



February 6, 2015

Mr. Michael LoGrande
Director
Department of City Planning, City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012

Re: Clean Up Green Up Stakeholder Input Workshop
Council File 11-0112

Dear Mr. LoGrande,

Representatives of the Los Angeles Collaborative for Environmental Health and Justice have, at the Department's invitation, attended the two Department of City Planning Clean Up Green Up Stakeholder Workshops. We appreciate all of the work you and other members of the Department have put into analyzing the cumulative environmental impacts that result from concentrations of certain land uses in close proximity to homes, schools, recreation centers, open space and other kinds of sensitive uses (often referred to collectively as "publicly habitable" uses), and the work that has been undertaken to draft an ordinance that proposes new policies, performance standards and land use controls to address those issues. The expected end result is to reduce adverse impacts of such activities and set a stage for improved commercial and industrial activity in Boyle Heights, Pacoima and Wilmington that not only improves public health but also improves the "bottom line" for businesses in these communities.

Our research and decades of community-based advocacy in various regulatory agencies has shown that local land use policies and programs are some of the most effective methods of addressing such cumulative impacts, and many regulatory agencies agree with this conclusion. This is because currently (1) many regulations at the regional, state and federal level address levels of pollution from individual sites irrespective of surroundings, and thus do not reflect impacts that result from the presence of many polluting sources in close proximity to one another and near publically habitable uses, and (2) many regulations apply to polluting sources of a scale that is larger than the many small, locally operated activities that predominate in our communities. Since the time of the Stakeholder workshops, we have learned that the LA County Department of Public Health has also become concerned with the problem of cumulative environmental health impacts and highly burdened communities, and is initiating a process to determine two pilot communities for mitigation (*see June 12, 2014 and September 18, 2014 memos to LA County Board of Supervisors from Dr. Jonathan Fielding and Cynthia Harding*).

We are pleased that the City of Los Angeles is moving forward the development of the Clean Up Green Up policy with the intent of assisting businesses clean up their operations and establish operating standards to safeguard the health of workers, residents and visitors in the pilot communities. It was gratifying to see the range of stakeholders—business owners and operators, along with community based organizations—taking part in this process.

We did want to respond to some of the points recommended and discussed in the workshops.

First, we feel very strongly in the importance of standards that are clear as to where they apply. Definitions of new construction involving the enumerated business types are quite straightforward. Using the City's standard definition for expansions that would be required to meet new standards will provide an easily comprehensible and consistent basis for knowing when an expansion (including repair, rehabilitation addition or other alteration) is required to meet the new performance standards.

Second, we agree with the concept of imposing new limitations that affect residential development that is proposed to be placed within 1,000 feet of an existing enumerated industrial use, or of a freeway. We would suggest also that new residential development that is proximate to a site generating a significant amount of truck traffic—especially diesel trucks—needs additional protection. When such uses are proposed to be placed within 1,000 feet or less of existing residential or publicly habitable uses, those developments need to provide protection to those nearby sensitive uses.

Physical separation, provision of additional landscaping using plant materials that have been demonstrated to help absorb pollutants, berms and walls that restrain the flow of contaminants (and, incidentally, noise) and internal filtration and best available control technology systems are among the recommended solutions. In addition, we agree that it is important to provide notification to affected persons by the inexpensive posting of notices along with signage to reduce or eliminate truck idling, along with monitoring of air emissions next to sensitive uses. Along with this, consideration should be given to identifying truck routes, and the means to enforce them, to minimize truck traffic passing through residential areas. We can also note that, outside the scope of the City's Clean Up Green Up policies, we have endorsed expanding the use of state funds to help re-equip truck fleets with non-diesel vehicles to reduce pollution, and would suggest that another function of the business assistance function discussed later would be to help promote use of this incentive.

Third, we are pleased to see the requirement that many activities that generate odors, dust, smoke, fumes, cinders, or refuse or other harmful particulate matter, be enclosed, especially to protect the health of passers-by and nearby workers and residents. Appropriate filtration systems can also protect the health of on-site workers. It is important to note that in many affected communities local workers are also local residents. In addition, we endorse the concept of elevating vents and air intakes to improve the likelihood that less polluted air is drawn in for ventilation purposes, and output is more effectively dispersed.

Fourth, many of the types of uses that affect the well-being of residents in these communities store materials outdoors. Reducing the potential of blowing dust and particulate matter by requiring

enclosure or at minimum covering such materials is important. Similarly, requirements should be established to reduce the likelihood of water based contaminants to flow offsite because of limited or non-existent storm water and drainage systems, allowing contaminants to leach onto nearby properties and public rights of way.

While somewhat outside the realm of zoning and land use changes, we do want to emphasize the importance of establishing the business assistance function (previously referred to as “Ombudsperson Office” function). This function plays a number of roles, including working with the many regulatory entities to coordinate and simplify the inspection and enforcement programs and to clarify rules, specifically to help eliminate duplication and conflict. However, the more important role for this function is to work especially with smaller and less sophisticated businesses in a number of ways: helping them understand the regulatory framework, helping them identify and apply for potential technical and financial assistance programs that can benefit them, and helping to improve the business climate in these communities through various economic development mechanisms including the recent availability of Cap and Trade funds designated for disadvantaged communities.

It is also important that there be clarity on the inspection and enforcement approach that would be taken with local businesses so that such inspections and enforcement provide clear direction, identify and correct for businesses that operate illegally or without proper permits and licenses, and assure a level playing field among like businesses. We would be happy to work with you on helping to flesh out additional suggestions to create, implement and fund such an approach.

Again, we thank you for your efforts to this point, and we look forward to the next workshop to learn more specifics about the policy, provide additional feedback to the City and participate in additional discussion as this process moves forward.

Thank you again for the Department’s thoughtful and inclusive efforts to engage residents, business owners, nonprofit groups and other stakeholders in the Clean Up Green Up policy development process.

Sincerely,

Elizabeth Blaney & Leonard Vilchis
Co-Directors, Union de Vecinos

Byron Gudiel
Executive Director, Communities for a Better Environment

Jesse N. Marquez
Executive Director, Coalition for a Safe Environment

Veronica Padilla
Executive Director, Pacoima Beautiful

Cc: Councilmember Martinez, CD 6
Councilmember Fuentes, CD 7
Councilmember Huizar, CD 14
Councilmember Buscaino, CD 15
Hagu Solomon-Cary, Planning Assistant, DCP