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Via E-mail

Tahirah Farris
Regional Planner
Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012
GreenZones@planning.lacounty.gov

RE: Proposed "Green Zones" Ordinance Amending Title 22 – Planning and Zoning of the Los Angeles County Code

Dear Ms. Farris:

The California Attorney General's Bureau of Environmental Justice writes to support Los Angeles County's efforts to establish a "Green Zones" Ordinance setting new health-protective standards for industrial uses in areas identified by the County as disproportionately exposed to pollution, called "Green Zone Districts," as well as jurisdiction-wide requirements for recycling and solid waste facilities. As the Ordinance recognizes, historic land use development and planning practices in Los Angeles and across the State and nation have concentrated industrial uses near low-income communities and communities of color, who suffer from significant health disparities as a result of their disproportionate exposure to pollution. The Green Zones Ordinance can help address this inequity by imposing new health-protective standards for industrial uses. The Attorney General's Office therefore urges the County to adopt the Ordinance and provides several recommendations to make it as health-protective as possible.

I. LOCAL IMPACTS OF INCOMPATIBLE LAND USES AND THE NEED FOR A GREEN ZONES ORDINANCE

In the Bureau's view, the County's proposed Ordinance could help improve the health of environmental justice communities in the County. Many communities in the unincorporated areas of Los Angeles County have been disproportionately impacted by pollution from industrial uses. According to CalEnviroScreen 3.0, Cal EPA's screening tool that ranks each census tract in the state for pollution and vulnerability, many communities in Los Angeles County experience some of the highest pollution in the state and are especially vulnerable to the resulting health

effects.¹ For example, the worst ranking census tract in the unincorporated East Los Angeles area ranks worse than 91 percent of the rest of the state for pollution burden and worse than 91 percent of the state for population vulnerability. This census tract is in the 96th percentile for toxic releases, 94th percentile for traffic pollution, 90th percentile for drinking water contamination, 85th percentile for solid waste, and 84th percentile for diesel pollution. Unsurprisingly, residents of this community also experience significant health impacts. Residents of this census tract are in the 88th percentile for cardiovascular rate and 70th percentile for asthma rates. Residents are also relatively low-income with approximately 91 percent of the population with incomes less than two times the federal poverty level. This census tract is also predominately populated by people of color with 98 percent of the population identifying as Latinx.

Land use decisions that placed incompatible land uses in close proximity to each other are a significant cause of the disproportionate pollution burdens experienced by these disadvantaged communities in unincorporated Los Angeles. Given the high exposure County residents experience, and their vulnerability to this exposure, the County should take care to avoid adding to the existing pollution burden in these communities. The Bureau thus supports adoption of the Ordinance to bring explicit consideration of the health of the surrounding community into the County's land use decision making to help address this problem.

Adoption of the Ordinance will also build upon the work being conducted in the City of Los Angeles ("City") to address the environmental impacts of land use incompatibility. As the County is likely aware, the City recently adopted a similar "green zones" ordinance in April 2016, entitled the "Clean Up Green Up" ("CUGU") ordinance.² The CUGU ordinance established pilot "Green Zones" and set forth new development standards to govern any new or expanded industries in those zones, such as proper enclosures to prevent fugitive emissions, "no idling" signage for diesel trucks at warehouses and other industrial facilities, and the creation of buffer zones of 500 feet between new or expanded auto-related uses and residences. Similar to the County's proposed Ordinance, the CUGU ordinance also established development standards for materials storage, fencing, height and yard setbacks, outdoor lighting, landscaping, and surface parking lot design. The City and County ordinances differ slightly, but they are complimentary and the identified zones are distinct. As further discussed below, the Bureau recommends the County amend its Ordinance to include some additional protections and provisions from the CUGU ordinance.

¹ CalEnviroScreen 3.0, available at <https://oehha.ca.gov/calenviroscreen>. CalEnviroScreen is a tool created by the Office of Environmental Health Hazard Assessment that uses environmental, health, and socioeconomic information to produce scores and rank every census tract in the state. A census tract with a high score is one that experiences a much higher pollution burden than a census tract with a low score. Office of Environmental Health Hazard Assessment, CalEnviroScreen 3.0 Report (January 2017), available at <https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>.

² "Ordinance 184246," *City of Los Angeles* (April 13, 2016).

II. RECOMMENDATIONS FOR IMPROVING THE DRAFT GREEN ZONES ORDINANCE

We generally support the County's efforts in developing the Ordinance and urge the Board of Supervisors to adopt the Ordinance. However, we have identified several areas in the draft Ordinance that could benefit from revisions. We recommend the County consider additional measures, similar to those that have been established by the City's CUGU ordinance, in order to strengthen the protections for nearby sensitive receptors. In particular, we recommend the County consider (1) establishing a wider buffer zone between industrial uses and sensitive receptors, (2) including provisions focused on reducing the idling of diesel trucks, and (3) including provisions focused on mitigating noise impacts.

A. The County Should Strengthen the Buffer Between Industrial Uses and Sensitive Receptors

Most importantly, we encourage the County to consider increasing the distance of the buffer between sensitive receptors and industrial uses. The current proposal prohibits specific industrial sources of pollution within 500 feet of a sensitive use in a Green Zone. However, the California Air Resources Board ("CARB") recommends that sensitive land uses be separated from industrial uses by at least 1,000 feet.³ Indeed, data from CARB demonstrates that localized air pollution drops off by 80 percent about 1,000 feet away.⁴ Thus, we recommend the County consider increasing the buffer between industrial uses and sensitive receptors to be as health protective as possible.

Additionally, we recommend the County broaden the prohibited uses to include vehicle-related uses. Currently, the Ordinance would require these uses to obtain additional approval from the County through a conditional use permit if they are within 500 feet of a sensitive use. We encourage the County to consider taking an approach similar to the City's CUGU ordinance, which prohibits new automobile dismantling yards, exhaust test stations, car washes, repair shops, tire shops, and other related uses within 500 feet of a residential zone.⁵ Such a prohibition in the County's Ordinance would provide greater protections to residents in Green Zones.

B. The County Should Add Requirements to Reduce Noise Impacts

The Ordinance does not establish any development standards to mitigate noise impacts from industrial uses within the Green Zones. However, trucks and on-site loading activities can be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.⁶ Further, as recognized by the U.S Environmental Protection Agency, noise

³ "Air Quality and Land Use Handbook: A Community Health Perspective," California Air Resources Board (April 2005).

⁴ *Id.* at 4-5.

⁵ "Ordinance 184246," *City of Los Angeles* (April 13, 2016).

⁶ "Noise Sources and Their Effects,"

<https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

pollution is linked to stress related illnesses, high blood pressure, speech interference, hearing loss, sleep disruption, and lost productivity.⁷ The City's CUGU ordinance requires "an applicant whose project includes a noise generating use or activity [to] submit an acoustic evaluation report prepared by a licensed consulting professional which includes current and projected noise levels at the site."⁸ Furthermore, the City requires applicants to impose certain noise mitigation measures depending on the noise analysis conclusions. We recommend the County consider adopting a similar provision in Green Zones to help mitigate the impacts of noise pollution to nearby sensitive receptors.

We also recommend the County consider additional development standards that would further mitigate noise impacts of industrial uses in Green Zones. For example, the County can adopt requirements to:

- Construct physical, structural, or vegetative noise barriers on and/or off the project site;
- Locate or park all stationary construction equipment as far from sensitive receptors as possible, and direct emitted noise away from sensitive receptors;
- Verify that construction equipment has properly operating and maintained mufflers;
- Require all combustion-powered construction equipment to be surrounded by a noise protection barrier;
- Limit operation hours to daytime hours on weekdays;
- Pave roads where truck traffic is anticipated with low noise asphalt; or
- Orient any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

C. The County Should Adopt Signage Requirements to Prevent Idling

The Ordinance does not establish any signage requirements to prevent idling of diesel-fueled vehicles. However, CARB recommends measures to prevent idling of diesel-fueled commercial vehicles. The elimination of unnecessary idling will reduce the localized impacts caused by diesel particulate matter and other air toxics in diesel vehicle exhaust.⁹ Among other pollutants, diesel trucks visiting warehouses and other industrial uses emit nitrogen oxide (NO_x), which is a primary precursor to smog formation and a cause of respiratory problems like asthma, bronchitis, lung irritation, and lung cancer.¹⁰ Additionally, diesel particulate matter, such as PM₁₀ and PM

⁷ "Clean Air Act Title IV -- Noise Pollution," *United States Environmental Protection Agency*, <https://www.epa.gov/clean-air-act-overview/clean-air-act-title-iv-noise-pollution> (last visited July 24, 2020.)

⁸ "Ordinance 184246," *City of Los Angeles* (April 13, 2016).

⁹ "Air Quality and Land Use Handbook: A Community Health Perspective," California Air Resources Board at 11 (April 2005).


¹⁰ See "Nitrogen Dioxide and Health," *California Air Resources Board*, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health>.

2.5, is a contributor to cancer, heart disease, respiratory illnesses, and premature death.¹¹ Moreover, the City's CUGU ordinance requires 'no idling' signage to help reduce idling near residents. We recommend the County similarly include "no idling" sign requirements in Green Zones to reduce air quality impacts of industrial uses near sensitive receptors.

III. CONCLUSION

The County's Green Zones Ordinance could help safeguard residents' health and address the local impacts of incompatible land uses. We therefore urge the County to adopt the Ordinance and incorporate the recommendations in this letter. We are available to provide assistance to the County as it considers the Ordinance, and to provide feedback on any measure the County is considering. Please do not hesitate to contact me if you have any questions or would like to discuss.

Sincerely,



RICA V. GARCIA
Deputy Attorney General

For XAVIER BECERRA
Attorney General

¹¹ See "Summary: Diesel Particulate Matter," *California Air Resources Board*, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; "Health Effects of Diesel Exhaust," *Office of Environmental Health Hazard Assessment and American Lung Association of California*, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf>.