

#### ΜΕΜΟ

Council File No: <u>12-102</u> Item No.: <u>Communication from</u> Deputy: <u>Communication from</u> der Applicant Representation

Committee

Submitted in *PLU M* 

Date:

To: Chairman Reyes and Members Huizar and Englander

From: Hans Giroux, Senior Air Quality Analyst

Subject: CPC 2009-3210, GPA-ZC-HD, CD 14

Date: September 17, 2012

#### Our Reference No.: P11-X01

On the behalf of the applicant, Sivoush Nayyari, and his representative Emilio Gutierrez, we have been asked to further clarify the air quality impact implications of a proposed 40-unit multi-family development at 1755 East Third Street. The Planning Commission recommended against project approval for several reasons, including proximity to the US101 Freeway directly west of the site. Traffic proximity is clearly a health/air quality concern for any project. However, effective mitigation will be required under the candidate conditions of approval, and with dramatic improvements in vehicular air pollution control, the actual impact is more a factor of perception than reality.

Aside from just common sense, much of the technical basis for contra-indication of residential placement near freeways derives from the "USC Children's Health Study" first reported in 2000 by W. Gauderman, et al., and reported in a variety of technical papers in 2002, 2004, and 2007. These studies reported decreased lung function in teen-agers living near freeways. There are many reasons for poorer health for peoples of lower socio-economic status who are constrained to live close to freeways where rents are generally lower (less health care access, diet, smoking, etc.). After multi-variable causes are presumably removed, a residual impact was identified.

The USC Study tracked children from 10-18 from 1993-2001 (Cohort 1), and 1996-2004 (Cohort 2). There is not good evidence that proximity to heavily traveled arterial roads has any impact. However, several major factors differentiate the proposed project from these findings. First, vehicles are much, much cleaner now than during the USC Study, and they are forecast to continue to further improve during the next decade. Secondly, the City of Los Angeles is requiring a highly efficient filtration system that will protect residents during the times they are at home. Finally, children are naturally spending less and less time outdoors playing while playing video games or watching television. That is not good for their developmental health or their waistlines, but that is reality. The proposed project does not contain recreational amenities that will encourage extensive outdoor use by children. The planned roof-top picnic area will attract family gatherings, but the actual time spent outdoors by children will be limited before they become bored and want to return downstairs for their television watching or playing their video games.

A very interesting study of 1,762 California residents was completed in 1991 to determine where people spend their time on average. In "Activity Patterns of California Residents, J. Wiley, UC Berkeley, 1991), the following breakdown of average residential behavior was observed (minutes/day):

Inside the home	-	894.0	(62%)
Outside the home	-	27.1	(2%)
Other inside (work, school)	-	371.8	(26%)
Other outside	-	33.2	(2%)
Traveling	-	111.4	(8%)
Unaccounted for	-	2.5	(<1%)
TOTAL	-	1440 r	ninutes/day

Even in 1991, people were spending only two percent of their time outdoors at their residence. That figure is probably lower today. By focusing the project mitigation upon indoor air pollution exposure from exterior intrusion, the air pollution effects reported in the USC study will be dramatically mitigated to a less-than-significant level because of the overwhelming outdoor/indoor exposure differential.

In order to further demonstrate the limited applicability of the USC Study findings to the proposed project, we compared the vehicular air pollution emissions for the year 1998 as the typical exposure in the USC Study versus project year 2016 when the project might be built out and people have lived there a few years. These values were derived from EMFAC2007, the California vehicular air pollution computer model. We compared PM-10 from heavy trucks and NOx from all vehicles as the pollution predictors used in the USC Study with the following results (gram/mile):

Year	Speed (mph)	PM-10 (diesel)	NOx (all)
1998	35	0.828	1.615
	55	0.706	1.775
2016	35	0.186	0.445
	55	0.219	0.473

By 2016, each type of vehicle will be approximately four times cleaner than they were in 1998 at the mid-point of the USC Study. Beyond 2016, they are forecast to get even cleaner still. Residential proximity to freeways is not an optimum land use decision, but the historical evidence to support that denial is progressively diminishing. It is therefore not possible to extrapolate the USC Study findings very far forward from its termination because the exposure conditions that led to these findings have changed dramatically.

We have been working with other jurisdictions on developing an accurate portrayal of exposure risk near roadways and possible mitigation avenues. The use of highly aggressive ventilation system controls is seen as the most viable option. The conclusion of the City of San Francisco Department of Public Health on plans for higher density residential growth along the I-80 Corridor concludes as follows in "Assessment and Mitigation of Air Quality-Land Use Conflicts in Urban Infill Development" by Rajiv Bhatia; MD & MPH, and Thomas Rivard (Draft for Technical Review, April 20, 2007, not for citation):

The development should install a central HVAC (heating, ventilation and air conditioning) system to maintain all condominiums and apartments under positive pressure...the HVAC systems should include high efficiency filters for particulates and a carbon filter to remove other chemical matter. Air intake systems for HVAC shall be placed ...to minimize roadway air pollution sources. A licensed mechanical engineer should certify that the designed HVAC system offers the best available technology to minimize outdoor to indoor transmission of air pollution. The developer should also ensure an ongoing maintenance plan for the HVAC and filtration systems. Finally, the developer should disclose to buyers the findings of air pollution evaluations, potential health consequences and inform occupants regarding the proper use of any installed air filtration.

The documented results of upgraded ventilation system performance is that indoor air quality in treated homes is measurably better than the observed air quality in even pristine environments such as in remote parts of the Sierras. With activated carbon for gaseous filtration, and HEPA filters to remove particulates, indoor air quality can be maintained at levels well within the most stringent state or federal ambient air quality standards. With the use of strongly enhanced indoor air quality protection through highly efficient air filtration systems, in conjunction with resident education and on-going filtration system maintenance, any health issues due to freeway exposure will be reduced to far below any level of significance.

If project occupant children want to participate in outdoor play, they will do so at the Pecan Playground a few blocks on the other side of the freeway. The set-backs of the play structures at the recreation center are very similar to the set-back of the proposed roof-top terrace. It is a bit disingenuous to suggest that frequent and active outdoor play on one side of the freeway is to be encouraged while infrequent and more passive outdoor use at the proposed project is a sufficient basis for denial. Neither location is optimal, but the project incorporates aggressive pollution exposure off-sets that mitigate impacts to a less-than-significant level.

Please call me with any questions.

Haus D. Geroup

Hans D. Giroux Senior Analyst Giroux & Associate

#### PROPOSAL TO BUILD A FOUR-STORY MULTIPLE DWELLING

CPC 2009-3210-GPA-ZC-HD

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

Date: Submitted in PLUM Committee Council File No: 12-1022 Item No .: Deputy Communication from Applicant Representati







#### Planning Department Recommended Actions

Department of City Planning recommendation report dated March 8, 2012 supported :

- The General Plan Amendment
- Zone Change/Height District Change
- Adopt the Mitigated Negative Declaration
- Project Approval
- On May 9, 2012 pursuant to Planning Commission direction findings provided denying the entire application



# **Concerns and Solutions**

Concara	
Lot configuration and Emergency Fire	Conceptually Approved by Fire Department on 8/14/2012
Access	(See slide 13-14)
	Independent Air Quality Study and report dated 1-25-2011
Air quality	(See Previously Submitted Document)
	Property line located 40 feet from Freeway. Negative effects
	could be mitigated per City Approved EAR
	Dated 9-26-2010 and all independent studies and
Proximity to the Freeway and	professional assessments
Acoustical Impact	(See slide 9)
	97% of the interviewed neighbors voiced their support
	Submitted 140 signatures addresses and phone number of
	neighbors residing with in 500 feet to show the strong
	support
Community Support	(See slide 10-15)



#### Fire Department Conceptual Approval

"Hydrants and Access issues discussed on 8/17/2012. Fire Lane to be maintained w/ no-curb. Hydrant to be added at edge of Fire Lane. All other items in compliance.

*Signed:* John Dallas 8/17/2012 (213)-842-6509"



## Justification for Approval

- Department of City Planning recommendation report dated
- March 8, 2012
- The project will convert a blighted property into a modern
- Multi-Family building
- It will increase revenue to the City of Los Angeles
- It will serve as a noise buffer to the older housing stock
- It will upgrade the infrastructure with new a Fire Hydrant that will enhance the neighborhood safety
- We have effectively addressed all concerns



### Conclusion

- We respectfully request the Los Angeles City Council uphold the Department of City Planning recommendation report dated March 8, 2012 and grant :
- The General Plan Amendment
- Zone Change/Height District Change
- Adopt the Mitigated Negative Declaration





# APPENDIX

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**Community Support** 

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Project: < Pf: 2009-3210-614-20

Cay of Los Angeles Phoning Division 200 North Spring St. Los Angeles Criffornia 33612

The undersigned originations residing within the vicinity of the project with address above hereby expression: support for the proposed development that will include a four-story apartment bailding and the corresponding zone change. Corrently, the lat is he ag leaved as on parking yard. We thus our value of support will be considered by our City representatives prior to a first decision and humbly sequent to be added to the record.

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**Community Support** 

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