



April 24, 2015

Mr. Michael LoGrande
Director, Department of City Planning
City of Los Angeles
200 North Spring Street, 5th Floor
Los Angeles, CA 90012

RE: Clean Up Green Up (CF 11-0112)

Dear Mr. LoGrande:

This letter is a follow up to the last business workshop on the Draft Clean Up Green Up Development Standards, which were presented on March 31, 2015. Participants were asked to submit comments on the Draft by April 27, 2015. At the outset, let us thank your staff, especially Hagu Solomon-Cary, Deborah Kahen and Tom Rothmann, among others, for their intensive efforts to move this important program forward. We have long supported the preparation and adoption of the Clean Up Green Up Program and look forward to the publication, distribution and ultimate approval of an implementing ordinance to put in place this pilot program to address cumulative adverse impacts resulting from the presence of numerous industrial sources in close proximity to homes, schools, parks and other places of assembly in Pacoima, Boyle Heights and Wilmington, and ultimately in other needy communities throughout Los Angeles.

With regard to the specific elements of the Draft Development Standards, we believe that all of the recommended standards are reasonable and relatively simple to implement, and applaud their inclusion. We are particularly in support of the recommendations to, on a City-wide basis, require a high level of filtration systems in structures being built within 1,000 feet of freeways. This builds on the Department's determination several years ago to recognize health impacts of long term exposure to air pollution—especially particulate matter—from vehicles on residents living close to freeways and freight transportation corridors, as documented by academic and medical research over many years.

We concur in the value added of site planning requirements that open space in projects not be exposed to freeways and that landscaping—especially flora that have the ability to absorb some serious pollutants—be used to separate sensitive receptors from both freeways and industrial uses that generate air pollution. This is an inexpensive way of addressing some of the more potent air pollution issues while simultaneously reducing sound intrusion, providing means of increasing storm water absorption and reducing runoff, and beautifying neighborhoods. Additional landscape standards for parking areas will also contribute to reducing heat island effects. All of these are important to improving the quality of life in what are predominantly lower income communities of color, which for a variety of historic reasons tend to be most heavily burdened by both freeways and dense industrial concentrations.

Putting limitations on noise, vibration, fugitive light, off-site parking and excessive driveways that create hazards for pedestrians also can better these communities.

Similarly a proposed requirement to contain storage of materials in enclosures helps in a number of ways. It reduces potential pilfering, especially of recyclables, parts of which are often discarded into streets and yards; it reduces blowing paper, dust and other small particulates, and it can reduce leaching of toxics into streets, gutters, yards and drains when such materials become wet.

A specific recommendation we are pleased to see included in the Draft Development Standards calls for a geographic separation between certain automotive business uses and both residences and other similar uses. The Clean Up Green Up pilot neighborhoods contain a large number of such businesses, and their operation on small sites, often immediately adjacent to homes and apartments, creates burdens of noise, dust, fumes and runoff that adversely affect health. Limiting the expansion and proximity of such uses will contribute to reducing the adverse health burdens in these communities.

A second specific recommendation that we strongly endorse is adding a requirement that asphalt manufacturing, and petroleum product refining under specific circumstances obtain a conditional use permit—to which we would add sulfur recovery and storage. A conditional use permit is a mechanism to address site- and community- specific land use issues that are exacerbated by scale, methods of operations and proximity. While we note that most aspects of the operations of such facilities are regulated by federal, state and regional entities, those entities are among the first to acknowledge that local land use incompatibilities and the impacts of concentrations of uses in small areas are best addressed through local land use regulation. Land use, zoning and conditional use permits are traditionally used and accepted means of governing such local impacts. The additional requirements under a conditional use permit set forth in the Draft—a safety operating plan, a health impact assessment and a truck access and routing plan—provide a much needed additional layer of protection and transparency for the residents and the workers.

Also, we previously recommended expanding the geography in which nearby property owners and occupants be notified of refinery expansions to a radius of 1,500 feet. This additional notification will provide important information to owners, residents and business operators of changes in refinery operations, allowing both a fuller understanding of potential impacts and of protective measures that would be put in place.

One shortcoming that we noted in the presentation was the absence of a requirement that new or expanded facilities that meet the definition of the “activities of concern” install best-available pollution control equipment. While some facilities are of a certain size and produce emissions above a certain threshold such that the SCAQMD will require them to do this, there are many that fall below the threshold. When emissions from these below-the-threshold industries are viewed alongside other emission sources in the immediate area, the communities experience cumulative health impacts in what are already overburdened areas. Thus, we think it is reasonable to require new and expanded businesses to install state-of-the-art pollution control equipment.

An important parallel action, while beyond the scope of the Draft Development Standards and which we expect to see recognized in the ultimate staff report that forwards the draft ordinance, is a recommendation to create an “ombuds-person” function. This function would serve numerous purposes, including better coordinating and streamlining the permitting and inspection processes, identifying and consolidating financial and technical assistance available to local businesses to upgrade

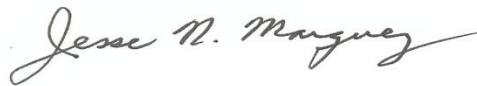
their business practices in ways that reduce water and energy consumption and output of pollutants, and outreaching to businesses that are least likely on their own to have the knowledge and capacity to solicit such assistance. This ombuds-person function is embraced in the Mayor's Sustainability Plan, and we support its inclusion there as well. Related to this, we have strongly recommended, as a means of reducing pollution, an expanded inspection and enforcement program. A model already in place that perhaps could be adapted to further this goal is the City's fee-based Annual Inspection and Monitoring (AIM) program. Several of the business types identified as "industries of concern" are already in the AIM program; expanding it to capture the additional businesses, and providing a means for it to identify businesses that are so far not covered because they have not sought permits (AIM focuses on registered businesses) would greatly facilitate both linking businesses to assistance through the ombuds-person and level the playing field between businesses that seek to comply and those that do not.

Thank you for the opportunity to comment on this important initiative.

Very truly yours,



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