



Western States Petroleum Association

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[Sue Gornick](#)

Senior Coordinator, Southern California Region

VIA ELECTRONIC MAIL

July 3, 2015

Hagu Solomon-Cary
Planning Assistant, Policy Planning
200 N Spring Street, Room 667
Los Angeles, CA 90012

SUBJECT: WSPA Comments on Proposed Clean Up Green Up Development Standards

Dear Ms. Solomon-Cary:

Western States Petroleum Association (WSPA) is a non-profit trade association representing twenty-five companies that explore for, produce, refine, transport and market petroleum, petroleum products, natural gas and other energy supplies in California, Arizona, Nevada, Oregon, and Washington. WSPA member companies operate petroleum refineries and other facilities in the South Coast Air Basin and have significant interest in the implementation of the Clean Up Green Up (CUGU) Development Standards. WSPA provides the following comments.

In our April 27, 2015 comment letter, we asserted that the Planning Department failed to provide input to the City on the development of the CUGU program elements as directed by the City Council in 2013. Among other points, WSPA would like to reiterate the continued importance of identifying strategies to reduce or clarify duplicative or contradictory regulations, which may make environmental compliance easier and/or less costly.

Conditional Use Permit Should Be Deleted

While WSPA appreciates the modifications to the applicability paragraph regarding the Conditional Use Permit (CUP), we continue to request that this section be entirely removed for asphalt manufacturing and refinery facilities because this requirement is completely duplicative of a CEQA review process that is conducted by other agencies, the foremost of which is the South Coast Air Quality Management District (SCAQMD). As you are aware, for projects requiring CEQA review, environmental and land use impacts are evaluated in the CEQA document. Although the SCAQMD acts as the lead agency on these projects, the City is also identified as a responsible agency requiring approvals and is sent the CEQA documents for review and comment. Therefore, providing additional documents (if a CUP is triggered) is

duplicative of the public and agency review process already in place. Additionally, the Planning Department acknowledges that it has neither the resources to handle, nor the authority over air quality issues. These issues are managed by SCAQMD.

As stated in our April letter, City Council directed Planning Staff to identify existing regulatory programs and identify gaps in those programs that could be addressed in new CUGU standards. Requiring a new CUP process with similar or identical conditions that are prescribed by other agencies simply makes no sense and is an undue cost and burden to businesses and tax payers.

Modifications to Applicability and Definitions

- 1) The definition of Major Improvement states that an improvement that is more than 50% of the building or structure's replacement cost will be subject to the CUGU standard requirements. However, the term "improvement" is defined in the first part of paragraph E1(b) as including an improvement to an existing building, structure, or "facility". WSPA recommends that the term "facility" also be included in the determination of the replacement cost. This modification will clarify intent and the references in the definition will be consistent. Since projects can consist entirely of "pipeline" or "process equipment", which would clearly not be defined as either a building or a structure, the inclusion of the term "facility" in the definition for replacement cost is important.
- 2) Modification to the definitions of Adjacent Property and Abutting Property may expand the applicability of the CUGU standard inadvertently to additional businesses that WSPA believes was not the intent of the changes and therefore requests that the previous language be reinstated.

Comments on Requirements Applicable to New, Additions, Major Improvement, Change of Use adjacent to a Publicly Habitable Space (PHS)

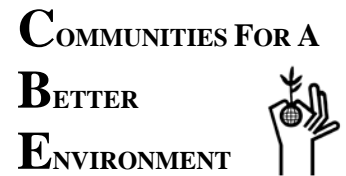
- 1) Chain link fences are prohibited at the perimeter of the property. As stated in our previous letter, little thought has been given to the needs of large properties where it is unsafe for the public. WSPA requests that this provision not apply to existing perimeter fencing that is not being modified as a part of a triggering addition, major improvement, change of use, etc.
- 2) WSPA requests that the Planning Department remove the specific fencing construction requirements (i.e. for a six-foot high solid concrete or masonry wall for the entire length of a property line) for commercial zones because fencing requirements should be specified on a case-by-case basis.
- 3) Requirements for material storage need to be amended to reflect applicable local, state and federal existing regulatory requirements based on the type of material stored or be removed entirely as they are duplicative of existing regulations.
- 4) WSPA proposes the following additions/deletions for Enclosure:

Uses that generate dust, smoke, gas, fumes, cinder, or refuse matter shall be completely enclosed with mechanical ventilation for the improved portions of their project to prevent fugitive emissions unless **regulated by** another regulatory agency ~~requires natural ventilation~~. Stacks, vents, **tanks** and flares are exempt from enclosure requirements.

Thank you for the opportunity to provide comments on this significant new development standard. WSPA reserves the right to make additional comments as may be required and we look forward to working with you to develop a successful program that meets the intent of the original goals as directed by the LA City Council in 2013 and the needs of the business community.

Sincerely,

Suzanne E. Lornick



July 12, 2015

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

RE: Clean Up Green Up (CPC-2015-1462-CA) –Proposed Zoning Changes
(CF# 11-0112)

Dear Mr. LoGrande:

On behalf of Communities for a Better Environment (CBE) and thousands of our members and supporters in Los Angeles, and on behalf of concerned residents in Wilmington and throughout the City of Los Angeles, we respectfully submit this letter in strong support of the proposed Clean Up Green Up Initiative and Zoning Code Amendment dated May 14, 2015.

The mission of CBE is to build people's power in California's communities of color and low income communities to achieve environmental health and justice by preventing and reducing pollution and building green, healthy and sustainable communities and environments.

First, we would like to thank the city planning staff for their unprecedented efforts to address the cumulative polluting sources that afflict our most overburdened communities.

We strongly support the proposed new development standards for the three pilot Green Zones of Boyle Heights, Pacoima/Sun Valley, and Wilmington. The new standards provide much needed regulatory tools to address the adverse effects that result from concentrations of industrial uses close to homes, schools, parks, and other places where vulnerable populations live. Furthermore, the creation of the ombudsperson position (as envisioned in the broader policy and acknowledged in the draft ordinance) will ensure that the implementation of this policy and the economic/environmental revitalization of these communities are prioritized going forward.

We are also writing to you today to express our strong support for the proposed Conditional Use Permit (CUP) requirement and its continued inclusion in the ordinance. The residents of Wilmington deserve to live in a healthy community, and our public institutions—especially City Planning—have the unique power to not only address these complex issues but also to increasingly integrate health and equity into policy decisions. The Clean Up Green Up ordinance, and more specifically the inclusion of the CUP, does just this—aims to mitigate public health impacts through strategic and reasonable land use policy.

The health risks of living near oil refineries are widely known and well documented. The City of Los Angeles, by amending the development of oil and asphalt refineries from being allowed by right in favor of a CUP, is merely catching up to the standards of many other municipalities in the state. Now is the time to demonstrate a citywide commitment to public health and community input for these kinds of uses. **Furthermore, the City of LA currently requires that many other**

kinds of uses including liquor stores and fast food chains obtain conditional use permits before they can operate. Imposing the same requirement, allowing for tailored conditions to address adverse impacts of operation, on oil and asphalt refineries, given the associated air quality concerns and wide-range of public health impacts, is only reasonable. We applaud the city for closing this gap in its land use approval process.

Lastly, we applaud the City's inclusion of a Health Impact Assessment (HIA) requirement. The HIA is crucial to the public process because it connects health impact concerns to the communities that will be afflicted. Residents will now have access to the public health data and a stronger voice in the process. The City should require HIA for any expansion that may potentially have significant impacts. The public health implications on surrounding communities should be central to any development considerations, especially those of petroleum product refining. This is a critical opportunity to make the zoning process in these communities more equitable, democratic, and safe.

We commend the City in providing the proposed new performance standards embodied in the draft ordinance, as well as foresight in creating a healthier and more sustainable Los Angeles for ALL communities. The conditional use permit and the other safeguards set forth in the proposed ordinance, will transform the three green zone communities, so that residents are healthier, safer, and have a more democratic voice in the process. We thank you for considering our comments.

Sincerely,



Darryl Molina Sarmiento
Southern California Program Director



Bahram Fazeli
Director of Research & Policy

Cc: Hagu Solomon-Cary
Los Angeles City Council
City Clerk



California Council for Environmental and Economic Balance

101 Mission Street, Suite 1440, San Francisco, California 94105
415-512-7890 phone, 415-512-7897 fax, www.cceeb.org

July 10, 2015

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

RE: Case CPC-2015-1462-CA: Clean Up Green Up Overlay District, Draft Ordinance

Dear Mr. LoGrande,

The California Council for Environmental and Economic Balance (CCEEB) wishes to provide you with additional comments on the Clean Up Green Up (CUGU) program and draft ordinance. CCEEB has previously submitted written comments on March 14, 2013, December 12, 2014, and April 27, 2015, as well as providing oral comments at numerous stakeholder meetings. We find that our main concerns have not been addressed, and respectfully reiterate our key points in this letter. CCEEB also supports in full the comments submitted by the Los Angeles Area Chamber of Commerce and other industry stakeholders, and urges you to meaningfully address the needs of local businesses operating in the city and the pilot communities.

Ongoing Concerns with the CUGU Program

CUGU must provide enhanced incentives for compliant businesses in pilot communities. This is consistent with the March 2012 draft proposal from community groups, the December 3, 2012 memo from Deputy Director Bell launching the pilot program, and Motions 11-0112 (January 21, 2011) and 17-A (June 19, 2013) from the PLUM Committee, as well as PLUM Committee direction to the Planning Department (May 15, 2012). CCEEB has provided extensive comments on this point, including suggestions for financial (e.g., grant and loans) and non-financial incentives (e.g., permit streamlining, education and outreach assistance, and creation of an ombudsman) that could support the economic revitalization and rehabilitation of existing businesses, as sought by CUGU program goals. Please see in particular our December 12, 2014 letter to

the Planning Department (attached). We fail to understand why no progress has been made in this area, and see this as a major impediment to garnering business support.

CUGU must provide enhanced inspection and enforcement protocols to identify and correct non-compliant business operations. Again, this action is consistent with the abovementioned City documents, yet no progress has been made towards this end. We fail to understand why no action has been taken, and note that the proposed program gives a “free pass” to bad actors while saddling legal and compliant businesses with the sole responsibility and cost of the pilot program.

Requirements on local businesses should be real, quantifiable, and serve to address environmental cumulative impacts as identified in the CUGU community surveys. Most of the requirements in the ordinance (e.g. fencing, building height, storage of merchandise, lighting, noise) are completely unrelated to the “cumulative environmental effects” rationale for the CUGU ordinance. There is no evidence showing that these requirements are necessary or have any environmental benefit.

For some businesses, requirements such as storage and enclosure may also be infeasible. Specifically, the language of the enclosure requirement for “uses that generate dust, smoke, fumes,” etc. and the definition of “fugitive emissions” should clearly indicate that these provisions do not apply to the use of stationary, mobile, or portable internal combustion engines. With regard to emissions, compliance with existing federal, state, and regional air quality permit and regulatory requirements should be sufficient for the ordinance.

Additionally, and consistent with CUGU objectives, the program is meant to avoid duplicative or conflicting mandates. Unfortunately, the ordinance fails in a number of areas. For example, the conditional use permit (CUP) proposed in Section 3 is redundant and burdensome; these facilities undergo comprehensive environmental review, pollution control, mitigation, risk management, and inspection and enforcement from environmental agencies and lead agencies with direct statutory authority and existing regulatory frameworks. Moreover, Section 3 addresses no gap identified in the Planning Department’s staff memo on gaps and limitations in land use impacts and regulatory analysis (May 7, 2014).¹ So the CUP does nothing to improve environmental outcomes—which are overseen by the responsible agencies—yet adds administrative burden because of the overlay of a parallel review process.² As such, CCEEB strongly believes it should be removed.

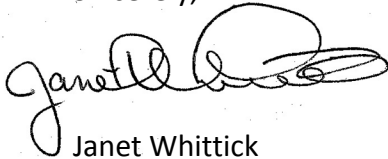
¹ Rather, this memo describes the extensive review systems in place at the South Coast Air Quality Management District, CUPA and the LA Fire Department, the Department of Public Works, the Department of Building and Safety, and the Department of City Planning. We note that it omits other, additional, agencies responsible for environmental review, such as the State and regional water boards, the Department of Toxic Substances Control, the Department of Fish and Wildlife, and U.S. EPA.

² It is also unclear what added value the Planning Department can provide to environmental review beyond that of agencies with specific area expertise. For example, how would the department evaluate compliance

Distancing and yard setback requirements should apply equally to Publicly Habitable Spaces (PHS), not just subject uses. CUGU is meant to correct legacy land use decisions that brought people and sources into close proximity. New projects – whether siting a source or a PHS – should avoid perpetuating the same land use mistakes. In terms of public health, it should make no difference which came first, the source or the PHS, and any buffer zone or setback should apply equally.

CCEEB has been an actively engaged stakeholder throughout development of the CUGU program. It is with great disappointment that we cannot now support the proposal in its current form. This is a stool with only one leg, the ordinance. For it to stand, it needs to add meaningful incentives and compliance and enforcement protocols. We are ready to assist the City Council and Planning Department staff in correcting the imbalance, and hope that the program can be restructured to include all three legs.

Sincerely,



Janet Whittick
CCEEB Policy Director

cc: The Honorable Mayor Eric Garcetti
The Honorable Members of the Los Angeles City Council
Hagu Solomon-Cary, Los Angeles Department of Planning
Gerald D. Secundy, CCEEB President
Bill Quinn, CCEEB Vice President and South Coast Air Project Program Manager

with Certified Unified Program Agency requirements, as required in Subdivision 29 (b)(1), and what actions would result if it deemed a facility non-compliant? What if the local CUPA, the Los Angeles County Fire Department, disagreed? This sets up both a duplicative requirement and, potentially, a conflicting one.



July 10, 2015

Michael LoGrande
Director of Planning
Department of City Planning
City of Los Angeles
200 North Spring Street
Los Angeles, Ca 90012

**Re: Opposition to Proposed Clean Up Green Up Ordinance
CPC-2015-1462-CA**

Dear Mr. LoGrande:

This letter is submitted on behalf of a large coalition of regional businesses and business organizations, representing a broad swath of industries that drive the Los Angeles economy. We appreciate the opportunity to participate in the Clean Up Green Up (CUGU) stakeholder process, but cannot support the CUGU ordinance recently released by your office. This ordinance falls far from the original intent of the CUGU initiative, by neglecting to set the stage for an ombudsman and incentives to educate, motivate, and assist business owners toward more environmentally healthy practices. Further, this proposal does little to address pollution in the City. Most of the requirements in the ordinance (e.g. fencing, building height, storage of merchandise, lighting, noise) are completely unrelated to the “cumulative environmental effects” rationale for the CUGU ordinance. There is no evidence showing that these requirements are necessary or have any environmental benefit. Instead, the ordinance adds burdensome and unnecessary regulations on legitimate, tax-paying businesses that will increase their costs and in many cases, serve as a deterrent for establishments to utilize environmentally friendly opportunities.

Falling Far from Original Program Intent

In a letter from Alan Bell, then Deputy Director of the Department of City Planning (Planning), from December 3, 2012, the original intent of the CUGU proposal was laid-out by your department, stating “...the CUGU program was developed to address the problem of cumulative environmental impacts through improved land-use policy and **localized economic revitalization**... 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.**” In looking at Planning’s proposal, however, it’s clear that many of the department’s own goals have not been met, including almost all of those that led to support of this program from the business community in the first place. Again referencing the aforementioned letter, these include:

Mr. Michael LoGrande

July 10, 2015

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- Evaluating the effectiveness and feasibility of potential new performance and/or building standards;
- Identifying the current range of educational, financial, and technical assistance programs that are available to assist industrial sites in upgrading their facilities;
- Evaluating the costs and potential revenues of a local fee-based inspection and enforcement program;
- Developing a business outreach strategy for educating and informing industrial facilities of both existing regulations and new City standards, the inspection process, and the availability of technical and financial assistance programs; and
- Establishing an Ombudsman position (and department for oversight) to lead in business outreach strategy and coordinate interaction between the various inspection and enforcement entities.
- Identifying strategies to reduce or clarify duplicative or contradictory regulations.

Targeting and New, Duplicative Requirements

Although some of the more onerous submittals have been removed and the criteria for subject projects modified, the requirement for a discretionary approval (i.e. Conditional Use Permit) by the Planning Department for all asphalt manufacturers and refineries in M3 zones remains. As mentioned in our April 20, 2015 letter, we believe that overlaying Planning's "approval" and the potential for arbitrary additional requirements is burdensome, unnecessary, and potentially expensive to businesses who are already in compliance with every level of government.

As an example, for projects requiring discretionary permits, environmental impacts are evaluated in a CEQA document. The City is provided the draft CEQA documents for review and comment, prior to issuing a final document and approving the project. The City is already afforded a significant opportunity for affecting the evaluation and reduction of impacts. Thus, any additional review would be duplicative and unnecessarily burdensome.

Modification to Definition of "Major Improvement" Triggering CUGU Requirements

Projects that meet the criteria in the definition for "major" improvement are required to comply with the CUGU requirements. The definition states that an improvement that is more than 50% of the building or structure's replacement cost will be subject to the CUGU standard requirements. However, the term "improvement" is defined in the first part of paragraph E1(b) as including an improvement to an existing building, structure, or "facility". We recommend that the term "facility" also be included in the determination of the replacement cost. This modification will clarify intent and the references in the definition will be consistent. Since projects can consist entirely of "pipeline" or "process equipment", which would clearly not be defined as either a building or a structure, the inclusion of the term "facility" in the definition for replacement cost is important.

Aggressive Signage on Transit Oriented Development and New Construction

While the City continues efforts to encourage transit-oriented development, CUGU deters residents from new and modified buildings within 1,000 feet of a freeway with aggressive and unnecessary signage. Designing for noise and particulate matter impact reduction is becoming the industry standard and will be included in a future green buildings ordinance, making some of these buildings safer than existing spaces. We recommend removing the proposed signage requirement as it will reinforce existing housing shortages in neighborhoods by discouraging projects already in the pipeline, and suggest incentives for using green building standards within 500 feet to reduce the impact of living or working near freeways.

Hurting Businesses with No Metrics for Success

We also reiterate that Planning's proposal for the CUGU program is seriously deficient in addressing a disturbing number of significant issues which simply cannot be dismissed and left unresolved. We hope that you will take a serious look at the list of concerns we previously outlined in our April 20, 2015 letter (attached), including:

- No plan for enforcement of illegal businesses,
- No plan for measuring cost/benefit or metrics for success,
- No clear role or plan for the ombudsperson or office for oversight,
- No incentives for legal businesses, and
- Arbitrary and burdensome mandates that create a disadvantage to CUGU participants including vague definitions of "major rehab", "additions", and "tenant improvements"; one-size-fits-all, unreasonable requirements for enclosures and material storage; and unnecessary signage requirements.

Mr. Michael LoGrande

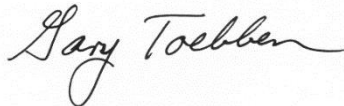
July 10, 2015

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In all, this proposal remains incomplete and extremely harmful to our communities and economy. We strongly recommend that Planning reconsider moving forward to (1) address the aforementioned disparities, (2) remove components that will harm and deter legal businesses from healthy environmental practices, and (3) add a tangible plan that expands upon the City's existing efforts to address the pollution coming from illegal business.

If you have any questions, please do not hesitate to contact Samantha Beasley, Senior Manager of Public Policy for the Los Angeles Area Chamber of Commerce, at (213) 580-7558.

Regards,



Gary Toebben
President & CEO
Los Angeles Area Chamber of Commerce



Gerald M. Bonetto, Ph.D.
Vice President of Government Affairs
Printing Industries of California



Dan Hoffman
Executive Director
Wilmington Chamber of Commerce



Bill LaMarr
Executive Director
California Small Business Alliance



Michael W. Lewis
Senior Vice President
Construction Industry Air Quality Coalition



Tim Piasky
CEO
Building Industry Association of Southern
California- Los Angeles/Ventura Chapter



Tracy Rafter
Founding CEO
Los Angeles County Business Federation



Patty Senecal
Manager, Southern California Region and
Infrastructure Issues
Western States Petroleum Association



Stuart Waldman
President
Valley Industry and Commerce Association



Elizabeth Warren
Executive Director
FuturePorts



Weston LaBar
Executive Director
Harbor Trucking Association



Carol Schatz
President & CEO
Central City Association

Mr. Michael LoGrande
July 10, 2015
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Russell Snyder
Executive Director
California Asphalt Pavement Association



David R. McClune
Executive Director
California Autobody Association




Gary Stafford
Chair, Environmental Affairs
California Furniture Manufacturers Association



Beverly Kenworthy
Executive Director
California Apartment Association



Nancy Hoffman Vanyek
Chief Executive Officer
Greater San Fernando Valley Chamber of Commerce



Michael Jackson
Chair
South Bay Association of Chambers of Commerce

Attachments

Cc:

Councilmember José Huizar
Councilmember Mitchell Englander
Councilmember Gilbert Cedillo
Mayor Eric Garcetti
Hagu Solomon-Cary, Department of City Planning

Councilmember Marqueece Harris-Dawson
Councilmember Felipe Fuentes
Councilmember Joe Buscaino
Greg Good, Mayor's Office- Bureau of Sanitation



July 13, 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 (CPC-2015-1462-CA) –Proposed Zoning Changes
(CF# 11-0112)

Dear Mr. LoGrande:

On behalf of [organization], I respectfully submit this letter in strong support of the proposed Clean Up Green Up Initiative and Zoning Code Amendment dated May 14, 2015.

First, we would like to thank Hagu Solomon-Cary and other city planning staff for their efforts in drafting such unprecedented land use policies and the far-reaching Clean Up Green Up program.

We strongly support the proposed new development standards for the three pilot Green Zones of Boyle Heights, Pacoima/Sun Valley and Wilmington. The standards provide much needed local regulatory tools to address issues arising from the proximity of incompatible land uses – largely industrial uses close to homes, schools, parks and other places where vulnerable populations gather. The standards also deal with the cumulative adverse impacts that result from concentrations of certain uses close to such sensitive uses. The proposed land use regulations address these adverse cumulative effects, whereas business-by-business regulations governed by other entities often do not recognize or effectively respond to such conditions.

The Clean Up Green Up Initiative is an important step towards achieving environmental justice and protecting the public health of residents from three of LA's most polluted communities (Boyle Heights, Pacoima/Sun Valley and Wilmington) and we expect their example will lead the way for the rest of the city.

At SAJE, we have been educating low income residents about the hazards of environmental pollutants for many years, and have seen first hand the deleterious health effects of living in unhealthy environments.

We eagerly anticipate the passage of the Clean Up Green Up policies and we look forward to the success of the three pilot zones, which will lead the way to economic innovations and a healthier, safer and greener Los Angeles.

Thank you for the opportunity to comment on proposed Clean Up Green Up Zoning Amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia Strathmann". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Cynthia Strathmann
Executive Director

Cc: Hagu Solomon-Cary
Los Angeles City Council
City Clerk

Healthy Homes Collaborative

Post Office Box 31796 ♦ L. A., CA 90031 ♦ (323) 221-8320 ♦ fax (323) 226-9587 ♦ www.HealthyHomesCollaborative.org

LINDA KITE
*EXECUTIVE
DIRECTOR*

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13 July 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 (CPC-2015-1462-CA) –Proposed Zoning Changes (CF# 11-0112)

Dear Mr. LoGrande:

On behalf of the Healthy Homes Collaborative, I respectfully submit this letter in strong support of the proposed Clean Up Green Up Initiative and Zoning Code Amendment dated May 14, 2015.

First, we would like to thank Hagu Solomon-Cary and other city planning staff for their efforts in drafting such unprecedented land use policies and the far-reaching Clean Up Green Up program.

We strongly support the proposed new development standards for the three pilot Green Zones of Boyle Heights, Pacoima/Sun Valley and Wilmington. The standards provide much needed local regulatory tools to address issues arising from the proximity of incompatible land uses – largely industrial uses close to homes, schools, parks and other places where vulnerable populations gather. The standards also deal with the cumulative adverse impacts that result from concentrations of certain uses close to such sensitive uses. The proposed land use regulations address these adverse cumulative effects, whereas business-by-business regulations governed by other entities often do not recognize or effectively respond to such conditions.

The Clean Up Green Up Initiative is an important step towards achieving environmental justice and protecting the public health of residents from three of LA's most polluted communities (Boyle Heights, Pacoima/Sun Valley and Wilmington) and we expect their example will lead the way for the rest of the city of Los Angeles.

The Healthy Homes Collaborative is a non-profit association of community based organizations committed to eliminating environmental health threats in homes and communities. We'd like to emphasize the importance of two parallel actions beyond the scope of the proposed zoning code changes—the recommendation to hire an ombudsperson for the Green Zones and efforts to streamline inspection and enforcement programs. The ombudsperson position will support businesses in complying with environmental regulations and assist them in more easily accessing funding and incentive programs that promote environmentally friendly practices. A streamlined enforcement program will help identify those businesses that operate without proper permits as well and add certainty and equitable treatment to those businesses which strive to operate safely and properly.

We eagerly anticipate the passage of the Clean Up Green Up policies and we look forward to the success of the three pilot zones, which will lead the way to economic innovations and a healthier, safer and greener Los Angeles.

Thank you for the opportunity to comment on proposed Clean Up Green Up Zoning Amendments.

Sincerely,



Linda Kite
Executive Director

Cc: Hagu Solomon-Cary
Los Angeles City Council
City Clerk

July 10, 2015

Honorable Members, Los Angeles City Council
Honorable Members, City Planning Commission
Mr. Michael LoGrande, Director, Department of City Planning
200 N. Spring St., Fifth Floor
Los Angeles, CA 90012

RE: CF 11-0112 and CPC

Honorable Councilmembers, Commissioners and Director:

Thank you for the opportunity to submit this comment letter regarding the proposed Clean Up Green Up initiative. We are particularly encouraged by and supportive of the proposed Health Impact Assessment (HIA) requirement, and are writing to provide information and resources to support its continued inclusion in the overall ordinance.

Human Impact Partners is a national non-profit – based in Oakland, CA – working to transform policies and places in ways that improve health, equity, and wellbeing. People need to live healthy lives and it is important for the public sector to take the lead in increasing opportunities for healthy living and considering health and equity in their decision making. We have been a leader in the field of HIA since its inception, and no other organization has our depth of experience and knowledge with HIA. Since our founding in 2006, HIP has accomplished the following (among many other activities):

- Completed over 20 high-quality and well-regarded Health Impact Assessments, on housing, land use, transportation and other built environment topics.
- Provided targeted mentoring and technical assistance to organizations and agencies across the country on over 30 HIAs.
- Conducted over 50 HIA trainings for over 1500 people.
- Provided both formal and informal support for public health practitioners interested in focusing on the social determinants of health, community engagement, and equity.

To date, over 300 HIAs have been completed or are in process around the country – many of these conducted by government agencies including health departments, planning departments, and MPOs. There exists considerable diversity in the practice and in the products of HIA due to the variety of policies, plans, programs, and projects assessed; the diverse settings in which decisions take place; and the evolution of the field. Fundamentally, however, the purpose of HIA is to assess the health impacts of proposed projects and plans – including cumulative health impacts in communities experiencing disproportionate health hazards – and identify ways to mitigate any potential harms identified. In addition, engagement of community members throughout an HIA is a core part of the HIA process.

As written in the proposed Clean Up Green Up ordinance, the HIA requirement is in line with this purpose and is properly targeted to the type of projects that may benefit from HIA-type review. There are a number of available guidance documents for HIA that describe the

procedural steps and outputs of the HIA process, and that can support potential project sponsors who would be required to conduct an HIA. The *Minimum Elements and Practice Standards for Health Impact Assessment* (attached for your review) provide guidance on what is required for a study to be considered an HIA and benchmarks for effective practice. We highlight here several of minimum elements that reflect the intent of the CUGU initiative:

- *Minimum Element 3*: HIA systematically considers the full range of potential impacts of the proposal on health determinants, health status, and health equity.
- *Minimum Element 6*: HIA provides recommendations, as needed, on feasible and effective actions to promote the positive health impacts and mitigate the negative health impacts of the decision, identifying, where appropriate, alternatives or modifications to the proposal.
- *Minimum Element 8*: HIA proposes indicators, actions, and responsible parties, where indicated, for a plan to monitor the implementation of recommendations, as well as health effects and outcomes of the proposal.

Our organization was one of the primary authors of this document, and has significant experience in applying the standards in HIA practice. In addition, the National Academy of Sciences published *Improving Health in the United States: The Role of Health Impact Assessment*, which describes the background of HIA, steps in the process, and offers guidance to officials in the public and private sectors on conducting HIAs.

While we endorse providing a regulatory framework under which HIA would be conducted, most HIAs are done outside of any formal legal or regulatory requirement, and the vast majority has been conducted voluntarily to great success. A recently completed legal review of HIAs concerning the use of HIAs found that, “*Even in the absence of explicit legal authority to conduct HIAs, government agencies and officials increasingly conduct HIAs or consider the results of HIAs conducted by other organizations to inform their decisions. This has been the most common method of HIA practice in the United States.*” Requirements for HIA can be found in Washington for several types of energy and environment proposals and Massachusetts for several types of transportation proposals.

However, numerous laws across the country *facilitate* the conduct of HIAs by authorizing or requiring the functional equivalent of an HIA to inform programmatic, policy, or administrative decisions. Furthermore, HIAs – when applied in domains that require environmental review – often cover material not regularly assessed in an EIR which complements and expands the base of information considered to facilitate sound decision making.

Given this context, the requirement to conduct an HIA as part of the Conditional Use process is appropriate and would contribute to an expansion of the field by normalizing the collection, evaluation and dissemination of public health data and considering public health implications in the land use approval process.

Attached is a full list of HIAs that our organization has conducted. In addition to Human Impact Partners, other technical HIA provider organizations include (but are not limited to): Upstream Public Health, Oregon Public Health Institute, Habitat Health Impact Consulting, Raimi + Associates, EnviroHealth Consulting, Georgia Health Policy Center, and Environmental

Resources Management. We are happy to provide you with a list of consultants should you be interested.

We applaud the Planning Department, City Planning Commission, and City Council in their foresight to consider the role of HIAs in permitting certain types of projects that are known to affect health and wellbeing, and we are happy to answer any questions you may have. Again, thank you for the opportunity to submit this letter of support.

Sincerely,

A handwritten signature in cursive script that reads "Lili Farhang".

Lili Farhang
Co-Director
Human Impact Partners

Cc: Hagu Solomon-Cary, Department of City Planning



124 NORTH TOWNSEND AVENUE
LOS ANGELES, CA 90063

office {323} 780.7605

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www.innercitystruggle.org

July 8, 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 (CPC-2015-1462-CA) –Proposed Zoning Changes
(CF# 11-0112)

Dear Mr. LoGrande:

On behalf of InnerCity Struggle, I respectfully submit this letter in strong support of the proposed Clean Up Green Up Initiative and Zoning Code Amendment dated May 14, 2015.

First, we would like to thank Hagu Solomon-Cary and other city planning staff for their efforts in drafting such unprecedented land use policies and the far-reaching Clean Up Green Up program.

We strongly support the proposed new development standards for the three pilot Green Zones of Boyle Heights, Pacoima/Sun Valley and Wilmington. The standards provide much needed local regulatory tools to address issues arising from the proximity of incompatible land uses – largely industrial uses close to homes, schools, parks and other places where vulnerable populations gather. The standards also deal with the cumulative adverse impacts that result from concentrations of certain uses close to such sensitive uses. The proposed land use regulations address these adverse cumulative effects, whereas business-by-business regulations governed by other entities often do not recognize or effectively respond to such conditions.

The Clean Up Green Up Initiative is an important step towards achieving environmental justice and protecting the public health of residents from three of LA's most polluted communities (Boyle Heights, Pacoima/Sun Valley and Wilmington) and we expect their example will lead the way for the rest of the city.

- We support companion changes to the Planning and Zoning Code including the conditional use permit for asphalt manufacturing and refinery facilities. We understand that most California

communities that have such uses provide for conditional use permits to tailor appropriate land use to limit the effects of such facilities on nearby communities. We concur that such controls can make them better neighbors.

- We also applaud the emphasis of the CUGU program on supporting local businesses with financial and technical assistance to become more economically and environmentally sustainable.
- We'd like to emphasize the importance of two parallel actions beyond the scope of the proposed zoning code changes— the recommendation to hire an ombudsperson for the Green Zones and efforts to streamline inspection and enforcement programs. The ombudsperson position will support businesses in complying with environmental regulations and assist them in more easily accessing funding and incentive programs that promote environmentally friendly practices. A streamlined enforcement program will help identify those businesses that operate without proper permits as well and add certainty and equitable treatment to those businesses which strive to operate safely and properly.

We eagerly anticipate the passage of the Clean Up Green Up policies and we look forward to the success of the three pilot zones, which will lead the way to economic innovations and a healthier, safer and greener Los Angeles.

Thank you for the opportunity to comment on proposed Clean Up Green Up Zoning Amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria Brenes". The signature is fluid and cursive, with the first name "Maria" and last name "Brenes" clearly distinguishable.

Maria Brenes, EdM
Executive Director

Cc: Hagu Solomon-Cary
Los Angeles City Council
City Clerk



July 8, 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) – Initiative & Proposed Zoning Changes (CPC-2015-1462-CA)

Dear Mr. LoGrande:

On behalf of the Prevention Institute, I respectfully submit this letter in strong support of the proposed Clean Up Green Up Initiative and Zoning Code Amendment dated May 14, 2015.

The Prevention Institute strongly supports the Clean Up Green Up Initiative because it is an important step towards achieving environmental justice and protecting the public health of residents from three of LA's most polluted communities (Boyle Heights, Pacoima/Sun Valley and Wilmington).

We wish to emphasize our strong support for Clean Up Green Up because of its direct relevance to the new Health and Wellness Element (HWE). Beyond the widespread support for Clean Up Green Up, both in and outside City Hall, the HWE provides the critical health rationale for the enactment of this policy.

We also applaud the proposed recommendation to require, on a city-wide basis, a high level of air filtration systems in structures being built within 1,000 feet of freeways. Numerous studies show that the transportation sector is one of the largest sources of air pollution in California. Poor air quality poses a risk to everyone, but communities living closest to high volumes of truck and car traffic are most at risk for asthma incidents, increased lung cancer and other respiratory and chronic diseases. The density of Los Angeles and the lack of developable land that is not proximate to freeways, combined with traffic volumes on LA's freeways suggest that the need for such filtration systems in the city is perhaps among the greatest in California.

In closing, thank you for putting forth an innovative policy that positions Los Angeles at the cutting edge of land use, health and equity matters. Prevention Institute appreciates the opportunity to comment on the draft Clean Up Green Up Development Standards. Please feel free to contact me at 213-399-9400 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Manal Aboelata". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Manal Aboelata
Managing Director

Cc: Hagu Solomon-Cary
Los Angeles City Council
City Clerk



June 19, 2015

Ms. Hagu Solomon-Cary
Los Angeles Department of City Planning
Code Studies Section
City Hall – Room 763
200 North Spring Street
Los Angeles, CA 90012
Via e-mail at hagu.solomon-cary@lacity.org

RE: Clean Up Green Up Overlay District, Case: CPC-2015-1462-CA

Dear Ms. Solomon-Cary,

The Natural Resources Defense Council (NRDC) appreciates the opportunity to comment on the proposed Clean Up Green Up Overlay District (CUGU). The NRDC is in strong support of the proposed CUGU ordinance and its adoption in the pilot neighborhoods and citywide.

Many low-income communities and communities of color in Los Angeles are burdened by cumulative environmental health impacts from close proximity to concentrated industrial and transportation pollution sources. Although this proximity and overconcentration can lead to increased incidence of asthma and other respiratory diseases, reduced quality of life, and preventable deaths, current regulations do not adequately address these issues. CUGU is a great opportunity to improve public health and air quality, reduce greenhouse gases, and create healthier, more sustainable communities.

CUGU will be implemented initially three pilot communities—Boyle Heights, Pacoima, and Wilmington—overburdened by local pollution sources. To help address environmental and health impacts from these sources, CUGU sets standards for certain new, expanded, or change of use businesses classified as “subject uses” in close proximity to sensitive areas. These include: creating buffer zones from homes for auto-related operations; signage to deter diesel truck idling; new performance standards, including noise and lighting, landscaping and buffering treatments, building setbacks and design features, and other site plan requirements to reduce impacts on neighborhood residents; and total enclosures to capture harmful air emissions. CUGU provides important additional safeguards citywide, such as requiring mandatory high-grade air filters in buildings near freeways and requiring oil refineries to submit a health impact assessment and show they will not have detrimental effects on nearby homes and sensitive uses. The NRDC agrees that the measures in the proposed ordinance are important to achieve healthier, less polluted neighborhoods.

While not included in the current ordinance, the NRDC believes that there are additional measures that should be incorporated into CUGU—either now or down the line when assessed

for implementation citywide—to better achieve its goals. For instance, coordinated annual inspections, instead of the current complain-driven standard, would increase compliance without overburdening businesses and help achieve the goals of CUGU. The city should also consider working with the South Coast Air Quality Management District (SCAQMD) to include additional air pollution controls and require Best Available Technology (BAT) standards at the issuance of a permit.

With support from local communities and business owners, CUGU is an example of the improvements that can be made through a collaborative approach. Even as CUGU implements the changes above to address environmental and health impacts, it creates an Ombudsperson Office that will benefit local businesses by providing a more streamlined permitting and regulatory process and by helping them access financial and technical support programs being offered by the City, State, SCAQMD, U.S. EPA, LADWP, private utilities, and other entities.

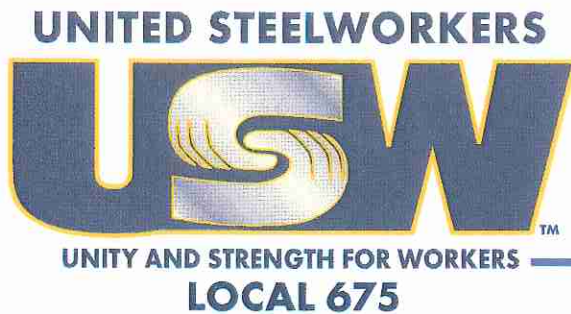
The NRDC is in strong support of the proposed CUGU ordinance and its adoption in the pilot neighborhoods and citywide to better help the communities suffering from cumulative environmental health impacts, while still promoting economic revitalization and support to local businesses.

Sincerely,



Ramya Sivasubramanian
Staff Attorney

Kari Reed
Legal Intern



Philip Baker
President
David W. Campbell
Secretary-Treasurer

July 9, 2015

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

RE: Clean Up Green Up (CPC-2015-1462-CA) –Proposed Zoning Changes
(CF# 11-0112)

Dear Mr. LoGrande:

On behalf of United Steelworkers Local 675, I respectfully submit this letter in strong support of the proposed Clean Up Green Up Initiative and Zoning Code Amendment dated May 14, 2015.

First, we would like to thank Hagu Solomon-Cary and other city planning staff for their efforts in drafting such unprecedented land use policies and the far-reaching Clean Up Green Up program.

We strongly support the proposed new development standards for the three pilot Green Zones of Boyle Heights, Pacoima/Sun Valley and Wilmington. The standards provide much needed local regulatory tools to address issues arising from the proximity of incompatible land uses – largely industrial uses close to homes, schools, parks and other places where vulnerable populations gather. The standards also deal with the cumulative adverse impacts that result from concentrations of certain uses close to such sensitive uses. The proposed land use regulations address these adverse cumulative effects, whereas business-by-business regulations governed by other entities often do not recognize or effectively respond to such conditions.

The Clean Up Green Up Initiative is an important step towards achieving environmental justice and protecting the public health of residents from three of LA's most polluted communities (Boyle Heights, Pacoima/Sun Valley and Wilmington) and we expect their example will lead the way for the rest of the city.

- We support companion changes to the Planning and Zoning Code including the conditional use permit for asphalt manufacturing and refinery facilities. We understand that most California communities that have such uses provide for conditional use permits to tailor appropriate land use to limit the effects of such facilities on nearby communities. We concur that such controls can make them better neighbors.

United Steel, Paper, and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union

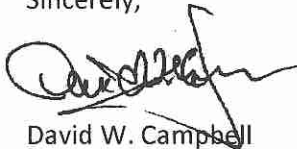
1200 E. 220th Street, Carson, CA 90745-3505 310-522-2277 310-835-9324 (Fax) www.usw675.org

- We also support the proposed change in the Building Code that will require higher quality air filtration systems for certain new structures within 1,000 feet of freeways. Numerous studies have shown that ultra-fine particles that come from freeways have a serious health impact on people who spend a lot of time close to these freeways, especially in lung development in children. The density of the city and the lack of developable land that is not proximate to freeways, combined with traffic volumes on LA's freeways suggest that the need for such filtration systems in LA is perhaps among the greatest in the state.
- We also applaud the emphasis of the CUGU program on supporting local businesses with financial and technical assistance to become more economically and environmentally sustainable.
- We'd like to emphasize the importance of two parallel actions beyond the scope of the proposed zoning code changes— the recommendation to hire an ombudsperson for the Green Zones and efforts to streamline inspection and enforcement programs. The ombudsperson position will support businesses in complying with environmental regulations and assist them in more easily accessing funding and incentive programs that promote environmentally friendly practices. A streamlined enforcement program will help identify those businesses that operate without proper permits as well and add certainty and equitable treatment to those businesses which strive to operate safely and properly.

We eagerly anticipate the passage of the Clean Up Green Up policies and we look forward to the success of the three pilot zones, which will lead the way to economic innovations and a healthier, safer and greener Los Angeles.

Thank you for the opportunity to comment on proposed Clean Up Green Up Zoning Amendments.

Sincerely,



David W. Campbell

Secretary-Treasurer

Cc: Hagu Solomon-Cary
Los Angeles City Council
City Clerk