



Date: 9/18/12
Submitted in PLUM Committee
Council File No: 12-1022
Item No.: 6
Deputy: Communication from Applicant Representative

M E M O

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 minutes/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.



Hans D. Giroux
Senior Analyst
Giroux & Associate

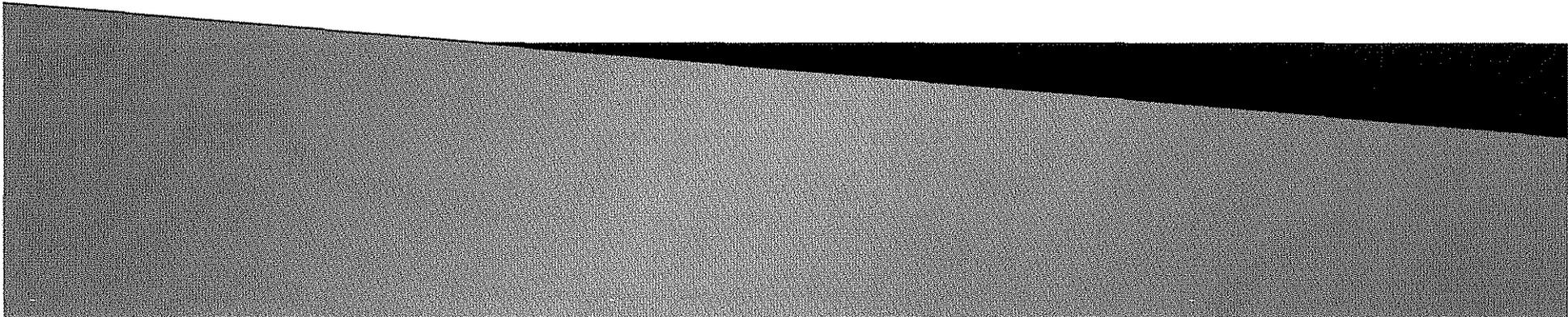
PROPOSAL TO BUILD A FOUR-STORY
MULTIPLE DWELLING
CPC 2009-3210-GPA-ZC-HD

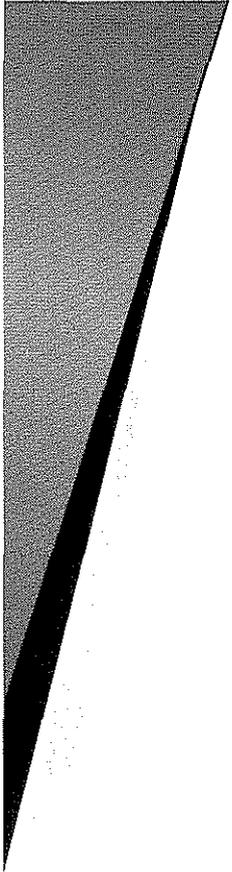
Location:
1755 E. 3RD Street
Los Angeles, CA 90033

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

Prepared By:
Emilio Gutiérrez

Date: 9/18/12
Submitted in PLUM Committee
Council File No: 12-1022
Item No.: 6
Deputy Communication from
Applicant Representative

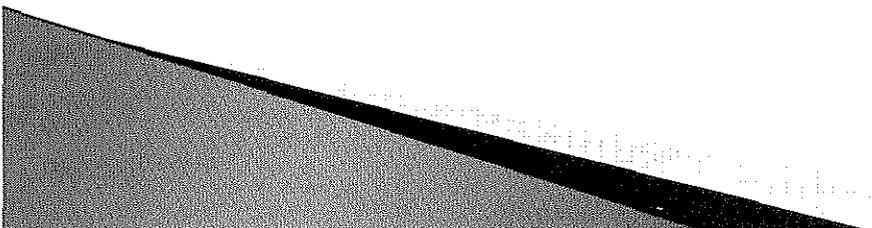




Planning Department Recommended Actions

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

Concern	Approach
Lot configuration and Emergency Fire Access	Conceptually Approved by Fire Department on 8/14/2012 (See slide 13-14)
Air quality	Independent Air Quality Study and report dated 1-25-2011 (See Previously Submitted Document)
Proximity to the Freeway and Acoustical Impact	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 professional assessments (See slide 9)
Community Support	97% of the interviewed neighbors voiced their support Submitted 140 signatures addresses and phone number of neighbors residing within 500 feet to show the strong 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.

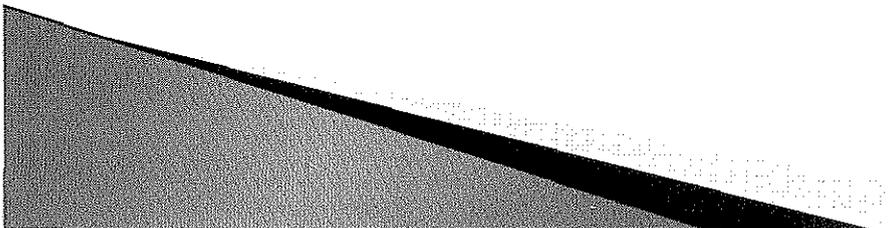
Signed: John Dallas
8/17/2012
(213)-842-6509"

Justification for Approval

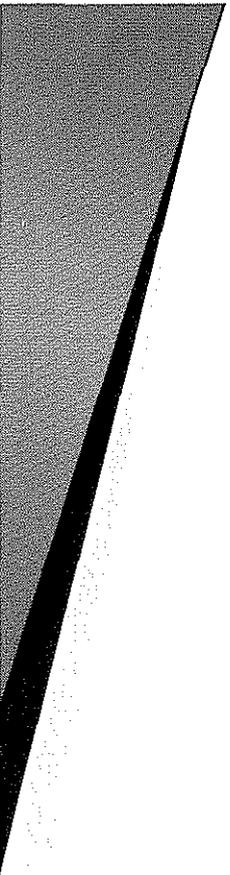
- ▶ – Department of City Planning recommendation report dated March 8, 2012
- ▶ – The project will convert a blighted property into a modern Multi-Family building
- ▶ – It will increase revenue to the City of Los Angeles
- ▶ – It will serve as a noise buffer to the older housing stock
- ▶ – It will upgrade 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



Approved EAR Title Page

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 City of Los Angeles	COUNCIL DISTRICT 14	
PROJECT TITLE ENV-2009-2648-MND	CASE NO. CPC-2009-3210-GPA-20-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 from PF-1XL to R4-1 to permit the construction of a 40 unit, 4 story apartment building that will cover 86% of a 26,263 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-maker may adopt the mitigated negative declaration, 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 <i>Tom Henry</i>	TITLE City Planning Associate	TELEPHONE NUMBER (213) 978-0525
ADDRESS 200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012	SIGNATURE (Official) <i>[Signature]</i>	DATE 9/26/2011

Community Support

Project: CPC 2009-3210-5PA-ZC
 NYMBAE

FIRMA

1755 E 3rd Street, Los Angeles, CA 90033

Dis B / C / D / E

NO	Nombre	FIRMA	Address
29	Abrascante Negrete		Alhambra, CA
30	M.R. HOMELESS MISSION DO LORRET		
31	Catalina Glanis		701 Williamson Ave L.A. CA 90022
32	ARINCO		244 St. Rose Pl L.A. CA
33	Wanni Garcia		1140 E 5th St L.A. CA
34	Ramona Rodriguez		1012 E First St L.A. CA 90033
35	Yvonne Rodriguez		1012 E First St L.A. CA 90033
36	Jayson Diaz	S.U.	2253 Hill Street L.A. CA
37	Yolanda Alvarez	R.A.	2253 Hill Street L.A. CA 90033
38	Alicia Ramirez		1917 E 2nd St L.A. CA 90033
39	Concepcion Rodriguez		317 E 5th St L.A. CA 90033
40	Miguel Gonzalez		153 S Clarence St L.A. CA
41	Yvonne Rodriguez		1772 Laurel L.A. CA
42	Maria Salas		1772 Laurel L.A. CA
43	Rosa Bacalla	R.B.	3511 Floral Dr L.A. CA
44	ELISA Zamora		112 S 5th St L.A. CA
45	Gerardo Lopez	M.C.	133 S Broadway Ave L.A. CA 90033
46	Sebastian Gomez	G.S.	130 Hill Street L.A. CA 90033
47	Samy Dierat		1806 S Broadway Ave L.A. CA 90033
48	Yolanda Rodriguez	R.M.	2505 PALBERT AVE
49	Yvonne Rodriguez	R.M.	2011 Hill Street L.A. CA 90033
50	Dario Nuñez		408 Clarence St L.A. CA 90033
51	Yvonne Rodriguez	C.R.	2516 S 1st St L.A. CA 90033
52	DESSY VILLAN		
53	MEDDY GONZALEZ	(M)	1227 1/2 S Lavender Ave L.A. CA
54	Yvonne Rodriguez	M.C.	712 S Hill St L.A. CA
55	Yvonne Rodriguez	V.H.	316 S Glass St L.A. CA
56	Rafael Rodriguez	C.R.	334 Hill St L.A. CA
57	Yvonne Rodriguez	M.C.	141 Hill St L.A. CA
58	Maria Rodriguez	M.S.	1920 Hill St L.A. CA 90033
59	Yvonne Rodriguez	M.C.	430 Hill St L.A. CA 90033
60	Maria Rodriguez	M.C.	307 Clarence St L.A. CA 90033
61	Yvonne Rodriguez	M.C.	111 S Hill St L.A. CA 90033
62	Yvonne Rodriguez	M.C.	111 S Hill St L.A. CA 90033
63	Yvonne Rodriguez	M.C.	201 Hill St L.A. CA 90033
64	Ramona Rodriguez	R.M.	712 Hill St L.A. CA 90033
65	Yvonne Rodriguez	M.C.	401 Hill St L.A. CA 90033

Community Support

	NOMBRE	FIAMA	DIRECCION
66	SALVADOR ALONSO	S - A	
67	216 - S STATE ST L.A. CA		
68	mi del 9A	M	211 State st. L.A.
69	Normando Garcia	33 1/2	Franklin St. 90033 L.A. CA
70	Lu	33 1/2	Franklin St 90033
71	Juan Jacobi	37 1/2	Century Blvd 90032
72	Maximo Jacobi	37 1/2	Century Blvd 90032
73	Katalina Jacobi	37 1/2	Century Blvd 90032
74	Felipe Ruiz	303 1/2	State St
75	Blumera Ruiz	303 1/2	State St
76	Guillermo Ruiz	303 1/2	State St
77	Yvonne Mendosa	205	State St
78	Lourdes Lopez	205	State St
79	Jose Jimenez	301	State St
80	Carlos Castro	301	State St
81	Bartha P. Tambo	2022 W	10th Pl, LA
82	MARIA DOLores RODRIGUEZ	2022 W	10th Pl, LA
83	MARIA LATORRES	123 1/2	S. Glass St - 90033
84	FILIPANA VARELA	123 1/2	S. Glass St - 90033
85	Nancy Hernandez	1153 1/4	Glass St L.A. CA 90033
86	Le Becerra	1153 1/4	Glass St L.A. CA 90033
87	Ingrid Ochoa	1153 1/4	Glass St L.A. CA 90033
88	Diana Zapata	1153 1/4	Glass St L.A. CA 90033
89	Emilia Navas	1153 1/4	Glass St L.A. CA 90033
90	Catalina Suarez	1153 1/4	Glass St L.A. CA 90033
91	Concepcion A. Lopez	10127	S. Avenue 90033
92	Francisco Lopez	10127	S. Avenue 90033
93	FRANK CRISTO	10127	S. Avenue 90033
94	Diana Miral	622 W. Fernfield Dr	LA CA 91754
95	Karen Aguilar	622 W. Fernfield Dr	LA CA 91754
96	Emilia Barrera	3511	Butter Ave Lynwood CA 90262
97	Audencia Machuca	346	Glass Los Angeles CA
98	Gabriel Machuca	346	Glass Los Angeles CA
99	Carlos Garcia	338	S. Pecan St LA CA 90033
100	Rudy Garcia	338	S. Pecan St LA CA 90033
101	Thelma Garcia	338	S. Pecan St LA CA 90033
102	Jose Hernandez	152	S. Pecan St LA CA 90033

3/10

Community Support

Project: CPC 2009-2010-GPA-ZC

1755 E. 3rd Street, Los Angeles, CA 90033

NUMBER	FRAMA	DIRECCION
103	<i>[Signature]</i>	1830 2nd STREET L.A.
104	ISRAEL SIBONIAS	3072 S CLARENCE LA CA
105	<i>[Signature]</i>	Monrovia Anderson #127 L.A.
106	<i>[Signature]</i>	338 Clarence St. #292
107	<i>[Signature]</i>	338 Clarence St. #292
108	<i>[Signature]</i>	218 S. CLARENCE ST #90037
109	<i>[Signature]</i>	352 S. CLARENCE ST #90037
110	<i>[Signature]</i>	352 S. CLARENCE ST #90037
111	<i>[Signature]</i>	352 S. CLARENCE ST #90037
112	Maria Olvera	555 S CLARENCE ST #29
113	<i>[Signature]</i>	555 S CLARENCE ST #29
114	<i>[Signature]</i>	555 S CLARENCE ST #29
115	<i>[Signature]</i>	555 S CLARENCE ST #29
116	<i>[Signature]</i>	555 S CLARENCE ST #29
117	<i>[Signature]</i>	555 S CLARENCE ST #29
118	<i>[Signature]</i>	555 S CLARENCE ST #29
119	<i>[Signature]</i>	555 S CLARENCE ST #29
120	<i>[Signature]</i>	555 S CLARENCE ST #29
121	<i>[Signature]</i>	555 S CLARENCE ST #29
122	<i>[Signature]</i>	555 S CLARENCE ST #29
123	<i>[Signature]</i>	555 S CLARENCE ST #29
124	<i>[Signature]</i>	555 S CLARENCE ST #29
125	<i>[Signature]</i>	555 S CLARENCE ST #29
126	<i>[Signature]</i>	555 S CLARENCE ST #29
127	Margarita Alvarez	1918 Clark 323 977-2868
128	<i>[Signature]</i>	1918 Clark 323 977-2868
129	<i>[Signature]</i>	1918 Clark 323 977-2868
130	<i>[Signature]</i>	1918 Clark 323 977-2868
131	Daniel Mendez	1856 Cesar Chavez
132	Alexandra Cruz	1856 Cesar Chavez

A 4/6

Community Support

Project: CPC 2009-3218-GM-ZC

1755 E. 3rd Street, Los Angeles, CA 90034

City of Los Angeles Planning Division
 200 North Spring St.
 Los Angeles California 90012

The undersigned neighbors residing within the vicinity of the project with address above hereby express our support for the proposed development that will include a four-story apartment building and the corresponding zone change. Currently, the lot is being leased as a parking yard. We trust our voice of support will be considered by our City representatives prior to a final decision and humbly request to be added to the record.

	Name	Signature	Address
#67 x	V. J.	<i>[Signature]</i>	2711 1/2 E 3rd St L.A. CA 90034
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			
51			
52			
53			
54			
55			
56			
57			
58			
59			
60			
61			
62			
63			
64			
65			
66			
67			
68			
69			
70			
71			
72			
73			
74			
75			
76			
77			
78			
79			
80			
81			
82			
83			
84			
85			
86			
87			
88			
89			
90			
91			
92			
93			
94			
95			
96			
97			
98			
99			
100			

