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March 30, 2016

The Honorable Mike Feuer  
City Attorney  
City Hall East, 7<sup>th</sup> Floor  
200 North Main Street  
Los Angeles, CA 90012-4131

**CF No: 15-1026**  
**CPC No: 2015-1462-CA**

Attention: Adrienne Khorasanee  
Deputy City Attorney

**RE: Proposed Clean Up Green Up Ordinance**

Dear Mr. Feuer:

Transmitted are two proposed ordinances prepared by your office that: (1) amend the Zoning Code (Chapter 1) of the Los Angeles Municipal Code (LAMC) to authorize the establishment of a Clean Up Green Up (CUGU) Supplemental Use District within Boyle Heights, Pacoima/Sun Valley, and Wilmington to reduce cumulative health impacts resulting from incompatible land uses, establish a citywide Conditional Use for asphalt manufacturing and refinery facilities, and increase the notification requirement for projects within "G" Surface Mining Operations Districts and; (2) amend the Building and Safety Code (Chapter 9) of the LAMC to establish development standards to reduce health impacts brought on by incompatible land uses.

The ordinances were prepared pursuant to the latest direction of the Planning and Land Use Management (PLUM) Committee at its November 24, 2015 meeting. The language contained in these draft ordinances is substantially the same as that approved by the City Planning Commission (CPC) on August 13, 2015.

**ENVIRONMENTAL FINDING**

In accordance with California Environmental Quality Act (CEQA), a Negative Declaration (ENV-2015-1463-ND) was published on September 24, 2015. On all measures the proposed ordinances will have no significant effect on the environment. The proposed ordinances establish new development standards that aim to reduce cumulative impacts resulting from incompatible land uses. Coupled with City-sponsored support to assist businesses with retrofits, modernization and other program activities to improve environmental compliance, CUGU aims to improve the external impacts resulting from conflicting land uses. As a result of the adoption of the proposed ordinances, the communities of Boyle Heights, Pacoima/Sun Valley, and Wilmington will see a protection of the public's health and a reduction of environmental impacts.

## LAND USE FINDINGS

1. In accordance with Charter Section 556, the proposed ordinances are in substantial conformance with the purpose, intent, and provisions of the General Plan. Specifically, the standards on enclosure, storage, and signage help implement the Health and Wellness Element Objective 5.2 to “[r]educe negative health impacts for people who live and work in close proximity to industrial uses and freeways through health promoting land uses and design solutions” and Objective 5.4 to “[p]rotect communities’ health and well-being from exposure to noxious activities (for example, oil and gas extraction) that emit odors, noise, toxic, hazardous, or contaminant substances, materials, vapors, and others.”

Through the setback, landscape, and distancing requirements, the proposed ordinances implement the Land Use Policy 3.13.4 of the Framework Element to “[p]rovide adequate transitions where commercial and residential uses are located adjacent to one another”, the Urban Form and Neighborhood Design Policy 5.7.1 to “[e]stablish standards for transitions in building height and for on-site landscape buffers”, and the Housing Element Policy 4.1.9 to “...assure adequate health-based buffer zones between new residential and emitting industries.”

The proposed ordinances focus on three communities that suffer from a high pollution burden and whose residents and community groups have participated with the City on CUGU from its inception. By doing so, the proposed ordinances help to implement the Air Quality Element Objective 4.3 to “... ensure that land use plans separate major sources of air pollution from sensitive receptors such as schools, hospitals, and parks” and the Air Quality Element Objective 6.1 “... to make air quality education and citizen participation a priority in the City’s effort to achieve clean air standards.”

2. In accordance with Charter Section 558 (b)(2), the proposed ordinances are directly related to the General Plan. Specifically, they substantially conform to public necessity, convenience, general welfare and good zoning practice. In addition, the proposed ordinances do not modify any provisions of the General Plan and are consistent with City policies, which promote protection from incompatible land uses and encourage suitable development standards that minimize impacts between incompatible and adjacent land uses.

## CHARTER SECTION 559

For the foregoing reasons and as provided under the authority of Charter Section 559 and City Plan Case No. 13505-A, I find that my action conforms with all applicable portions of the General Plan and with the August 13, 2015 action of the City Planning Commission, and I therefore approve this ordinance (attached) and recommend that it be adopted by the City Council.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning



THOMAS ROTHMANN  
Principal City Planner

VB:TR:HSC