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July 26, 2018

Honorable City Council
Room 395, City Hall
Los Angeles, CA 90012
Attention: Planning and Land Use Management (PLUM) Committee

**SUPPLEMENTAL REPORT ON FREEWAY ADJACENCY AND AIR QUALITY CONCERNS
IN RESPONSE TO COUNCIL MOTION # 17-0309**

As a follow up to the April 17, 2018 Planning and Land Use Management Committee hearing on the topic of Freeway Adjacency and Air Quality Concerns, the Department is pleased to provide the Council with a supplemental report. This update includes a proposed series of next steps resulting from Department conversations with health and air quality experts as well as the Housing and Community Investment Department (HCID) and Department of Building and Safety (DBS).

Background

Mobile source emissions, especially in the Southern California area, continue to be the leading contributor to poor air quality. This is particularly true in areas closest to freeways due to the higher concentration of ultra-fine particles that accumulate in those locations. In the report presented at the April 17, 2018 hearing, the Department outlined six potential next step strategies intended to either reduce people's exposure to mobile source emissions or to reduce the origin of local mobile source emissions. The discussion below describes the efforts that have occurred with regard to each of the six recommended steps.

Discussion

Strategies to Reduce Exposure to Mobile Source Emissions

1. DCP to work with HCID to leverage field inspections to inform/educate residential building managers and property owners of the importance of regularly replacing the existing MERV filters. MERV stands for "minimum efficiency reporting value" which is a measurement scale designed in 1987 by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) to rate the effectiveness of air filters.

Subsequent to the April 17, 2018 hearing the Housing and Community Investment Department has prepared an inter-department memo (see attached Exhibit A) establishing that the review of

buildings subject to the Systematic Code Enforcement Program (SCEP) will include compliance with LAMC code sections 99.04.504.6. All new constructed multi-family rental properties which are subject to LAMC code sections 161.201 and 99.04.504.6 will be flagged and identified for Housing Inspectors to verify compliance with the required MERV 13 filter as part of the routine SCEP inspections that occur once every four years. Failure of the property owner to maintain the required filtration media of equal or higher standards will result in the issuance of an Order to Comply for the property owners to correct the code violation.

2. DCP to establish a "freeway adjacent" use package through the zoning code update that recognizes the need for tools to address the extent to which selected sensitive uses are located in proximity to the freeway.

DCP will explore ways to use zoning to address freeway proximate concerns through a freeway adjacent use package in the new zoning code. The application of the new zones to selected parcels within the City will take place subsequently over the next six years as the City updates all of its community plans. In the interim, DCP will include as part of the revised zoning information (ZI No. 2427, see attached) guidelines that are intended to address the location of schools, day care facilities and senior care centers within 1,000 feet of a freeway.

A zoning information bulletin (ZI) is issued by the DCP when either clarification and/or additional information or instruction is needed with respect to a particular issue. Often the information is applicable to a limited number of parcels and therefore the ZI is typically included as part of the site specific information available on ZIMAS, DCP's on-line zoning information and map access system. By including a ZI on ZIMAS potential project applicants can consider the intent of the ZI early on in their decision making process.

3. DCP to further modify the existing ZI 2427 to expand the notice to include any discretionary applications within 1,000 feet of a freeway and eliminate the requirement for a Health Risk Assessment.

The current ZI No. 2427 is only applicable for those projects requiring consideration from the City Planning Commission (CPC) such as for a zone change or a General Plan Amendment. Any of these CPC related projects, that were preparing an Environmental Impact Report, were also required to complete a Health Risk Assessment. In as much as the building code now requires that all new developments within 1,000 feet of a freeway include a MERV 13 filter in any new mechanical air systems, the revised ZI will eliminate the requirement that a Health Risk Assessment be conducted but will expand the distribution and application of the ZI to all discretionary applications within 1,000 of a freeway. These changes will expand the number and variety of projects that are made aware of, and subject to, the ZI while also eliminating the cost burden of preparing a Health Risk Assessment which provided limited added value.

4. DCP to modify the existing ZI 2427 to include policies from the *Plan for a Healthy Los Angeles* and add reference to LAMC subsection 99. 04.504.6 regarding the MERV 13 filter requirement.

The revised ZI has also been modified to include four policies from the *Plan for a Healthy Los Angeles* which was adopted by City Council on April 1, 2015. The added policies speak to: the importance of incorporating a health perspective into land use practices; the need to incorporate

health promoting land use and design solutions; the need to reduce exposure to noxious activities; and, the value of land use policies that reduce greenhouse gas emissions. Information has also been added regarding building code section 99.04.504.6 that was adopted by City Council on April 26, 2016 and requires the installation of a MERV 13 filter in mechanical air systems that are installed in new projects within 1,000 feet of a freeway.

5. DCP to develop Healthy Building Design Guidelines as a means of promoting building and site design solutions that lead to improved health outcomes. Guidelines may include guidance on a range of topics including: healthy building products, air quality systems, active living amenities and site planning features that collectively can lead to improved overall health outcomes.

On July 12, 2018, the City Planning Commission (CPC) concurred with the Department's initiation of the update of the existing Citywide Design Guidelines (Guidelines) and further agreed that it would be valuable to include Healthy Building Design Guidelines into that update. As the update to the Guidelines begins over the next several months, the Department has revised the ZI to include additional standard conditions and design alternatives that could be incorporated into projects within 1,000 feet of a freeway that are seeking discretionary action. The new conditions and design strategies encourage occupied open spaces such as play areas, patio and balconies to be located as far from the freeway as possible; the location of non-habitable uses such as parking structures in the areas nearest the freeway; and, the addition of a vegetated and/or wall barrier to screen the project site.

Strategies to Reduce Mobile Source Emissions

6. DCP to work with DBS and field experts to evaluate the feasibility of establishing an electric vehicle charging station building code requirement that aligns with the CPC's current proactive efforts of requiring that parking areas include the installation of electric vehicle charging stations for 5% of the total parking stalls and that 20% of the parking stalls be readily adaptable for the future installation of a charging station.

The City of Los Angeles established Electric Vehicle charging equipment requirements under Ordinance No. 181480 adopted on December 28, 2010. This ordinance helped pave the way for a mandatory state-wide requirement for Electric Vehicle (EV) charging equipment for the subsequent 2013 California Green Building Standards Code (CALGreen). On January 19, 2017, the City passed Ordinance 184,692 which, among other things, amended the existing electric vehicle charging equipment requirements under Section 99.04.106.4.2.1, and 99.05.106.5.3.3, Article 9, Chapter IX of the LAMC. This ordinance requires both electrical vehicle charging stations and/or charging spaces based upon the size of a project.

The State concluded their submittal period in May 2018 for proposed changes to the upcoming 2018 CALGreen and will be conducting their 45-day public comment period beginning September 2018. A draft of the proposed code updates, which would go into effect January 1, 2020, is forthcoming. Currently, the State requires EV charging readiness on 3% and 6% of the total parking spaces provided for residential and nonresidential buildings, respectively, with no requirement to install EV chargers. As a result of the increasing awareness of the environmental air quality benefits of facilitating the transition from gas to electrical-powered vehicles, and due to the extent of the air quality challenges here in Southern California, DBS has indicated that a strong case can be made as to why there would be benefit for the City to establish an EV-ready standard above the requirement currently under consideration by the State. An update to the City's Electric Vehicle charging ordinance could be initiated by City Council and developed by the Department

of Building and Safety (DBS). Following the preparation of a draft ordinance, that addresses the minimum targets outlined in this report, DBS would return to PLUM and Council for their consideration of the draft ordinance.

For consideration

In summary, staff presents the following actions to be considered by the Committee.

1. Direct the Department of City Planning to:
 - a. Establish a "freeway adjacent" use package in the re:code LA
 - b. Publish proposed revisions to ZI No. 2427
 - c. Report back on progress in updating the Citywide Design Guidelines in regards to the goals contained in this report.
2. Direct the Department of Building and Safety to pursue an update to Subsections 99.04.106.4.2, 99.05.106.5.3.3 and Table 99.05.106.5.3.3 of Section 99.05.106, Article 9, Chapter IX of the LAMC that establishes an Electric Vehicle (EV) ready and EV charging requirement that exceeds current state standards and recognizes the importance of EV in the City and addresses the minimum targets referenced in this report.

Conclusion

The Department looks forward to continuing to work with the Housing and Community Investment Department and Department of Building and Safety on this important topic.

Please direct any questions regarding this topic to Senior City Planner Claire Bowin at (213) 847.3710 or claire.bowin@lacity.org.

Sincerely,
VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in black ink, appearing to read "K. J. Keller", with a long horizontal stroke extending to the right.

Kevin J. Keller, AICP
Executive Officer

attachments




HOUSING+COMMUNITY
Investment Department



Eric Garcetti, Mayor
Rushmore D. Cervantes, General Manager

INTER-DEPARTMENTAL MEMORANDUM

TO: CLAIRE BOWIN, SENIOR CITY PLANNER
FROM: ROBERT GALARDI, CHIEF INSPECTOR 
DATE: JULY 9, 2018
REGARDING: INTERIOR HVAC FILTRATION UNDER CUGU

This memorandum establishes that the Housing and Community Investment Department's Code Enforcement Division will, as part of their routine Systematic Code Enforcement Program (SCEP) ensure compliance with the following code section.

Section 99.04.504.6. Los Angeles Municipal Code (LAMC) In mechanically ventilated buildings within 1,000 feet (304.8 m) of a freeway, provide regularly occupied areas of the building with air filtration media for outside and return air that provides a Minimum Efficiency Reporting Value (MERV) of 13. Filters shall be installed prior to occupancy, and recommendations for maintenance with filters of the same value shall be included in the operation and maintenance manual.

All newly constructed multifamily rental properties which are subject to Sections 161.301 and 99.04.504.6 LAMC will be flagged and or identified for Housing Inspectors to verify compliance with Section 99.04.504.6 LAMC as part of the routine SCEP inspections that occur once every 4 years.

Currently the Department has identified approximately 35 properties which are either completed or near completion and subject to Sections 161.301 and 99.04.504.6 LAMC In the future, all new multifamily rental properties subject to Sections 161.301 and 99.04.504.6 LAMC will also be flagged or identified as the inventory grows. Implementation of these compliance inspections as part of the routine SCEP inspections is projected to commence January 2019.

Failure of the property owner to maintain the required filtration media of equal or higher standards will result in the issuance of an Order to Comply for the property owners to correct the code violation. Violations of Section 99.04.504.6 LAMC not corrected in a timely manner will potentially subject the property owner to criminal prosecution.

**CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
ZONING INFORMATION FILE**

ZI NO. 2427

FREEWAY ADJACENT ADVISORY NOTICE

Effective: TBD

Council District: Citywide, within 1,000 feet of freeways

PURPOSE

Air pollution studies indicate a strong link between the chronic exposure of populations to vehicle exhaust and particulate matter from roads and freeways and elevated risk of adverse health impacts, particularly in sensitive populations such as young children and older adults. Areas located within 500 feet of a freeway¹ are known to experience the greatest concentrations of fine and ultrafine particulate matter (PM), a pollutant implicated in asthma and other health conditions. In 2003, the California Legislature enacted SB 352, which precludes the siting of public schools within 500 feet of a freeway, unless it can be shown that any significant health risk can be mitigated.

Freeways are a major stationary source of air pollution and their impact on the air we breathe and public health in cities continues to be a subject of public health research. Scientific literature previously focused on impacts to immediately surrounding communities within 500 feet of freeways; however, recent studies have established strong links to negative health outcomes affecting sensitive populations at a distance of 1,000 feet from freeways, (and in some instances, up to one mile). Therefore, the Department of City Planning is using the 1,000 feet boundary, as the distancing threshold, for conservative consideration of risk to the negative effects of air pollution caused by freeway proximity.

INSTRUCTIONS

All applicants filing a discretionary application, with the Department of City Planning, for a new and/or expanded project located within 1,000 feet of a freeway shall be advised of the following information and expectations.

PROJECT FEATURES AND DESIGN ALTERNATIVES TO CONSIDER:

When integrated into the project design and program concept, the following measures may reduce air pollution exposure and associated health risks, and therefore, should be taken into account when your project is being configured or when a specific site is being considered for development.

1. Avoid locating the following sensitive uses within the project: schools, day care facilities and senior care centers.

¹ Freeway, as defined in the Caltrans Highway Design Manual – Chapter 60, pg. 60-2: (May 7, 2012)

“Freeway--A divided arterial highway with full control of access and with grade separations at intersections.”

2. Locate occupied open space areas (play areas, courtyards, patios, balconies, etc.) as far from the freeway sources as possible when the size of the site permits.
3. Prioritize the location of non-habitable uses, such as parking structures and building areas not calculated in floor area, nearest the freeway.
4. Screen the project site with substantial vegetation and/or a wall barrier.

PROJECT REQUIREMENTS

All projects seeking discretionary approval for which findings must be made regarding conformance to the General Plan are expected to adhere to the Citywide Design Guidelines, including those that address freeway proximity.

SUPPORTING INFORMATION

Existing Adopted Policies Addressing Impacts of Air Quality

The City's General Plan already contains adopted policies addressing health-based risks and outcomes. Below are a few that are directly related to freeways.

Air Quality Element Policy 4.3.1: Revise the City's General Plan/Community Plans to ensure that new or related sensitive receptors are located to minimize significant health risks posed by air pollution sources.

Housing Element Policy 4.1.9: Whenever possible, assure adequate health-based buffer zones between new residential and emitting industries.

Housing Element Policy 2.1.2: Establish standards that enhance health outcomes.

Plan for Healthy LA Policy 1.5 - Plan for Health: Improve Angelenos' health and well-being by incorporating a health perspective into land use, design, policy, and zoning decisions through existing tools, practices, and programs.

Plan for Healthy LA Policy 5.2 – People: Reduce negative health impacts for people who live and work in close proximity to industrial uses and freeways through health promoting land uses and design solutions.

Plan for Healthy LA Policy 5.4 - Noxious activities: Protect communities' health and well-being from exposure to noxious activities (for example, oil and gas extraction) that emit odors, noise, toxic, hazardous, or contaminant substances, materials, vapors, and others.

Plan for Healthy LA Policy 5.7 - Land use planning for public health and GHG emission reduction: Promote land use policies that reduce per capita greenhouse gas emissions, result in improved air quality and decreased air pollution, especially for children, seniors and others susceptible to respiratory diseases.

Adopted Ordinance Addressing Impacts of Air Quality

As part of the Clean Up Green Up initiative, on April 26, 2016, City Council amended Articles 5 and 9 of Chapter IX of the Los Angeles Municipal Code (L.A.M.C.) addressing sources of outside air in buildings and requiring all new mechanically ventilated buildings located within 1,000 feet of the freeway to install air filtration media that provides a Minimum Efficiency Reporting Value (MERV) of 13 (Ordinance 184245).