

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401
—
CITY PLANNING COMMISSION

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REGINA M. FREER
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December 3, 2012

City Council of the City of Los Angeles
Planning and Land Use Management (PLUM) Committee
200 North Spring Street
Los Angeles, Ca 90012

**Re: Report on Clean Up Green Up Policy
Council File 11-0112, 11-0112-S1 (Huizar, Alarcon)**

Honorable Members of the Planning and Land Use Management (PLUM) Committee:

On May 15, 2012 the Planning and Land Use Management (PLUM) Committee, in consideration of motions 11-0112 (Huizar – Alarcon – et al) and 11-0112-S1 (Huizar – Alarcon), instructed the Planning Department with the assistance of the Departments of Public Works, Community Development Department, Fire Department, Building and Safety, and Office of Finance, in consultation with the City Attorney to prepare a report outlining the scheduling, personnel, and resource requirements necessary to implement the “Clean Up Green Up” (CUGU) program in Boyle Heights, Pacoima, and Wilmington.

BACKGROUND

The CUGU program was originally proposed to the City of Los Angeles (City) by the Los Angeles Collaborative for Environmental Health (Collaborative) and is supported by other local and regional advocacy groups. Recognizing that low-income, minority communities often suffer from a disproportionate concentration of pollution sources, the CUGU program was developed to address the problem of cumulative environmental impacts through improved land-use policy and localized economic revitalization. The goal of the CUGU pilot program is to prevent further environmental degradation, reduce current pollutant levels, and revitalize the physical environment, starting in the portions of Boyle Heights, Pacoima, and Wilmington that the Collaborative and its partners have determined to be the communities most impacted from an over-concentration of industrial pollution sources. The program proposes the development of performance standards for new or expanding projects coupled with City-led efforts to assist the rehabilitation of existing businesses, and monitor environmental regulation compliance. The two primary implementation components of the CUGU proposal are the establishment of “Green Zones” and the creation of an Ombudsman’s Office.

All three of the communities in the CUGU program suffer from higher-than-average cancer risk levels. Historical land-use patterns have created the cumulative impacts CUGU seeks to address. Boyle Heights and Wilmington, in particular, are subject to above-average diesel particulate matter (DPM) exposure due to the convergence of multiple freeways and a high level of freight transport activity, respectively. Cancer-risk levels are projected to drop dramatically on a regional level with adoption of pending rules from SCAQMD, however certain locales, including the three community target areas, will still maintain unacceptable risk-levels due to cumulative impacts.

The CUGU program is intended to leverage and complement existing efforts that are on-going throughout the City including the Department of Public Works' Green Business Program, Brownfields Program, Business Waste Assessment, Industrial Waste and Stormwater Inspection and Enforcement Programs, the Mayor's E3 Program, the City Attorney's Strike Force efforts, and the Community Development Department's Business Source Center Services. Each of these programs is focused on solving one component of this multi-faceted complex topic. Most of these programs are already funded through inspection fees, grants, and/or other service fees and their staffs will work in collaboration with the CUGU team to complete the tasks described below.

PRELIMINARY CLEAN UP/GREEN UP CONCEPT

Given the complexity of the issues, and the multiple agencies and departments who oversee the establishment of standards and monitoring of industrial pollutant sources, the departments involved recommend that a two year work program be initiated that will include:

- Research to further understand and delineate the roles and responsibilities of the various regional, state, and federal organizations (Los Angeles Regional Water Quality Control Board, South Coast Air Quality Management District (SCAQMD), California Department of Toxic Substance Control (DTSC), and the U.S. Environmental Protection Agency (U.S. EPA) that regulate industrial uses;
- Identify the existing regulations, inspection efforts, and penalties (federal, state, county, and local) that govern the establishment and on-going operations of industrial uses and their associated hazards;
- Identify the limitations (e.g., staffing for code enforcement and inspections, limitations as to size) of the existing multi-organizational efforts and regulations;
- Identify specific roles and responsibilities that can be undertaken by City departments to effectively implement the CUGU program (Building and Safety, Bureau of Sanitation, City Attorney, City Planning, Community Development Department, Office of Finance, Fire, and Water and Power);

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- Identify specific roles and responsibilities that can be undertaken by City departments to effectively implement the CUGU program (Building and Safety, Bureau of Sanitation, City Attorney, City Planning, Community Development Department, Office of Finance, Fire, and Water and Power);

- Map the proximity and identity of sensitive uses to the existing environmental emitters and identify and map the underlying zoning of both the industrial uses and sensitive receptors within the three areas of Boyle Heights, Pacoima and Wilmington;
- Identify and map potential public streets and other locations well suited for community beautification funding and other capital improvement programs;
- Evaluate the effectiveness and feasibility of potential new performance and/or building standards and prepare new standards for either Chapter 1 (Zoning) or Chapter 9 (Building and Safety) as needed;
- Identify the current range of educational, financial and technical assistance programs that are available to assist industrial sites in upgrading their facilities;
- Evaluate the costs and potential revenues of a local fee-based inspection and enforcement program;
- Develop a business outreach strategy for educating and informing industrial facilities of both existing (Federal, State, Local) regulations and new City standards, the inspection process, and the availability of technical and financial assistance programs;
- Establish an Ombudsman position within the relevant department (to be determined) to lead the business outreach strategy and coordinate interaction between the various inspection and enforcement entities;
- Identify the most effective and efficient tool for establishing a specific boundary ("the Green Zone") within which projects would be subject to the new standards, inspections, and enforcement efforts but would also benefit from improved access to financial and technical assistance;
- Assess all of the potential costs (staffing, training, education, outreach materials) of the overall program and identify potential revenue sources to minimize the fiscal impact of the CUGU on the City's general fund; and,

- Launch the pilot CUGU program in the Boyle Heights area, during the second phase of the two-year effort. If additional funds are available, Phase 2 could also include a launch in Pacoima and Wilmington.

The Boyle Heights area was selected for two reasons. First, it is one of the sites selected by SCAQMD's 2010 Clean Communities Plan (CPP) in which each community will develop, with the SCAQMD, a Community Exposure Reduction Plan (CERP) to address the problem of cumulative impacts. The City will work closely with the SCAQMD and the communities' CERP to refine the scope of the City's CUGU program. Secondly, a multi-year update to the Boyle Heights Community Plan got underway in October 2012 and the CUGU program can leverage the community outreach and land-use assessment efforts that will be undertaken as part of the community plan update. The revised Plan could then incorporate the suggested new standards as well as formalize the boundaries of a "Green Zone" during the adoption of the Plan.

Following the completion of the initial two years, the departments involved (Building and Safety, Bureau of Sanitation, City Attorney, City Planning, Community Development Department, Office of Finance, Fire, Planning, and Water and Power) would prepare a report to City Council summarizing the results of the two-year effort, develop a recommendation for the future implementation of the CUGU program, and develop a staffing and funding strategy to expand the program to all three community areas or other areas of the City, as appropriate.

WORK PROGRAM

Staff has developed a two-phased approach to research and develop a strategy for implementing a full-fledged Clean Up/Green Up program in the communities of Boyle Heights, Pacoima, and Wilmington. The first phase will include extensive mapping and analysis to understand existing inspection and enforcement efforts (waste water, stormwater, air quality), funding resources, fees and other relevant programs (voluntary pollution prevention compliance, brownfields, waste assessment and resource conservation education) along with in-depth research to identify existing as well as new potential performance standards and potential funding opportunities. The second phase would establish the ombudsman program to coordinate the various existing efforts, include the preparation of new performance standards, and prepare a long-term funding and organizational strategy.

Phase 1: Preliminary Research and Analysis:

1. Complete an analysis of all existing associated programs/efforts currently underway within the City.
2. Research existing programs/efforts of relevant agencies (ex. SCAQMD Boyle Heights CPP pilot project) and establish contacts for further collaboration.
3. Develop a current land-use inventory for the three areas identifying any potential hazards and sensitive receptors, derive land-use map including California Air Resources Board (CARB) recommended buffers and CUGU proposed buffers.

4. Analyze current regulatory inspection procedures/resources at the state and local level, identify any theoretical gaps.
5. Analyze and propose performance standards to augment existing standards and law.
6. Identify existing financial resources for education and remediation.
7. Identify roles and responsibilities of ombudsman.
8. Identify effective business outreach practices.
9. Solicit and consider public input.
10. Explore funding opportunities to cover future program costs (fees, grants).

Phase 2: Overlay zone performance standards, Ombudsman Office, Coordinated Inspections and Enforcement:

1. Establish the Ombudsman Office and preliminary business outreach strategy.
2. Prepare draft overlay zone performance standards for adoption in Boyle Heights Community Plan.
3. Via the Ombudsman Office, create formal inter-agency and inter-departmental relationships for the coordination of CUGU implementation.
4. Leverage existing efforts with SCAQMD, DTSC, etc., activities.
5. Initiate coordinated inspection program in collaboration with the Ombudsman Office on test basis.
6. Prepare feasibility analysis of continuing program beyond pilot stage.
7. Outline five year work plan, identify staff and funding needs, and pursue funding opportunities.

FISCAL IMPACT

Given the work program above, the estimated cost for the two year, two-phase development of the Clean Up Green Up program is projected, broken down by year, in the table below (based on the pay levels in place as of September 2012). The on-going costs (beyond the first two years) would be determined during the development of the program and a focus of the first two years would be to identify potential funding sources (fees, fines, grants) that could be implemented to off-set the costs of maintaining the program.

The Los Angeles Collaborative for Environmental Health, through the Liberty Hill Foundation, has offered an initial fund of \$100,000 to initiate work on this effort and is accounted for in the financial summary below.

The first year will primarily include the activities in Phase 1 and the second year is expected to incorporate the activities in Phase 2 which includes implementation of the pilot program.

City Staff	FTE	Year 1 (\$)	FTE %	Year 2 (\$)
Department of City Planning				
Principal City Planner	0.05	7,775.00	0.05	7,775.00
City Planner	0.10	10,112.00	0.10	10,112.00
City Planning Associate	1.00	88,000.00	1.00	88,000.00
Geo Info Sys Chief	0.05	5,355.00	0.05	5,355.00
Geo Info Specialist	0.25	18,493.00	0.10	3,698.00
Graphics Designer	0.10	7,508.00	0.10	7,508.00
Department (tbd)				
Ombudsman			1.00	85,000
City Staff Total		137,243		207,448
Miscellaneous Expenditures				
Printing		5,000		10,000
Supplies and Materials		1,500		1,500
Misc. Total		6,500		11,500
Initial Deposit of Funds		(100,000)		
Sub-Total		43,763		218,948
Total-Two Years				\$262,711
City Staff In-Kind Contributions				
Bureau of Sanitation-Watershed Protection				
Chief Env. Compliance Inspector	0.10	11,300.06	0.20	22,600.12
Senior Env. Compliance Inspector	0.20	17,401.39	0.30	26,102.10
Env. Compliance Inspector	0.30	23,414.85	1.00	78,049.49
Bureau of Sanitation-Solid Resources Citywide Recycling Division				
Env. Specialist II	0.10	9,107	0.10	9,107
Bureau of Sanitation-Industrial Waste Management Division				
Environmental Compliance Inspector	2.00	78,049	2.0	78,049
Environmental Engineering Associate	1.00	81,452	1.0	81,452
In-Kind Totals		220,724.24		295,359.71

RECOMMENDATION

If the City Council decides this is an issue that it would like to address the Council should allocate the necessary staffing and resources to execute the work program outlined above.

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December 3, 2012
PLUM Committee

For further information, please contact Claire Bowin of my staff at (213) 978.1213 or email her at: Claire.bowin@lacity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Bell". The signature is fluid and cursive, with the first name "Alan" being more prominent than the last name "Bell".

ALAN BELL, AICP
Deputy Director of Planning