannot be adequately mitigated through the proposed Environmental Mitigation Measures or addressed through the standard and proposed Conditions of Approval.

D. **Zone/Height District Change Findings.** *Pursuant to Section 12.32 C 7 of the Municipal Code, and based on these findings, the recommended action is deemed **NOT** consistent with public necessity, convenience, general welfare and good zoning practice.*

The requested Zone/Height District Change from PF-1XL to R3-1 is consistent with the proposed General Plan Land Use Designation of Medium Density Residential and is within the range of corresponding zone(s) (which include R3) permitted by such. The subject site is located within the Boyle Heights Community Plan area on Third Street west of Boyle Avenue. While the requested R3-1 Zone is consistent with planned and existing land uses in the immediate area, and is also consistent with the Boyle Heights Community Plan Footnotes (as indicated above), the recommended Zone and Height District Change to (T)(Q)R3-1, was denied by the City Planning Commission.

The Zone/Height District Change is not consistent with the public necessity, convenience and general welfare, due to the lot configuration (flag lot), emergency/fire access and life safety concerns and the sites' proximity to the freeway.

The location of the proposed project adjacent to the Santa Ana Freeway presents potential health and safety issues for future occupants of the proposed residential use related to air quality, noise and open space. In addition, the configuration of the site (flag lot) presents issues related to access (emergency/walkability). These issues cannot be adequately mitigated through the proposed Environmental Mitigation Measures or addressed through the standard and proposed Conditions of Approval.

E. **CEQA Finding.**

A Mitigated Negative Declaration (ENV-2009-2648-MND) was prepared for the proposed project. The requested General Plan Amendment from Public Facility to Medium Density Residential and Zone and Height District Change from PF-1XL to R3-1, for the development of a 4-story, maximum 45 foot high, 40 unit apartment building was denied by the City Planning Commission.

The location of the proposed project adjacent to the Santa Ana Freeway presents potential health and safety issues for future occupants of the proposed residential use related to air quality and noise. In addition, the size and configuration of the site (flag lot) presents issues related to emergency access. These issues have been determined to not be adequately mitigated through the proposed Environmental Mitigation Measures. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

ITEM 4

DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

SUPPLEMENTAL

CITY PLANNING COMMISSION

Date: **March 8, 2012** *(Continued from 11/10/11 and 09/08/11)*
Time: After 8:30 a.m.
Place: Los Angeles City Hall
200 North Spring Street
Public Works Board Room - 350
Los Angeles, CA 90012

Public Hearing: 01/21/11
Appeal Status: Zone Change appealable to City Council by applicant if disapproved in whole or part.
Expiration Date: 03/08/12
Multiple Approval: Pursuant to LAMC Section 12.36 C

Case No.: **CPC-2009-3210-GPA-ZC-HD**
CEQA No.: ENV-2009-2648-MND
Council No.: 14 – Jose Huizar
Plan Area: BOYLE HEIGHTS
Specific Plan: None
Certified NC: Boyle Heights
GPLU: Public Facilities
Zone(s): PF-1XL

Applicant: Sivoush Nayyeri

Representative Emilio F. Guiterrez, Land Development-Civil Engineer

PROJECT LOCATION: **1755 East 3rd Street**

PROPOSED PROJECT: The construction of a 4-story, maximum 45 foot high, 40 unit apartment building, providing 80 parking spaces. The proposed project is located on a 26,253 irregularly shaped site currently zoned PF-1XL.

REQUESTED ACTION:

1. Pursuant to Section 11.5.6 of the Municipal Code, a **General Plan Amendment** to the Boyle Heights Community Plan from Public Facilities to Medium Residential land use.
2. Pursuant to Section 12.32 F of the Municipal Code, a **Zone/Height District Change** from PF-1XL Public Facilities Zone, Maximum Height 30-feet/2-stories) to R3-1 (Multiple Dwelling Zone, Maximum Height 45 feet) .
3. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, **Adopt** the Mitigated Negative Declaration (MND) for the above referenced project.

RECOMMENDED ACTIONS:

1. **Disapprove** as Submitted.
2. **Approve** and **Recommend** that the City Council **Adopt** the requested **General Plan Amendment** to the Boyle Heights Community Plan from Public Facilities to Medium Residential.

3. **Approve** and **Recommend** that the City Council Adopt a **Zone Change** from PF-1XL to (T)(Q)R3-1.
4. **Adopt Mitigated Negative Declaration No. ENV-2009-2648-MND** and associated **Findings.**
5. **Adopt** the attached **Findings.**
6. **Advise** the applicant that, pursuant to State fish and Game Code Section 711.4, a Fish and Game Fee and / or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

MICHAEL J. LOGRANDE
Director of Planning

Daniel Scott, Principal City Planner

Lynda J. Smith, Hearing Officer
(213) 978-1196

Daniel Scott for
Kevin D. Jones, Acting Senior City Planner

TABLE OF CONTENTS

Exhibits:

SUPPLEMENTAL INFORMATION

The proposed project was before the City Planning Commission on September 8, 2011. After discussion on the item, the Applicant and City staff were asked to consider the following issues:

- Development of residential dwelling units abutting the 101 Freeway/identification of alternative land use;
- Increased noise insulation (triple glazing) along west building façade (facing freeway);
- Removal of required open space on the building roof-top;
- Possible increase in air-filtration mitigation;
- Pedestrian access along required fire/driveway;
- Overall design of building and increased landscaping on-site.

The Applicant was granted a continuance to March 8, 2012 in order to address the above issues, allow time for review and possible redesign of the project and for submission of revised plans, if required. The Owner and Applicant met with staff from the Planning Department and the following is presented in response to concerns expressed by the City Planning Commission at their September 8, 2011 meeting and as a result of the project consultations with City Planning Department staff:

Issue/Concern: Identification of possible "alternative" Land Use on the subject site;

Response - The subject entitlement request was submitted by the Applicant as a General Plan Amendment and Zone/Height District change to permit the use and construction of a multiple-family residential development. Staff from the City Planning Department worked with the Applicant and the application was modified to bring both the proposed project and the entitlement request into compliance with the Boyle Heights Community Plan and existing City Planning Department policy.

After discussion by the Commission at its' November 10, 2011 meeting regarding residential land uses which are located adjacent to freeways (in this case HWY101), it was suggested that perhaps the Applicant and staff could look at possible alternative land uses that would have less potential impacts on "sensitive receptors". Staff met with the Applicant and other department staff in an effort to determine if an alternative land use would be feasible and whether the proposed mitigation measures were appropriate. It was determined that the requested residential land use and the associated Zone Change and General Plan Amendment are consistent with the Boyle Heights Community Plan (Footnotes 8 and 10) and do not constitute the introduction of an incompatible land use (such as commercial) into the area. Also due to the additional limitations on what type of use could be placed on the site (low traffic generation, no sensitive receptors effected, economic viability), the property owners' ability to develop the site would be even further compromised. It should be noted that any deviation from the subject application requests would require a new or amended application and review, (which would also include a new environmental assessment and traffic analysis). It was therefore determined that the subject request (both entitlements and proposed use) should be brought forth and considered, as submitted, by the City Planning Commission

Issue/Concern: Emergency Access/Fire;

Response -The subject site is a portion of an excess parcel previously owned by the California Department of Transportation (Caltrans) that was used for open storage, and is now under private ownership. The remainder of the site was retained by Caltrans and will be separated from the subject site by a six foot wall which runs along the property line. It is not known what the disposition of the Caltrans owned portion will be, but it not suitable for development due to

its' size and lack of proper access. The subject site has a north/south orientation and one point of ingress and egress, which is from East 3rd Street. This access road measures 25ft 10inches at its' narrowest point, and over 26ft at its' widest point. The Commission questioned the Applicant about fire/emergency access to the site and emergency vehicle turn around.

The subject request is a Zone Change to R3-1. The recommended Zone is (T)(Q)R3-1, which includes both a Qualified Classification (known as (Q) Conditions) and a Tentative Classification (known as (T) Conditions). In this instance, the (T) Conditions can only be removed (cleared) by the posting of guarantees through the B-permit process of the City Engineer to secure City requirements related to: Dedication(s) and Improvements; Street Lighting; Street Trees; Sewers; Drainage; Parking/Driveway Plan; Fire Department; Telecommunications; Schools; Recreation and Parks and Police. (T) Condition No. 7 of the subject approval states:

Fire Department. The requirements of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features:

a. Fire lanes, where required, shall be a minimum of 20-feet in width;
b. All structures shall be within 300-feet of an approved fire hydrant;
c. Entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
d. Submit plot plans indicating access road and turning area for Fire Department approval.

The requirements for removal of (T) Conditions/Classification can be found under the section of this grant titled, ***CONDITIONS FOR EFFECTUATION (T) TENTATIVE CLASSIFICATION REMOVAL.*** The requirements related to emergency access (Fire) are general in nature because project specific recommendations (final development plans have not been approved) were not received from the Fire Department prior to action by the City Planning Commission. Any changes to the proposed project imposed by the City Planning Commission which may affect the site design would require a subsequent review by the Fire Department for compliance. Copies of the approvals and/or guarantees for all of the (T) Conditions (which must be reviewed and approved by the applicable responsible City Agency) will be provided to the Planning Department for attachment to the City Plan case file as part of the (T) Removal process (LAMC Section 12.32-G1(f)).

The following Mitigation Measure is also being required related to Inadequate Emergency Access. *The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.*

The Los Angeles City Fire Department, Department of Transportation and Bureau of Engineering, are the City agencies responsible for review and approval of emergency access and will require a plot plan (as indicated in the (T) Condition and environmental Mitigation Measure) to determine if the site meets emergency access requirements. The Fire Department will not approve the plans unless the site complies with City requirements or alternative compliance measures are guaranteed. No building permit will be issued without review and sign-off from the applicable City agencies for compliance with City regulations.

Issue/Concern: Pedestrian Access;

The subject site is located approximately two blocks south of the MTA transit portal "Mariachi Square" located at 1st and Boyle. The site has a north/south orientation and one point of ingress

and egress, which is from East 3rd Street. This access road measures 25ft 10inches at its' narrowest point, and over 26ft at its' widest point. Because the proposed structure does not have any street frontage and takes all access from one driveway, no pedestrian access was proposed. There is a landscape area of variable width proposed adjacent to the site access drive. The Planning Commission requested that the Applicant work with Planning Department staff to incorporate a pedestrian access route into the proposed site-plan, due to the projects proximity to a transit portal.

The site was re-evaluated by staff and the only way the possible pedestrian access is along the project driveway, as the site is surrounded on the east by other multiple family properties; on the west by the Santa Ana Freeway and vacant Caltrans property and to the north by properties that contain multiple family and commercial uses.

Issue/Concern: Landscaping/Open Space Design;

The proposed use is a 40 unit apartment building with 80 on-site parking spaces. As indicated above, the subject site is long and narrow with a north-south orientation. It is located immediately adjacent to the Santa Ana Freeway. The Municipal Code requires approximately 4,300 square feet of "usable" open space for the proposed use. Parking areas, required yards (front and side), and driveways do not qualify as usable open space. The LAMC further requires that Common Open Space:

Be open to the sky and have no structures that project into the common open space area…;

Be readily accessible to all the residents of the site,

Constitute at least 50% of the total required usable open space in developments built at an R3, density…

Common open space areas shall incorporate recreational amenities such as swimming pools, spas, picnic tables, benches, children's play areas, ball courts, barbecue areas and sitting areas.

Roof decks in developments built at an R3 or an RAS3 density, regardless of the underlying zone, may be used as common open space, excluding that portion of the roof within ten feet from the parapet wall.

No more than 25% of the required usable open space shall be placed within a recreation room, (minimum area 600sf).

The Applicant has proposed 13,613 square feet of open space area of which approximately 9,815sf is proposed as a roof top deck and approximately 1,884 is proposed as private open space (balconies) on the west side of the building, facing the Santa Ana Freeway. If the private balconies facing the freeway are eliminated, the project would still meet the Municipal Code requirement for usable open space. If however, both the balconies facing the freeway and the roof-top deck are eliminated, the project would not be able to meet the LAMC open space requirement.

The reduction or elimination of the required open space are possible options which would reduce the potentially significant effects of noise and air quality on project residents, however, these actions would require the granting of a Variance from the Municipal Code which is not a part of the subject entitlement request.

The LAMC further requires that a minimum of 25% of the common open space area be landscaped. The subject site meets Municipal Code requirements for open-space/landscaping, however, because the site is oriented north/south, is rather narrow and because there are no

other placement options for landscaping on the site, the bulk of the landscaped area is located along the property line within a one foot border.

Issue/Concern: Design/Mitigation Measures for Freeway Adjacent Properties;

The proposed project is a multiple-family residential use located immediately adjacent to the Santa Ana Freeway (FWY 101), between 3rd Street to the South and 1st Street to the north. A Mitigated Negative Declaration was done for the project which contains an Air Quality Impact Analysis. The analysis states, 'The proposed residential site is considered comprised of sensitive receptors because the location is adjacent to the Hollywood Freeway (US-101)...this location may experience elevated air pollution levels from vehicle exhaust (especially DPM). A greater level of exposure analysis must therefore be conducted by virtue of residential sensitive receptor conditions. Enhanced mitigation must be incorporated into the project to off-set the effects of freeway proximity.' The Air Quality Impact Analysis was reviewed by Planning Department staff as part of the environmental review, and as a result, the project contains the following environmental Mitigation Measures related to the *identified* effects of noise (increased) and air quality (diminished), on residents of the property:

Air Pollution (Stationary). The applicant shall install an air filtration system with filters meeting or exceeding the ASHARE Standard 52.2 Minimum Efficiency Rating Value (MERV) of at least 13, to the satisfaction of the Department of Building and Safety.

MERV 13 rated systems are normally utilized in Superior Commercial Buildings. Standard residential developments may utilize MERV ratings ranging from 3 to 7.The proposed use will be constructed at a standard (with regard to stationary air pollution), which exceeds other residential uses located within 500 feet of the freeway.

The following Mitigation Measures are being required as related to noise abatement:

Increased Noise Levels (Residential within 500 feet of Freeway). Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto; and

Severe Noise Levels (Caltrans Wall). A sound barrier wall shall be constructed within the freeway right-of-way adjacent to the subject property, and to an extent beyond, as deemed necessary by Caltrans. The location, height, and specifications of the wall shall be determined by Caltrans. Prior to issuance of building permits, the applicant shall submit evidence to the City Planning Department that construction of the wall has been completed or arrangements for said construction have been made by the applicant to the satisfaction of Caltrans.

These mitigation measures have been determined to meet CEQA requirements related to potential impacts. The Department of City Planning issued a response to the City Planning Commission related to air pollution mitigation measures for housing projects in proximity to freeways and it states, '*Active air filtration is the most effective way of minimizing the impact of freeway-generated air pollution on residential uses...the use of other design-related measures such as building orientation, the location of open space areas away from the freeway, and the use of heavy vegetation and tree buffers have a positive effect on reducing air pollution; however, their overall impact is much more limited compared to indoor filtration.*' Because many of these measures were not identified as Department policy at the time this project was initially brought before the Commission, they were not included as Conditions of Approval.

In addition, because it was not determined until late in the process that an alternative land use (ie. commercial) was not feasible on the site, the project could not be reviewed by the Urban

Design Studio. It should also be noted, that the architecture of the building will not have an impact on existing development in the area or the neighborhood, because the proposed structure does not have any street frontage and will have very limited visibility from the freeway (top floors only).

Staff would like to recommend the following Conditions of Approval for consideration by the City Planning Commission:

1. **Landscaping.** A minimum one-foot wide landscaped buffer shall be provided adjacent to the property line wall. The landscape area located adjacent to the west property line shall include a "Green Wall" consisting of plant materials that are fast growing, and will, at maturity, create an additional buffer of both noise and air generated from the adjacent freeway. All open areas not used for buildings, driveways, walks, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the planning department (MM).

2. **Pedestrian Access.** The project shall incorporate a walkway along the access driveway. A landscape area (variable width) shall be provided between the roadway and the proposed walkway. The pedestrian walkway shall be clearly delineated within the parking garage. The landscape area shall be identified on the required landscape plan and shall include an automatic irrigation system.

3. **Balconies.** No balconies shall be permitted along the western building façade, or any façade which faces the freeway. External facing balcony walls shall be constructed of opaque or solid materials and shall be composed of complementary building materials/colors so as to be enclosed from view of adjacent off-site street traffic and to support façade articulation. No items shall be permitted to be placed or stored on balconies or balcony railings. The applicant shall ensure that appropriate restrictions are incorporated into the Declaration of Covenants, Conditions and Restrictions, and lease or rental agreements governing the use of the property that each tenant is aware of such restrictions, and that such restrictions are subject to appropriate enforcement measures.

4. **Open Space.** The project shall incorporate the required common open space within an enclosed area such as a recreation room and/or as increased private open space which is not located on any façade of the building which faces the freeway.

5. **Site Plan.** Prior to the issuance of any building permit, detailed development plans, including a complete landscape and irrigation plan and a parking area and driveway plan, shall be submitted to the Planning Department (which shall include a separate review and sign off by the Urban Design Studio) for review and sign-off clearance. These plans shall be in substantial conformance with the plot plan, elevations and landscape plans dated **March 8, 2012,** attached to the administrative file. The plans shall comply with applicable provisions of the Municipal Code, the subject conditions herein and the intent of the subject permit authorization.

PROJECT ANALYSIS

Project Summary

Construction of a 45 feet in height, 40 unit apartment building with 80 parking spaces (one level subterranean, one at-grade). Lot is approximately 26,253 square feet and is zoned PF-1XL, Public Facilities General Plan Land Use Designation.

Background

The subject site is located on 3rd Street within the Boyle Heights Community adjacent to the Hollywood Freeway, and one block south of the MTA Gold Line Mariachi Plaza Station. The property was previously owned by Caltrans and was leased as an automobile repair yard. A portion of the Caltrans property was sold to the Applicant and is being proposed for the subject General Plan Amendment and Zone/Height District Change.

Pursuant to Section 12.04.09 of the Los Angeles Municipal Code, *"It is the purpose of the "PF" Public Facilities Zone to provide regulations for the use and development of publicly owned land in order to implement the City's adopted General Plan, including, the circulation and service systems designations in the City's adopted district and community plans, and other relevant General Plan elements, including the circulation, public recreation and service systems elements."* The LAMC further limits the types of development that can occur on PF zoned properties as follows: Farming and nurseries, under power transmission rights-of-way; Public parking facilities located under freeway rights-of-way; Fire stations and police stations; Government buildings, structures, offices and service facilities including maintenance yards; Public libraries not located inside public parks; Post offices and related facilities; Public health facilities, including clinics and hospitals; Public elementary and secondary schools; Any joint public and private development uses permitted in the most restrictive adjoining zones; and, Conditional uses as allowed pursuant to Section 12.24 U 21 and Section 12.24 W 49 of the Municipal Code when the location is approved pursuant to the provisions of the applicable section. Because the site was sold by Caltrans to the Applicant the subject entitlement requests are necessary to allow for the development and use of the property by a private owner.

Footnote No 10 of the Boyle Heights Community Plan indicates that when a parcel that is zoned PF and was previously held by a board or governing body of a government agency who then sells the property to a private purchaser, the property may be rezoned to the zone that is most consistent within 500 feet of the property boundary. Properties immediately abutting the subject site are zoned [Q]R4-1 but are restricted by both the Qualified Condition [Q], which states, "Limited to existing uses, thereafter must conform to the R3-1 Zone", and Footnote No. 8 of the Boyle Heights Community Plan, which also limits any new development on those properties zoned [Q]R4-1 to the zone permitted in the Medium Density Residential Land Use Category, or R3 only.

Uses and Street Designations

Properties to the north are zoned [Q]R4-1, R3-1 and C2-1, are planned (General Plan Land Use-GPLU) for Medium Density Residential and Neighborhood Commercial uses and are improved with multiple family residential developments of 1 to 30 units. The MTA Gold Line Mariachi Plaza Station project is under construction at the corner of 1st Street and Boyle Avenue;

Properties to the east (abutting) are zoned [Q]R4-1, planned for Medium Density Residential, and improved with multiple family residential uses (1 to 30 dwelling units). These properties are subject to Footnote No. 8 of the Boyle Heights Community Plan:

Footnote No 8. - With respect to those properties, the plan contemplates that the existing development may continue to be maintained and may be reconstructed in the event of accidental destruction, but that upon the abandonment of such existing development, the property may thereafter be used only for the uses and at the density permitted under the Plan designation (Medium Density Residential and R3 Zone).

Uses to the east (across Boyle Avenue) are zoned [Q]R4-1 and RD1.5-1, planned for Medium and Low Medium II Density Residential uses and are improved with dwelling units ranging from 1 to 24 per parcel;

Properties to the south are zoned [Q]R4-1 and are planned for Medium Density Residential uses. These properties are improved with a large (125 room/unit) Senior Health Care Facility/Assisted Living Facility, surface parking and multiple family uses (30 and 35 dwelling units per site);

Properties to the west (abutting) include surplus Caltrans property (to remain Zoned PF-1XL/Public Facilities GPLU) with auto repair; the Hollywood Freeway and Residential land; further west of the Hollywood Freeway are residential uses Zoned RD2-1 and RD3-1. Commercial zoned properties (neighborhood serving uses such as a market); An Institutional use (Delores Mission Catholic School) and the City of Los Angeles Pecan Recreation Center and Park (zoned OS-1XL/Open Space.

NOTE: All properties zoned [Q]R4-1 are subject to the following Q Limitation: "Limited to existing uses, thereafter, must conform to the R3-1 Zone."

Third Street is a dedicated Local Street improved to a width of 60 feet with gutter and sidewalks.

Boyle Avenue is a dedicated Secondary Highway improved to a variable width of 80-83 feet with gutter and sidewalks.

Issues

Staff is recommending approval of a Zone/Height District Change from PF-1XL to (T)(Q)R3-1 and approval of the requested General Plan Amendment from Public Facilities to Medium Density. Issues expressed at the Public Hearing and in correspondence are as follows:

Building Height

The height of the proposed project is 45 feet. The project will be developed with two levels of parking (one subterranean and one at grade) with three levels of residential uses above. A roof-top common/open space area is also proposed. The subject lot is located immediately adjacent to the Hollywood Freeway and existing uses are open automobile repair and a one story accessory building (shed). The site is oriented north to south with existing grade going from lowest at the south end of the site, increasing to the north. Additionally there is a grade change from east to west along 3rd Street, from lowest point at the western terminus (where the site access is located) to highest point at the intersection of 3rd Street and Boyle Avenue.

Correspondence received indicates that those parcels abutting the site to the immediate east which range in height from one story to four stories would experience both loss of views and negative shade/shadow impacts.

Response: There are no identified or established scenic-vistas in the area and the proposed project would not have a significant negative effect on the aesthetics of the site or the community as determined by the following thresholds:

Aesthetics

- *Does the project include a proposed zone change or variance that would increase density, height, and bulk in areas where there is a consistent theme, style, or building height and setbacks?*

- *Does the project include a proposal to develop or allow development in an existing natural open space area (not including previously developed or infill lots)?*

- *Would the project result in the removal of one or more features that contribute to the valued aesthetic character or image of the neighborhood, community, or localized area?*

- *Would the project introduce features that would detract from the existing valued aesthetic quality of a neighborhood, community, or localized area by conflicting with important aesthetic elements or the quality of the area (such as theme, style, setbacks, density, massing, etc.) or by being inconsistent with applicable design guidelines?*

The proposed project would increase density, height and bulk on the subject site, however, the proposed General Plan Amendment and Zone/Height District change is both consistent with the Boyle Heights Community Plan which calls for the proposed zoning of R3 and height (45 feet) in the subject area, and compatible with the existing pattern of development within 500 feet. There are no established architectural themes or styles in the area. The area contains multiple family uses ranging from duplexes to high density residential facilities. There is no Low Density Single Family zoning in the immediate area and the nearest Single Family uses are located west of the Hollywood Freeway and east of Boyle Avenue along 2nd Street.

The proposed project is located immediately adjacent (abutting to the east) residential uses that are zoned [Q]R4-1. The [Q] limits development on these parcels to the R3 density and permits a maximum height of 45 feet. Existing uses are permitted as developed, but any new development is limited to the R3-1 Zone. It should be noted, that the subject use does not have frontage on a street, but is located on an infill lot sandwiched between the freeway (Hollywood) and the rear yards of the multiple family uses which front on Boyle Avenue. The shade/shadows cast by the project would fall on the adjacent freeway ROW for part of the day, and on the very rear portion of the adjacent multiple-family residential lots for a portion of the day and during the time of the year when shadows are more greatly cast (summer). The site is currently vacant except for a utility shed that will be removed. Because the existing abutting uses are varied in height from one to four stories, it can be argued that any development on the site, even at one story, would affect the views of adjacent properties.

The proposed project will be parked pursuant to LAMC requirements. It is located within 1500 feet of an MTA Gold Line station, however, the area is made up of older, multiple-family residential uses, the majority of which, do not contain on-site parking, and the Project does not contain an affordable component, (it is a market-rate development). Street parking is very limited in the area, but project parking (on-site) for tenants and guests is proposed at an appropriate level and would not impact existing street parking supplies.

Traffic

There was concern expressed that this is a dangerous intersection (3rd Street and Boyle Avenue) due to the volume and speed of traffic traveling on Boyle Avenue and the incline or elevation change along 3rd Street.

Response: The proposed project is a 40 unit multiple family development which would have its' primary access from Third Street, (a dedicated local). Third Street is not a through street, so it can be assumed that the trips that are generated will only include local trips (tenant trips only). Third Street does include a substantial change in grade (lower to higher) from the project access drive to the corner at Boyle Avenue. There is currently a stop sign at the corner of Third Street and Boyle Avenue, but it is not an all direction stop, (the intersection at Third Street and Boyle Avenue is not aligned). There is no recommendation from LADOT for a traffic study or for additional traffic calming measures, such as a four way stop sign, because the project (at less than 50 dwelling units) does not meet the threshold requirement for a traffic study.

Freeway Adjacent Development

As indicated, the proposed project is located on property that was previously owned Caltrans Right of Way. It is located immediately adjacent to the Hollywood Freeway on the west (there is a portion of the Caltrans parcel between the site and Freeway) and abuts existing residential uses to the east. An Air Quality Impact Analysis and a Geotechnical Soils Investigation were done at the site. The soils report indicates no presence of contaminated soils, but standard environmental Mitigation Measures were included related to erosion/grading and short-term construction impacts. The air quality analysis indicates that any adverse air quality effects of freeway proximity will be off-set with the implementation of an upgraded ventilation and air purification system. The proposed project will utilize a system with a "minimum efficiency reporting value" (MERV) of 13 which is used in superior commercial construction. The reports states, "By creating an indoor air quality (IAQ) environment that goes far beyond normal residential standards (MERV 3-6), the accumulated dose of air pollution to all residents will be lower than for residents living thousands of feet away."

The project has been conditioned to provide double pane glass for all units fronting the freeway and exterior walls will be constructed so as to provide a Sound Transmission Coefficient (STC) value of 50. In addition, the applicant must provide, if applicable, a sound barrier wall within the freeway right-of-way pursuant to Caltrans specifications. It should be noted that required open space for the project is being provided in the form of a passive recreation area on the roof-top and private open space for individual units as balconies (approximately 88 square feet). Balconies located on the east side of the building will look out over the roofs of adjacent one to two story multiple-family structures. The City of Los Angeles' Pecan Recreation Center is located within 500 feet of the project (immediately west of the Hollywood Freeway at 127 S. Pecan Street) and offers the following activities/features: Basketball courts (lighted/indoor/outdoor), children's play area, community room, handball courts (lighted), indoor gym (without weights), picnic tables, restroom(s), seasonal pool (outdoor/unheated), volleyball courts (lighted).

LEED (Green Building Construction)

While the proposed project does not meet the City of Los Angeles' established threshold for development which must meet Green Building Requirements (LEED), the project has been conditioned to meet energy efficiency requirements for appliances, water conservation/landscaping, air filtration, insulation of noise and recycling.

Conclusion

Staff is recommending approval of all entitlement requests and the Project, as conditioned.

(Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

A. Entitlement Conditions.

1. **Use.** The development of the subject property shall comply with all area, use and height provisions of the (T)(Q)R3-1 Zone, except as may be conditioned herein.

2. **Density.** A maximum of 32 dwelling units shall be permitted.

3. **Site Plan.** Prior to the issuance of any building permit, detailed development plans, including a complete landscape and irrigation plan and a parking area and driveway plan, shall be submitted to the Planning Department for review and sign-off clearance. These plans shall be in substantial conformance with the plot plan, elevations and landscape plans dated **March 8, 2012,** attached to the administrative file. The plans shall comply with applicable provisions of the Municipal Code, the subject conditions herein and the intent of the subject permit authorization.

4. **Parking.** 80 parking spaces shall be provided. The number of spaces provided, their location and access shall be in substantial conformance with the project plans marked Exhibit B3 and attached to the administrative file. The following shall also apply:

   a. Tandem parking may be used only for the spaces which are assigned and designated for a single residential unit.
   b. Guest parking sign(s) shall be clearly posted at building entrance(s). The sign(s) shall be in large, easy to read lettering and shall indicate the general location of guest parking. Sign wording shall be to the satisfaction of the Planning Department and shall indicate the number of reserved guest parking spaces.
   c. If any guest parking is located behind security gates, the following shall apply:
      1) A remote electronic gate opening system shall be installed so that the security gate can be opened from each residential unit served by the secured guest parking.
      2) An electronic intercommunication system shall be installed. The system shall be readily accessible to the drivers of guest vehicles and to the units served by the secured guest parking.
      3) The security gate shall be set back from the public right-of-way so as to provide a waiting area for guest vehicles and to prohibit blockage or interference with the public right-of way by waiting guest vehicles.
      4) Alternatives to the provisions of this condition may be approved by the Planning Department provided that the intent of readily accessible guest parking facilities and no interference with the public right-of-way is assured.

5. **Height.** The height of all buildings and structures shall not exceed 45 feet, as defined by Sections 12.03 and 12.21.1 B 3(a) and (b) of the Los Angeles Municipal Code. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting residential properties.

6. **Trash and Storage Area(s).** Solid masonry block walls, a minimum of six feet in height, shall enclose trash and other storage areas. There shall be no openings except for gates. The areas shall be buffered so as not to result in noise, odor or debris impacts on any adjacent uses. All outside trash containers on the subject property shall be enclosed and shall be located so as not to result in noise or smell impacts on any adjacent use, or upon residents of the subject property.

7. **Maintenance.** The subject property including associated parking facilities, sidewalks, and landscaped planters adjacent to the exterior walls along the all property lines shall be maintained in an attractive condition and shall be kept free of trash and debris. Trash receptacles shall be located throughout the site.

8. **Landscaping.** A minimum one-foot wide landscaped buffer shall be provided adjacent to the property line wall. All open areas not used for buildings, driveways, walks, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the planning department (MM).

9. **Balconies.** External facing balcony walls shall be constructed of opaque or solid materials and shall be composed of complementary building materials/colors so as to be enclosed from view of adjacent off-site street traffic and to support façade articulation. No items shall be permitted to be placed or stored on balconies or balcony railings. The applicant shall ensure that appropriate restrictions are incorporated into the Declaration of Covenants, Conditions and Restrictions, and lease or rental agreements governing the use of the property that each tenant is aware of such restrictions, and that such restrictions are subject to appropriate enforcement measures.

10. **Urban Design.** Building design shall be in substantial conformance with the elevations and landscape plans dated March 8, 2012, marked Exhibit B-2 and B-4 and attached to the administrative file. In addition, the following shall be required:

    a. All mechanical and electrical equipment shall be screened from public view.
    b. All rooftop equipment and building appurtenances shall be screened from public view.
    c. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
    d. The exterior of the proposed building shall be constructed of materials such as high-performance tinted non-reflective glass and pre-cast concrete or fabricated wall surfaces.
    e. The building design shall include articulation; provide design continuity and avoid opportunities for graffiti.
    f. Exterior building facades shall not contain large areas of untreated, blank surfaces.
    g. Articulations, recesses, surface perforations, and/or porticoes shall be used to break up long, flat building facades and free standing walls.
    h. Complementary building materials shall be used on building facades.

B. **Other Conditions.**

11. **Erosion/Grading/Short-Term Construction Impacts (General Construction).**

a. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials and wastes shall be removed to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
b. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
c. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
d. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
e. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
f. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

12. **Haul Routes.** Projects involving the import/export of 1,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

13. **Utilities (Local Water Supplies - New Residential).** The following shall apply:

- Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.
- Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
- Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.

The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g, use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season). If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.

All new construction. Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the Applicant shall install:

High-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all

restrooms as appropriate. Rebate may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.

In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

Weather-based irrigation controller with rain shutoff;
Matched precipitation (flow) rates for sprinkler heads;
Drip/microspray/subsurface irrigation where appropriate;
Minimum irrigation system distribution uniformity of 75 percent;
Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials;
Use of landscape contouring to minimize precipitation runoff.
A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000sf or greater, to the satisfaction of the Department of Building and Safety.

Create water-efficient landscapes, by requiring a certain percentage of xeriscape/or drought tolerant landscaping.

14. **Utilities (Solid Waste).** Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as part of the projects regular solid waste disposal program. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety.

The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes. The contractor shall provide temporary waste separation bins onsite during demolition and construction. These bins shall be emptied and recycled accordingly.

15. **Public Services (Police).** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.

B. **Environmental Conditions – (MM).**

16. **Air Pollution (Stationary).** The applicant shall install an air filtration system with filters meeting or exceeding the ASHARE Standard 52.2 Minimum Efficiency Rating Value (MERV) of at least 13, to the satisfaction of the Department of Building and Safety.

17. **Seismic.** The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

18. **Erosion/Grading (Short-Term Construction Impacts).**

    a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
    b. Appropriate erosion control and drainage devices shall be incorporated to the satisfaction of the Building and Safety Department, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
    c. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

19. **Construction (Noise).** The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

    a. Construction and/or demolition shall be restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday.
    b. Construction and/or demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously that causes high noise levels.
    c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
    d. The project sponsor shall comply with the Noise insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

20. **Erosion/Grading/Short-Term Construction Impacts(Air Quality).**

    a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.
    b. The owner or contractor shall maintain the construction area sufficiently dampened to control dust caused by grading, construction and hauling, and at all times provide reasonable control of dust caused by wind.
    c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
    d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust.

e. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust.
f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
g. Trucks having no current hauling activity shall not idle but be turned off.

21. **Increased Noise Levels (Residential within 500 feet of Freeway).** Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.

22. **Severe Noise Levels (Caltrans Wall).** A sound barrier wall shall be constructed within the freeway right-of-way adjacent to the subject property, and to an extent beyond, as deemed necessary by Caltrans. The location, height, and specifications of the wall shall be determined by Caltrans.

- Prior to issuance of building permits, the applicant shall submit evidence to the City Planning Department that construction of the wall has been completed or arrangements for said construction have been made by the applicant to the satisfaction of Caltrans.

23. **Public Services (Fire).** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit.

The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

24. **Recreation (Increased Demand For Parks Or Recreational Facilities).** Pursuant to Section 21.10 of the Los Angeles Municipal Code, the applicant shall pay the Dwelling Unit Construction Tax for construction of apartment buildings.

25. **Recreation (Increase Demand For Parks Or Recreational Facilities – Zone Change). Pursuant** to Section 12.33 of the Los Angeles Municipal Code, the applicant shall pay the applicable fees for the construction of dwelling units.

26. **Increased Noise Levels (Parking Wall).** A 6-foot-high solid decorative masonry wall adjacent to the residential properties shall be constructed, if no such wall currently exists.

27. **Safety Hazards.** The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety. The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

28. **Inadequate Emergency Access.** The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

C. **Administrative Conditions.**

29. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.

30. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.

31. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

32. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.

33. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

34. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.

35. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, design or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board

36. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which

action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Los Angeles Municipal Code Section 12.32 G, the (T) Tentative Classification shall be removed by the recordation of a final tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approvals or guarantees provided to the Planning Department for attachment to the subject City Plan case file.

1. **Dedication(s) and Improvements:** Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional, and Federal government agencies, as may be necessary).

   A. Responsibilities/Guarantees.

      1. As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.

      2. Prior to issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.

2. **Street Lighting:** Installation of street lights to the satisfaction of the Bureau of Street Lighting (213) 847-6379. If new street light(s) are required, the property within the boundary of the development shall be formed or annexed into a Street Lighting Maintenance Assessment District prior to final recordation or issuance of the certificate of Occupancy. Note: Refer to the Department of Water and Power regarding power pole relocation (213) 367-2715.

3. **Street Trees:** Install tree wells with root barriers and plant street trees to the satisfaction of the City Engineer and the Urban Forestry Division of the Bureau of Street Services (213) 485-5675.

4. **Sewers:** All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit. An investigation may be necessary to determine if the existing public sewers have sufficient capacity to facilitate the proposed development. Submit a request to the Public Counter of the Central District Office of the Bureau of Engineering (213) 482-7050.

5. **Drainage:** No major drainage problems are involved. Submit drainage and grading plans to the Valley District Office of the Bureau of Engineering. Hydrology and hydraulic

calculations may be required.

6. **Parking/Driveway Plan.** Prior to the issuance of any building permit, the applicant shall submit a parking and driveway plan to the Valley District Office of the Bureau of Engineering and the Department of Transportation for review and approval.

7. **Fire Department.** The requirements of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features:

   a. Fire lanes, where required, shall be a minimum of 20-feet in width;

   b. All structures shall be within 300-feet of an approved fire hydrant;

   c. Entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

   d. Submit plot plans indicating access road and turning area for Fire Department approval.

8. **Telecommunications.** The applicant shall make any necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City right-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05 N, to the satisfaction of the Information Technology Agency (ITA).

9. **Schools.** Applicant shall make payment of school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

10. **Recreation and Parks.** Per Section 12.33 of the Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Recreation and Park fees to the satisfaction of the Department of City Planning and Department of Recreation and Parks.

11. **Police.** The building plans shall incorporate design guidelines relative to security, semi-public and private spaces (which may include but not be limited to access control to building), secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities and building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Refer to *Design out Crime Guidelines: Crime Prevention Through Environmental Design* published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, Phone: 213-485-3134). These measures shall be approved by the Police Department prior to the issuance of building permits.

Covenant: Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Planning

Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.

Notice: Certificates of Occupancies for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

FINDINGS

A. **General Plan.** The subject property is located within the Boyle Heights Community Plan, which was adopted by the City Council on Nov. 10, 1998 (City Planning Case No. 94-0210 CPU; Council File No. 95-1302). The Boyle Heights Community Plan map designates the subject property as Public Facility (Corresponding zone includes PF).

B. **General Plan Text.** The Boyle Heights Community Plan text includes the following relevant land use Objectives, policies and programs:

Objectives:
To conserve and improve existing viable housing for persons desiring to live in Boyle Heights, especially low and moderate income families.

To provide new housing opportunities that accommodate a range of income needs, provide public amenities, and maximize the opportunities for individual choice.

To improve the relationship between residential uses, the circulation system and the service system facilities (streets, highways, schools, parks, fire, police, utilities).

Policy
It is the City's policy: *That Medium density housing be located near commercial corridors where access to public transportation and shopping services is convenient and where a buffer from, or a transition between, low-density housing can be achieved to the extent feasible.*

Program(s):
The Plan recommends: *Initiation of residential zone re-designations which will conform to the land use policies of this Plan as indicated on the Plan Map.*

The proposed project meets the Objectives, Policies and Programs of the Boyle Heights Community Plan as follows:

The proposed General Plan Amendment, Zone Change and Height District will permit development of a new, 40 unit apartment complex located two blocks south of 1st Street and one block west of Boyle Avenue, (within .06 miles of a MTA transit station-Mariachi Plaza-Gold Line Eastside Extension) which will offer modern amenities comparable to other new housing in the City, but at rental rates that should be attainable for moderate income renters. The project location is within walking distance of neighborhood serving commercial uses along 1st Street, White Memorial Hospital to the north and Pecan Recreation Center/Park located just to the east of the Hollywood Freeway. Requested General Plan Amendment from Public Facility to Medium Density Residential and Zone/Height District change from PF-1XL to R3-1, is consistent with planned and existing land uses in the immediate area, and is also consistent with the Boyle Heights Community Plan Footnotes as indicated below.

C. **City Charter Sections 556 and 558.** The recommended General Plan Amendment from Public Facilities to Medium Density Residential **complies** with Charter Sections 556 and 558 in that the recommended amendment reflects the land use patterns and trends and uses in the immediate area and furthers the intent, purposes and objectives of the Boyle Heights Community Plan. The proposed General Plan Amendment to Medium Density Residential is consistent with the Boyle Heights Community Plan in that it supports the development of the proposed 40 unit multiple family use and is further consistent with the following Footnotes, which state:

Boyle Heights Community Plan Footnote No. 10. - *The Public Facility (PF) planning land use designation is premised on the ownership and use of the property by a government agency. The designation of the PF Zone as a corresponding zone is based on the same premise. The Plan also intends that when a board or governing body of a government agency officially determines that a property zoned PF is surplus, and no other public agency has indicated an intent to acquire, and the City is notified that the agency intends to offer the property for sale to a private purchaser, then the property may be rezoned to the zone(s) most consistent within 500 feet of the property boundary and still be considered consistent with the adopted Plan.*

Boyle Heights Community Plan Footnote No 8. - *With respect to those properties, the plan contemplates that the existing development may continue to be maintained and may be reconstructed in the event of accidental destruction, but that upon the abandonment of such existing development, the property may thereafter be used only for the uses and at the density permitted under the Plan designation.*

The existing General Plan Designations within 500 feet of the subject property include Medium Density, Low Medium II and Low Medium I Residential Land Use Designations whose parcels include development ranging from 1 to 125 dwelling units per site.

D. **Zone/Height District Change Findings.** *Pursuant to Section 12.32 C 7 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.*

The recommended Zone/Height District Change from PF-1XL to (T)(Q)R3-1 is consistent with the proposed General Plan Land Use Designation of Medium Density Residential and is within the range of corresponding zone(s) (which include R3) permitted by such. The subject site is located within the Boyle Heights Community Plan area on Third Street west of Boyle Avenue.

The subject request includes a Zone and Height District Change from PF-1XL to R3-1 to permit the development of a 45 foot in height, 40 unit, multiple family use. The subject site is located within the existing right of way (ROW) of the Hollywood (Route 101) Freeway and was owned and maintained by Caltrans. The property was previously leased as an automobile repair yard. Pursuant to Section 12.04.09 of the Los Angeles Municipal Code, *"It is the purpose of the "PF" Public Facilities Zone to provide regulations for the use and development of publicly owned land in order to implement the City's adopted General Plan, including, the circulation and service systems designations in the City's adopted district and community plans, and other relevant General Plan elements, including the circulation, public recreation and service systems elements."* The LAMC further limits the types of development that can occur on PF zoned properties as follows:

1. Farming and nurseries, under power transmission rights-of-way.

2. Public parking facilities located under freeway rights-of-way.

3. Fire stations and police stations.

4. Government buildings, structures, offices and service facilities including maintenance yards, provided, however, that those uses identified in Section 12.24U21 shall require conditional use approval pursuant to that section.

5. Public libraries not located inside public parks.

6. Post offices and related facilities.

7. Public health facilities, including clinics and hospitals.

8. Public elementary and secondary schools.

9. Any joint public and private development uses permitted in the most restrictive adjoining zones if approved by the Director utilizing the procedures described in Section 16.05E to H.

10. Conditional uses as allowed pursuant to Section 12.24 U 21 and Section 12.24 W 49 of this Code when the location is approved pursuant to the provisions of the applicable section.

The eastern portion of the Caltrans site was sold to the Project Applicant, and the requested Zone Change is necessary to allow for the development and use of the property by a private owner. Pursuant to Footnote No. 10 of the Boyle Heights Community Plan, "*The Plan also intends that when a board or governing body of a government agency officially determines that a property zoned PF is surplus, and no other public agency has indicated an intent to acquire, and the City is notified that the agency intends to offer the property for sale to a private purchaser, then the property may be rezoned to the zone(s) most consistent within 500 feet of the property boundary and still be considered consistent with the adopted Plan.*"

Properties to the north of the subject site are zoned [Q]R4-1, R3-1 and C2-1, planned for Medium Density Residential and Neighborhood Commercial uses and are improved with multiple family residential developments of 1 to 30 units. The MTA Gold Line Mariachi Plaza Station project is under construction at the corner of 1st Street and Boyle Avenue;

Properties to the east (abutting) are zoned [Q]R4-1, planned for Medium Density Residential, and improved with multiple family residential uses (1 to 30 dwelling units). These properties are subject to Footnote No. 8 of the Boyle Heights Community Plan:

Footnote No 8. - With respect to those properties, the plan contemplates that the existing development may continue to be maintained and may be reconstructed in the event of accidental destruction, but that upon the abandonment of such existing development, the property may thereafter be used only for the uses and at the density permitted under the Plan designation.

Uses to the east (across Boyle Avenue) are zoned [Q]R4-1 and RD1.5-1, planned for Medium and Low Medium II Density Residential uses and are improved with dwelling units ranging from 1 to 24 per parcel;

Properties to the south are zoned [Q]R4-1 and are planned for Medium Density Residential uses. These properties are improved with a very large Senior Health Care Facility/Assisted Living Facility, surface parking and multiple family uses (30 and 35 dwelling units per site);

Properties to the west (abutting) surplus Caltrans property (to remain Zoned PF-1XL/Public Facilities GPLU) with auto repair; the Hollywood Freeway and Residential land uses Zoned RD2-1 and RD3-1. Commercial zoned properties (neighborhood serving uses such as market); A School (Delores Mission Catholic School) and the Pecan Recreation Center and Park (zoned OS-1XL/Open Space.

All properties zoned [Q]R4-1 are also subject to the following Q Limitation: Limited to existing uses, thereafter, must conform to the R3-1 Zone.

The requested Zone/Height District change from PF-1XL to [Q]R3-1 is therefore compatible with the planned development of the community, consistent with the Boyle Heights Community Plan and as such is consistent with public necessity, convenience, general welfare and good zoning practice. It should be noted that while the project has proposed development of 40 dwelling units on the site, the proposed project density exceeds the maximum permitted for the R3-1 Zone. The requested R3 Density (800 square feet per dwelling unit) would permit a maximum of 32 dwelling units (26,253 square feet of lot area/800sf per dwelling unit) on the site, and Condition A.2 **Density,** has been modified to reflect this.

The action, as recommended, has been made contingent upon compliance with the "T" and "Q" conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

E. CEQA Finding.

A Mitigated Negative Declaration (ENV-2009-2648-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

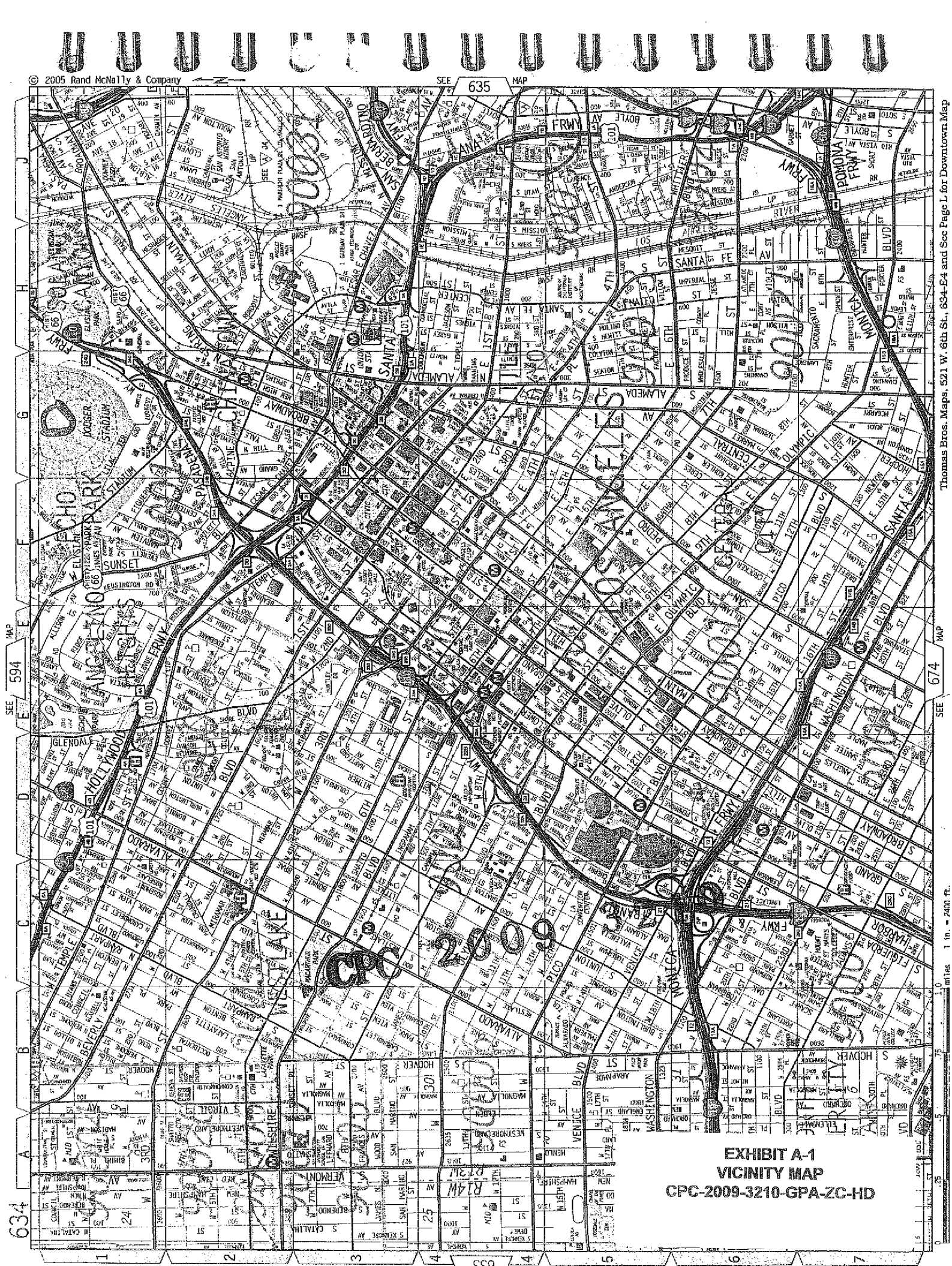
PUBLIC HEARING AND COMMUNICATIONS

The public hearing on this matter was held January 21, 2011 at the Los Angeles City Hall (10th Floor Hearing Room). There were approximately 4 people in attendance.

Issues of concern expressed at the hearing were as follows:

- Neighbors concerns were incorporated into project;
- Applicant has worked with staff on project;
- Four stories is too high will block views;
- Property/street (3rd Street) is steep/slope;
- Visibility is bad at 3rd and Boyle Ave;
- Many emergency vehicles on Boyle;
- Some neighbors were not notified
- Project will cause traffic congestion;
- Additional to severe traffic impacts;
- Need affordable single family homes;
- In favor of project as it will improve the area;
- Site is a junkyard this is better;
- Should create more jobs;
- Parking is not adequate for 40 dwellings
- Engineering report showed on USTs on property;
- Project meets open space requirements (balconies can provide open space)

Correspondence submitted expressed the same concerns regarding blocking of views, increased traffic and access issues related to corner of 3rd Street and Boyle Avenue.


© 2005 Rand McNally & Company
SEE 635 MAP
SEE 594 MAP
SEE 674 MAP
CPC 2009
EXHIBIT A-1
VICINITY MAP
CPC-2009-3210-GPA-ZC-HD
Thomas Bros. Maps, 521 W. 6th St., 634-E4 and See Page L for Downtown Map
1 in. = 400 ft.

PF-IXL TO R4

ZONE CHANGE

CPC 2009 3210

LEGAL DESCRIPTION

TRACT: GLESS TRACT
M B 15-118/119
LOT:
AND
TRACT:
M R 1 463/464
LOT:

DATE: 09-29-09
C.D. 14
C.T. 2060.40
P.A. BOYLE HEIGHTS
D.M. 129-A221 & 127-5A221
SCALE: 1" = 100'
USES: FIELD

0.62 NT. AC.

EXHIBIT A-2
RADIUS MAP
CPC-2009-3210-GPA-ZC-HD

EXISTING: BOYLE HEIGHTS COMMUNITY PLAN

CPC 2009 3210

① NUMBER OF DWELLING UNITS

▲ NON RESIDENTIAL STRUCTURE

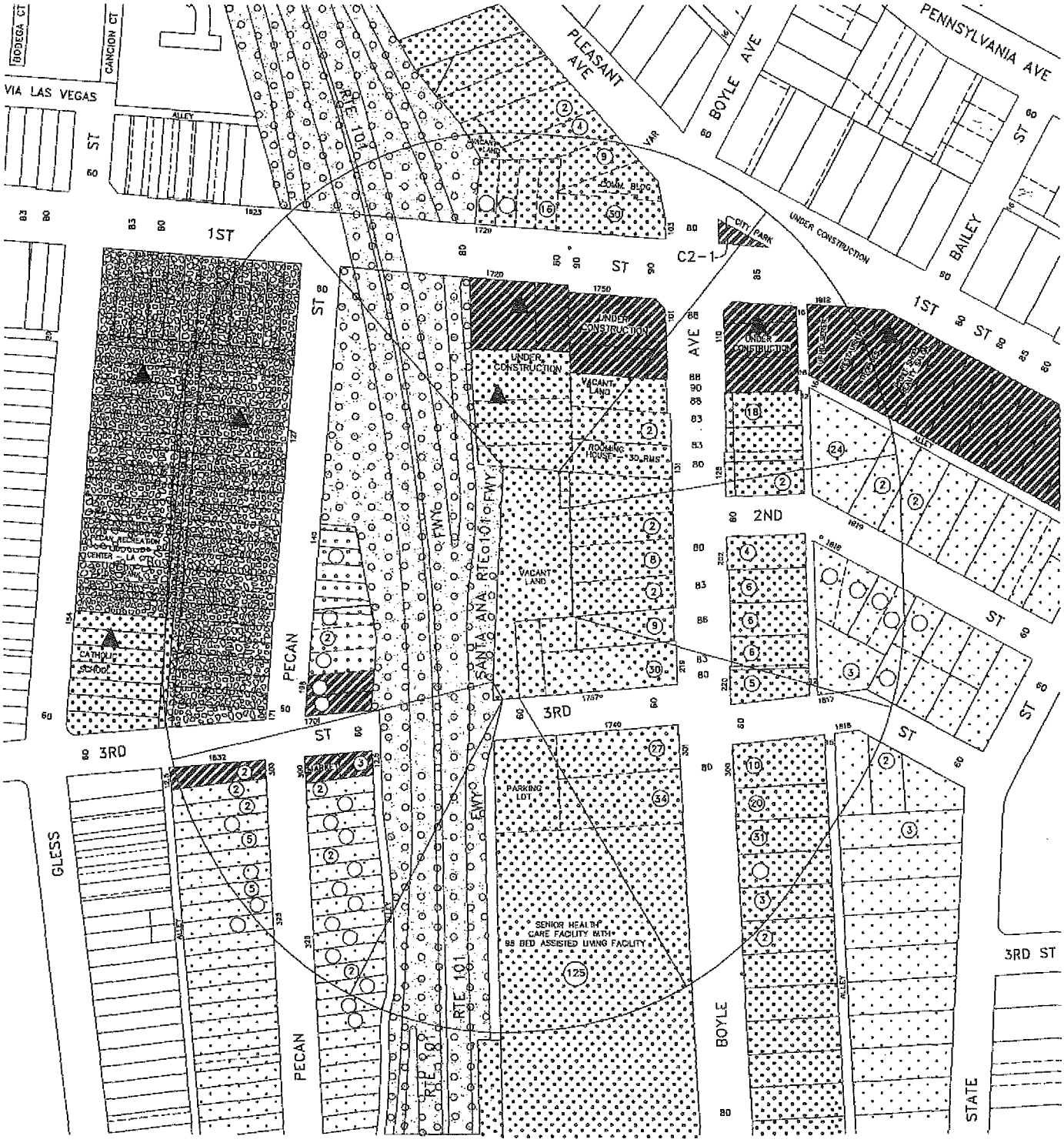
R2,RD3	RD2,RD1.5	R3	R4	C1 , C2	PF	OS
LOW MEDIUM I	LOW MEDIUM II	MEDIUM	HIGH MEDIUM	HIGHWAY ORIENTED	PUBLIC FACILITY	OPEN SPACE

0 100 200 300 400

DATE: 09-29-09

PREPARED BY:
NOR ASSOCIATES
(310) 854-6103

EXHIBIT A-3
PLAN MAP-EXISTING
CPC-2009-3210-GPA-ZC-HD



REQUESTED: BOYLE HEIGHTS COMMUNITY PLAN

(1) NUMBER OF DWELLING UNITS

▲ NON RESIDENTIAL STRUCTURE

R2,RD3	RD2,RD1.5	R3	R4	C1 , C2	PF	OS
LOW MEDIUM I	LOW MEDIUM II	MEDIUM	HIGH MEDIUM	HIGHWAY ORIENTED	PUBLIC FACILITY	

0 100 200 300 400

DATE: 09-29-09

PREPARED BY:
NOR ASSOCIATES

EXHIBIT A-4
PLAN MAP-REQUESTED
CPC-2009-3210-GPA-ZC-HD

CPC 2009

EXISTING ZONING

REQUEST: PF-1XL TO R4

SUBJECT PROPERTY

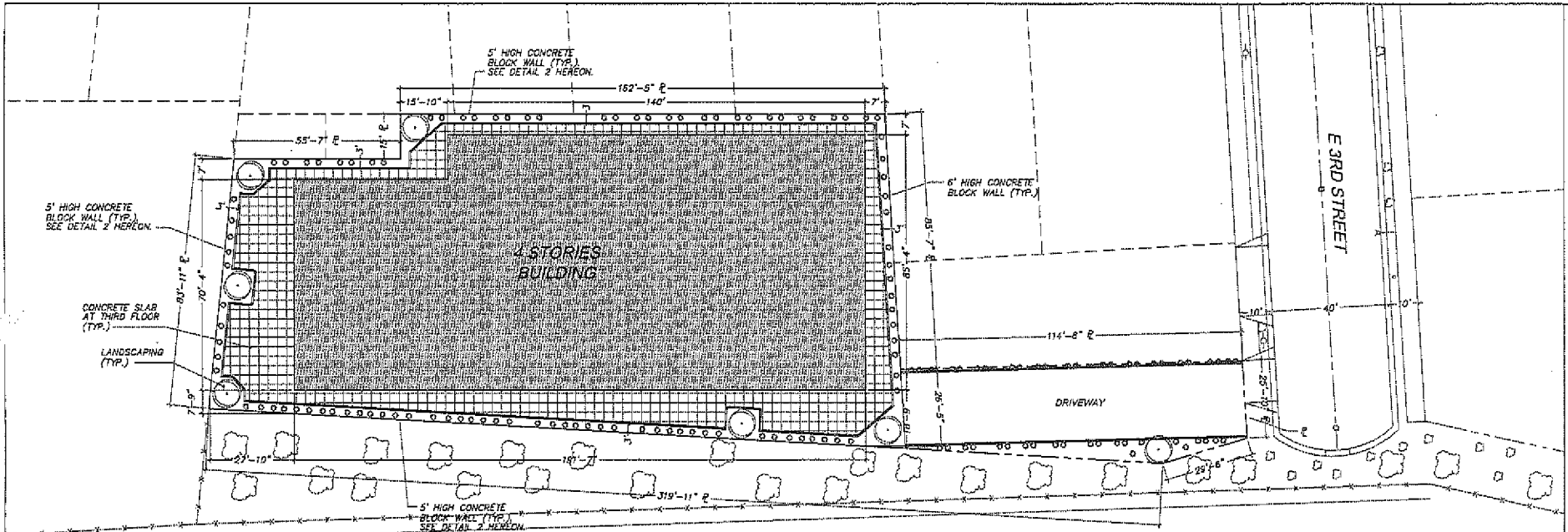
CPC 2009 3210

0 100 200 300 400

DATE: 09-29-09

PREPARED BY:
NOR ASSOCIATES
(310) 854-6103

EXHIBIT A-5
ZONE MAP-REQUESTED
CPC-2009-3210-GPA-ZC-HD



1 PLOT PLAN
Scale: 1/16"=1'-0"

SITE DESCRIPTION:

DWELLING UNITS:	40 UNITS
PARKING REQUIRED:	40 SPACES
PARKING PROVIDED:	
RESIDENT SPACES:	38 SPACES
GUEST SPACES:	23 SPACES
ACCESSIBLE SPACES:	2 SPACES
TOTAL:	61 SPACES
OPEN SPACE:	
REQUIRED:	(28x100)+(12x125)=4,300 SF
PROVIDED:	(63x28)+(99x12)+42+9,815=13,613 SF
LOT AREA:	26,253 SF
HEIGHT OF BUILDING:	47'
BUILDING FOOTPRINT AREA:	15,598 SF (59%)
LANDSCAPING AREA:	3,300 SF (13%)
NO. OF FLOORS:	4
NO. OF APARTMENTS:	40 (28 1-BEDROOM AND 12 2-BEDROOM)
PROJECT ADDRESS:	1755 3RD STREET LOS ANGELES, CA 90033
LEGAL DESCRIPTION:	PORTION OF LOT 8, TRACT NO. 1343, MB 30/46-47 AND PORTIONS OF LOTS 25 - 33, GLESS TRACT, MB 15/118-119.
APN:	5174-013-025

CODES USED:
- 2008 CITY OF LOS ANGELES BUILDING CODE.
- 2008 CITY OF LOS ANGELES ELECTRICAL CODE.
- 2008 CITY OF LOS ANGELES MECHANICAL CODE.
- 2008 CITY OF LOS ANGELES PLUMBING CODE CODE.
- 2007 CALIFORNIA BUILDING CODE.

APARTMENTS SUMMARY

	FIRST FLOOR	SECOND FLOOR	THIRD FLOOR	FOURTH FLOOR	TOTAL
ONE BEDROOM	7	7	7	7	28
TWO BEDROOM	3	3	3	3	12
TOTAL	10	10	10	10	40

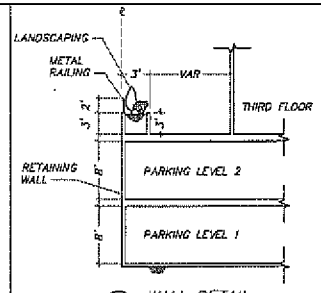
FIRE DEPARTMENT NOTES:
1. FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICEABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. FIRE CODE 501.4
2. BUILDING ADDRESS NUMBERS SHALL BE PROVIDED AND MAINTAINED SO AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. THE NUMBERS SHALL BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE OF 0.5 INCH. FIRE CODE 501.1.
3. THE REQUIRED FIRE FLOW FOR PUBLIC FIRE HYDRANTS IS 3,000 GALLONS PER MINUTE AT 20 PSI RESIDUAL PRESSURE FOR A DURATION OF 3 HOURS. FIRE AND ABOVE MAXIMUM DAILY DOMESTIC DEMAND. FIRE CODE 508.1 AND FIRE DEPARTMENT REGULATION 8.
4. THE UNDERGROUND HYDRANTS TEST AND FLUSHING OF THE UNDERGROUND FIRE PROTECTION PIPING SHALL BE WITNESSED BY AN AUTHORIZED FIRE DEPARTMENT REPRESENTATIVE AND NO UNDERGROUND PIPING OR THRUST BLOCKS SHALL BE CONCRETE WITH EARTH OR HIDDEN FROM VIEW UNTIL THE FIRE DEPARTMENT REPRESENTATIVE HAS BEEN NOTIFIED AND GIVEN NOT LESS THAN 48 HOURS IN WHICH TO INSPECT SUCH INSTALLATIONS. FIRE CODE 901.5.
5. TYPE OF CONSTRUCTION: TYPE 3 - ONE HOUR.
6. PROVIDE AN APPROVED FIRE SPRINKLER SYSTEM AS SET FORTH BY BUILDING CODE 903 AND FIRE CODE 903. PLANS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.
7. EGRESS DOORS SHALL BE READILY OPEN FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. BUILDING CODE 1003.3.5
8. PORTABLE FIRE EXTINGUISHERS SHALL BE INSTALLED IN LOCATIONS AS REQUIRED BY FIRE CODE 906.
9. DUMPSTERS AND CONTAINERS WITH AN INDIVIDUAL CAPACITY OF 1.5 CY (40.5 CF) OR MORE SHALL NOT BE STORED IN BUILDINGS OR PLACED WITHIN 5 FEET OF COMBUSTIBLE WALLS, OPENINGS, OR COMBUSTIBLES ROOF EAVES. UNLESS AREAS CONTAINING DUMPSTERS OR CONTAINERS ARE PROTECTED BY AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM. FIRE CODE 304.3.3
10. BARS, GRILLES, GRATES OR SIMILAR DEVICES ARE PERMITTED TO BE PLACED OVER EMERGENCY ESCAPE OR RESCUE OPENING PROVIDED THE MINIMUM NET CLEAR OPENING SIZE COMPLIES WITH SECTION 1026.2 AND SUCH DEVICES SHALL BE RELEASED OR REMOVABLE FROM THE INSIDE WITHOUT THE USE OF A KEY, TOOL, SPECIAL KNOWLEDGE OR EFFORT OR FORCE GREATER THAN THAT WHICH IS REQUIRED FOR NORMAL OPERATION OF THE ESCAPE AND RESCUE OPENING. BUILDING CODE 1026.4
11. PROVIDE AN APPROVED FIRE ALARM SYSTEM. PLANS SHALL BE SUBMITTED TO THE FIRE ALARM PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.

GREEN BUILDING CODE REQUIREMENTS:
1. THE STRUCTURE MUST BE AT LEAST 15% MORE EFFICIENCY THAN TITLE 24 2005 CALIFORNIA ENERGY EFFICIENCY STANDARDS.
2. A MINIMUM OF 65% OF THE NON-HAZARDOUS CONSTRUCTION/DEMOLITION DEBRIS BY WEIGHT SHALL BE RECYCLED/REUSED.
3. A SMART IRRIGATION CONTROLLER SHALL BE INSTALLED.
4. A MINIMUM OF 15 GALLON TREES (AT LEAST 50% MUST BE SELECTED FROM THE DROUGHT TOLERANT PLANT LIST) MUST BE PLANTED. SHOW THE LOCATION OF THE REQUIRED TREES ON SITE PLAN.
5. COMPLY WITH LEED, GREEN POINT RATED OR CALIFORNIA GREEN BUILDER CERTIFICATION OR EQUIVALENT.

CITY OF LOS ANGELES LOW IMPACT DEVELOPMENT (LID) REQUIREMENTS:
1. INSTALL MINIMUM OF 2 OF THE FOLLOWING:
   - 1.1. POROUS PAVEMENT (MINIMUM 50% FOR ALL PAVING)
   - 1.2. CISTERN/RAIN BARREL (MINIMUM 200 GALLON CAPACITY)
   - 1.3. RAIN GARDEN/PLANTER BOX (MINIMUM 300 GALLON)
   - 1.4. DRY WELL (MINIMUM 200 GALLON CAPACITY)
   - 1.5. GREEN ROOF (MINIMUM 50% OF TOTAL ROOF AREA)
   - 1.6. DIRECT RUNOFF OF DRAIN TOWARD PERVIOUS SURFACES
   - 1.7. PLANT 2 TREES TO OVERHANG IMPERVIOUS SURFACES
2. COVENANT REQUIRED BY DPW
3. LID SWPS SHALL BE INSTALLED AS REQUIRED BY THE DEPARTMENT OF PUBLIC WORKS (DPW) PURSUANT TO THE COUNTY'S "LOW IMPACT DEVELOPMENT STANDARDS MANUAL", UNLESS MODIFIED OR WAIVED BY DPW.

LEGEND:

EXISTING CURB	
EXISTING CURB AND GUTTER	
EXISTING DRIVEWAY	
EXISTING FENCE (CLF)	
EXISTING MANHOLE	
PROPERTY LINE (℄)	
EXISTING SIGN (1 POST)	
EXISTING STREET LIGHT	
EXISTING TREE (OTHER)	
EXISTING UTILITY POLE	
EXISTING FIRE HYDRANT	



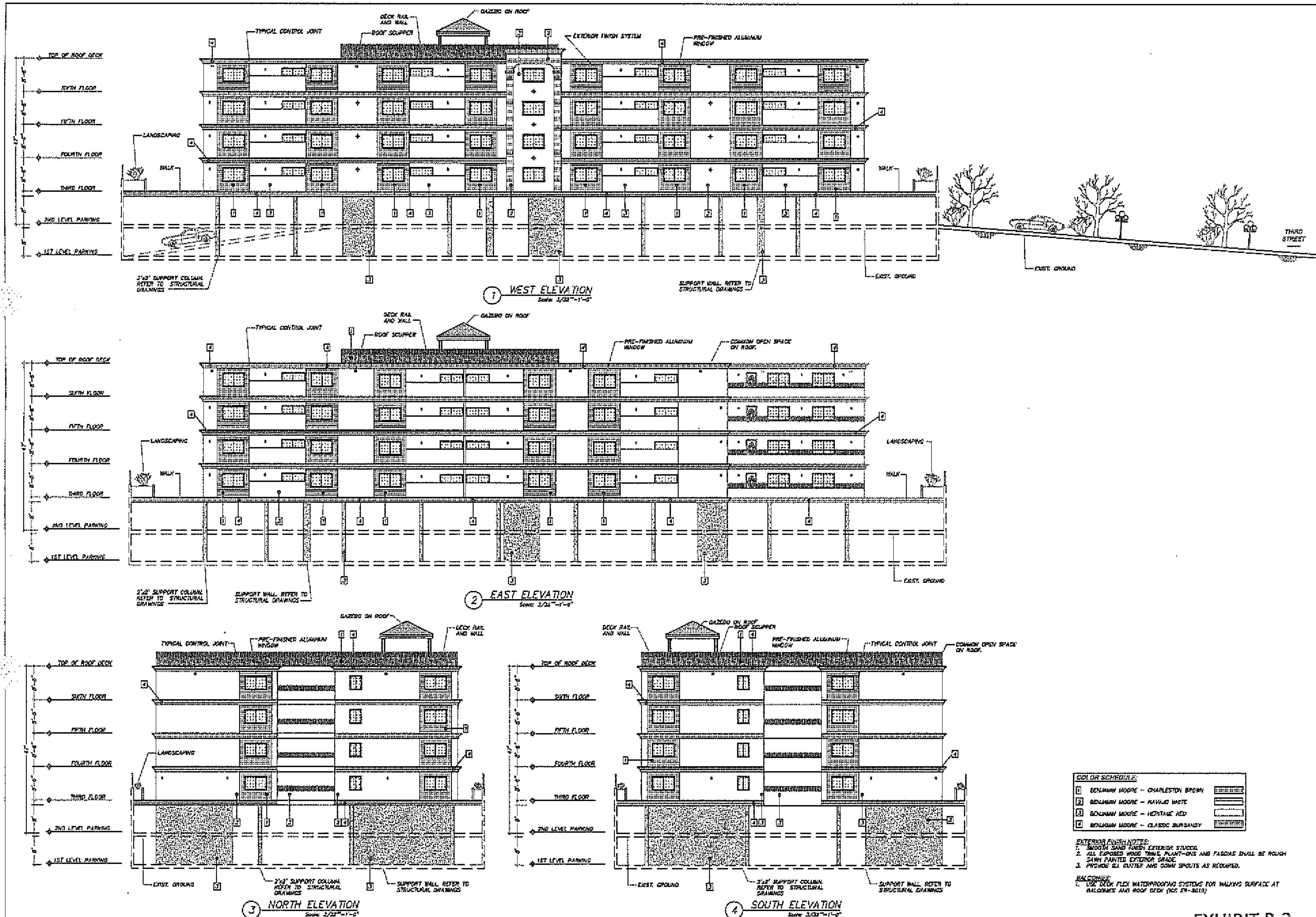
2 WALL DETAIL
Scale: NTS

PROJECT ADDRESS	1755 3RD STREET LOS ANGELES, CA 90033
PROJECT NO.	2009-2
CHECKED	MP
DRAWN	BP
SCALE	
DATE	2/27/2012
TITLE	PLOT PLAN
SHEET	A-1.1

EXHIBIT B-1

PLOT PLAN

CPC-2009-3210-GPA-ZC-HD



COLOR SCHEDULE:

1. BENJAMIN MOORE – CHARLESTON BROWN
2. BENJAMIN MOORE – NAVAJO WHITE
3. BENJAMIN MOORE – HERITAGE RED
4. BENJAMIN MOORE – CLASSIC BURGANDY

EXTERIOR FINISH NOTES:

1. SMOOTH SAND FINISH EXTERIOR STUCCO.
2. ALL EXPOSED WOOD TRIMS, PLANT-ONS AND FASCIAS SHALL BE ROUGH SAWN PAINTED EXTERIOR GRADE.
3. PROVIDE G.I. GUTTER AND DOWN SPOUTS AS REQUIRED.

BALCONIES:

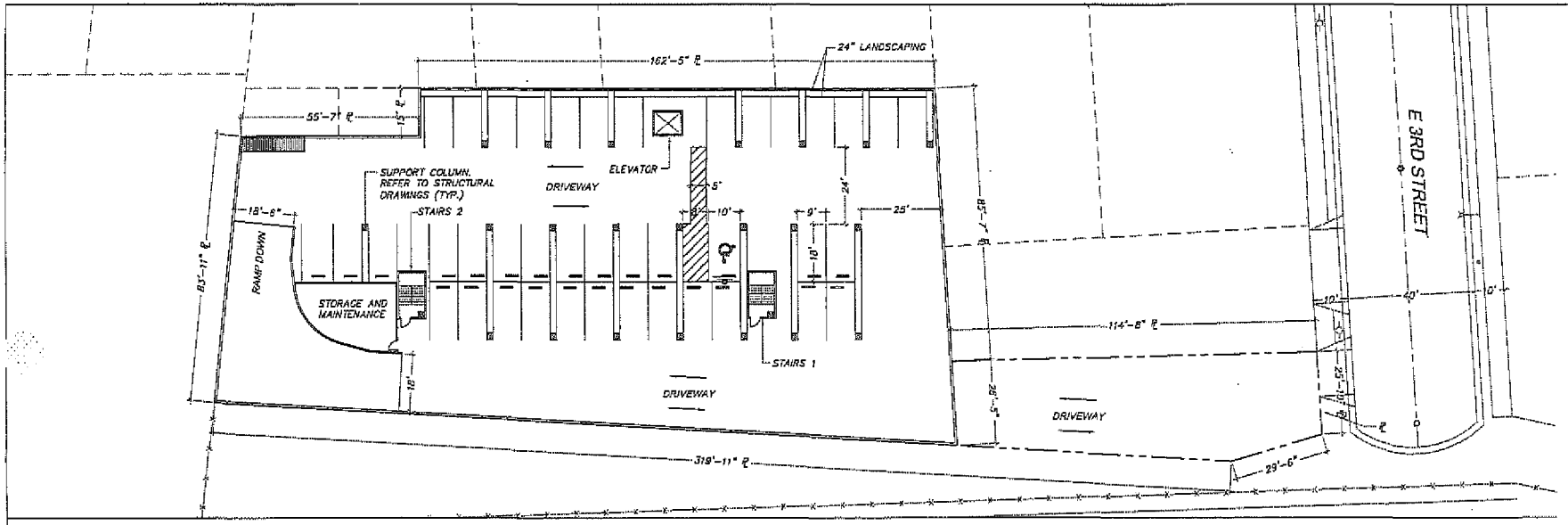
1. USE DECK FLEX WATERPROOFING SYSTEMS FOR WALKING SURFACE AT BALCONIES AND ROOF DECK (ICC ER-5010)

PROJECT ADDRESS	1755 3RD STREET LOS ANGELES, CA 90033
PROJECT NO.	2009-2
CHECKED	MP
DRAWN	BP
SCALE	
DATE	2/20/2012
TITLE	ELEVATIONS
SHEET	A 4 C

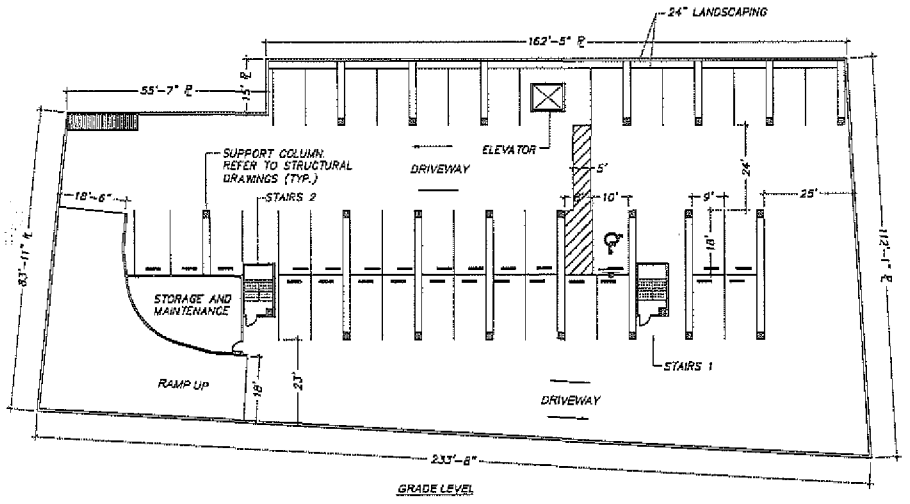
EXHIBIT B-2

ELEVATIONS

CPC-2009-3210-GPA-ZC-HD



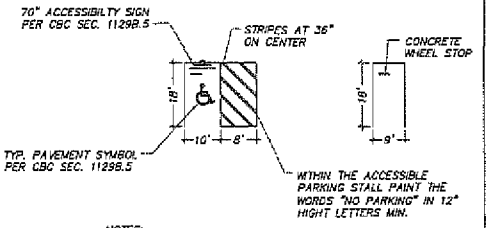
1 SECOND LEVEL PARKING PLAN
Scale: 1/16"=1'-0"



2 FIRST LEVEL PARKING PLAN
Scale: 1/16"=1'-0"

PARKING SUMMARY:

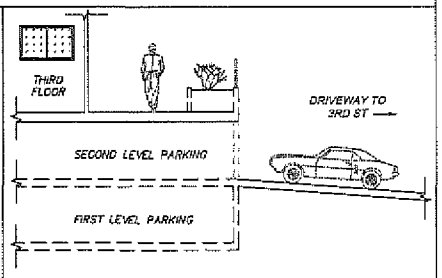
PARKING PROVIDED:	
RESIDENT SPACES:	58 SPACES
GUEST SPACES:	03 SPACES
ACCESSIBLE SPACES	2 SPACES
TOTAL	61 SPACES



NOTES:

1. SURFACE SLOPE OF ACCESSIBLE PARKING SPACES SHALL NOT EXCEED 2% IN ANY DIRECTION.
2. COVERED PARKING SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF 8'-2" TO AND FROM ACCESSIBLE PARKING SPACES. SEE STRUCTURAL DRAWINGS.

3 PARKING STALLS DETAILS
Scale: 1/16"=1'-0"



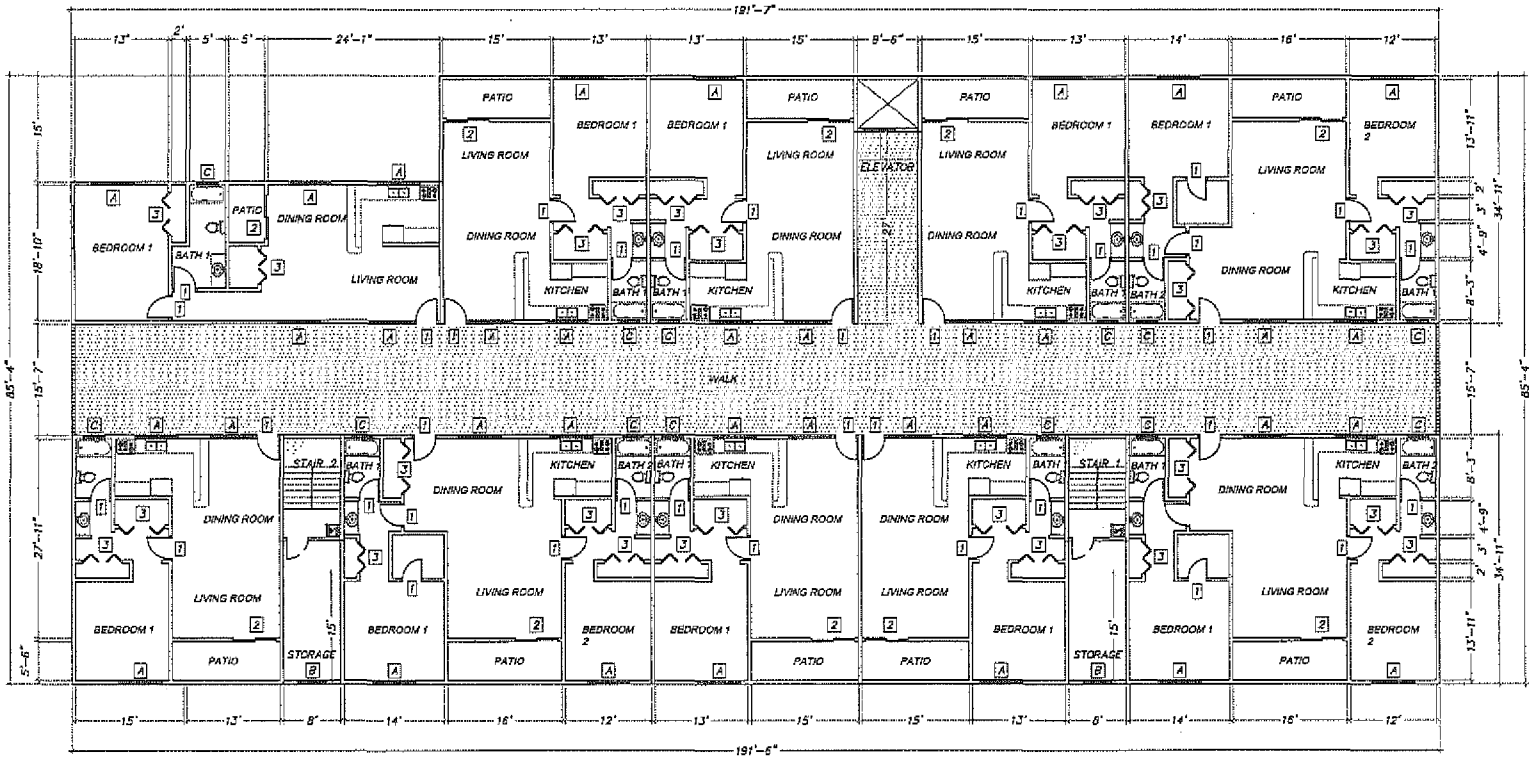
4 PARKING SECTION
Scale: NTS

PROJECT ADDRESS	1755 3RD STREET LOS ANGELES, CA 90033
PROJECT NO.	2009-2
CHECKED	MP
DRAWN	BP
SCALE	
DATE	2/20/2012
TITLE	FIRST & SECOND LEVEL PARKING PLANS

EXHIBIT B-3

PARKING PLAN

CPC-2009-3210-GPA-ZC-HD



1 FLOOR PLAN – 3 THROUGH 6
Scale: 1/8"=1'-0"

WINDOW SCHEDULE		
MARK	SIZE	NOTES
A	6'-0"x4'-0"	SUPERIOR WINDOW SERIES NO. 4602 PW WITH 42" HIGH SILL STC 33
B	4'-0"x4'-0"	SUPERIOR WINDOW SERIES NO. 4402 PW WITH 42" HIGH SILL STC 33
C	3'-0"x3'-0"	SUPERIOR WINDOW SERIES NO. 4602 PW WITH 42" HIGH SILL STC 33

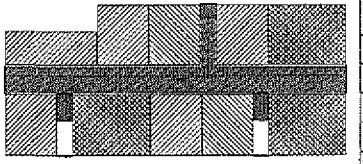
DOOR SCHEDULE		
MARK	SIZE	NOTES
1	3'-0"x6'-8"	SOLID WOOD
2	6'-0"x6'-8"	SLIDING GLASS DOOR
3	4'-0"x6'-8"	BI-FOLD WOOD

DOOR AND WINDOW NOTES:
7. EXTERIOR DOORS SHALL BE 2" SOLID CORE ACOUSTICAL DOORS WITH AN STC 33. THE DOORS SHALL BE PROVIDED WITH COMPRESSION SEALS ALL AROUND, INCLUDING THE THRESHOLD.

GLASS AND GLAZING
7. EACH PANE OF SAFETY GLAZING INSTALLED IN HAZARDOUS LOCATIONS SHALL BE IDENTIFIED BY A MANUFACTURER'S DESIGNATION SPECIFYING WHO APPLIED THE DESIGNATION, THE MANUFACTURER OR INSTALLER AND THE SAFETY GLAZING STANDARD. THE FOLLOWING SHALL BE CONSIDERED SPECIFIC HAZARDOUS LOCATIONS FOR THE PURPOSE OF SAFETY GLAZING. GLAZING IN CBC 3406:
1.a. FIXED AND SLIDING PANELS OF SLIDING DOOR ASSEMBLIES AND PANELS IN SLIDING BI-FOLD CLOSET DOOR ASSEMBLIES.
1.b. ADJACENT TO STAIRWAYS, LANDINGS AND RAMPS WITHIN 36" HORIZONTALLY OF A WALKING SURFACE, WHEN THE EXPOSED SURFACE OF THE GLASS IS LESS THAN 60" ABOVE THE PLANE OF THE ADJACENT WALKING SURFACE.
1.c. ADJACENT TO STAIRWAYS WITHIN 60" HORIZONTALLY OF THE BOTTOM TREAD OF A STAIRWAY IN ANY DIRECTION WHEN THE EXPOSED SURFACE OF THE GLASS IS LESS THAN 60" ABOVE THE NOSE OF THE TREAD.

NOTES:
1. AROUND BATH TUB WALL COVERING IS TILE WITH CEMENT PLASTER MIN. 70" ABOVE DRAIN LEVEL. GLASS ENCLOSURE MUST BE LABELED CATEGORY 1.
2. ELEMENTS OF APPLIANCES WHICH CREATE A GLOW, SPARK, OR FLAME SHALL BE LOCATED A MIN. 18" ABOVE GARAGE FLOOR.
3. THE BUILDING SHALL HAVE WATER CLOSETS (TOILETS) THAT USE NO MORE THAN 1.6 GALLONS PER FLUSH (P.C. 402.3).
4. ALL SHOWERS AND TUB SHOWERS SHALL HAVE EITHER A PRESSURE BALANCE OR A THERMOSTATIC MIXING VALVE (P.C. 402.6).
5. NEW OR REPLACEMENT WATER HEATERS SHALL BE STRAPPED TO THE WALL IN TWO PLACES, ONE IN THE UPPER 1/3 OF THE TANK AND ONE IN THE LOWER 1/3 OF THE TANK. THE LOWER POINT SHALL BE A MIN. OF 4 INCHES ABOVE CONTROLS (P.C. 510.5).
6. FOR ENTRY, KITCHEN, BATHS "NO SLIPPING" CERAMIC TILE ARE REQUIRED.
7. ALL WINDOW GLAZING TO BE DOUBLE GLAZED.
8. ALL CIRCULATING AIR SUPPLY OPENING OR DUCT OF 2 SQ. IN. PER 1,500 BTU IS REQUIRED FOR THE FORCE AIR FURNACE (M.C. 904.3).
9. ABS AND PVC DWV PIPING INSTALLATIONS SHALL BE LIMITED TO STRUCTURE NOT EXCEEDING TWO STORIES IN HEIGHT (P.C. 701.1.2.2).
10. DUCTS SHALL BE SIZED PER CHAPTER 6 OF THE MECHANICAL CODE.
11. DOORS USED AS REQUIRED EXITS SHALL BE OPERABLE FROM INSIDE WITHOUT THE USE OF A KEY, SPECIAL USE OR KNOWLEDGE.
12. EACH ROOM CONTAINING A WATER CLOSET MUST HAVE AT LEAST ONE LUMINAIRE (FLUORESCENT) AT LEAST 40 LUMENS PER WATT. SAME LUMINAIRE SHALL APPLY TO KITCHEN.
13. EXTERIOR WALLS SHALL BE 7/8" STUCCO, 5/8" TYPE X DRYWALL WITH R-13 INSULATION WITH AN STC OF 38 (CALIFORNIA OFFICE OF NOISE CONTROL SECTION NUMBER 1.2.1.1.3.9).
14. ROOMS CONTAINING BATHTUBS, SHOWERS, SPAS AND SIMILAR BATHING FIXTURES SHALL BE MECHANICALLY VENTILATED. PROVIDE AN EXHAUST FAN WITH A MIN. CAPACITY 50 CFM. DUCTLESS FANS ARE UNACCEPTABLE. (CBC 1203.4.2.1, CMC T-4-4).
15. ALL SHOWER COMPARTMENTS, REGARDLESS OF SHAPE, SHALL HAVE A MIN. FINISHED INTERIOR AREA OF NOT LESS THAN 1,024 SQ IN AND SHALL BE CAPABLE OF ENCOMPASSING A 30" CIRCLE. SHOWER DOORS SHALL SWING OUT OUT. THE MIN. AREA AND DIMENSIONS SHALL BE MAINTAINED TO A POINT 70" ABOVE THE SHOWER DRAIN OUTLET. (CBC 411.7).
16. PROVIDE MIN. 1 FOOT-CANDLE OF STAIRWAY ILLUMINATION AT TREAD RUNS. (CBC 1205.4).

LEGEND:
SD HARD WIRE INTERCONNECTED SMOKE DETECTOR ALARM WITH BATTERY BACK-UP WITH LOW BATTERY WARNING.
RETURN AIR GRILL (R.A.G.)



LEGEND:
1 BEDROOM
2 BEDROOMS

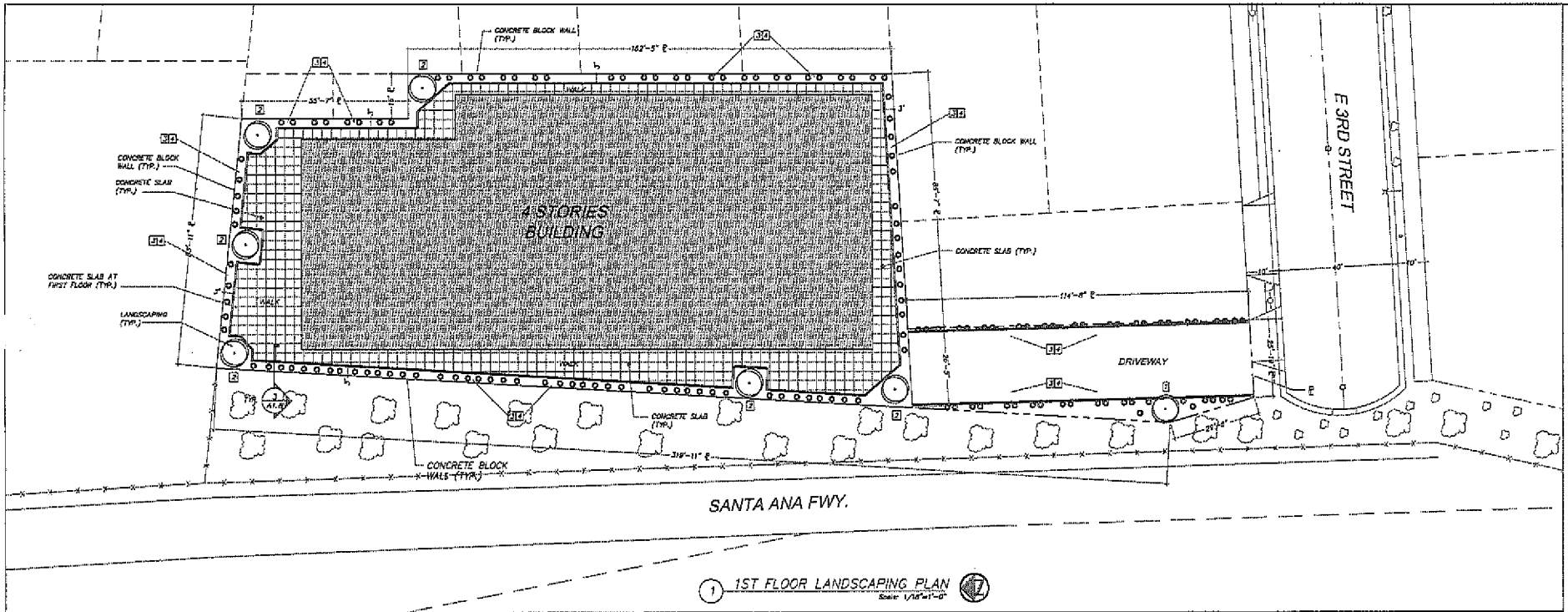
2 FLOOR PLAN KEY
Scale: 1/32"=1'-0"

PROJECT ADDRESS
1755 3RD STREET
LOS ANGELES, CA 90033
PROJECT NO. 2009-2
CHECKED MP
DRAWN BP
SCALE
DATE 2/20/2012
TITLE TYPICAL FLOOR PLAN
SHEET A-1.3

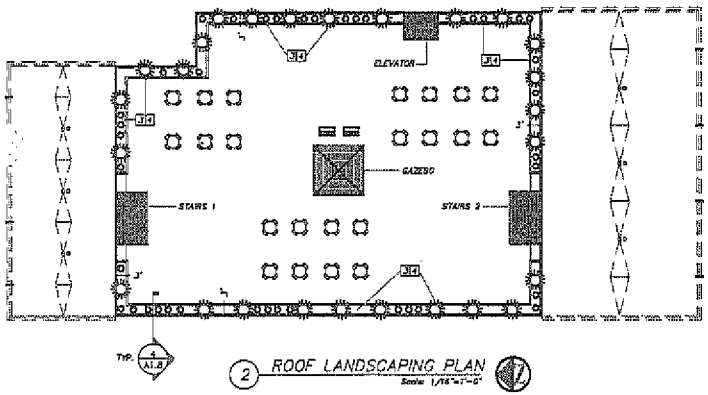
EXHIBIT B-4

FLOOR PLAN

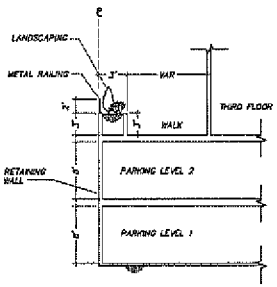
CPC-2009-3210-GPA-ZC-HD



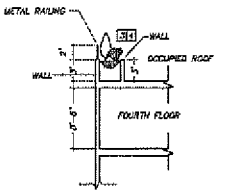
1 1ST FLOOR LANDSCAPING PLAN
Scale: 1/16"=1'-0"



2 ROOF LANDSCAPING PLAN
Scale: 1/16"=1'-0"



3 LANDSCAPING DETAIL
3RD Floor
Scale: NTS



4 LANDSCAPING DETAIL
Roof
Scale: NTS

PLANT LIST

KEY	BOTANICAL NAME	COMMON NAME	SIZE	TOTAL
1	ARBUTUS UNEDO	STRAWBERRY TREE	24" BOX	1
2	JACARANDA MIMOSIFOLIA	JACARANDA	15 GAL	5
3	ECHIUM FASTUOSUM	PRIDE OF MADERA	5 GAL	150
4	AGAPANTHUS AFRICANUS BLUE	LILY OF THE NILE	1 GAL	200

LANDSCAPING NOTES:

1. TOTAL LANDSCAPING AREA:
   1.1. FIRST FLOOR AREA: 3,300 SF
   1.2. ROOF OPEN AREA: 1,200 SF
   TOTAL: 4,500 SF (17%)
2. PROVIDE DENSE LANDSCAPING SCREENING AT ALL ABOVE GROUND POWER TRANSFORMERS AND CHECK VALVES.
3. REFER TO ROOF PLAN FOR ADDITIONAL LANDSCAPING.

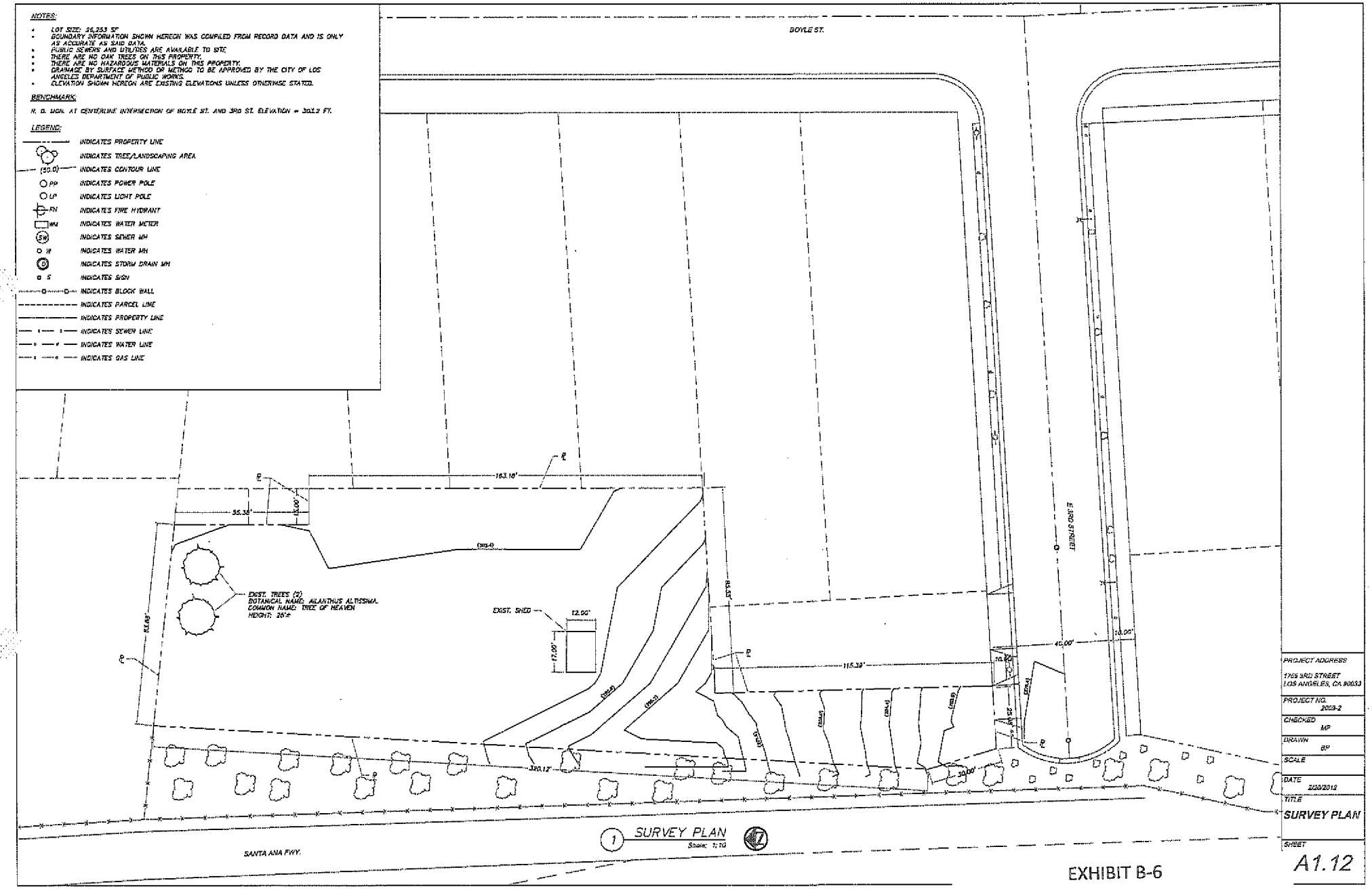
PROJECT ADDRESS
1753 3RD STREET
LOS ANGELES, CA 90033

PROJECT NO. 2009-2
CHECKED MP
DRAWN BP
SCALE
DATE 2/20/2012
TITLE LANDSCAPING PLAN
SHEET A1.8

EXHIBIT B-5

LANDSCAPE PLAN

CPC-2009-3210-GPA-ZC-HD



1 SURVEY PLAN
Scale: 1:10

EXHIBIT B-6

SURVEY PLAN

CPC-2009-3210-GPA-ZC-HD

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
PROPOSED MITIGATED NEGATIVE DECLARATION

LEAD CITY AGENCY	**COUNCIL DISTRICT**
City of Los Angeles	14
PROJECT TITLE	**CASE NO.**
ENV-2009-2648-MND	CPC-2009-3210-GPA-ZC-ZAA

PROJECT LOCATION
1755 E 3RD ST

PROJECT DESCRIPTION
Proposed General Plan Amendment from Public Facilities to Medium Density Residential and Zone and Height District Change form PF-1XL to R4-1 to permit the construction of a 40 unit, 4 story apartment building that will cover 66% of a 26,253 sq.ft. irregularly shaped lot. 83 parking spaces will be provided.

NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY
3rd and Boyle LLC
3950 Imperial Highway
Los Angeles

FINDING:
The City Planning Department of the City of Los Angeles has Proposed that a mitigated negative declaration be adopted for this project because the mitigation measure(s) outlined on the attached page(s) will reduce any potential significant adverse effects to a level of insignificance

(CONTINUED ON PAGE 2)

SEE ATTACHED SHEET(S) FOR ANY MITIGATION MEASURES IMPOSED.

Any written comments received during the public review period are attached together with the response of the Lead City Agency. The project decision-make may adopt the mitigated negative declariation, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.

THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.

NAME OF PERSON PREPARING THIS FORM	**TITLE**	**TELEPHONE NUMBER**
TOM HENRY	City Planning Associate	(213) 978-0626

ADDRESS	**SIGNATURE (Official)**	**DATE**
200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012		9/26/2011

EXHIBIT C
ENV-2009-2648-MND
CPC-2009-3210-GPA-ZC-HD

III-10. Air Pollution (Demolition, Grading, and Construction Activities)

- All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.

III-50. Air Pollution (Stationary)

- Adverse impacts upon future occupants may result from the project implementation due to existing diminished ambient air pollution levels in the project vicinity. However, this impact can be mitigated to a less than significant level by the following measure:
- An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.
- An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 12, to the satisfaction of the Department of Building and Safety.
- An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 13, to the satisfaction of the Department of Building and Safety.

VI-10. Seismic

- Environmental impacts to the safety of future occupants may result due to the project's location in an area of potential seismic activity. However, this potential impact will be mitigated to a less than significant level by the following measure:
- The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

VI-20. Erosion/Grading/Short-Term Construction Impacts

- Short-term erosion impacts may result from the construction of the proposed project. However, these impacts can be mitigated to a less than significant level by the following measures:
- The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
- a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

X-10. General Plan Designation/Zoning

- The proposed project would permit intensities and or densities exceeding those permitted by the existing Boyle Hgts District Plan. However, this potential impact will be mitigated to a level of insignificance by the following measure:
- Current proposed density is inconsistant with the land use designation of the community plan. A plan amendment along with all due consideration with environmental impact mitigation must be filed and approve prior to consideration of the project.

XII-10. Increased Noise Levels (Landscape Buffer)

- Environmental impacts to the adjacent residential properties may result due to the project. However, the potential impact will be mitigated to a less than significant level by the following measures:
- A landscape plan prepared by a licensed Landscape Architect shall be submitted for review and approval by the decision maker.

XII-20. Increased Noise Levels (Demolition, Grading, and Construction Activities)

-
- The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

XII-30. Increased Noise Levels (Parking Wall)

- Environmental impacts to the adjacent residential properties may result due to noise from parking on the site. However, this potential impact will be mitigated to a less than significant level by the following measure:
- A 6-foot-high solid decorative masonry wall adjacent to residential use and/or zones shall be constructed if no such wall exists.

XII-170. Severe Noise Levels (Residential Fronting on Major or Secondary Highway, or adjacent to a Freeway)

- Environmental impacts to future occupants may result from this project's implementation due to mobile noise. However, these impacts will be mitigated to a less than significant level by the following measures:
- All exterior windows having a line of sight of a Major or Secondary Highway shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto.
- The applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

XII-190. Severe Noise Levels (Caltrans Wall)

- Environmental impacts to adjacent residential properties may result from severe noise levels associated with the project implementation. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- A sound barrier wall shall be constructed within the freeway right-of-way adjacent to the subject property, and to an extent beyond, ~~(not to exceed [illegible] in total)~~ as deemed necessary by Caltrans. The location, height, and specifications of the wall shall be determined by Caltrans.
- Prior to issuance of building permits, the applicant shall submit evidence to the City Planning Department that construction of the wall has been completed or arrangements for said construction have been made by the applicant to the satisfaction of Caltrans.

XIV-10. Public Services (Fire)

- Environmental impacts may result from project implementation due to the location of the project in an area having marginal fire protection facilities. However, this potential impact will be mitigated to a less than significant level by the following measure:
- The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

XV-10. Recreation (Increased Demand For Parks Or Recreational Facilities)

- Environmental impacts may result from project implementation due to insufficient parks and/or recreational facilities. However, the potential impact will be mitigated to a less than significant level by the following measure:
- (Apartments) Pursuant to Section 21.10 of the Los Angeles Municipal Code, the applicant shall pay the Dwelling Unit Construction Tax for construction of apartment buildings.

XV-20. **Recreation (Increase Demand For Parks Or Recreational Facilities – Zone Change)**

- Environmental impacts may result from project implementation due to insufficient parks and/or recreational facilities. However, the potential impact will be mitigated to a less than significant level by the following measure:
- Pursuant to Section 12.33 of the Los Angeles Municipal Code, the applicant shall pay the applicable fees for the construction of dwelling units.

XVI-40. **Safety Hazards**

- Environmental impacts may result from project implementation due to hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses. However, the potential impacts can be mitigated to a less than significant level by the following measure:
- The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

XVI-50. **Inadequate Emergency Access**

- Environmental impacts may result from project implementation due to inadequate emergency access. However, these impacts can be mitigated to a less than significant level by the following measure:
- The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

CITY OF LOS ANGELES

OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

INITIAL STUDY
and CHECKLIST

(CEQA Guidelines Section 15063)

LEAD CITY AGENCY:	COUNCIL DISTRICT:	DATE:
City of Los Angeles	CD 14 - JOSE HUIZAR	09/28/2010

RESPONSIBLE AGENCIES: Department of City Planning

ENVIRONMENTAL CASE:	RELATED CASES:
ENV-2009-2648-MND	CPC-2009-3210-GPA-ZC-ZAA
PREVIOUS ACTIONS CASE NO.:	☐ Does have significant changes from previous actions. ☐ Does NOT have significant changes from previous actions

PROJECT DESCRIPTION:
CONSRUCT 40 UNIT APARTMENT

ENV PROJECT DESCRIPTION:
Proposed General Plan Amendment from Public Facilities to Medium Density Residential and Zone and Height District Change form PF-1XL to R4-1 to permit the construction of a 40 unit, 4 story apartment building that will cover 66% of a 26,253 sq.ft. irregularly shaped lot. 83 parking spaces will be provided.

ENVIRONMENTAL SETTINGS:
The project is prposed on an existing irregularly shaped lot. The current use is a junk yard and the lot is improved with a garage/storage building. The majority of the lot is unimproved and currently vehicles are stored there. The lot has a 12% slope according to the application (no topo map was included in file). To the west of the lot is the Santa Ana Freeway. Direct to the north is vacant land. Adjacant to the east and south are multiple family residential units. Street access is limited to 115 ft long and 25 ft wide dog leg extending to the south off of 3rd st.

PROJECT LOCATION:
1755 E 3RD ST

COMMUNITY PLAN AREA:	AREA PLANNING COMMISSION:	CERTIFIED NEIGHBORHOOD COUNCIL:
BOYLE HEIGHTS **STATUS:** ☑ Does Conform to Plan ☐ Does NOT Conform to Plan	EAST LOS ANGELES	BOYLE HEIGHTS
EXISTING ZONING: PF-1XL	**MAX. DENSITY/INTENSITY ALLOWED BY ZONING:** 0 units.	
GENERAL PLAN LAND USE: PUBLIC FACILITIES	**MAX. DENSITY/INTENSITY ALLOWED BY PLAN DESIGNATION:** 0 units.	**LA River Adjacent:** NO
	PROPOSED PROJECT DENSITY: 66 units per acre	

Determination (To Be Completed By Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☑ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Title	Phone
	City Planning Associate	(213) 978-0626

Evaluation Of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less that significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
   a. Earlier Analysis Used. Identify and state where they are available for review.
   b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
   a. The significance criteria or threshold, if any, used to evaluate each question; and
   b. The mitigation measure identified, if any, to reduce the impact to less than significance.

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ AESTHETICS	☐ GREEN HOUSE GAS EMISSIONS	☐ POPULATION AND HOUSING
☐ AGRICULTURE AND FOREST RESOURCES	☐ HAZARDS AND HAZARDOUS MATERIALS	✓ PUBLIC SERVICES
✓ AIR QUALITY	☐ HYDROLOGY AND WATER QUALITY	✓ RECREATION
☐ BIOLOGICAL RESOURCES	✓ LAND USE AND PLANNING	✓ TRANSPORTATION/TRAFFIC
☐ CULTURAL RESOURCES	☐ MINERAL RESOURCES	☐ UTILITIES AND SERVICE SYSTEMS
✓ GEOLOGY AND SOILS	✓ NOISE	☐ MANDATORY FINDINGS OF SIGNIFICANCE

INITIAL STUDY CHECKLIST (To be completed by the Lead City Agency)

Background

PROPONENT NAME:
3rd and Boyle LLC

PHONE NUMBER:
(310) 722-2707

APPLICANT ADDRESS:
3950 Imperial Highway
Los Angeles

AGENCY REQUIRING CHECKLIST:
Department of City Planning

DATE SUBMITTED:
10/02/2009

PROPOSAL NAME (if Applicable):

		Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
I. AESTHETICS					
a.	Have a substantial adverse effect on a scenic vista?			✓	
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			✓	
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	
II. AGRICULTURE AND FOREST RESOURCES					
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?			✓	
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?			✓	
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			✓	
d.	Result in the loss of forest land or conversion of forest land to non-forest use?			✓	
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			✓	
III. AIR QUALITY					
a.	Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		✓		
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			✓	
d.	Expose sensitive receptors to substantial pollutant concentrations?		✓		
e.	Create objectionable odors affecting a substantial number of people?			✓	
IV. BIOLOGICAL RESOURCES					
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓	
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			✓	
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			✓	
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			✓	
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓	
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			✓	
V. CULTURAL RESOURCES					

		Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
a.	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			✓	
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			✓	
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			✓	
d.	Disturb any human remains, including those interred outside of formal cemeteries?			✓	
VI. GEOLOGY AND SOILS					
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special, Publication 42.			✓	
b.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?		✓		
c.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?		✓		
d.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?			✓	
e.	Result in substantial soil erosion or the loss of topsoil?			✓	
f.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
g.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			✓	
h.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			✓	
VII. GREEN HOUSE GAS EMISSIONS					
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	
VIII. HAZARDS AND HAZARDOUS MATERIALS					
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓	
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			✓	
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			✓	
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			✓	
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	

		Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			✓	
IX. HYDROLOGY AND WATER QUALITY					
a.	Violate any water quality standards or waste discharge requirements?			✓	
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			✓	
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			✓	
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			✓	
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			✓	
f.	Otherwise substantially degrade water quality?			✓	
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			✓	
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			✓	
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			✓	
j.	Inundation by seiche, tsunami, or mudflow?			✓	
X. LAND USE AND PLANNING					
a.	Physically divide an established community?			✓	
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		✓		
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?			✓	
XI. MINERAL RESOURCES					
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			✓	
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			✓	
XII. NOISE					
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		✓		
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			✓	
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	

		Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			✓	
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			✓	
XIII. POPULATION AND HOUSING					
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			✓	
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			✓	
XIV. PUBLIC SERVICES					
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?		✓		
b.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Police protection?			✓	
c.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Schools?			✓	
d.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Parks?			✓	
e.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Other public facilites?			✓	
XV. RECREATION					
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?		✓		
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			✓	
XVI. TRANSPORTATION/TRAFFIC					
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			✓	

		Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
b.	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			✓	
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			✓	
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	
e.	Result in inadequate emergency access?		✓		
f.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			✓	
XVII. UTILITIES AND SERVICE SYSTEMS					
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			✓	
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			✓	
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓	
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			✓	
g.	Comply with federal, state, and local statutes and regulations related to solid waste?			✓	
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE					
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			✓	
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			✓	
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

DISCUSSION OF THE ENVIRONMENTAL EVALUATION (Attach additional sheets if necessary)

The Environmental Impact Assessment includes the use of official City of Los Angeles and other government source reference materials related to various environmental impact categories (e.g., Hydrology, Air Quality, Biology, Cultural Resources, etc.). The State of California, Department of Conservation, Division of Mines and Geology - Seismic Hazard Maps and reports, are used to identify potential future significant seismic events; including probable magnitudes, liquefaction, and landslide hazards. Based on applicant information provided in the Master Land Use Application and Environmental Assessment Form, impact evaluations were based on stated facts contained therein, including but not limited to, reference materials indicated above, field investigation of the project site, and any other reliable reference materials known at the time.

Project specific impacts were evaluated based on all relevant facts indicated in the Environmental Assessment Form and expressed through the applicant's project description and supportive materials. Both the Initial Study Checklist and Checklist Explanations, in conjunction with the City of Los Angeles's Adopted Thresholds Guide and CEQA Guidelines, were used to reach reasonable conclusions on environmental impacts as mandated under the California Environmental Quality Act (CEQA).

The project as identified in the project description may cause potentially significant impacts on the environment without mitigation. Therefore, this environmental analysis concludes that a Mitigated Negative Declaration shall be issued to avoid and mitigate all potential adverse impacts on the environment by the imposition of mitigation measures and/or conditions contained and expressed in this document; the environmental case file known as **ENV-2009-2648-MND** and the associated case(s), **CPC-2009-3210-GPA-ZC-ZAA CPC-2009-3210-GPA-ZC-ZAA** . Finally, based on the fact that these impacts can be feasibly mitigated to less than significant, and based on the findings and thresholds for Mandatory Findings of Significance as described in the California Environmental Quality Act, section 15065, the overall project impact(s) on the environment (after mitigation) **will not:**

- Substantially degrade environmental quality.
- Substantially reduce fish or wildlife habitat.
- Cause a fish or wildlife habitat to drop below self sustaining levels.
- Threaten to eliminate a plant or animal community.
- Reduce number, or restrict range of a rare, threatened, or endangered species.
- Eliminate important examples of major periods of California history or prehistory.
- Achieve short-term goals to the disadvantage of long-term goals.
- Result in environmental effects that are individually limited but cumulatively considerable.
- Result in environmental effects that will cause substantial adverse effects on human beings.

ADDITIONAL INFORMATION:

All supporting documents and references are contained in the Environmental Case File referenced above and may be viewed in the EIR Unit, Room 763, City Hall.

For City information, addresses and phone numbers: visit the City's website at http://www.lacity.org ; City Planning - and Zoning Information Mapping Automated System (ZIMAS) cityplanning.lacity.org/ or EIR Unit, City Hall, 200 N Spring Street, Room 763. Seismic Hazard Maps - http://gmw.consrv.ca.gov/shmp/
Engineering/Infrastructure/Topographic Maps/Parcel Information - http://boemaps.eng.ci.la.ca.us/index01.htm or
City's main website under the heading "Navigate LA".

	TITLE:	TELEPHONE NO.:	DATE:
PREPARED BY:	City Planning Associate	(213) 978-0626	09/22/2010

	Impact?	Explanation	Mitigation Measures

APPENDIX A: ENVIRONMENTAL IMPACTS EXPLANATION TABLE

I. AESTHETICS			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	LESS THAN SIGNIFICANT IMPACT		
c.	LESS THAN SIGNIFICANT IMPACT		
d.	LESS THAN SIGNIFICANT IMPACT		
II. AGRICULTURE AND FOREST RESOURCES			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	LESS THAN SIGNIFICANT IMPACT		
c.	LESS THAN SIGNIFICANT IMPACT		
d.	LESS THAN SIGNIFICANT IMPACT		
e.	LESS THAN SIGNIFICANT IMPACT		
III. AIR QUALITY			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	**Air Quality can be compromised from demolition, grading, and construction activities.**	**III-10**
c.	LESS THAN SIGNIFICANT IMPACT		
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	**Project is to be located next to the Santa Ana Freeway, a high source of vehicle emmisions.**	**III-50**
e.	LESS THAN SIGNIFICANT IMPACT		
IV. BIOLOGICAL RESOURCES			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	LESS THAN SIGNIFICANT IMPACT		
c.	LESS THAN SIGNIFICANT IMPACT		
d.	LESS THAN SIGNIFICANT IMPACT		
e.	LESS THAN SIGNIFICANT IMPACT		
f.	LESS THAN SIGNIFICANT IMPACT		
V. CULTURAL RESOURCES			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	LESS THAN SIGNIFICANT IMPACT		
c.	LESS THAN SIGNIFICANT IMPACT		
d.	LESS THAN SIGNIFICANT IMPACT		
VI. GEOLOGY AND SOILS			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	**Site is located in a highly active seismic area.**	**VI-10**
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	**Project construction can create erosion impacts.**	**VI-20**
d.	LESS THAN SIGNIFICANT IMPACT		
e.	LESS THAN SIGNIFICANT IMPACT		

	Impact?	Explanation	Mitigation Measures
f.	LESS THAN SIGNIFICANT IMPACT		
g.	LESS THAN SIGNIFICANT IMPACT		
h.	LESS THAN SIGNIFICANT IMPACT		
VII. GREEN HOUSE GAS EMISSIONS			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	LESS THAN SIGNIFICANT IMPACT		
VIII. HAZARDS AND HAZARDOUS MATERIALS			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	LESS THAN SIGNIFICANT IMPACT		
c.	LESS THAN SIGNIFICANT IMPACT		
d.	LESS THAN SIGNIFICANT IMPACT		
e.	LESS THAN SIGNIFICANT IMPACT		
f.	LESS THAN SIGNIFICANT IMPACT		
g.	LESS THAN SIGNIFICANT IMPACT		
h.	LESS THAN SIGNIFICANT IMPACT		
IX. HYDROLOGY AND WATER QUALITY			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	LESS THAN SIGNIFICANT IMPACT		
c.	LESS THAN SIGNIFICANT IMPACT		
d.	LESS THAN SIGNIFICANT IMPACT		
e.	LESS THAN SIGNIFICANT IMPACT		
f.	LESS THAN SIGNIFICANT IMPACT		
g.	LESS THAN SIGNIFICANT IMPACT		
h.	LESS THAN SIGNIFICANT IMPACT		
i.	LESS THAN SIGNIFICANT IMPACT		
j.	LESS THAN SIGNIFICANT IMPACT		
X. LAND USE AND PLANNING			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	**The proposed residential density is is not consistant with the general plan. A plan amendment must be filed and approved prior to consideration of this project.**	**X-10**
c.	LESS THAN SIGNIFICANT IMPACT		
XI. MINERAL RESOURCES			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	LESS THAN SIGNIFICANT IMPACT		
XII. NOISE			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	**Demolition, grading, and construction activities can increase noise levels. Access to on-site parking can increase noise levels. Future occupants will be subject to severe noise levels due to location by the Santa Ana Freeway.**	**XII-10, XII-20, XII-30, XII-170, XII-190**
b.	LESS THAN SIGNIFICANT IMPACT		

	Impact?	Explanation	Mitigation Measures
c.	LESS THAN SIGNIFICANT IMPACT		
d.	LESS THAN SIGNIFICANT IMPACT		
e.	LESS THAN SIGNIFICANT IMPACT		
f.	LESS THAN SIGNIFICANT IMPACT		
XIII. POPULATION AND HOUSING			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	LESS THAN SIGNIFICANT IMPACT		
c.	LESS THAN SIGNIFICANT IMPACT		
XIV. PUBLIC SERVICES			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	**Area fire protection facilities can be marginal in area. Access to site is compromised.**	**XIV-10**
b.	LESS THAN SIGNIFICANT IMPACT		
c.	LESS THAN SIGNIFICANT IMPACT		
d.	LESS THAN SIGNIFICANT IMPACT		
e.	LESS THAN SIGNIFICANT IMPACT		
XV. RECREATION			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	**Future occupants will increase demand for nearby recreation facilities.**	**XV-10, XV-20**
b.	LESS THAN SIGNIFICANT IMPACT		
XVI. TRANSPORTATION/TRAFFIC			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	LESS THAN SIGNIFICANT IMPACT		
c.	LESS THAN SIGNIFICANT IMPACT		
d.	LESS THAN SIGNIFICANT IMPACT		
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	**Irregular lot configuration can inhibit emergency access. Access design can create safety hazards.**	**XVI-40, XVI-50**
f.	LESS THAN SIGNIFICANT IMPACT		
XVII. UTILITIES AND SERVICE SYSTEMS			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	LESS THAN SIGNIFICANT IMPACT		
c.	LESS THAN SIGNIFICANT IMPACT		
d.	LESS THAN SIGNIFICANT IMPACT		
e.	LESS THAN SIGNIFICANT IMPACT		
f.	LESS THAN SIGNIFICANT IMPACT		
g.	LESS THAN SIGNIFICANT IMPACT		
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE			
a.	LESS THAN SIGNIFICANT IMPACT		
b.	LESS THAN SIGNIFICANT IMPACT		
c.	LESS THAN SIGNIFICANT IMPACT		

AIR QUALITY IMPACT ANALYSIS

3rd & BOYLE RESIDENTIAL

CITY OF LOS ANGELES, CALIFORNIA

Prepared for:

Urban Development Consultants, LLC
Attn: Bernard McCrumby
2206 W. Imperial Highway #3
Hawthorne, CA 90250

Date:

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Project No.: P10-006A

climate and meteorology

Regional Climate

The North Pacific high-pressure cell is the dominant climatic influence over the eastern North Pacific Ocean, particularly during the summer months. This high-pressure cell produces a predominantly northwesterly flow of maritime air over the California coastal waters. During the winter, the Pacific High weakens and moves south, resulting in weaker and less persistent northwesterly winds along the California coast than in the warmer half of the year.

As the air mass approaches the coast of California, this large-scale circulation pattern is modified by local influences. The differential heating between the desert and the adjacent Pacific Ocean modifies the prevailing winds, enhancing them during the warmer half of the year and weakening the winds during the colder portion. On a local and sub-regional basis, the airflow in California is channeled by its mountain ranges and valleys. The coastal mountain ranges limit the flow of maritime air into the interior of California. This transition from a cool and damp marine environment to a dry and warm continental climate therefore occurs over a fairly short distance.

South Coast Air Basin

The South Coast Air Basin (SCAB) is a 6,600 square mile coastal plain bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The SCAB includes all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties. Basin-wide conditions are characterized by warm summers, mild winters, infrequent rainfall, moderate onshore daytime breezes, and moderate humidity levels.

All seasons generally exhibit onshore flows during the day and offshore flows at night, after the land cools below the temperature of the ocean. The likelihood of strong offshore flows, including Santa Ana winds, is greater during winter than during summer.

The topography and climate of Southern California combine to produce unhealthful air quality in the SCAB. Low temperature inversions, light winds, shallow vertical mixing, and extensive sunlight, in conjunction with topographical features such as adjacent mountain ranges that hinder dispersion of air pollutants, combine to create degraded quality, especially in inland valleys of the basin.

AIR QUALITY SETTING

Ambient Air Quality Standards (AAQS)

In order to gauge the significance of the air quality impacts of the proposed 3rd and Boyle project, those impacts, together with existing background air quality levels, must be compared to the applicable ambient air quality standards. These standards are the levels of air quality considered safe, with an adequate margin of safety, to protect the public health and welfare. They are designed to protect those people most susceptible to further respiratory distress such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise, called "sensitive receptors." Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed. Recent research has shown, however, that chronic exposure to ozone (the primary ingredient in photochemical smog) may lead to adverse respiratory health even at concentrations close to the ambient standard.

National AAQS were established in 1971 for six pollution species with states retaining the option to add other pollutants, require more stringent compliance, or to include different exposure periods. The initial attainment deadline of 1977 was extended several times in air quality problem areas like Southern California. In 2003, the Environmental Protection Agency (EPA) adopted a rule which extended and established a new attainment deadline for ozone for the year 2021. Because the State of California had established AAQS several years before the federal action and because of unique air quality problems introduced by the restrictive dispersion meteorology, there is considerable difference between state and national clean air standards. Those standards currently in effect in California are shown in Table 1. Sources and health effects of various pollutants are shown in Table 2.

The Federal Clean Air Act Amendments (CAAA) of 1990 required that the U.S. Environmental Protection Agency (EPA) review all national AAQS in light of currently known health effects. EPA was charged with modifying existing standards or promulgating new ones where appropriate. EPA subsequently developed standards for chronic ozone exposure (8+ hours per day) and for very small diameter particulate matter (called "PM-2.5"). New national AAQS were adopted in 1997 for these pollutants.

Planning and enforcement of the federal standards for PM-2.5 and for ozone (8-hour) were challenged by trucking and manufacturing organizations. In a unanimous decision, the U.S. Supreme Court ruled that EPA did not require specific congressional authorization to adopt national clean air standards. The Court also ruled that health-based standards did not require preparation of a cost-benefit analysis. The Court did find, however, that there was some inconsistency between existing and "new" standards in their required attainment schedules. Such attainment-planning schedule inconsistencies centered mainly on the 8-hour ozone standard. EPA subsequently agreed to downgrade the attainment designation for a large number of communities to "non-attainment" for the 8-hour ozone standard.

Table 1
Ambient Air Quality Standards

Table 2
Health Effects of Criteria Pollutants

Evaluation of the most current data on the health effects of inhalation of fine particulate matter prompted the California Air Resources Board (ARB) to recommend adoption of the statewide PM-2.5 standard that is more stringent than the federal standard. This standard was adopted in 2002. The State PM-2.5 standard is more of a goal in that it does not have specific attainment planning requirements like a federal clean air standard, but only requires continued progress towards attainment.

Similarly, the ARB extensively evaluated health effects of ozone exposure. A new state standard for an 8-hour ozone exposure was adopted in 2005, which mirrors the federal standard. The California 8-hour ozone standard of 0.07 ppm is more stringent than the federal 8-hour standard of 0.075 ppm. The state standard, however, does not have a specific attainment deadline. California air quality jurisdictions are required to make steady progress towards attaining state standards, but there are no hard deadlines or any consequences of non-attainment. During the same re-evaluation process, the ARB adopted an annual state standard for nitrogen dioxide (NO_2) that is more stringent than the corresponding federal standard, and strengthened the state one-hour NO_2 standard.

As part of EPA's 2002 consent decree on clean air standards, a further review of airborne particulate matter (PM) and human health was initiated. A substantial modification of federal clean air standards for PM was promulgated in 2006. Standards for PM-2.5 were strengthened, a new class of PM in the 2.5 to 10 micron size was created, some PM-10 standards were revoked, and a distinction between rural and urban air quality was adopted.

In response to continuing evidence that ozone exposure at levels just meeting federal clean air standards is demonstrably unhealthful, EPA has proposed a further strengthening of the 8-hour standard. Draft standards have been published. The likely future 8-hour standard will be 0.065 ppm. Environmental organizations generally praise this proposal. Most manufacturing, transportation or power generation groups oppose the new standard as economically unwise in an uncertain fiscal climate.

A new federal one-hour standard for nitrogen dioxide (NO_2) has also recently been adopted. This standard is more stringent than the existing state standard. Based upon air quality monitoring data in the South Coast Air Basin, the basin will likely be designated as "non-attainment". That designation will require the inclusion of NO_2 in the basin air quality management plan.

Baseline Air Quality

Existing levels of ambient air quality and historical trends and projections in the project area are well documented from measurements made by the South Coast Air Quality Management District (SCAQMD). The Central Los Angeles downtown) air monitoring station (Station 087) is closest to the project site, and is therefore the most representative of the project area air quality. Table 3 is a 6-year summary of monitoring data for the major air pollutants compiled from this air monitoring station.

Ozone and particulates are seen to be the two most significant air quality concerns. Ozone, the primary ingredient in photochemical smog, is obviously an important pollution problem in the Los Angeles basin. However, near downtown Los Angeles, there have been only two violations in the past six years of the national hourly ozone standard (this standard was rescinded in 2006 and replaced with the federal 8-hour standard). Slightly less than seven days per year in the last six years exceeded the California one-hour standard. The federal 8-hour standard has been exceeded about once per year in the last six years. The hourly ozone maximum was highest in 2003, but there has been some improvement since. The Central Los Angeles ozone air quality problem is much less severe than in inland valleys of the basin.

The project area also experiences occasional violations of standards for 10-micron diameter respirable particulate matter (PM-10). High dust levels occur during Santa Ana wind conditions, as well as from the trapped accumulation of soot, roadway dust and byproducts of atmospheric chemical reactions during warm season days with poor visibility. Table 3 shows that slightly less than eight percent of all days in the last six years in the project vicinity experienced a violation of the State PM-10 standard. The three-times less stringent federal PM-10 standard has not been exceeded in the past six years. Maximum 24-hour PM-10 concentrations appear to be declining following a spike in 2003.

The former federal 24-hour AAQS for ultra-fine particulate matter (PM-2.5) has been exceeded an average of two times per year since 2003. When the federal 24-hour standard was lowered from 65 to 35 $\mu g/m^3$ in 2006, the number of violations of the PM-2.5 standard increased to over four percent of all days per year.

With the continued improvement in vehicular emissions over the last 50 years, levels of carbon monoxide (CO) as a primary (unreacted) pollutant have dropped dramatically. Whereas hourly CO levels in downtown Los Angeles once exceeded clean air standards every second winter day, peak levels are now at 15 percent of the most stringent one-hour standard. Even with the proximity of the nearby freeway to the project site, CO concentrations are likely well within acceptable levels at Third and Boyle.

Nitrogen dioxide (NO_2) levels in downtown Los Angeles have met current state and federal standards for more than a decade. However, the revision of the federal standards to create a one-hour standard of 0.10 ppm will alter the attainment conclusion. Table 3 shows that peak one-hour NO_2 levels have ranged from 0.10 to 0.16 ppm in downtown Los Angeles in the last six years, equaling or exceeding the new federal one-hour standard. NO_2 levels near a freeway may

be somewhat higher than at the SCAQMD monitoring station on North Main.

Table 3

Air Quality Monitoring Summary
(Days Standards Were Exceeded and Maximum Observed Concentrations)

Pollutant/Standard	2003	2004	2005	2006	2007	2008
Ozone						
1-Hour > 0.09 ppm (S)	11	7	2	8	3	3
1-Hour > 0.12 ppm (F)*	1	1	0	0	0	0
8-Hour > 0.07 ppm (S)	—	7	2	4	6	7
8- Hour > 0.075 ppm (F)	2	1	1	0	2	0
Max. 1-Hour Conc. (ppm)	0.15	0.11	0.12	0.11	0.12	0.11
Carbon Monoxide						
1-hour > 20. ppm (S)	0	0	0	0	0	0
8- Hour > 9. ppm (S,F)	0	0	0	0	0	0
Max 1-hour Conc. (ppm)	6.	4.	4.	3.	3.	3.
Max 8-hour Conc. (ppm)	4.6	3.2	3.1	2.6	2.2	2.1
Nitrogen Dioxide						
1-hour > 0.18 ppm (S)	0	0	0	0	0	0
Max 1-hour Conc. (ppm)	0.16	0.16	0.13	0.11	0.10	0.12
Respirable Particulates (PM-10)						
24-Hour > 50 µg/m³ (S)	6/61	5/61	4/61	3/59	5/57	3/42
24-Hour > 150 µg/m³ (F)	0/61	0/61	0/61	0/59	0/57	0/42
Max. 24-Hr. Conc. (µg/m³)	81	72	70	59	78	66
Ultra-Fine Particulates (PM-2.5)						
24-Hour > 65 µg/m³ (F)	5/330	2/318	2/334	0/330	0/324	1/337
24-Hour > 35 µg/m³ (F)**	—	—	—	11/330	20/324	10/337
Max. 24-Hr. Conc. (µg/m³)	83.7	75.0	73.7	56.2	64.2	78.3

* standard revoked in 2006 ** reduced to 35 µg/m³ in 2006

(S) - State ambient standard; (F) - Federal ambient standard; Source: SCAQMD Station #087 (Central)

However, NO_2 is the end-product of the oxidation of NO which is the principal NOx pollutant in vehicular exhaust. By the time freeway NO has converted to NO_2, it may have blown well away from the immediate freeway area. The amount of "excess" NO_2 at the project site due to freeway proximity is therefore not known with any certainty.

AIR QUALITY PLANNING

The Federal Clean Air Act (1977 Amendments) required that designated agencies in any area of the nation not meeting national clean air standards must prepare a plan demonstrating the steps that would bring the area into compliance with all national standards. The SCAB could not meet the deadlines for ozone, nitrogen dioxide, carbon monoxide, or PM-10. In the SCAB, the agencies designated by the governor to develop regional air quality plans are the SCAQMD and the Southern California Association of Governments (SCAG). The two agencies first adopted an Air Quality Management Plan (AQMP) in 1979 and revised it several times as earlier attainment forecasts were shown to be overly optimistic.

The 1990 Federal Clean Air Act Amendment (CAAA) required that all states with air-sheds with "serious" or worse ozone problems submit a revision to the State Implementation Plan (SIP). Amendments to the SIP have been proposed, revised and approved over the past decade. The most current regional attainment emissions forecast for ozone precursors (ROG and NOx) and for carbon monoxide (CO) and for particulate matter are shown in Table 4. Substantial reductions in emissions of ROG, NOx and CO are forecast to continue throughout the next several decades. Unless new particulate control programs are implemented, PM-10 and PM-2.5 are forecast to slightly increase.

The Air Quality Management District (AQMD) adopted an updated clean air "blueprint" in August 2003. The 2003 AQMP was approved by the EPA in 2004. The Air Quality Management Plan (AQMP) outlined the air pollution measures needed to meet federal health-based standards for ozone by 2010 and for particulates (PM-10) by 2006. The 2003 AQMP was based upon the federal one-hour ozone standard which was revoked late in 2005 and replaced by an 8-hour federal standard. Because of the revocation of the hourly standard, a new air quality planning cycle was initiated.

With re-designation of the air basin as non-attainment for the 8-hour ozone standard, a new attainment plan was developed and adopted in 2007. This plan shifted most of the one-hour ozone standard attainment strategies to the 8-hour standard. As previously noted, the planned attainment date for the existing 8-hour ozone standard is 2021. The 2007 attainment plan also includes strategies for ultimately meeting the federal PM-2.5 standard.

Because projected attainment by 2021 requires control technologies that do not exist yet, the SCAQMD has requested a voluntary "bump-up" from a "severe non-attainment" area to an "extreme non-attainment" designation for ozone. An extreme designation would allow a longer time period for these technologies to develop. If attainment cannot be demonstrated within the specified deadline without relying on "black-box" measures, EPA would be required to impose sanctions on the region. With an anticipated further strengthening of the federal eight-hour ozone standard, action on the bump-up request may be delayed until possible new standards are finalized. If/when that happens, new planning deadlines will be adopted and the 2007 AQMP will ultimately be modified to demonstrate compliance with the probable new federal ozone standard.

Table 4

South Coast Air Basin Emissions Forecasts
(Emissions in tons/day)

Pollutant	2005[a]	2010[b]	2015[b]	2020[b]
NOx	985	742	580	468
ROG	735	576	526	505
CO	4124	2950	2476	2203
PM-10	281	286	297	307
PM-2.5	103	102	102	103

[a]2005 Base Year.
[b]With current emissions reduction programs and adopted growth forecasts.

Source: California Air Resources Board, The 2009 California Almanac of Emission & Air Quality.

The current (2007) AQMP recognizes the interaction between photochemical processes that create both ozone and the smallest airborne particulates (PM-2.5). The 2007 AQMP is therefore a coordinated plan for both pollutants. Key emissions reductions strategies in the current air quality plan include:

- Ultra-low emissions standards for both new and existing sources (including on-and-off-road heavy trucks, industrial and service equipment, locomotives, ships and aircraft).
- Accelerated fleet turnover to achieve benefits of cleaner engines.
- Reformulation of consumer products.
- Modernization and technology advancements from stationary sources (refineries, power plants, etc.)

Projects such as the proposed residential project at 3rd and Boyle do not directly relate to the AQMP in that there are no specific air quality programs or regulations governing "general" development. Conformity with adopted plans, forecasts and programs relative to population, housing, employment and land use is the primary yardstick by which impact significance of master planned growth is determined. If a given project incorporates any available transportation control measures that can be implemented on a project-specific basis, and if the scope and phasing of a project are consistent with adopted forecasts as shown in the Regional Comprehensive Plan (RCP), then the regional air quality impact of project growth would not be significant because of planning inconsistency. The SCAQMD, however, while acknowledging that the AQMP is a growth-accommodating document, does not favor designating regional impacts as less-than-significant just because the proposed development is consistent with regional growth projections. Air quality impact significance for the proposed project has therefore been analyzed on a project-specific basis.

AIR QUALITY IMPACT

Standards of Significance

Air quality impacts are considered "significant" if they cause clean air standards to be violated where they are currently met, or if they "substantially" contribute to an existing violation of standards. Any substantial emissions of air contaminants for which there is no safe exposure, or nuisance emissions such as dust or odors, would also be considered a significant impact.

Appendix G of the California CEQA Guidelines offers the following five tests of air quality impact significance. A project would have a potentially significant impact if it:

a. Conflicts with or obstructs implementation of the applicable air quality plan.

b. Violates any air quality standard or contributes substantially to an existing or projected air quality violation.

c. Results in a cumulatively considerable net increase of any criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

d. Exposes sensitive receptors to substantial pollutant concentrations.

e. Creates objectionable odors affecting a substantial number of people.

Primary Pollutants

Air quality impacts generally occur on two scales of motion. Near an individual source of emissions or a collection of sources such as a crowded intersection or parking lot, levels of those pollutants that are emitted in their already unhealthful form will be highest. Carbon monoxide (CO) is an example of such a pollutant. Primary pollutant impacts can generally be evaluated directly in comparison to appropriate clean air standards. Violations of these standards where they are currently met, or a measurable worsening of an existing or future violation, would be considered a significant impact. Many particulates, especially fugitive dust emissions, are also primary pollutants. Because of the non-attainment status of the South Coast Air Basin (SCAB) for PM-10, an aggressive dust control program is required to control fugitive dust.

Secondary Pollutants

Many pollutants, however, require time to transform from a more benign form to a more unhealthful contaminant. Their impact occurs regionally far from the source. Their incremental regional impact is minute on an individual basis and cannot be quantified except through complex photochemical computer models. Analysis of significance of such emissions is based upon a specified amount of emissions (pounds, tons, etc.) even though there is no way to

translate those emissions directly into a corresponding ambient air quality impact.

Because of the chemical complexity of primary versus secondary pollutants, the South Coast Air Quality Management District (SCAQMD) has designated significant emissions levels as surrogates for evaluating regional air quality impact significance independent of chemical transformation processes. Projects with daily emissions that exceed any of the following emission thresholds are recommended by the SCAQMD to be considered significant under CEQA guidelines:

SCAQMD Emissions Significance Thresholds (pounds/day)

Pollutant	Emissions (Construction)	Emissions (Operational)
ROG	75	55
NOx	100	55
CO	550	550
PM-10	150	150
PM-2.5	55	55
SOx	150	150
Lead	3	3

Source: SCAQMD CEQA Air Quality Handbook, November, 1993 Rev.

Additional Indicators

In its CEQA Handbook, the SCAQMD also states that additional indicators should be used as screening criteria to determine the need for further analysis with respect to air quality. The additional indicators are as follows:

- Project could interfere with the attainment of the federal or state ambient air quality standards by either violating or contributing to an existing or projected air quality violation

- Project could result in population increases within the regional statistical area which would be in excess of that projected in the AQMP and in other than planned locations for the project's build-out year.

- Project could generate vehicle trips that cause a CO hot spot.

The SCAQMD CEQA Handbook also identifies various secondary significance criteria related to

toxic, hazardous or odorous air contaminants. Hazardous air contaminants are also contained within the small diameter particulate matter ("PM-2.5") fraction of diesel exhaust. Such exhaust will be generated by diesel trucks on the adjacent freeway for decades to come. The proposed project will generate negligible levels of diesel exhaust, but project residents may be exposed to carcinogenic diesel particulate matter (DPM). To be sure, there are elevated levels of DPM all over the air basin, but freeways represent DPM "hot spots" that exacerbate individual cancer risk from breathing DPM-polluted air.

Sensitive Receptors

Air quality impacts are analyzed relative to those persons with the greatest sensitivity to air pollution exposure. Such persons are called "sensitive receptors". Sensitive population groups include young children, the elderly and the acutely and chronically ill (especially those with cardio-respiratory disease).

The proposed residential site is considered comprised of sensitive receptors because the location is adjacent to the Hollywood Freeway (US-101). As noted above, this location may experience elevated air pollution levels from vehicle exhaust (especially DPM). A greater level of exposure analysis must therefore be conducted by virtue of residential sensitive receptor conditions. Enhanced mitigation must be incorporated into the project to off-set the effects of freeway proximity.

Construction Activity Impacts

Dust is typically the primary concern during construction of new buildings and infrastructure. Because such emissions are not amenable to collection and discharge through a controlled source, they are called "fugitive emissions." Emission rates vary as a function of many parameters (soil silt, soil moisture, wind speed, area disturbed, number of vehicles, depth of disturbance or excavation, etc.). These parameters are not known with any reasonable certainty prior to project development and may change from day to day. Any assignment of specific parameters to an unknown future date is speculative and conjectural.

Because of the inherent uncertainty in the predictive factors for estimating fugitive dust generation, regulatory agencies typically use one universal "default" factor based on the area disturbed assuming that all other input parameters into emission rate prediction fall into midrange average values. This assumption may or may not be totally applicable to site-specific conditions on the proposed project site. As noted previously, emissions estimation for project-specific fugitive dust sources is therefore characterized by a considerable degree of imprecision.

Average daily PM-10 emissions during site grading and other disturbance are stated in the SCAQMD Handbook to be 26.4 pounds/acre. This estimate is based upon required dust control measures in effect in 1993 when the AQMD CEQA Air Quality Handbook was prepared. Rule 403 was subsequently strengthened to require use of a greater array of fugitive dust control

on construction projects. All construction projects in the SCAQMD are required to use strongly enhanced control procedures. Use of enhanced dust control procedures such as continual soil wetting, use of supplemental binders, early paving, etc. can achieve a substantially higher PM-10 control efficiency. Daily emissions with use of reasonably available control measures (RACMs) for PM-10 can reduce emission levels to around ten (10) pounds per acre per day. With the use of best available control measures (BACMs) the California Air Resources Board URBEMIS2007 computer model predicts that emissions can be reduced to 1-2 pounds per acre per day. Because of the PM-10 non-attainment status of the air basin, construction activity dust emissions are considered to have a cumulatively significant impact. Use of BACMs is thus required even if SCAQMD individual CEQA thresholds are not exceeded by use of RACMs.

Current research in particulate-exposure health suggests that the most adverse effects derive from ultra-small diameter particulate matter comprised of chemically reactive pollutants such as sulfates, nitrates or organic material. A national clean air standard for particulate matter of 2.5 microns or smaller in diameter (called "PM-2.5") was adopted in 1997. A limited amount of construction activity particulate matter is in the PM-2.5 range. PM-2.5 emissions are estimated by the SCAQMD to comprise 20.8 percent of PM-10. Other studies have shown that the fugitive dust fraction of PM-2.5 is closer to 10 percent. Daily PM-2.5 emissions during construction with the use of BACMs will be less than 1-2 pounds per day compared to the SCAQMD CEQA significance threshold of 55 pounds per day.

In addition to fine particles that remain suspended in the atmosphere semi-indefinitely, construction activities generate many larger particles with shorter atmospheric residence times. This dust is comprised mainly of large diameter inert silicates that are chemically non-reactive and are further readily filtered out by human breathing passages. These fugitive dust particles are therefore more of a potential soiling nuisance as they settle out on parked cars, outdoor furniture or landscape foliage rather than any adverse health hazard. The deposition distance of most soiling nuisance particulates is less than 100 feet from the source (EPA, 1995). There are few sensitive receptors within 100 feet from the primary construction site.

Exhaust emissions will result from on and off-site heavy equipment. The types and numbers of equipment will vary among contractors such that such emissions cannot be quantified with certainty. Initial clearing and will gradually shift toward building construction and then for finish construction, paving, landscaping, etc. The URBEMIS2007 computer model was used to calculate emissions from the following prototype construction equipment fleet:

Grading	1 Grader
	1 Dozer
	1 Tractor/Loader/Backhoe
	1 Water Truck
Paving	4 Cement Mixers
	1 Paver
	1 Roller
	1 Tractor/Loader/Backhoe
Construction	1 Crane
	2 Welders
	2 Forklifts
	1 Tractor/Loader/Backhoe

Utilizing the above equipment fleet and provided grading quantities the following emissions are calculated by URBEMIS2007:

Construction Activity Emissions (pounds/day)

Activity	ROG	NOx	CO	SO_2	PM-10	PM-2.5	CO_2
Grading							
No Mitigation	3.0	25.0	13.5	0.0	3.9	1.7	2,371.7
With Mitigation	3.0	21.3	13.5	0.0	0.5	0.2	2,371.7
Construction							
No Mitigation	2.1	11.5	10.3	0.0	0.8	0.7	1,622.3
With Mitigation	2.1	9.9	10.3	0.0	0.2	0.2	1,622.3
Painting and Coating and Paving							
No Mitigation	4.8	11.5	8.8	0.0	1.0	0.9	1,217.8
With Mitigation	4.8	9.7	8.8	0.0	0.2	0.2	1,217.8
SCAQMD Threshold	75	100	550	150	150	55	-

Source: URBEMIS2007 Model, Output in Appendix

With or without the use of mitigation, peak daily construction activity emissions will be below SCAQMD CEQA thresholds and will be further reduced by recommended mitigation. The recommended emissions mitigation measures are detailed in the "Mitigation" section of this report.

As previously noted, construction equipment exhaust contains carcinogenic compounds within the diesel exhaust particulates. The toxicity of diesel exhaust is evaluated relative to a 24-hour per day, 365 days per year, 70-year lifetime exposure. Public exposure to heavy equipment emissions will be an extremely small fraction of the above dosage assumption. Diesel equipment

is also becoming progressively "cleaner" in response to air quality rules on new off-road equipment. Any public health risk associated with project-related heavy equipment operations exhaust is therefore not quantifiable, but small.

Construction activity air quality impacts occur mainly in close proximity to the surface disturbance area. There may, however, be some "spill-over" into the surrounding community. That spill-over may be physical as vehicles drop or carry out dirt or silt is washed into public streets. Passing non-project vehicles then pulverize the dirt to create off-site dust impacts. "Spillover" may also occur via congestion effects. Construction may entail roadway encroachment, detours, lane closures and competition between construction vehicles (trucks and contractor employee commuting) and ambient traffic for available roadway capacity. Emissions controls require good housekeeping procedures and a construction traffic management plan that will maintain such "spill-over" effects at a less-than-significant level.

Local Significance Thresholds

The SCAQMD has developed analysis parameters to evaluate ambient air quality on a local level in addition to the more regional emissions-based thresholds of significance. These analysis elements are called Local Significance Thresholds (LSTs). LSTs were developed in response to Governing Board's Environmental Justice Enhancement Initiative 1-4 and the LST methodology was provisionally adopted in October 2003 and formally approved by SCAQMD's Mobile Source Committee in February 2005.

Use of an LST analysis for a project is optional. For residential developments, the only source of LST impact would be during construction LSTs are only applicable to the following criteria pollutants: oxides of nitrogen (NOx), carbon monoxide (CO), and particulate matter (PM-10 and PM-2.5). LSTs represent the maximum emissions from a project that are not expected to cause or measurably worsen an exceedance of the most stringent applicable federal or state ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor.

LST pollutant concentration data is currently published for 1, 2 and 5 acre sites. The URBEMIS2007 model predicts that less than 1 acre per day could be disturbed by construction activities for the proposed project. Utilizing data for a 1 acre site and a source receptor distance of 25 meters, the following LST thresholds are determined (pounds per day):

Central Los Angeles	CO	NOx	PM-10	PM-2.5
LST Threshold	680	74	5	3
Proposed Project				
Max Unmitigated	14	12	4	2
Max Mitigated	9	10	1	1

All mitigated and unmitigated emissions are below LST thresholds for construction.

Operational Impacts

Possible project-related air quality concern will derive from the mobile source emissions that will be generated from the residential uses for the project site. Operational emissions for project-related traffic were calculated using a computerized procedure developed by the California Air Resources Board (CARB) for urban growth mobile source emissions. The URBEMIS2007 model was run using the default I.T.E trip generation factors for a mid-rise 40 unit apartment/condo residential development. The model was used to calculate area source emissions and the resulting vehicular operational emissions for an assumed project build-out year of 2011. The results are shown in Table 5.

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 project NOx and CO burdens, and a few percent other pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden as shown in Table 5.

The project will not cause the SCAQMD's recommended threshold levels to be exceeded. Operational emissions impacts will be at a less-than-significant level.

Table 5
Project-Related Emissions Burden

	Emissions (lbs/day)						
Year 2011	**ROG**	**NOx**	**CO**	**SO2**	**PM-10**	**PM-2.5**	**CO2**
Area Sources	2.3	0.4	1.7	0.0	<0.1	<0.1	503.5
Mobile Sources	2.0	2.5	22.7	0.0	4.0	0.8	2,915.1
Total	**4.2**	**2.9**	**24.5**	**0.0**	**4.0**	**0.8**	**2,915.1**
SCAQMD Threshold	55	55	550	150	150	55	-

Source: URBEMIS2007 Computer Model, 40 mid-rise apartments x 5.76 trips/du/day

Freeway Proximity Air Quality Issues

The California Air Resources Board (CARB) has developed land use guidelines for pollution-sensitive land uses in close proximity to high volume roadways. These guidelines are based upon known cancer risk from exposure to diesel particulate matter and diesel exhaust organic gases. Other mobile source air toxics (MSAT) found in high concentrations near freeways include benzene, acrolein, formaldehyde, acetaldehyde and 1,3-butadiene. The ARB recommends that where possible new residential uses be setback 500 feet from freeways carrying 100,000 average daily traffic or more if such uses include exterior recreational space. The proposed project does not include outdoor uses such that indoor air quality protection is the primary health concern. EPA has similarly developed guidelines for diesel exhaust exposure near freeways. The EPA and the Federal Highway Administration have identified any roadway carrying more than 10,000 diesel-powered vehicles as Projects of Air Quality Concern (POAQC).

The Hollywood Freeway adjacent to the project site currently carries 129,500 ADT. The truck volumes observed in 2008 were 3,320 2-axle vehicles, and 2,574 with 3 or more axles. If ten percent of 2-axle vehicles and all 3 or more axle vehicles are assumed to be diesel-powered, existing diesel traffic is 2,905 vehicles per day. With only a minimal annual growth rate, future diesel volumes on US-101 at the project site will be much less than 10,000 per day. The project is not a POAQC according to federal guidelines and would not be located in an area where ARB land use guidelines would be exceeded because it includes no outdoor recreation component.

Although health trigger levels are not exceeded, a number of recent studies have documented observed adverse health impacts in children living in close proximity to freeways. The same results were not observed in children living close to high-volume arterial roadways. The assumption is that diesel exhaust particulate emissions are responsible for the observed effects, and diesel exhaust emissions are generally much higher near freeways.

The findings of the children's health studies were published in the New England Journal of Medicine in September, 2004 entitled *The Effects of Air Pollution on Lung Development from 10 – 18 Years of Age* by members of the Department of Preventative Medicine at the University of Southern California (the "USC Study"). Reduced lung function of approximately 25 percent was observed in teenagers in 12 communities in Southern California that covered the years from 1993-2001. However, there are a number of features that differentiate the proposed project from the input data from the USC Study that dramatically reduce the health risk of proposed project. These considerations include the following:

- Vehicles, especially trucks, are much, much cleaner now than they were during the USC Study, and they are forecast to continue to further improve during the next decade. Extrapolation of the USC Study to the proposed project site is therefore an apples to oranges comparison.

- The proposed project will incorporate minimal outdoor recreation space, particularly

closest to the freeway.

- The project is proposing installation of a highly efficient air filtration system that will protect residents during the times they are inside the building. The air inside the residences protected by such systems (a combination of a high efficiency particulate filter and an activated carbon pad for gaseous air pollution) will be cleaner than the ambient air measured anywhere in the project area well away from the US-101. Air purification additionally dramatically reduces pollens, danders, molds and other allergens that trigger asthma and other respiratory inflammation. The much cleaner inside air for much of the day will more than off-set any elevated outdoor exposure.

Emissions Standards

A variety of observations point to a real concern about residential development close to freeways, but observational evidence is limited. A particulate monitoring study adjacent to the I-405 (2002) showed a dramatic drop-off in particulate counts over a short distance downwind of the freeway. At 300 feet from the centerline, "excess" small particles were found to have been dispersed to only 17 percent above background. A similar monitoring study along the 110 near Redondo Beach Blvd. during daily on-shore winds found the following excess loading adjacent to the freeway on-ramp:

Monday	+12%
Tuesday	+10%
Wednesday	+10%
Thursday	+22%
Friday	+28%
Average	+16%

This finding of 16% excess closely matches the data from the 405 Freeway study noted above. In order to off-set this effect, the proposed project mitigation includes a recommendation for enhanced air filtration to create indoor particulate levels that are more than 95 percent less than outdoor levels. The enhanced indoor air quality, where residents will spend far more time than outdoors, will off-set the elevated outdoor exposure associated with freeway proximity. The cumulative particulate exposure for project residents protected by the enhanced air filtration will be less than for projects much farther from area freeways without such protection.

Indoor particulate reduction is typically reduced by 75 percent (USEPA Superfund Site Guidelines) from outdoor levels. The efficiency of upgraded air purification is 95 percent. The weighted air pollution "dose" for project residents protected by an upgraded system is less than for residents living well away from the freeway without such protection. The average person spends less than one hour per day outside their home compared to 15 hours inside. EPA studies have found that indoor particulate exposure is 25 percent of outdoors. The accumulated air pollution exposure over 16 hours as a function of location and air filtration is as follows (A=ambient level, Excess= 16%):

Project site, no upgrades: (1 x 1.16A +15 x 0.25A x 1.16)/16 = 0.34A

Project site, upgraded filters: (1 x 1.16A +15 x 0.05A x 1.16)/16 = 0.13A

Away from site, no upgrades: (1 x A +15 x 0.25A)/16 = 0.30A

Enhanced filtration will far more than compensate for any freeway proximity issues. With enhanced indoor air purification, freeway proximity is not considered a significant residential impact.

Project Air Purification Recommendations

Adverse air quality effects of freeway proximity are proposed to be off-set by a highly upgraded ventilation and air purification system. By creating an indoor air quality (IAQ) environment that goes far beyond normal residential standards, the accumulated dose of air pollution to all residents will be lower than for residents living thousands of feet away. Air filtration is expressed in terms of a "minimum efficiency reporting value", or MERV. The application guidelines for MERV ratings are as follows:

MERV	Typical Efficiency	Particle Size Cut-Off	Typical Application	Filter Type
1-4	70%	10 μ	Minimum Residential	Disposable Synthetic
5-8	90%	3-10 μ	Better Residential	Pleated & Treated
9-12	96%	1-3 μ	Superior Residential	Bag or Cartridge
13-16	98%	0.3-1 μ	Hospital & Healthcare	Rigid Cell or Cartridge

Source: National Air Filtration Assoc. User's Guide for ANSI/ASHRAE 52.2 (www.nafa.org)

The buildings mechanical ventilation system is proposed to be equipped with air purification systems that are rated with a MERV of 13 consistent with American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) Standard 52.2. MERV 13 systems remove a minimum of 95 percent of DPM, usually higher. MERV 13 systems are routinely used in hospitals and elementary schools to protect particularly sensitive receptor populations. Use of such systems will completely eliminate any applicability of the USC Study findings to the proposed project.

Greenhouse Gas Emissions

"Greenhouse gases" (so called because of their role in trapping heat near the surface of the earth) emitted by human activity are implicated in global climate change, commonly referred to as "global warming." These greenhouse gases contribute to an increase in the temperature of the earth's atmosphere by transparency to short wavelength visible sunlight, but near opacity to outgoing terrestrial long wavelength heat radiation. The principal greenhouse gases (GHGs) are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. Fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for approximately half of GHG emissions globally. Industrial and commercial sources are the second largest contributors of GHG emissions with about one-fourth of total emissions.

California has passed several bills and the Governor has signed at least three executive orders regarding greenhouse gases. The Governor's Office of Planning and Research is in the process of developing CEQA significance thresholds for GHG emissions but thresholds have yet to be established. GHG statues and executive orders (EO) include AB 32, SB 1368, EO S-03-05, EO S-20-06 and EO S-01-07.

AB 32 is one of the most significant pieces of environmental legislation that California has adopted. Among other things, it is designed to maintain California's reputation as a "national and international leader on energy conservation and environmental stewardship." It will have wide-ranging effects on California businesses and lifestyles as well as far reaching effects on other states and countries. A unique aspect of AB 32, beyond its broad and wide-ranging mandatory provisions and dramatic GHG reductions are the short time frames within which it must be implemented. Major components of the AB 32 include:

- Require the monitoring and reporting of GHG emissions beginning with sources or categories of sources that contribute the most to statewide emissions.
- Requires immediate "early action" control programs on the most readily controlled GHG sources.
- Mandates that by 2020, California's GHG emissions be reduced to 1990 levels.
- Forces an overall reduction of GHG gases in California by 25-40%, from business as usual, over the next 13 years (by 2020).
- Must complement efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminants.

Statewide, the framework for developing the implementing regulations for AB 32 is under way. Additionally, through the California Climate Action Registry (CCAR now called the Climate Action Reserve), general and industry-specific protocols for assessing and reporting GHG emissions have been developed. GHG sources are categorized into direct sources (i.e. company owned) and indirect sources (i.e. not company owned). Direct sources include combustion emissions from on-and off-road mobile sources, and fugitive emissions. Indirect sources include off-site electricity generation and non-company owned mobile sources.

Greenhouse Gas Emissions Significance Thresholds

There are currently no adopted GHG significance thresholds for project CEQA clearance. The California Governor's Office of Planning and Research (OPR) has developed revisions to CEQA implementation guidelines to incorporate GHG. These were forwarded to the California National Resource Agency on April 13, 2009. They contain requirements to characterize the GHG setting, quantify the impacts resulting from the proposed project, determine impact significance, and mitigate as appropriate. They leave the determination of significance to the Lead Agency.

On December 5, 2008 the SCAQMD Governing Board adopted an Interim quantitative GHG Significance Threshold for industrial projects where the SCAQMD is the lead agency (e.g., stationary source permit projects, rules, plans, etc.) of 10,000 Metric Tons CO_2 equivalent/year. As part of the Interim GHG Significance Threshold development process for industrial projects, the SCAQMD established a working group of stakeholders that also considered thresholds for commercial or residential projects. As discussed in the Interim GHG Significance Threshold guidance document, the focus for residential projects is on performance standards and a screening level threshold. For discussion purposes, the SCAQMD's working group considered performance standards primarily focused on energy efficiency measures beyond Title 24 and a screening level of 3,000 metric tons (MT) CO_2 equivalent/year based on the relative GHG emissions contribution between non-industrial sectors versus stationary source (industrial) sectors. The working group and staff ultimately decided that additional analysis was needed to further define the performance standards and to coordinate with CARB staff's interim GHG proposal. Staff, therefore, did not recommend action for adopting an interim threshold for non-industrial projects but rather recommended bringing this item back to the Board for discussion and possible action in March 2009 if the CARB board did not take its final action by February 2009. As of this date, no final action on a quantitative significance threshold has been taken, but 3,000 MT per year has become a *de facto* screening threshold.

Impacts - Greenhouse Gas Emissions

Implementation of the proposed project would contribute to long-term increases in greenhouse gases (GHGs) as a result of traffic increases (mobile sources) and minor secondary fuel combustion emissions from space heating, etc. Development occurring as a result of the proposed project would also result in secondary operational increases in GHG emissions as a result of electricity generation to meet project-related increases in energy demand. Electricity generation in California is mainly from natural gas-fired power plants. However, since California imports about 20 to 25 percent of its total electricity (mainly from the northwestern and southwestern states), GHG emissions associated with electricity generation could also occur outside of California. Space or water heating, water delivery, wastewater processing and solid waste disposal also generate GHG emissions. Short-term GHG emissions will also derive from construction activities.

The General Reporting Protocol (GRP) in the California Climate Action Registry (CCAR) divides project-related operational GHG emissions into three categories. These three sources

include the following:

Source 1- On-site combustion of fossil fuels (space and water heating, fireplaces, landscape utility equipment, etc.)

Source 2- Consumption of purchased energy (electricity)

Source 3- Indirect emissions (transportation, solid waste disposal, fresh-and wastewater conveyance and treatment)

For general residential development projects such as the proposed project, Source 3 is typically a much larger contributor to the GHG burden than Sources 1 and 2. For convenience, project related GHG emissions were aggregated into transportation and non-transportation sources. The transportation component is calculated and reported in the URBEMIS2007 computer model. The non-transportation sources require additional analysis, as shown below.

Construction Activity GHG Emissions

During project construction, the URBEMIS2007 computer model predicts that the indicated activities will generate the following annual CO_2 emissions:

2010 Grading	104 tons*
2011 Construction, Paint and Pave	192 tons*

*Output provided in appendix

Equipment exhaust also contains small amounts of methane and nitric oxides which are also GHGs. Non-CO_2 GHG emissions represent approximately a three percent increase in CO_2-equivalent emissions from diesel equipment exhaust. For screening purposes, the temporary construction activity GHG emissions were compared to the chronic operational emissions in the SCAQMD's interim thresholds. The screening level operational threshold is 3,000 metric tons (MT) of CO_2-equivalent (CO_2(e)) per year. Worst year construction activities generating a total of 192 MT are well below this threshold.

Project Operational GHG Emissions

The input assumptions for operational GHG emissions calculations, and the GHG conversion from consumption to annual regional CO_2(e) emissions are summarized in Table 6. Annual GHG emissions, from non-transportation sources associated with residential development are shown in Table 7. Annual project-related GHG emissions will be below the 3,000 MT/year screening threshold.

Greenhouse Gas Emissions Reduction Measures

GHG reduction options on a project-level basis are similar to those measures designed to reduce criteria air pollutants (those with ambient air quality standards). Measures that reduce trip generation or trip lengths, measures that optimize the transportation efficiency of a region, and

measures that promote energy conservation within a development will reduce GHG emissions. Additionally, carbon sequestering can be achieved through urban forestry measures.

For the proposed project the transportation component will comprise approximately 80 percent of the project-related GHG emissions. Reductions in the vehicular contribution are therefore critical in achieving the goals of statewide/national GHG minimization programs. However, substantial mobile source trip/VMT reduction or increases in vehicular fuel efficiency are not achievable on a project-specific basis. State or national programs are in place to significantly upgrade fuel efficiencies. Most discretionary actions for GHG reduction must therefore focus on energy conservation.

Project-specific mitigation recommendations to reduce the global cumulative impact from project implementation include the following:

- Construct the new residential building to meet California Title 24 energy efficiency requirements
- Require acquisition of new appliances and equipment to meet Energy Star certification
- Participate in green waste collection and recycling programs for landscape maintenance
- Encourage use of landscaping with low water requirements and fast growth
- Plant trees or vegetation to shade buildings and thus reduce heating/ cooling demand and to sequester carbon

Table 6
Annual Non-Transportation Consumption/Generation

Land Use	Unit	Electricity (MWHR)	Nat. Gas (10^6 cu ft)	Solid Waste (tons)	Water (10^6 gal)
Residential	DU	5.6	0.0481	0.73	0.073

Conversion to $CO_2(e)$ [tons/year]

Electricity	MWHR x 0.364 tons/MWHR (1)
Nat. Gas	10^6 cubic feet x 54.6 tons/10^6 cubic feet (2)
Solid Waste	tons x 0.46 tons/ton (3)
Water and Wastewater	10^6 gal(MG) x 4.62 tons/MG (4)

(1) California Climate Action Registry

(2) California Climate Action Registry

(3) Energy Information Admin., Voluntary Reporting of GHG

(4) California Energy Commission, Integrated Energy Policy Report (12.7 MWHR per MG conveyed, treated and disposed in Southern California)

Table 7

Project-Related GHG Emissions

Use	Unit	Electricity (MWHR)	Nat. Gas (10^6 cu ft)	Solid Waste (tons)	Water (MG))
Residential	40 DU	224	1.9	29.2	2.9
Conversion Factor		*0.364*	*54.6*	*0.46*	*4.62*
CO_2(e) tons/yr		81.5	103.7	13.3	13.4

Total Non-Transportation	**212 metric tons/year**
Total Transportation*	**532 metric tons/year**
Combined tons CO_2(e)/yr	**744 metric tons/year**
Transportation Share	**72%**
Screening Threshold	**3,000 metric tons/year**

*Residential = 365 days/yr

Mitigation

Construction Emissions Mitigation

Construction activity air pollution emissions are not anticipated to individually exceed SCAQMD CEQA thresholds. Regardless, the non-attainment status of the air basin requires that Best Available Control Measures (BACMs) be used where feasible. Recommended construction activity mitigation including BACM's includes:

Dust Control

- Apply soil stabilizers to inactive areas.
- Prepare a high wind dust control plan and implement plan elements and terminate soil disturbance when winds exceed 25 mph.
- Stabilize previously disturbed areas if subsequent construction is delayed.
- Water exposed surfaces 3 times/day.
- Cover all stock piles with tarps if left undisturbed for more than 72 hours.
- Replace ground cover in disturbed areas as soon as feasible.

Exhaust Emissions

- Requ[illegible]-day low-NOx tune-ups for off-road equipment.
- Limit allowable idling to 5 minutes for trucks and heavy equipment.
- Utilize equipment whose engines are equipped with diesel oxidation catalysts if available.
- Utilize diesel particulate filter on heavy equipment where feasible.

Painting and Coatings

- Use low VOC coatings and high pressure-low volume sprayers.

Operational Emissions Mitigation

Operational emissions will not exceed adopted significance thresholds.

Freeway Proximity

The proximity of US-101 may create elevated residential exposure to mobile source air toxic pollutants. Although it was demonstrated that the findings of the USC Children's Health Study

is only marginally applicable to the proposed project, enhanced indoor air quality protection is recommended as additional mitigation. Indoor exposure to vehicular exhaust pollutants is substantially less than outdoors, particularly for DPM. This protection effect can be enhanced by the installation of high efficiency filters (combined small particle filters and activated carbon membranes for gaseous absorption). The following measures are required to reduce any freeway proximity health effects to less-than-significant:

- All heating, ventilation and air-conditioning (HVAC) systems shall be equipped with air filtration systems operating under positive pressure rated at MERV 13 or higher.
- Replacement filters shall be available through the building managers.

APPENDIX

URBEMIS2007 Model Output

Table 1
Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards		Federal Standards		
		Concentration	Method	Primary	Secondary	Method
Ozone (O_3)	1 Hour	0.09 ppm (180 µg/m³)	Ultraviolet Photometry	-	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m³)		0.075 ppm (147 µg/m³)		
Respirable Particulate Matter (PM_{10})	24 Hour	50 µg/m³	Gravimetric or Beta Attenuation	150 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m³		Revoked (2006)		
Fine Particulate Matter ($PM_{2.5}$)	24 Hour	No Separate State Standard		35 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetic Analysis
	Annual Arithmetic Mean	12 µg/m³	Gravimetric or Beta Attenuation	15 µg/m³		
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m³)	Non-Dispersive Infrared Photometry (NDIR)	9 ppm (10 mg/m³)	None	Non-Dispersive Infrared Photometry (NDIR)
	1 Hour	20 ppm (23 mg/m³)		35 ppm (40 mg/m³)		
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m³)		–	–	–
Nitrogen Dioxide (NO_2)	Annual Arithmetic Mean	0.030 ppm (57 µg/m³)	Gas Phase Chemiluminescence	0.053 ppm (100 µg/m³)	Same as Primary Standard	Gas Phase Chemiluminescence
	1 Hour	0.18 ppm (339 µg/m³)		0.100 ppm (189 µg/m³)		
Lead	30-Day average	1.5 µg/m³	Atomic Absorption	–	–	–
	Calendar Quarter	–		1.5 µg/m³	Same as Primary Standard	High Volume Sampler and Atomic Absorption
Sulfur Dioxide (SO_2)	Annual Arithmetic Mean	–	Ultraviolet Fluorescence	0.030 ppm (80 µg/m³)	–	Spectrophotometry (Pararosaniline Method)
	24 Hour	0.04 ppm (105 µg/m³)		0.14 ppm (365 µg/m³)	–	
	3 Hour	–		–	0.5 ppm (1,300 µg/m³)	
	1 Hour	0.25 ppm (655 µg/m³)		–	–	
Visibility Reducing Particles	8 Hour	Extinction coefficient of 0.23 per kilometer–visibility of 10 miles or more (0.07–30 miles or more for Lake Tahoe) due to particles when relative humidity is less than 70 percent. Method: Beta Attenuation and Transmittance through Filter Tape.		No Federal Standards		
Sulfates	24 Hour	25 µg/m³	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m³)	Ultraviolet Fluorescence			
Vinyl Chloride	24 Hour	0.01 ppm (26 µg/m³)	Gas Chromatography			

California ARB (06/26/08)

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	Calendar Quarter	–		1.5 µg/m³	Same as Primary Standard	High Volume Sampler and Atomic Absorption
Sulfur Dioxide (SO_2)	Annual Arithmetic Mean	–	Ultraviolet Fluorescence	0.030 ppm (80 µg/m³)	–	Spectrophotometry (Pararosaniline Method)
	24 Hour	0.04 ppm (105 µg/m³)		0.14 ppm (365 µg/m³)	–	
	3 Hour	–		–	0.5 ppm (1,300 µg/m³)	
	1 Hour	0.25 ppm (655 µg/m³)		–	–	
Visibility Reducing Particles	8 Hour	Extinction coefficient of 0.23 per kilometer–visibility of 10 miles or more (0.07–30 miles or more for Lake Tahoe) due to particles when relative humidity is less than 70 percent. Method: Beta Attenuation and Transmittance through Filter Tape.		No Federal Standards		
Sulfates	24 Hour	25 µg/m³	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m³)	Ultraviolet Fluorescence			
Vinyl Chloride	24 Hour	0.01 ppm (26 µg/m³)	Gas Chromatography			

California ARB (06/26/08)

Photos Legend for 3rd and Boyle

1 View facing East
2 View facing South
3 View facing North
4 View facing Southwest
5 View facing South
6 View facing East
7 View facing North from 3rd Street
8 View facing East
9 View facing South of nearby apartment building

EXHIBIT D
PHOTOS
CPC-2009-3210-GPA-ZC-HD

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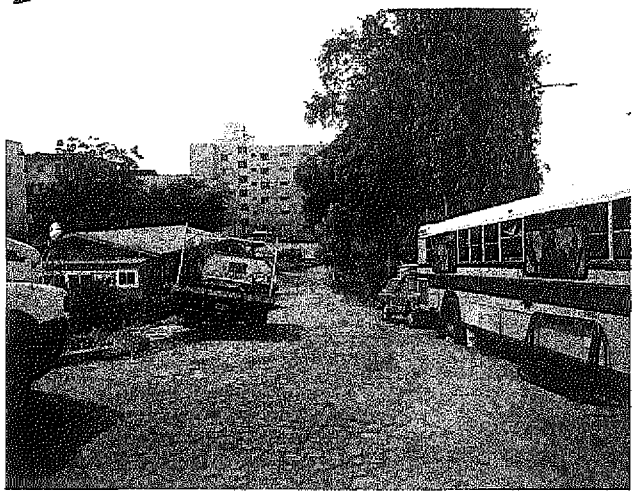
2



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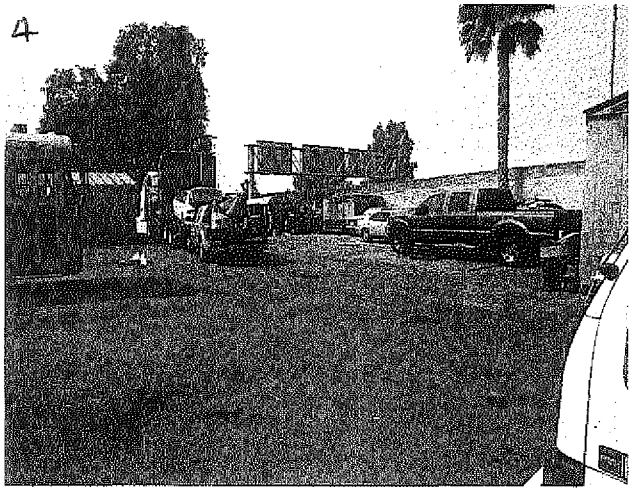
4



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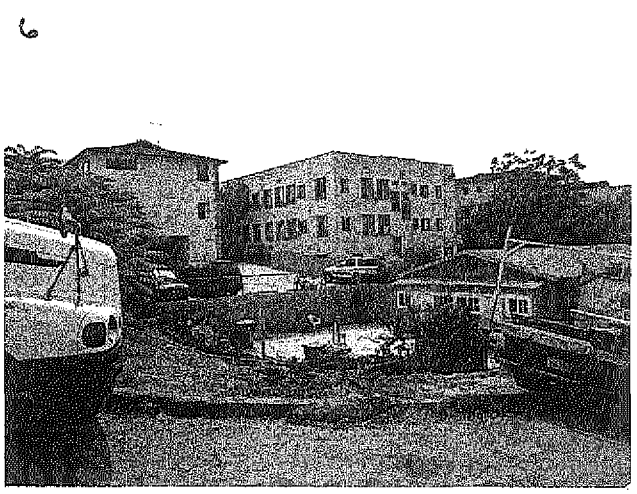

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DETERMINATION LETTER
CPC-2009-3210-GPA-ZC-HD
MAILING DATE: 05/09/12

Savoush Nayyeri
11916 Prairie
Hawthorne, CA 90250

Emilio Guiterrez
8307 Grove Avenue
Rancho Cucamonga, CA 91730

Norbert Flores
207 S. Boyle Avenue
Los Angeles, CA 90033

H. Rikimaru
127 S. Boyle Avenue
Los Angeles, CA 90033

Rikimaru
3839 South Victoria Avenue
Los Angeles, CA 90008

Mohamad Pournamdari
3950 Imperial Highway
Inglewood, CA 90303

Mohamad Pournamdari
221 Avenue B
Redondo, CA 90277

Emilio Guiterrez
3950 Imperial Highway
Inglewood, CA 90303

Hans Giroux
1820 E. Garvey Street, #210
Santa Ana, CA 92705

Tracy Young
207 S. Boyle Avenue
Los Angeles, CA 90033

Lynda Smith
City Planner
City Hall, Room 621
Mail Stop #395

Councilmember Jose Huizar
Fourteenth Council District
City Hall, Room 465
Mail Stop #223

GIS/Fae Tsukamoto
City Hall, Room 825
Mail Stop #395