



[Sean M. Sherlock](#)

Partner | Orange County

714.427.7036

ssherlock@swlaw.com

My [LinkedIn](#) Profile

LA County to Adopt Green Zone Ordinance, Environmental Justice Initiative

Environmental justice is a principle that has been around since at least the 1990s, with roots back to the 1960s. The US EPA describes environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” While environmental justice has been a concern for many decades, few laws have been put on the books to ensure environmental justice. Even California’s much revered (and often cursed) Environmental Quality Act (“CEQA”) is limited in its reach to physical impacts on the environment—not social issues.

Los Angeles County officials have spent the last six years taking a hard look at how they might put some teeth into the County’s environmental justice policies. The result is a proposed Green Zone ordinance intended to buffer residents in communities that have been historically and disproportionately impacted by multiple polluting sources. The ordinance will create 11 new Green Zone Districts in unincorporated areas of the County, and place new restrictions and development standards on certain commercial, agricultural, and industrial facilities in those districts.

County staff have scheduled a public hearing on the ordinance for April 21, and expect the Board of Supervisors to consider the ordinance in August 2021. If adopted by the LA County Board of Supervisors, this ordinance could become a model for other jurisdictions throughout the State.

Proposed LA County Green Zone Ordinance

The draft ordinance is 161 pages and extremely complex. This article is intended as a simplified summary. Any specific issues need to be addressed by carefully reviewing the ordinance itself.

In sum, the ordinance can be broken down into three components:

- (1) Creation of 11 new Green Zone Districts within unincorporated areas of the County, and adoption of new restrictions and development standards for several types of operations within those districts;
- (2) New, county-wide restrictions and development standards for green waste, solid waste, and recycling facilities; and
- (3) Creation of new development standards for new “sensitive uses” on lots adjacent to or adjoining legally established industrial uses, recycling or solid waste uses, or vehicle-related uses. Sensitive uses include dwellings, schools, parks, daycare centers, nursing homes, hospitals, shelters, and any other use “where individuals are most likely to reside or spend time.”

Green Zone Districts

The heart of the proposed ordinance is its creation of 11 Green Zone Districts and restrictions and development standards on businesses within those districts.

The 11 Green Zone Districts are generally located in the southern and eastern portions of Los Angeles County. They include the unincorporated communities of Avocado Heights, East Los Angeles, East Rancho Dominguez, Florence-Firestone, South San Jose Hills, West Whittier-Los Nietos, Walnut Park, West Athens-Westmont, Willowbrook, West Carson, and West Rancho Dominguez-Victoria.

Affected businesses are:

- Industrial uses including the manufacture, assembly, packaging, and storage of finished or prepared materials, food processing (including breweries and dairy products depots), laundries, boat building, blacksmithing, lumberyards, machine shops, welding, storage facilities and many others
- Warehouses that generate more than 100 truck trips per day
- Green waste operations including composting, vermiculture, organic waste recycling, chipping and grinding, biomass conversion
- Solid waste facilities including landfills, gas-to-energy facilities, transformation facilities, recycling centers, processing of construction demolition and inert debris, scrap metal yards

- Vehicle-related uses including car washes, auto service, body shops, tow yards, CNG Fueling, auto dismantling yards, tire retreading

When located within a Green Zone District and within 500 feet of a sensitive use These types of operations will be required to obtain Conditional Use Permits (“CUPs”) requiring the following special findings: (1) that the project is arranged to prevent adverse effects related to odor, noise, aesthetics, soil contamination, and air quality on neighboring property; (2) that the project employs appropriate environmental impact strategies; and (3) that the project protects public health and promotes environmental sustainability. These less-than-precise standards, though well intentioned, will introduce much uncertainty in the CUP process and broaden the public’s ability to challenge CUPs in litigation.

The ordinance creates new development standards for covered uses, including standards for solid walls, landscaping on street frontage, storage of materials, vehicles and equipment, surfacing, recycling and waste storage, vehicular access, and on-site circulation and idling. Covered facilities will also be required to post signs on their perimeter providing facility contact information and phone numbers to report any problems to the County’s Department of Regional Planning and the South Coast Air Quality Management District.

The ordinance will impose detailed requirements on new distribution warehouses, including: (1) minimum 100-foot buffer consisting of office space, employee parking, and/or landscaping between primary operation and lot lines that are closest to nearby sensitive uses; (2) utilize electric or alternatively fueled sweepers with HEPA filters; (3) utilize Energy Star heating, cooling, and lighting devices and appliances; (4) require no less than 15% of total trucks used in warehouse operations to be zero-emission or near-zero-emission on-road haul trucks, or if such trucks are not feasible, at least 15% of trucks shall be 2010 model year and meet California’s 2010 engine emissions standards; and (5) provide electric vehicle charging stations in the number of spaces equal to a minimum of 5% of all parking.

Finally, the ordinance will prohibit outdoor operation of all covered activities, including truck loading and unloading, between the hours of 6:00 p.m. and 8:00 a.m.

The ordinance will apply to new and existing covered uses. Existing, legally-established covered uses will have from three to seven years to get into compliance with the requirements.

Conclusion

This proposed Green Zone ordinance is one of the first of its kind attempts to codify environmental justice principles. It should have a significant impact cleaning up (and in some cases shutting down) affected businesses within designated Green Zone Districts. Industrial operators and those in the warehousing, solid waste, green waste, and vehicle-related industries should pay attention. If adopted by the LA County Board of Supervisors, this ordinance could become a model for municipalities throughout the State. The County staff have scheduled a public hearing on the ordinance for April 21 and expect the Board of Supervisors to consider the ordinance in August 2021.

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