

April 10, 2013

Honorable Ed Reyes  
Chair, LA City Council Planning and Land Use Management Committee  
Los Angeles City Hall  
200 N. Spring Street  
Los Angeles CA 90012

**Re: Clean Up/Green Up Strategy – Boyle Heights, Pacoima, Wilmington**

Dear Councilman Reyes,

On behalf of the Los Angeles County Business Federation (BizFed), representing more than 100 business organizations with more than 250,000 businesses across our region, including more than 80,000 businesses in the City of Los Angeles, we are writing to reiterate our reservations about the proposed "Clean Up/Green Up" strategy, which we initially shared in our letter of May 15, 2012.

Our members and their many thousands of employees live and work throughout the region and desire clean and healthy neighborhoods. To that end, we can support new policies that identify gaps in existing regulatory, inspection, and enforcement programs that can lead to better and enhanced environmental compliance. We can also support educational and assistance programs that enhance compliance.

However, as proposed, the CUGU program has the real potential to harm existing businesses seeking to survive, expand, or locate in disadvantaged communities. While some of our concerns have been addressed, we cannot support programs that would impose new and/or duplicate rules, added regulatory burdens, and requirements and fees on businesses that are already struggling to continue to do business in Southern California.

Of particular concern are the proposed "mapping" criteria that could lead to the unintended consequence of "redlining" communities, or zones within communities, where new or special standards and enforcement would be implemented. We consider this to be an insufficient, piecemeal approach to environmental compliance that will push employers away from the very disadvantaged communities that need jobs the most. Rather than redlining neighborhoods, a better approach would be to streamline duplicative or contradictory regulations, in addition to identifying and closing regulatory gaps.

We also remain very concerned that the proposal contemplates a new local fee structure to fund the program. New fees on already struggling businesses must be a last resort and should be designed to

- Chambers of Commerce
- Agencia del Park-Owens Valley-Galifornia
- Alhambra
- Arcadia
- Armenian American
- Beverly Hills
- Burbank
- Century City
- Chinese Chamber LA
- Closterman
- Culver City
- El Monte
- Filipino American
- Glendale
- Greater Labowood
- Greater Los Angeles African American
- Harbor City / Harbor Gateway
- Hollywood
- Inverdale
- Korean American
- Los Angeles Area
- LAX Coastal Area
- La Canada Flintridge
- Long Beach Area
- Los Angeles Metropolitan Hispanic
- Malibu
- Manhattan Beach
- Monterey
- Pacific Palmdale
- Pasadena
- Pico
- Redondo Beach
- Regional Black
- Regional Hispanic
- Regional San Gabriel Valley
- Reseda
- San Pedro Peninsula
- Santa Clarita Valley
- Santa Monica
- South Bay Association
- Toluca Lake
- Torrance Area
- United-Thompson San Fernando Valley
- Universal City North Hollywood
- Vermont
- Vietnamese American
- West Hollywood
- West Los Angeles
- Westside Council
- Wilmington
- Woodland Hills-Tarzana
- Trade Associations and Minority Business Groups
- ATA Los Angeles
- American Beverage Association
- Antelope Valley Board of Trade
- Apartment Association, CA Southern Cities
- Apartment Association of Greater Los Angeles
- Asian American Business Women Association
- Asian Business Association
- Associated Builders and Contractors - LA/Ventura
- Beverly Hills / Greater LA Association of Realtors
- British American Business Council
- Building Industry Association, LA / Ventura
- Building Owners & Managers Association, LA
- California Apartment Association, LA
- California Contract Cities Association
- California Independent Bankers
- California Metals Coalition
- Carson Dominguez Employees Alliance
- Central City Association
- Chico Valley Association of Realtors
- Construction Industry Air Quality Coalition
- Construction Industry Coalition for Water Quality
- Employers Group
- Entrepreneurs Organization LA
- Fixing Angelenos' Struggle in Traffic (FAST)
- FuturePerra
- Gateway to LA
- Glendale Association of Realtors
- Greater Asian Business Federation
- Greater LA New Car Dealers Association
- Harbor Association of Industry & Commerce
- Harbor Trucking Association
- Hospital Association of Southern CA
- Hotel Association of Los Angeles
- Industry Manufacturers Council
- LA SHANES
- League of California Cities
- Los Angeles County Economic Development Corp.
- Los Angeles County Waste Management Association
- Nation Future Association of America
- NAMU Southern California
- National Association of Women Business Owners, LA
- National Latin Business Women Association
- New Majority Los Angeles
- Oceano Chinese Business Exchange
- Pasadena-Foothill Association of Realtors
- Recording Industry Association of America
- San Gabriel Valley Economic Partnership
- So Cal Minority Supplier Development Council
- South Asian Business Alliance Network
- South Bay Association of Realtors
- South East Suburbians Group
- Southland Regional Association of Realtors
- Tri-County Association of Realtors
- Valley Economic Alliance
- Valley Economic Development Center
- Valley Industry Association of Santa Clarita
- Valley Industry & Commerce Association
- Valley International Trade Association
- West San Gabriel Valley Association of Realtors
- Western Slope Petroleum Association

minimize unintended consequences to jobs and the economy in the communities CUGU intends to help. A better approach would be to focus on bringing illegal, unlicensed businesses into the sunshine. This would provide new revenue without creating new fees, and it would deliver more efficient gains in environmental compliance, as illegal, unlicensed businesses are the least likely to currently be in compliance.

Finally, we strongly suggest that the City develop appropriate analytical standards to apply to these proposed new regulations and then test the assumption that CUGU would actually work as planned. It seems uncertain that making permits harder to get will achieve real public health benefits (as claimed by CUGU) rather than just discouraging projects.

We appreciate your consideration of this important issue. All of our businesses stand ready to work with you on pragmatic steps that benefit both the environment and the economy through accountable, prudent, and economically sound practices and policies.

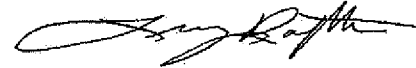
Sincerely,



LaDonna DiCamillo  
BizFed Chair  
Long Beach Area Chamber



David Fleming  
BizFed Founding Chair  
Latham & Watkins LLP



Tracy Rafter  
BizFed CEO  
IMPOWER, Inc.

Attached:  
BizFed Letter - Concerns about CUGU, May 15, 2012



Los Angeles  
County  
Business  
Federation

Strengthening the Voice of Business

Chambers of Commerce  
Agoura-Oak Park-Conejo Valley  
Alhambra  
Armenian American  
Beverly Hills  
Burbank  
Canoga Park/West Hills  
Century City  
Claremont  
Culver City  
El Monte  
Filipino American  
Glendale  
Greater Lakewood  
Greater Los Angeles African American  
Harbor City / Harbor Gateway  
Hollywood  
Korean American  
Los Angeles Area  
LAX Coastal Area  
La Cansda Flintridge  
Long Beach Area  
Los Angeles Metropolitan Hispanic  
Malibu  
Manhattan Beach  
Montebello  
Pacific Palisades  
Pasadena  
Pomona  
Redondo Beach  
Regional Black  
Regional Hispanic  
Regional San Gabriel Valley  
Rosemead  
San Pedro  
Santa Clarita Valley  
Santa Monica  
South Bay Association  
Temple City  
Toluca Lake  
Torrance Area  
United Chambers San Fernando Valley  
Universal City North Hollywood  
Van Nuys  
West Hollywood  
West Los Angeles  
Westside Council  
Wilmington  
Woodland Hills-Tarzana

Trade Associations and Minority Business Groups  
AIA Los Angeles  
Apartment Association, GA Southern Cities  
Apartment Association of Greater Los Angeles  
Asian American Business Women Association  
Asian Business Association  
Associated Builders and Contractors  
Beverly Hills / Greater LA Association of Realtors  
British American Business Council  
Building Industry Association, LA / Ventura  
Building Owners & Managers Association, LA  
California Apartment Association, LA  
California Independent Bankers  
California Restaurant Association, LA  
Central City Association  
Center for International Trade Development  
Citrus Valley Association of Realtors  
Employers Group  
Entrepreneurs' Organization LA  
Fixing Angelenos Stuck In Traffic (FAST)  
FuturePorts  
Gateway to LA  
Glendale Association of Realtors  
Greater Asian Business Federation  
Harbor Association of Industry & Commerce  
Hospital Association of Southern CA  
Hotel Association of Los Angeles  
Industry Manufacturers Council  
LA SHARES  
League of California Cities  
Los Angeles County Economic Development Corp.  
Motion Picture Association of America  
National Association of Realtors  
National Association of Women Business Owners, LA  
National Latina Business Women Association  
New Car Dealers Association, LA  
New Majority Los Angeles  
Pasadena-Foothills Association of Realtors  
Recording Industry Association of America  
San Gabriel Valley Economic Partnership  
So Cal Minority Business Development Council  
South Asian Business Alliance Network  
South Bay Association of Realtors  
South Park Stakeholders Group  
Southland Regional Association of Realtors  
Tri-Counties Association of Realtors  
Valley Economic Alliance  
Valley Economic Development Center  
Valley Industry Association of Santa Clarita  
Valley Industry & Commerce Association  
Western States Petroleum Association

May 15, 2012

Honorable Ed Reyes  
Chair, LA City Council Planning and Land Use Management Committee  
Los Angeles City Hall  
200 N. Spring Street  
Los Angeles CA 90012

**Re: Clean Up/Green Up Strategy – Boyle Heights, Pacoima, Wilmington**

Dear Councilman Reyes,

On behalf of BizFed, Los Angeles County Business Federation – representing 100 business organizations with nearly 200,000 businesses across our region – we are writing to express our deep reservations and concerns with the "Clean Up/Green Up" strategies this Committee is currently considering for implementation in Boyle Heights, Pacoima and Wilmington.

BizFed and its broad and vast cross-section of unified business members – including thousands in the three communities being considered for this "pilot" program – firmly support responsible and pragmatic steps to foster business growth and sound environmental stewardship. And we all know there is a need for municipal polices that have the potential to streamline development, attract business and revitalize the local economy while promoting green enterprise and assisting the industrial sector to mitigate environmental impacts and encourage sustainable operational activities. BizFed knows these are goals we all strive for in our tireless efforts to improve the quality of life in our region for all of our communities and residents.

***But after intensive review, BizFed must express strong concerns and significant questions about important aspects of the proposed "Clean Up/Green Up" strategies currently under consideration - and urge your Committee not to move forward before addressing and exhausting review of what we believe are critical areas as we understand are currently broadly outlined in this program.***

Specifically, BizFed requests PLUM review and address these critical areas before moving forward:

**1. Economic Impact.** Given both the significant economic challenges currently facing our region's economy and the fact that this program could have significant unforeseen negative consequences, we request an independent economic analysis is performed prior to moving forward in order to provide all stakeholders and the City with an understanding of the potential financial impacts. With the City's current fiscal challenges – and the challenges facing all of our City's job-creators in this economy - an analysis will provide the vitally needed data to objectively assess all of the factors that contribute to an economically sound incentive program for business. Significant questions arise, for example, over whether the economic boost eagerly perceived to be achieved through the incentives for business growth and expansion in proposed "Green Zones" would actually materialize. Concerns also arise over a potential outflow of existing businesses that may be affected by other aspects of the program that are not yet clearly and transparently delineated. Utilizing the City's Office of Economic Analysis to obtain qualified economic modeling projections to assess the true impact of this proposed program is prudent and required before moving forward with implementation.

**2. Ensuring Regulatory Streamlining.** With such a grim existing regulatory climate, BizFed has long been highly supportive of prudent streamlining efforts. BizFed members consistently rank complex, multilayered and bureaucratic regulatory processes as a top concern. It is with significant appreciation that

BizFed lauds this program's acknowledgement that economic growth will be propelled by streamlined permitting processes. But BizFed and its members have long been involved in efforts to streamline LA City's permitting processes - and are well aware of the challenges this entails. Current efforts have been under way for more than three years - with strong, yet incremental, results. It is for this reason that BizFed must express concerns and questions over the stated intention by proponents of this program that it will provide a "streamlined permit process that cuts red tape."

Because of BizFed members' direct - and ongoing - work to streamline city development processes, we question the details and specifics of the mechanisms that would allow "Green Zones" to truly provide "streamlined" processes for business. BizFed is apprised that the City's Planning, Zoning and Building and Safety departments no longer accelerate green projects "to the front of the line" treatment - we question why this program would be different. We strongly urge PLUM to develop specific, detailed processes that go beyond just a "catch phrase" to assuage business - and instead actually ensure real, tangible streamlining of processes for business.

**3. Source of Funding.** With the City's current fiscal crisis, it is unclear to BizFed where funding for implementation of this program will come from. As we all are aware, the City faces a budget shortfall of nearly \$240 million; more than 500 city jobs are on the chopping block; City services to all of our residents are continuing to be reduced; and fees across a variety of sectors - from parking fines to document transfer taxes - are rising. A quality business-incentive zone requires a strong funding and staffing source - one that cannot be primarily dependent on any new fees, fines or penalties collected from businesses (both existing or new) for compliance standards in the newly established zone. While we understand there is discussion about development of a dedicated "trust fund" for this program, we again question the source of funding and oversight practices that will be developed. The current proposal by Mayor Antonio Villaraigosa to allocate \$2.5 million for a City economic development nonprofit to facilitate programs boost business and development in the City also raises questions about the need for this particular program at this time. We are certain that PLUM will ensure that all funding issues are detailed thoroughly, transparently and accountably in this process.

**4. Regulatory Authority/Expertise.** California's environmental quality - including in all communities across the City of Los Angeles - already is one of the most highly regulated in this country. With the myriad government agencies that already have jurisdiction for environmental laws and compliance, BizFed is unclear on the need for yet another "regulatory" body. The US Environmental Protection Agency regulates air quality standards. South Coast Air Quality Management District has jurisdiction over stationary sources and is currently working on a template for Clean Communities Plan with Boyle Heights as pilot. California Air Resources Board (CARB) has jurisdiction over mobile sources. The Ports of Los Angeles and Long Beach have developed standards for their ongoing Clean Air Action Plan. The California Environmental Quality Act covers most environmental-quality standards elements. And there also are other agencies that regulate business standards on everything from wastewater runoff to land use.

This program notes the need for "more effective enforcement of current regulations," but aside from the veracity of that statement, BizFed also is unclear whether that is a role the City has the expertise and financial support to currently handle. As you know, the regulatory burden in California - as well as the City of Los Angeles - has been proven in survey after survey to be a critical concern for businesses - many of which have relocated to other regions because of it. BizFed urges PLUM to assess all of these issues in determining whether to move forward with this program.

**5. Impact on Existing Businesses.** While we understand the City is continue to explore development of details of this program, we have received conflicting and disturbing information on whether particular new standards and inspections of these "Green Zones" will retroactively apply to existing businesses in these areas. While we find the goals of this program admirable, we are

concerned that retroactive application of any new "green" standards and policies – and any accompanying potential fines, fees or additional administrative or regulatory burdens – would have significant and egregiously negative impacts on established businesses that are not in compliance with any newly imposed standards. Any retroactive application of new "Green Zone" standards on existing business could, in fact, counteract any business inflow into these zones, emerge as a disincentive for manufacturing to stay in these areas, and send a distinctly negative message to businesses across the entire City.

**6. Improving Environmental Quality.** We all know the high value of ensuring all of our communities have access to clean air and water. California has led the nation in its efforts – and significant improvements have been achieved in communities across our region, including in communities currently targeted by this program. In Wilmington, for example, air studies by both Port of Los Angeles and Port of Long Beach show significant improvement in air quality. Meanwhile, Southern California Association of Governments also has just approved our region's first-ever Sustainable Communities Strategy as part of its Regional Transportation Plan as legislated under the landmark Senate Bill 375 to reduce greenhouse gas emissions. And South Coast Air Quality Management District is currently developing its 2012 Air Quality Management Plan for our region. Both of these massive, region-wide plans have shown decades of success in improving our region's air quality. BizFed urges PLUM thoroughly assess air and water quality data for our region to accurately assess community need before moving this plan forward.

While BizFed finds this program's principles of both boosting business and environmental quality laudable – and our list of concerns above is not meant to be exhaustive – we believe these significant issues need to be thoroughly and transparently addressed by PLUM before advancing this plan.

We thank you for your consideration of this important issue. All of our businesses stand ready to work with you on pragmatic steps that benefit both the environment and the economy through accountable, prudent and economically sound practices and policies.

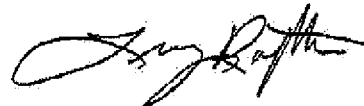
Sincerely,



John Kelsall  
BizFed Chair  
Greater Lakewood Chamber



David Fleming  
BizFed Founding Chair  
Latham & Watkins LLP



Tracy Rafter  
BizFed CEO  
IMPOWER, Inc.

Cc: PLUM Committee members Councilman Jose Huizar, Councilman Mitchell Englander

CALIFORNIA  
Small  
Business Alliance

Dedicated to Environmental Progress and Economic Growth

April 10, 2013

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

Mr. Alan Bell  
Deputy Director of Planning, Department of City Planning  
200 North Spring Street, Room 525  
Los Angeles, CA 90012

**RE: Comments on Report on Clean Up Green Up Policy  
Council File 11-0112, 11-0112-SI (Huizar, Alarcon)**

Honorable Members of the PLUM Committee and Deputy Director Bell:

The California Small Business Alliance is a coalition of trade associations committed to protecting small business interests. To meet the challenges facing small businesses, Alliance members: 1) play an active part in key committees, task forces, policy forums, and working groups, 2) advise government agencies in identifying the most cost-effective and least economically debilitating measures to regulate small businesses; 3) produce position papers and technical reports to enable regulators, public officials, economists, environmental groups, and business organizations to help them to better understand the processes, costs, and compliance challenges that small businesses face.

We appreciate and understand the goal of the *Clean Up Green Up* program which is to prevent further environmental degradation, reduce current pollutant levels, and revitalize the physical environment. On balance, we also believe the program - while well intentioned - is seriously flawed and potentially detrimental to legitimate and vital business interests in the community. Moreover, we believe the program is quite likely to impede economic growth and exacerbate the double digit rate of unemployment which currently afflicts the City of Los Angeles.

While we are supportive of programs that help to improve environmental conditions in all communities - especially those with the most need - we cannot support

273 North Spruce Drive • Anaheim, CA 92805-3447

Telephone: (714) 778-0763 • Fax: (714) 778-0763

Website: <http://www.calsmallbusinessalliance.org>

California Autobody  
Association

California Cleaners  
Association

California Film Extruders  
& Converters Association

California Furniture  
Manufacturers Association

California Independent  
Petroleum Association

Construction Industry  
Air Quality Coalition

Korean Drycleaners-Laundry  
Association of Southern California

Metal Finishing Association  
of Southern California

Printing Industries  
of California

Screenprinting & Graphic Imaging  
Association International

Southern California  
Rock Products Association

burdens on small businesses that provide thousands of good paying jobs for the residents of Boyle Heights while they struggle to survive against a backdrop of over-regulation and high taxes.

It was most disturbing to read that the proponents of the CUGU program propose that the PLUM Committee recommend, and the City Council approve, the creation of yet another layer of government (a "lead agency") under the direction of an Ombudsman. A further reading of the proposed program, and the Planning Department's report, revealed that for two years, at least, this new agency would spend its time and whatever funding might be authorized to "*research to further understand and delineate the roles and responsibilities of the various regional, state, and federal organizations ..... that regulate industrial uses, identify existing regulations, inspection efforts and penalties, that govern the establishment and on-going operations of industrial uses and their associated hazards.....*" Of equal concern the Planning Department's report recommends that some amount of time and funding be spent on identifying the limitations within city government that might negatively impact their ability to implement the multitude of elements associated with the CUGU program.

As stated earlier in this letter, we take exception with both the CUGU current concept, and the report by the Department of City Planning, when they infer that the community of Boyle Heights is most impacted by an *over-concentration of industrial pollution sources*. On the contrary, **two recent scientific studies prove unambiguously that it is the emissions from mobile sources - not stationary sources - which are the primary sources of pollution in Boyle Heights.**

**Air Monitoring in the Boyle Heights Area:**

This study, which was conducted by the South Coast Air Quality Management District (AQMD during the period between April 2009 and May 2010, monitored air toxic emissions at Resurrection Catholic School. Throughout the study, the investigators measured emissions from particulate matter (PM<sub>10</sub> and 2.5), hexavalent chromium, lead and other trace metals, air toxic gases (VOC and carbonyls), and continuous black carbon. Indications from each pollutant revealed that mobile sources were clearly the predominant factor contributing to pollution in Boyle Heights. In the end, the investigators reached the following conclusions:

- The Resurrection School site experiences air pollutant concentrations that are typical of other urban areas of Los Angeles dominated by mobile source emissions.
- Atmospheric concentrations of mobile source pollutants are slightly higher due to very close proximity of roadways (i.e. diesel slightly higher due to very close proximity of roadways (i.e. diesel trucks, gasoline vehicles).
- Lead concentrations were higher at Resurrection than in Central Los Angeles and Rubidoux, but well below the Federal standard). Cannot rule out an influence from Exide Technologies, but other historical sources are more likely.

**Air Pollution and Your Health: The Latest Research:** Authors: Shishan Hu, Suzanne E. Paulson and Arthur M. Winer (UCLA); Scott Fruin (USC); Kathleen Kozawa and Steve Mara (California Air Resources Board)

In this study, the investigators drove an electric car outfitted with special monitoring equipment on a route around and through Boyle Heights. They measured air pollutants on the roads they were driving, near freeways, and on residential streets.

The investigators noted that Boyle Heights is surrounded by five (5) freeways, six (6) major surface streets and many minor surface streets. They also noted that other studies have shown high levels of pollutants in close proximity to freeway and major roads, but no one had previously conducted a thorough study of pollutants near busy roads or freeways in Boyle Heights. Moreover, they noted that studies show that the volumes of traffic per land area ("traffic density") is twice as high in Boyle Heights as in most of Southern California.

These scientists measured nitrogen oxide, black carbon, ultrafine particles, and PM<sub>2.5</sub>.

The investigators concluded that the pollutant levels are high in Boyle Heights because there is a high volume of traffic on surrounding freeways and that there are many high-emitting vehicles. They noted high "traffic density" in the community (i.e., lots of traffic for the amount of streets and land). They also thought one factor was the many short blocks and frequent stop signs and traffic lights in Boyle Heights, which force drivers to stop and accelerate so often.

Neither of these scientific studies were able to correlate the air pollution problems, which are called out in the CUGU program, and the report by the Department of City Planning, as being a significant contributor to the air pollution in Boyle Heights.

We believe it is essential for the PLUM Committee, and the City Council, to recognize and accept the fact that the AQMD is an agency that was created by the state legislature to facilitate compliance with the federal Clean Air Act and to implement the state air quality program. In fact, under both federal and state law, the AQMD is under a legal obligation to make and enforce air pollution regulations. These regulations are meant to ensure that the surrounding (or ambient) air will meet federal and state air quality standards. AQMD also has broad authority to regulate toxic and hazardous air emissions, and these regulations are enforced in the same manner as those which pertain to the ambient air quality standards. We believe it equally important that the PLUM Committee and the City Council realize that much of the work that is called for in the CUGU plan and related report has been or is being accomplished by the AQMD and other regulatory agencies that have the statutory authority, scientific resources, and funding to do it.

Our comment letter would not be complete if we neglected to mention that our interest in the *Clean Up Green Up* (CUGU) program originated from our involvement in the AQMD's "*Clean Communities Plan*." The Alliance has been a member of the working group that was formed several years ago by the AQMD to study and ultimately reduce the exposure to air toxics and air-related nuisances in Boyle Heights, and throughout all of their jurisdiction, with emphasis on cumulative impacts. Appropriately enough, some of the proponents of the CUGU program are also members of the "*Clean Communities*" working group.



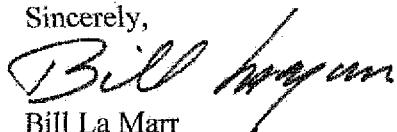
April 10, 2013

By way of information, and to reinforce our earlier point that many of the issues that have been put forth by the proponents of the CUGU plan are being or have been addressed, the following measures are integral components in the AQMD's *Clean Communities Plan*:

- Community exposure reduction plan
- Community guidance for reducing air toxic exposure
- Increased community outreach and communications
- Multi-agency coordination and response to complaints
- Enhanced monitoring and compliance
- Promoting better land use decisions
- A program to better inform and educate businesses on matters involving cleaner, more efficient technologies.

While we appreciate the opportunity express our concerns about the CUGU program, as currently envisioned by the proponents, we nevertheless recognize that the residents of Boyle Heights are confronted with a number of challenges that may be detrimental to their health and quality of life. For these reasons, we want to be clear that the members of the Alliance stand ready to actively participate in any future stakeholder discussions about how these challenges may be overcome without unnecessarily burdening existing small businesses or deterring other suitable businesses from citing in the community.

Sincerely,



Bill La Marr  
Executive Director

cc: Martin Schlageter, Office of Councilmember Jose Huizar

CALIFORNIA  
Small  
Business

# Alliance

Dedicated to Environmental Progress and Economic Growth

April 10, 2013

California Autobody  
Association

California Cleaners  
Association

California Film Extruders  
& Converters Association

California Furniture  
Manufacturers Association

California Independent  
Petroleum Association

Construction Industry  
Air Quality Coalition

Korean Drycleaners-Laundry  
Association of Southern California

Metal Finishing Association  
of Southern California

Printing Industries  
of California

Screenprinting & Graphic Imaging  
Association International

Southern California  
Rock Products Association

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

Mr. Alan Bell

Deputy Director of Planning, Department of City Planning  
200 North Spring Street, Room 525  
Los Angeles, CA 90012

**RE: Comments on Report on Clean Up Green Up Policy  
Council File 11-0112, 11-0112-SI (Huizar, Alarcon)**

Honorable Members of the PLUM Committee and Deputy Director Bell:

The California Small Business Alliance is a coalition of trade associations committed to protecting small business interests. To meet the challenges facing small businesses, Alliance members: 1) play an active part in key committees, task forces, policy forums, and working groups, 2) advise government agencies in identifying the most cost-effective and least economically debilitating measures to regulate small businesses; 3) produce position papers and technical reports to enable regulators, public officials, economists, environmental groups, and business organizations to help them to better understand the processes, costs, and compliance challenges that small businesses face.

We appreciate and understand the goal of the *Clean Up Green Up* program which is to prevent further environmental degradation, reduce current pollutant levels, and revitalize the physical environment. On balance, we also believe the program - while well intentioned - is seriously flawed and potentially detrimental to legitimate and vital business interests in the community. Moreover, we believe the program is quite likely to impede economic growth and exacerbate the double digit rate of unemployment which currently afflicts the City of Los Angeles.

While we are supportive of programs that help to improve environmental conditions in all communities - especially those with the most need - we cannot support

273 North Spruce Drive • Anaheim, CA 92805-3447

Telephone: (714) 778-0763 • Fax: (714) 778-0763

Website: <http://www.calsmallbusinessalliance.org>

burdens on small businesses that provide thousands of good paying jobs for the residents of Boyle Heights while they struggle to survive against a backdrop of over-regulation and high taxes.

It was most disturbing to read that the proponents of the CUGU program propose that the PLUM Committee recommend, and the City Council approve, the creation of yet another layer of government (a "lead agency") under the direction of an Ombudsman. A further reading of the proposed program, and the Planning Department's report, revealed that for two years, at least, this new agency would spend its time and whatever funding might be authorized to "*research to further understand and delineate the roles and responsibilities of the various regional, state, and federal organizations ..... that regulate industrial uses, identify existing regulations, inspection efforts and penalties, that govern the establishment and on-going operations of industrial uses and their associated hazards.....*" Of equal concern the Planning Department's report recommends that some amount of time and funding be spent on identifying the limitations within city government that might negatively impact their ability to implement the multitude of elements associated with the CUGU program.

As stated earlier in this letter, we take exception with both the CUGU current concept, and the report by the Department of City Planning, when they infer that the community of Boyle Heights is most impacted by an *over-concentration of industrial pollution sources*. On the contrary, **two recent scientific studies prove unambiguously that it is the emissions from mobile sources - not stationary sources - which are the primary sources of pollution in Boyle Heights.**

**Air Monitoring in the Boyle Heights Area:**

This study, which was conducted by the South Coast Air Quality Management District (AQMD during the period between April 2009 and May 2010, monitored air toxic emissions at Resurrection Catholic School. Throughout the study, the investigators measured emissions from particulate matter (PM<sub>10</sub> and 2.5), hexavalent chromium, lead and other trace metals, air toxic gases (VOC and carbonyls), and continuous black carbon. Indications from each pollutant revealed that mobile sources were clearly the predominant factor contributing to pollution in Boyle Heights. In the end, the investigators reached the following conclusions:

- The Resurrection School site experiences air pollutant concentrations that are typical of other urban areas of Los Angeles dominated by mobile source emissions.
- Atmospheric concentrations of mobile source pollutants are slightly higher due to very close proximity of roadways (i.e. diesel slightly higher due to very close proximity of roadways (i.e. diesel trucks, gasoline vehicles).
- Lead concentrations were higher at Resurrection than in Central Los Angeles and Rubidoux, but well below the Federal standard). Cannot rule out an influence from Exide Technologies, but other historical sources are more likely.

**Air Pollution and Your Health: The Latest Research:** Authors: Shishan Hu, Suzanne E. Paulson and Arthur M. Winer (UCLA); Scott Fruin (USC); Kathleen Kozawa and Steve Mara (California Air Resources Board)

In this study, the investigators drove an electric car outfitted with special monitoring equipment on a route around and through Boyle Heights. They measured air pollutants on the roads they were driving, near freeways, and on residential streets.

The investigators noted that Boyle Heights is surrounded by five (5) freeways, six (6) major surface streets and many minor surface streets. They also noted that other studies have shown high levels of pollutants in close proximity to freeway and major roads, but no one had previously conducted a thorough study of pollutants near busy roads or freeways in Boyle Heights. Moreover, they noted that studies show that the volumes of traffic per land area ("traffic density") is twice as high in Boyle Heights as in most of Southern California.

These scientists measured nitrogen oxide, black carbon, ultrafine particles, and PM<sub>2.5</sub>.

The investigators concluded that the pollutant levels are high in Boyle Heights because there is a high volume of traffic on surrounding freeways and that there are many high-emitting vehicles. They noted high "traffic density" in the community (i.e., lots of traffic for the amount of streets and land). They also thought one factor was the many short blocks and frequent stop signs and traffic lights in Boyle Heights, which force drivers to stop and accelerate so often.

Neither of these scientific studies were able to correlate the air pollution problems, which are called out in the CUGU program, and the report by the Department of City Planning, as being a significant contributor to the air pollution in Boyle Heights.

We believe it is essential for the PLUM Committee, and the City Council, to recognize and accept the fact that the AQMD is an agency that was created by the state legislature to facilitate compliance with the federal Clean Air Act and to implement the state air quality program. In fact, under both federal and state law, the AQMD is under a legal obligation to make and enforce air pollution regulations. These regulations are meant to ensure that the surrounding (or ambient) air will meet federal and state air quality standards. AQMD also has broad authority to regulate toxic and hazardous air emissions, and these regulations are enforced in the same manner as those which pertain to the ambient air quality standards. We believe it equally important that the PLUM Committee and the City Council realize that much of the work that is called for in the CUGU plan and related report has been or is being accomplished by the AQMD and other regulatory agencies that have the statutory authority, scientific resources, and funding to do it.

Our comment letter would not be complete if we neglected to mention that our interest in the *Clean Up Green Up* (CUGU) program originated from our involvement in the AQMD's "*Clean Communities Plan*." The Alliance has been a member of the working group that was formed several years ago by the AQMD to study and ultimately reduce the exposure to air toxics and air-related nuisances in Boyle Heights, and throughout all of their jurisdiction, with emphasis on cumulative impacts. Appropriately enough, some of the proponents of the CUGU program are also members of the "*Clean Communities*" working group.

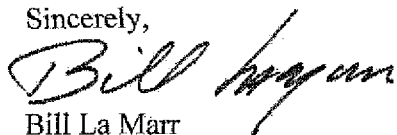
April 10, 2013

By way of information, and to reinforce our earlier point that many of the issues that have been put forth by the proponents of the CUGU plan are being or have been addressed, the following measures are integral components in the AQMD's *Clean Communities Plan*:

- Community exposure reduction plan
- Community guidance for reducing air toxic exposure
- Increased community outreach and communications
- Multi-agency coordination and response to complaints
- Enhanced monitoring and compliance
- Promoting better land use decisions
- A program to better inform and educate businesses on matters involving cleaner, more efficient technologies.

While we appreciate the opportunity express our concerns about the CUGU program, as currently envisioned by the proponents, we nevertheless recognize that the residents of Boyle Heights are confronted with a number of challenges that may be detrimental to their health and quality of life. For these reasons, we want to be clear that the members of the Alliance stand ready to actively participate in any future stakeholder discussions about how these challenges may be overcome without unnecessarily burdening existing small businesses or deterring other suitable businesses from citing in the community.

Sincerely,



Bill La Marr  
Executive Director

cc: Martin Schlageter, Office of Councilmember Jose Huizar

**Sharon Gin** <sharon.gin@lacity.org>  
To: Etta Armstrong <etta.armstrong@lacity.org>

Thu, Apr 11, 2013 at 7:18 AM

----- Forwarded message -----

From: **Jacqueline Hernandez** <jacqueline.hernandez@heart.org>  
Date: Wed, Apr 10, 2013 at 5:22 PM  
Subject: FW: Mobilize for Hearing on Clean Up Green Up - Tuesday, April 9th!  
To: "cleanupgreenupcampaign@gmail.com" <cleanupgreenupcampaign@gmail.com>  
Cc: "Sharon.Gin@lacity.org" <Sharon.Gin@lacity.org>

Hi Cassie,

Here is the letter of support that you requested. I will also send to the PLUM Committee.

Thanks,

Jackie

---

**Jacqueline Yvette Hernandez**

*Government Relations Director*

*Greater Los Angeles Area*

**American Heart Association**

816 S. Figueroa Street

Los Angeles, CA 90017-2400

Ph. (213) 291-7016

Fax. (213) 291-7003

jacqueline.hernandez@heart.org

**From:** CleanUp GreenUp [<mailto:cleanupgreenupcampaign@gmail.com>]  
**Sent:** Friday, March 29, 2013 3:10 PM  
**To:** Eric Batch  
**Subject:** Mobilize for Hearing on Clean Up Green Up - Tuesday, April 9th!

Hello Eric,

I just called and left a message, but wanted to send a follow-up email. We greatly appreciate the American Heart Association's endorsement of the Clean Up Green Up Campaign, and the support you've provided to us in the past. We are at a critical point in our campaign with the policy going before the Planning and Land Use Management (PLUM) Committee on Tuesday April 9th at 2:30pm, and at this point are asking our endorsers the following:

1. If possible, please submit your letter of support to the PLUM Committee (especially [Sharon.Gin@lacity.org](mailto:Sharon.Gin@lacity.org)) by next Tuesday April 2nd. There's a sample letter here, and attached, to make it easy for you to insert your logo and signature!
2. We hope you, your fellow staff and/or your constituents will be able to attend on Tuesday April 9th at 2:30pm. Please let us know if you're planning on attending!

Many thanks!

-Cassie Gardener

Office: (323) 556-7211

Cell: (714) 280-2041