

CHAPTER 2

The Urban Environment

CEQA Protects the Urban Environment
Louise Renne 39

CEQA and the Urban Park Movement
Robert García & Jan Chatten-Brown 41

The Staples Center Arena and Its Neighbors:
 A Community Benefits Agreement
Jerilyn López Mendoza 43

Forester Creek to Be Restored!
Suzanne M. Michel 45

Damping Down Construction Dust
PCLF Staff 46

Infill, Housing Costs, and Public Health
Rajiv Bhatia 47

Preserving Affordable Housing, Protecting Community
Margaretta Lin 47, Sidebar

Blocking Oil Drilling on California’s Coast
Carlyle W. Hall, Jr. 49

CEQA Protects San Francisco Bay
 Marshland, Regional Bay Trail
PCLF Staff 51

CEQA Brings Community Benefits to Hollywood and Highland
Roxana Tynan 53

Reducing Dangers from Hazardous Chemicals
PCLF Staff 55

See Pg...43



See Pg...51



See Pg...53



See Pg...55



CEQA Protects the Urban Environment

By Louise Renne

When we think of the California environment, it is all too easy to think of our state's unique and beautiful natural heritage: our magnificent coastline, scenic bays, glaciated mountains, towering forest canopies, rugged deserts, and more.



CEQA has been an essential tool for those dedicated to creating and preserving green spaces within urban neighborhoods. Read more on page 41.

However, while Yosemite Valley or the Big Sur coast may leap to mind as obvious symbols of California's environment, more than 70 percent of Californians live in highly urbanized areas. For this reason, protection of the urban environment is critical both to the economic future of this state and the quality of life of its increasingly urbanized population.

What are urban environment issues? What makes California's cities healthy and attractive places to live? Some answers to these questions are obvious. The air quality in cities

needs to be healthy for families. We should be able to swim in our public waters, especially close to urban centers. The residents of California's cities should have clean water to drink and green spaces in their neighborhoods for recreation.

Contaminated urban brownfields need to be recycled to productive use, without exposing neighbors to toxic chemicals during the cleanup and removal of contaminants. The transportation of toxic chemicals to business customers must be safe.

Residential areas should be buffered from the negative health and other impacts of commercial and industrial activities, including idling diesel trucks and ships, and emissions from incinerators and refineries. Where large facilities are sited within or adjacent to residential areas, residents should have the ability to ensure that the development will be done in such a way that it minimizes negative impacts on the

We have to attract people back to California's urban centers by protecting and improving the urban environment.

community and, ideally, that it also brings direct benefits to the community that it impacts.

Urban Californians spend much time in their cars. Horrendous traffic congestion has become a part

of everyday life, not only in Los Angeles and the Bay Area, but also in every urban area throughout California. As people are choosing to move further and further from urban centers where many jobs are, driven in part by housing prices but also in search of a cleaner, quieter



A CEQA settlement for the Los Angeles Century Freeway created the city's first metro line, and required the construction of affordable housing. Read more on page 111.

environment, commute times have become almost intolerable.

Mass transit is one solution, and it should grow exponentially in our urban centers. Mass transit provides low income residents with critical mobility to

access jobs, schools, shopping, and other opportunities. It reduces traffic congestion, improves air quality, and should help many Californians spend less time in their cars and more time with their families.



Historic St. Vibiana's Cathedral (above), in downtown LA, was saved from demolition by CEQA. It will be adaptively reused as a performing arts venue. Read more on page 157.

Another critical solution is to provide more housing opportunities within urbanized areas. Our state is expected to grow by 18 million more residents by 2025. Already, sprawling development is consuming important habitat and agricultural lands at an unsustainable rate. This sprawl imposes its own costs on residents, including longer commutes and degraded air and water quality. If we are to preserve the quality of life for urban residents and the natural heritage of our state, we have to attract people back to California's urban centers. To do this, we must protect and improve the urban environment.

Our urban areas still include natural areas such as bays and estuaries that are not only scenic, but also serve significant environmental values. We have many great urban parks, and the urban parks movement is growing. Urban creeks and streams, long neglected, are now the objects of a growing restoration effort.

We have laws in California to encourage sound urban planning; and we have many public servants who are dedicated to protecting and enhancing the urban environment. Yet, there is only one statute that requires a systematic examination of the environmental impacts of projects proposed for urban areas. That statute is and has been CEQA.

There is only one statute that requires a systematic examination of the environmental impacts of projects proposed for urban areas. That statute is and has been CEQA.

CEQA will examine the effects of a project on urban parks, on bays and estuaries, on air quality, on water quality, on exposure to toxic chemicals, on transportation oppor-



CEQA has been an important tool for preserving affordable housing in San Francisco. Read more on page 47.

tunities, and on other issues of importance in urban communities. It gives communities an opportunity to be heard. Most importantly, the CEQA process will examine ways to mitigate the harmful effects of projects and to redesign projects to be more environmentally friendly and compatible with community needs.

The application of CEQA in the urban context could not be more important. If we are to succeed in

channeling our growing population into urban communities, those future residents will want an attractive urban environment. Success in that challenge is critical not only for those future residents and for the urban environment, but it is also essential if we are to have any hope of protecting the great natural heritage of California that is outside the cities.

Louise Renne was City Attorney of San Francisco from 1986 to 2001. Ms. Renne served as a deputy Attorney General from 1967 to 1978 and was a member of the Environmental Unit. She was appointed to the San Francisco Board of Supervisors in 1978 and served on the Board until she became City Attorney. Ms. Renne is currently a partner at the San Francisco law firm, Renne Sloan Holtzman & Sakai.



CEQA empowered a Northeast LA community to stop the construction of an industrial development at the old Taylor rail yard (left). Instead, the site is to become part of the 103 acre State Park at Taylor Yard (right), a project that will revitalize the neighborhood and contribute to the greening of the LA River. Additional community input ensured that the park would meet the needs of an urban community by providing both natural areas and recreational facilities like tennis courts and soccer fields. Read more on page 41.

CEQA and the Urban Park Movement

By Robert García and Jan Chatten-Brown



Nobel Peace Laureate Rigoberta Menchú is honored at the Tournament of Liberty and Peace by children of the Anahuak Association with (left to right) director Raul Macías; Robert García, Executive Director of CLIPI; and LA City Councilman Antonio Villaraigosa.

Raul Macías, founder of Northeast LA's non-profit Anahuak Youth Soccer Association, provided critical community support in the fight against industrial development at Taylor Yard. By mobilizing the 1,400 Anahuak soccer players, ranging in age from four to seventeen years, he ensured that the concerns of those living in the neighborhoods around Taylor Yard would be heard. Further, as the only community-based organization to join the CEQA lawsuit against the proposed warehouse complex, Macías and Anahuak let the state's elected officials know that the needs of young people in urban LA could not be ignored.

Macías, who emigrated from Mexico over thirty years ago, began promoting youth soccer in 1994, after a group of neighborhood kids asked him, as a local business owner, to donate \$30 a week to help them pay for referees and other expenses. He agreed on one condition: that the youths come by each week to tell him the results of the game.

Continued on the following page.

The California Environmental Quality Act has been a critical tool for the urban park movement that is transforming the Los Angeles region into a more sustainable, democratic, and just community. The movement has engaged in strategic campaigns to create a thirty-two acre state park in the Chinatown Cornfield in the heart of downtown Los Angeles, a forty acre state park in Taylor Yard along the Los Angeles River as part of a planned 100 acre park, and in the Baldwin Hills as part of a two square mile park that will be the biggest new urban park in the United States in over a century.

The history of the State Park in the Cornfield demonstrates the importance of CEQA to the urban park movement. Initially, the City of Los Angeles and developers proposed a warehouse project on the abandoned rail yard in the Cornfield, the last, vast open space in downtown Los Angeles, with significant taxpayers' subsidies for the developers and without full environmental review.

A diverse alliance stopped the warehouse project and persuaded the State to buy the land and create a park instead. The alliance used CEQA as part of a strategic campaign that included a collective vision for parks, playgrounds, schools, and transportation; coalition building drawing on the diverse values at stake; public education and advocacy outside the courts; strategic media campaigns; multidisciplinary research and analyses on public finance, demograph-

ics, history, and law; and litigation as a last resort.

Advocates secured the support of the community, a Cardinal of the Catholic Church, Guatemalan Nobel Peace Laureate Rigoberta Menchú, a Cabinet member in the Clinton administration, Governor Gray Davis, and the state legislative leadership to make the dream of a park come true. The Center for Law in the Public Interest organized the civil rights challenge that claimed the warehouse project was the result of discriminatory land-use policies that had long deprived minority neighborhoods of parks and recreation. The community within five miles of the Cornfield is 68 percent Hispanic and 30 percent live in poverty.

When the alliance was not able to persuade the City to require full environmental review on the warehouse project, members of the alliance filed a CEQA suit in state court and an administrative complaint under federal civil rights and environmental laws. In response, then-HUD Secretary Andrew Cuomo refused to provide any subsidies for the warehouses without full environmental review that considered the park alternative and the impact on communities of color and low income communities.

This prompted the developers to strike a deal with the alliance, settling the litigation. If the alliance could persuade the state to buy the Cornfield for a park, the developers agreed to withdraw the warehouse proposal. If not, the alliance would

withdraw their opposition to the warehouses. In a win-win victory for all the people of the Los Angeles region, the alliance persuaded the governor and state legislature to buy the site for a park using funds from bonds passed in 2000.

In addition to creating playing fields and open space in a neighborhood that has none, a park in the Corn-

Easily accessible to millions of people, and with stunning views of the Los Angeles basin, the Pacific Ocean and surrounding mountains, the Baldwin Hills offers an extraordinary opportunity to create a world-class park and natural space. A remarkable variety of native plants and wildlife persist within sight of downtown Los Angeles, with more than 160 bird species,

Fundamental, democratic values underlie CEQA and the urban park movement.

field will help improve the quality of life, create quality jobs, increase tourism, increase property values, promote economic revitalization of the community and preserve invaluable cultural and historic resources at the birthplace of Los Angeles.

The Los Angeles Times called the Cornfield victory “a historic monument” and “a symbol of hope.”

Drawing on the lessons of the Cornfield, a community coalition stopped an industrial/retail project in Taylor Yard. Members of the coalition filed a successful CEQA suit demanding a full Environmental Impact Report as part of a strategic campaign. The court agreed after trial, leading to a settlement in which the state bought the site for a state park as part of the greening of the fifty-one mile Los Angeles River.

An imminent CEQA suit over a proposed sixty-five acre development in the Baldwin Hills resulted in that parcel becoming part of the planned two-square mile park in the historic African-American heart of Los Angeles. The Center has also led efforts to stop a power plant and a garbage dump in the park.

and fox, raccoon, and other wildlife. The park in Baldwin Hills will be bigger than Golden Gate Park and Central Park.

Fundamental, democratic values underlie CEQA and the urban park movement: the need for information so people can understand the impact of public policy decisions on their lives, and full and fair public participation for people to decide the future of their community for themselves and future generations. Los Angeles is park poor, and there are unfair disparities in access to parks based on income, race, ethnicity, and access to cars. CEQA is helping the urban park movement ensure the fair distribution of parks, recreation, and other public goods for all.

Robert García is Executive Director of the Center for Law in the Public Interest in Los Angeles, CA (www.clipi.org). The Center has worked and published extensively on the urban park movement.

Jan Chatten-Brown is the principal of a small, public interest oriented law firm (cbaearthlaw.com) specializing in land use, environmental, and natural resource law.

Continued from the previous page.

Macías eventually took over coaching the team: “They kept losing,” he says, “week after week. They were good players but they needed a coach. They needed somebody to push them to do things right, to show them how to be winners.”

As one team grew into two and then three, the Anahuak organization was born. Macías realized that he’d been presented with a real opportunity: “I wanted to give these kids an alternative to drugs and gangs and crime. I could use soccer as a hook to keep children off of the streets, children whose families can’t afford to pay for league fees and equipment.”

Macías joined the Coalition for a State Park at Taylor Yard because he recognized it as similar opportunity: “In the end, it had nothing to do with soccer fields,” he says. “These parks, they’re an investment, an investment in our community and in our young people. We can teach our children about nature, to respect nature, to love open spaces, fresh air, and trees.”

“The people,” he continues, “are excited—the real people, who never believed it was possible, the gardeners and mechanics. They feel very happy. ‘It’s a dream,’ they say. ‘We’re going to have a park right here. I don’t believe it.’”

The STAPLES CENTER Community Benefits Agreement provides:

Living Wage Jobs:

70 percent of new jobs will be unionized and/or pay a living wage.

Local Hiring / Job-Training:

50 percent of new jobs will be hired locally through a community-run job-training and placement center funded with \$100,000 from the developer.

Affordable Housing:

A minimum of 20 percent of housing units must be affordable to low income people. In addition, the developer will provide a \$650,000 revolving loan fund at 0 percent interest towards the building of new affordable units by community non-profits.

Parks and Recreation:

The developer will provide \$1 million for parks and recreation facilities within a one mile radius, and between \$50,000 and \$75,000 to involve community members in site identification and planning.

Environmental Planning:

An ongoing Coalition Advisory Committee will address such issues as construction, traffic, pedestrian safety, waste management, air quality, and "green" buildings.

Parking:

The developer will help to establish preferential parking and pay resident parking costs for five years.

From the SAJE.net website.

The Staples Center Arena & Its Neighbors: A Community Benefits Agreement

By Jerilyn López Mendoza

In spring 2000, the developer of the Staples Center in Los Angeles, home to the Lakers, Clippers and Kings, presented the outline of a proposal for a Sports and Entertainment District to the Los Angeles City Council. The massive, twenty-seven acre project included plans for two hotels, a 6,000 seat theater, up to 800 market-rate housing units and thousands of square feet of office and retail space.



Robin Doyno

For many residents in the surrounding neighborhood, the presentation was not cause for celebration. They worried that while they would suffer the

The Staples Center project included plans for two hotels, a 6,000 seat theater, 800 market-rate housing units and thousands of square feet of office and retail space.

negative consequences of such a massive undertaking—air pollution from construction equipment, displacement from nearby affordable housing, increased traffic and decreased pedestrian safety, and more security problems—they would see few of the benefits.

After several months of talking to each other about the project, the predominantly low-income neighboring residents and community leaders came together through the Figueroa Corridor Coalition for Economic Justice. They approached the developer and asked for the opportunity to present their concerns directly, as well as their ideas of how the development could benefit them to offset the burdens of the development.

As those informal discussions began, the Coalition also began drafting a formal response to the Draft Environmental Impact Report (DEIR) the developer had prepared for the expansion. Environ-



Robin Doyno

Residents from the surrounding, predominantly low-income neighborhoods feared that they would disproportionately suffer the impacts from the massive sports and entertainment facility.

mental Defense’s Environmental Justice Project, a Coalition member, took the lead in coordinating the comments. The document included traditional environmental issues, such as worries about air pollution and its link to local residents’ health and suggestions for the inclusion of green building principles. Beyond those concerns, the comments incorporated Coalition discussion of the expansion’s impact on redevelopment plans and affordable housing for the area, thus combining the environmental and economic justice issues together. Most importantly, the Coalition’s DEIR comments highlighted the DEIR’s failure to address energy concerns at all. As this was early 2001, during California’s “rolling blackout” energy crisis, it seemed a glaring omission.

By working with the community to prepare a benefits agreement, the Sports and Entertainment District sped through the development process, winning approval and public support in record time. Meanwhile, community residents will benefit from the resulting parks and open spaces, quality jobs, and affordable housing.

Faced with a united community front and a potentially legally deficient DEIR that could lead to both political and legal opposition to the project, the developer began a formal, five-month negotiation process with the Coalition that resulted in a comprehensive Community Benefits Agreement, a legally-binding legal settlement requiring a broad range of community benefits to be included in the project. In exchange, the Coalition members agreed to not sue the developer over the expansion plan unless the commitment to benefits was not met. In this way, the developers met with over twenty-nine community and other organizations simultaneously, enabling them to plan for all obstacles up front and deal with problems as a package, and the impacted residents were assured of specific benefits from the agreement.

The result was that the Sports and Entertainment District sped through the development process, winning approval and public support in record time. Meanwhile, community residents will see more parks and open space, more quality jobs, and more affordable housing than in any project before in Los Angeles.

The negotiations were mutually beneficial, according to Ted Tanner, Vice-President for Real Estate Development at AEG. “Our goal... was to win true support and advocacy for the project,” Tanner told the *Los Angeles Times*. “Their goal was the same—to see if we could make this project better and improve benefits for the community.”

Jerilyn López Mendoza is an attorney and Policy Director for Environmental Defense’s Environmental Justice Project Office. Working with community groups and other stakeholders, Ms. Mendoza coordinated the coalition’s comments to the draft EIR for the Staples Arena expansion.



Lizette Hernández works for Strategic Action for a Just Economy (SAJE), coordinating the implementation of the Community Benefits Agreement (CBA).

“When the Staples project came up for CEQA review, it caused nearby residents to ask, ‘Will our livelihoods be threatened? Will employees have a living wage? Will the housing be affordable to our families?’ It broadened the spectrum of how a project can benefit our community,” she explains.

CEQA was essential in mobilizing support for the CBA. “For Figueroa residents, especially the low-income tenants who were going to be displaced by eminent domain, having an avenue to express the needs of their community inspired them to create the vision behind the Agreement.”

The tangible benefits of the Agreement are already evident in the CBA-funded Figueroa Corridor Jobs Program - a SAJE pilot program promoting local hiring.

Lizette speaks highly of her counterparts on the Staples Center Staff. “We think that their professionalism with regards to the CBA is outstanding. People feel their own sense of power when this level of accountability exists in their community.”



Residents enjoy a walking path along the San Diego River. Thanks to CEQA, the Federal Highway Administration abandoned plans for concrete channelization of nearby Forester Creek. Community input has resulted in plans for a park and bike path system along the creek, connecting to the San Diego River Park.

“Would a restored **Forester Creek Park** with California Sycamores and migratory bird species encourage **visitor spending** in Santee? Would a creek with running water and cool shade services provided by wetland vegetation reduce local **energy costs** during hot summer days and increase private **property values**? Would a well-planned bike path in Forester Creek bring a sense of **community pride** to the city of Santee? Numerous Santee residents and business owners would answer **yes** to these questions.”

- From an editorial in the *San Diego Union Tribune*, by Suzanne M. Michel.

Forester Creek To Be Restored!

By *Suzanne M. Michel*

At first glance, Forester Creek in Santee, California looks like one of many abandoned creeks in our suburbs, with putrid, cloudy water, trash, and exotic plant infestation. However in the springtime, life somehow finds its way to this seemingly blighted area of the city. Cliff swallows travel thousands of miles from South America every year to forage and live in the creek.

In 2002, the City of Santee and the Federal Highway Administration proposed to convert this haven for swallows to a sterile concrete channel. Concrete channelization was the once preferred choice of creek management in Southern California. Transportation agencies converted waterways into concrete channels and drained adjacent wetlands to allow shorter, less expensive bridges over creeks, and easy flood control near freeways.

However, channelization leads to its own set of problems. Channelization of Forester Creek upstream of Santee, in the City of El Cajon, resulted in increased flooding and pollution in the downstream cities of Santee and San Diego. Nevertheless, the February 2002 Environmental Impact Report (EIR) for the “Forester Creek Improvement Project” proposed completing concrete channelization of Forester Creek through Santee down to its discharge point, the San Diego River. The primary reason for channelization was a proposed freeway project crossing the creek.

This time, however, the San Diego Regional Water Quality Control Board resisted a proposal to destroy another wetland in the name of cost-effectiveness. The Board refused to release the requested \$4.8 million dollars of Proposition 13 water quality bond funds for the project. Santee residents also weighed in on the EIR, insisting on restoration of the creek instead of channelization, and citing the success of the City’s recently completed riverpark project for the San Diego River.

Ultimately, the City of Santee and the Federal Transportation Agency re-examined the EIR, and in May 2003, a creek park and bike path system that would connect with the San Diego River Park became the preferred alternative. Given the tremendous support for creek restoration by Santee residents, City of Santee planners are examining other abandoned creeks in the City for restoration potential. Even Santee’s Mayor Randy Voepel, who strongly supported concrete channels and freeways in streambeds, is now an enthusiastic fan of creek restoration.

Suzanne M. Michel holds a Ph.D. in water resources geography. Currently Ms. Michel is an adjunct faculty of the Department of Marine Science and Environmental Studies at the University of San Diego, where she teaches environmental law and policy.

Damping Down Construction Dust

In California, construction dust poses a serious threat to human health and the environment. Typical releases of construction dust occur during the grading, excavation, demolition, road building, and other earthmoving activities on construction sites, as well as during normal travel by construction equipment on unpaved roads. A majority of construction dust is classified as Particulate Matter 10 (PM10), particles equal to or smaller than ten micrometers, which includes aerosols and fine to coarse dust particles. Such particles can contain compounds of nitrogen, sulfur, and asbestos which travel deep inside our breathing passageways and can eventually enter the bloodstream.

Construction activities are usually limited in duration, but even tempo-



CEQA is often the only measure that protects workers from health hazards related to construction dust.

rary dust emissions from construction can provoke asthma and lung illnesses. Chronic bronchitis, emphysema, and heart disease can be triggered by prolonged exposure to the PM 10 content of construction dust. The Health Effects Institute, jointly supported by the U.S. Environmental Protection Agency and Industry, has conducted many studies showing the association of PM10 with increased mortality and morbidity rates in the United States.

According to the Bay Area Air Quality Management District (BAAQMD), particulate emissions from construction activities can reduce visibility, impair breathing, and soil exposed surfaces, posing a significant nuisance concern to nearby sensitive receptors.

CEQA is one tool for addressing construction dust impacts at a project or plan level. Many local Air Districts in California have developed CEQA guidance documents to provide lead agencies with feasible control measures for addressing construction dust impacts, such as watering all active construction areas, limiting construction hours, planting vegetation, using soil stabilizers, and other erosion control techniques. Cities, counties and other CEQA lead agencies often use their authority

under CEQA to implement these PM10 control measures. CEQA is often the only basis that these agencies have to limit dust from construction.



Fine dust particles from construction sites can trigger chronic bronchitis, emphysema, and heart disease. CEQA has been used to ensure that developers employ proper mitigation strategies, minimizing the health risks faced by workers and nearby residents.

As Suzanne Bourguignon of the BAAQMD explains, “Our commitment is to achieve clean air to protect the public’s health and the environment. CEQA provides us with the opportunity to review local projects and plans and to provide guidance to lead agencies on how best to mitigate potential air quality impacts of those projects and plans. Through the implementation of our mitigations-based approach to controlling construction dust, lead agencies have been able to significantly reduce the localized impacts of PM10 from construction activities and their associated health risks.”

Written by PCLF staff.



Preserving Affordable Housing, Protecting Community

By Margaretta Lin

Infill development can be beneficial, but it may displace the poor and disrupt long-standing communities.

For example, one proposed new development in West Oakland would provide 1,600 new market-rate housing units along with commercial uses. However, it would demolish part of a historic Train Station and displace low-income residents through market forces. The 16th & Wood Train Station Coalition, led by Just Cause Oakland and the Coalition for West Oakland Revitalization, is seeking inclusion of affordable housing and other changes to the project.

CEQA has provided a valuable process for community residents to organize, voice their concerns, and hold decision-makers accountable. In this way, CEQA has helped us carry out our mission of alleviating systemic roots of poverty and injustice.

Margaretta Lin is Director of Community Economic Development for the East Bay Community Law Center. Ms. Lin provides legal representation for grassroots efforts on land use and development justice, including the 16th & Wood Train Station Coalition.

Infill, Housing Costs, and Public Health

By Rajiv Bhatia

Today, many propose infill development as an antidote to urban sprawl. Infill development can limit environmental costs resulting from the inevitable population and economic growth of our cities and provide an alternative to dependence on automobiles. Yet, infill development also raises important issues about fairness and the well-being of established central city neighborhoods.

If done right, development can meet the needs of both the environment and central city communities bringing new housing, jobs, and public revenues and addressing long-standing economic isolation. However, if decision-makers do not account for the needs of established residents, development may create new vulnerabilities for health and the environment.

An important relationship exists between the development of central city communities and

the adequacy of housing. In many places, communities are facing significant shortages both of very low and moderate-income housing. For example, in San Francisco, only 7.3 percent of households can afford the median sale price of a house, and the fair market rent for a two bedroom apartment is \$1,904, affordable only to those who make 90 percent of the average family's median income of \$86,100.

Unmet housing needs result from both new development and eco-

nomics factors. Because of de-industrialization, many new employment opportunities provide less security, poorer wages, and fewer benefits than the jobs they replace. At the same time, younger professionals and "empty nesters" are creating new housing demands and supporting higher housing costs. Developers do respond to this new demand, but typically only for those who can afford market-rate housing.

Rising housing costs have important consequences for health and well being. Low-income populations must make difficult choices among rent, food, clothing, and medical care. Low-income households typically work longer hours or at multiple jobs to afford rent, reducing time for sleep, recreation, and

family. Some low-income households accept unsafe or crowded conditions, resulting in exposure to cold or heat, lead

based paint, inadequate ventilation, and mold.

Because of a combination of income gaps, housing costs, and demolition or conversion of rental units, infill development can cause community displacement, with additional costs to health. Displacement results in psychological stress, which can affect the human immune and endocrine systems and increase infection rates. For children, relocation can lead to emotional and behavioral problems.

If decision-makers do not account for the needs of established residents, development may create new vulnerabilities for health and the environment.

High housing costs and forced displacement can result a loss of social networks which provide material and emotional support, buffer stressful situations, prevent damaging feelings of isolation, and contribute to a sense of self-esteem and value. Displacement also contributes to segregation by concentrating poor families in poor neighborhoods, increasing the population at risk for failure at school, teenage childbearing, tuberculosis, cardiovascular disease, poor mental health, homicide, and premature mortality.

This work reflects the simple premise that all public policy making should take into account direct and indirect impacts on human health. CEQA has provided us with one tool for beginning to make this happen.

Recognizing the high health costs of unmet housing needs, in 2002, the San Francisco Department of Public Health began to conduct Health Impact Assessments of development projects and neighborhood land use plans. These efforts challenged city planning officials to analyze a broader set of human impacts through the CEQA process.

The first application of HIA involved a proposed 1600 unit high-rise residential development in downtown. Project proponents argued that the project met both City housing needs and *smart growth* objectives; however, the proposed housing units would be affordable to few of the City's working households. Furthermore, new commercial and retail uses and city services might increase housing demands for low wage workers who would not be able to afford to live in the new development. In our analysis, we described the health and environmental consequences of disparities between housing costs and income, including longer

commutes, increased air pollution and roadway congestion, and the human costs of unmet housing needs. City Planning Commissioners ultimately approved the project, but an elected official used our analysis in successfully negotiating for additional developer-funded affordable housing.

In a second application, we critiqued a proposal to demolish and replace an apartment complex with

367 rent-controlled units with market-rate condominiums. Because the demolition involved a net increase of housing units, officials at the Department of City Planning first determined that it would not have adverse impacts on population or housing. According to one planning official, CEQA required analysis of only the project's physical changes—that is the buildings themselves—and not the people who occupied them.

Both apartment residents and supportive community organizations vigorously challenged this position, arguing that displacement would mean difficulty for residents in finding replacement housing and the loss of a cohesive community. The Department of Public Health provided an analysis of the health and social costs of displacement in written comments. We also published a technical report, which reviewed the health impacts of housing affordability and residential displacement and impact assessment best practices for assessing impacts on housing costs and

residential displacement. Based on our research, planning officials required the developer to consider the project's impacts on residential displacement in the EIR. Ultimately, the project developer, faced with criticism of the project by community organizations and political leaders as well as new EIR requirements, offered lifetime leases to the current residents at current rents at their present rates. He also offered to delay demolition until the replacement units were built.

Our Department continues to work towards an ac-

counting within the CEQA process of the health consequences of impacts on housing, transportation, and public infrastructure such as schools, community centers, parks, and public spaces. We are also working to train and support community organizations to engage with planning analysis and to build supportive and trusting relationships with city planners, business leaders, and sponsors of development projects.

This work reflects the simple premise that all public policy making should take into account direct and indirect impacts on human health. Overall, our efforts in San Francisco suggest that such accounting may significantly influence urban land use policy. CEQA has provided us with one tool for beginning to make this happen.

Rajiv Bhatia, MD, MPH, is the Director of Occupational & Environmental Health at the San Francisco Department of Public Health.

The Union Blowout and Offshore Drilling

In 1969, Union Oil's Platform A experienced an uncontrolled blowout in the Dos Cuadras field, approximately five miles from the Santa Barbara coast. Currents carried the spill—which lasted twelve days and amounted to 80,000-100,000 barrels of crude oil—primarily west, toward the Santa Barbara. Eventually, it spread over 800 square miles of ocean, coating thirty-five miles of coastline with up to six inches of oil.

Clean-up efforts began almost immediately. Because the damage was so extensive, the local community provided an unprecedented level of assistance. People of all ages and backgrounds helped in any way possible: using straw to absorb the oil as it washed onto shore, scrubbing rocks and seawalls, and attempting to save oil-soaked birds at hastily set-up rescue stations.

While the ecological impact of the Union oil blowout was catastrophic, the public's generous and impassioned response to the spill inaugurated an era of heightened environmental awareness, both in California and nationwide. This change in attitude had profound consequences for offshore drilling in the state, including:

- The creation of the California Coastal Commission by statewide initiative;

Continued on the following page.

Blocking Oil Drilling on California's Coast

By Carlyle W. Hall, Jr.

Shortly after the Supreme Court's seminal CEQA decision in *Friends of Mammoth* was issued in September 1972, the City of Los Angeles was presented with one of the first tests regarding whether local governments would have the political will to comply with the newly announced Environmental Impact Report (EIR) requirements. The test involved a proposed "wildcat" oil drilling exploration at the edge of Santa Monica Bay near Will Rogers State Beach.

WatchTheWater.com



The City of LA approved oil drilling exploration near Will Rogers State Beach (above) without an EIR. The CA Supreme Court determined that the case was an "excellent example" of the type of situation where an EIR would provide valuable information about the potential environmental impacts.

Just a few years earlier, the infamous "blowout" and extensive ensuing environmental destruction caused by oil drilling operations off the Santa Barbara coastline had galvanized the environmental movement to declare that similar environmental horrors should never happen again. The political momentum created by these unfortunate events led directly to passage of NEPA at the federal level and

CEQA at the state level. The entire purpose of these statutes was to ensure that, before such risky potentially environmentally damaging activities are pursued, adequate studies must first be undertaken to ensure that environmental considerations are at the forefront of an agency's decision and that all feasible mitigations are imposed.

Yet now, shortly after *Friends of Mammoth* ruled that local governments must prepare EIRs before making decisions that may significantly impact the environment, Los Angeles was proposing to allow Occidental Petroleum to set up exploratory drilling rigs at a beach location just a few miles south of the Santa Barbara disaster. It seemed inconceivable to the leaders of No Oil, Inc. that the City could approve the proposed drilling without an EIR.

Going to court for No Oil, lawyers with the Center for Law in the Public Interest (CLIP) showed that the oil drilling would take place immediately east of Pacific Coast Highway at the base of a highly unstable cliff with fourteen active landslides, including the notorious "killer slide" that had killed a Caltrans engineer who was attempting to remediate it. Both the local Board of Zoning Appeals and the Planning Department's hearing examiner had recommended against

the drilling because the risks, such as blowouts and landslides, were too great. Further, if Oxy's exploratory drilling found supplies of oil extending under Santa Monica Bay, both state and federal governments might find it necessary to allow offshore drilling in order to prevent their reserves from being depleted by Oxy's subsequent production. Nonetheless, following stormy public hearings, the City Council had narrowly voted eight to seven to approve the drilling.

Rushing to beat the effective date of Proposition 20 (the Coastal Act), Occidental began construction of its drill rigs just one day prior to the date by which the Act would require a permit from the new Coastal Commission. CLUPI's attorneys filed an emergency appeal to the California Supreme Court seeking a stay of the drilling. The

provide valuable information to the citizenry and decision-makers about the potential environmental impacts of a controversial project. The



Protest following the 1969 Santa Barbara Oil Spill

Davidson Library Special Collections, UCSB

Court also described the type of careful preliminary process by which public agencies should make the initial determination whether to prepare an EIR or a written Negative Declaration.

Following the Supreme Court's *No Oil* decision, Occidental Petroleum kept a fence around its oil drilling equipment at the site for many years. Meanwhile, controversy continued to rage. Mayor Tom Bradley, whose opposition to the drilling was a key plank in his successful run for the first of his four terms as Mayor, was later pleased to discover that his then rival, former Mayor Sam Yorty, who had strongly pushed the Oxy drilling application through the City's bureaucracy, admitted to accepting favors from Occidental. Ultimately, Occidental agreed to deed the site to the City, and the City thereupon incorporated the land into the adjacent Palisades Park.



Davidson Library Special Collections, UCSB

Court granted the petition in early 1973 and Occidental then halted construction.

Two years later, the case found its way back to the Supreme Court for a ruling on the merits. The Court determined that the case presented an "excellent example" of the type of situation where an EIR would

Carlyle W. Hall Jr. is a Partner at Akin Gump Strauss Hauer & Feld. Mr. Hall represented the plaintiffs in this case.

Continued from the previous page.

- A State Land Commission ban of offshore drilling that lasted for sixteen years, until intervention by the Reagan Administration;
- The strengthening of federal and state regulations governing oil drilling.

Still, the contentious issue of offshore drilling in California has not yet been put to rest. The Bush Administration has consistently endeavored to erode the traditional deference given to state agencies with regards to the environmental impacts of drilling and other activities along their coasts, giving greater influence to federal agencies. After twice failing to overturn a district court decision upholding the Coastal Zone Management Act, a law granting states the authority to review federal actions that may impact their coasts, the administration has begun attempts to fundamentally alter the CZMA.

Public opinion in California is firmly opposed to the idea of off-shore drilling, as is the Democratically-controlled State Legislature. Further, in his bid for office, Governor Schwarzenegger spoke unequivocally against drilling in the State's coastal waters.

Written by PCLF Staff.

For more information about the Santa Barbara oil spill, see: *The Santa Barbara Oil Spill, A Retrospective*, by K. Clarke and J. Hemphill.

CEQA Protects San Francisco Bay Marshland, Regional Bay Trail

Whitney Dotson (pictured on the following page) is intimately familiar with Breuner Marsh. His father, the late Reverend Richard Daniel Dotson, was one of the earliest residents of Parchester Village and one of the first advocates for the preservation of the area. Whitney, now fifty-nine, has followed in his father's footsteps. A community leader and Parchester Village resident, he has led efforts to protect the Breuner marsh.

The marsh has been a de facto park for the community from its earliest days. Whitney remembers swimming and fishing there as a child in the early 1960s. Even after some of the channels were illegally filled in the 1970s, Parchester residents still crossed the railroad tracks to enjoy this sacred nearby open space.

Since the late 1960s, Dotson has seen repeated attempts to develop the land, first as an airport and later for industrial uses and housing. Each time, the community rallied to stop the development plans. In recent CEQA hearings over the Edgewater Technology Park, the community coalesced into a unified force, advocating for permanent protection of this space.

For Dotson, CEQA and the principles of environmental

Continued on the following page.

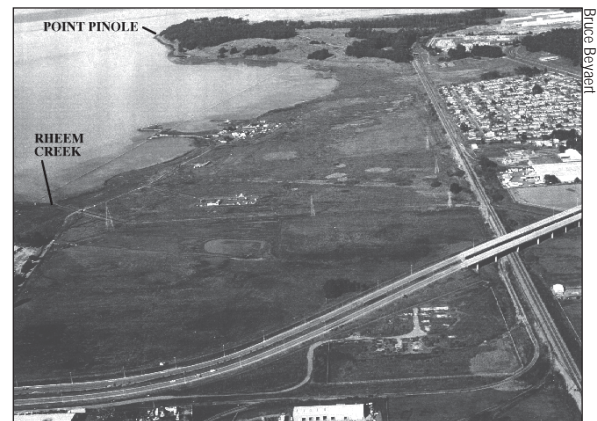
On cool mornings you can see and hear the marsh birds swooping and chattering. Gentle waves lap lazily along the shoreline. Hikers and bikers pass bird watchers on a multi-use trail, heading to the nearby regional park. Because of CEQA, this idyllic scene may soon become a reality for the citizens of Richmond and the entire San Francisco Bay Region on a parcel of land called the Breuner Marsh.

The Breuner property is a unique combination of upland prairie and coastal marsh located on the south eastern edge of the San Pablo Bay in the City of Richmond. It sits just across the railroad tracks from the historic African-American community of Parchester Village, developed after World War II to provide housing for shipyard workers who were restricted from buying houses elsewhere in the area. Community leader Whitney Dotson explains, "Prior to Parchester Village being built in 1949 there was an understanding that Breuner marsh would remain open space. It was part of an agreement between the developer, the African American community leaders, and the City of Richmond in exchange for their help in recruiting members of their congregations to move to the neighborhood. Unfortunately, those commitments are constantly being challenged."

The 238 acre property contains one of the largest remaining marshes in the northern section of the San Francisco East Bay, along with the largest remaining intact coastal upland prairie in the entire Bay Area. It also provides the only possible path for the Bay Trail, a 500 mile network of paths being developed to link all nine Bay Area counties and the adjacent Point Pinole Regional Park, a 2,315 acre park that has been a primary recreation area in Western Contra Costa County since the 1970s.

When a San Jose development company proposed building a commercial center that would cut off trail access to the regional park, the community responded in full force, advocating for preservation of the site and developing a campaign to purchase the land.

In 2002, the developer, Davis & Associates, sought approval from the Richmond city planning department to build a commercial center called the Edgewater Technology Park on the Breuner Marsh property. They also



The Breuner property lies between San Pablo Bay to the West, Point Pinole Regional Park to the North, and Parchester Village to the East. CEQA allowed the public to express their concerns with the Edgewater Technology Park proposal for this marsh and upland area.

proposed a for-profit wetland mitigation bank, where other developers could fund restoration activities to offset the impacts of their own projects. Unlike other shoreline developers, Davis and Associates excluded a connecting spur to the Bay Trail, effectively creating a half mile break in the Trail, even though pre-existing city plans called for a Bay Trail connection.

Continued from the previous page.

justice have been essential tools to demonstrate the effects of a development on adjacent communities of color.

“Exhaust fumes from cars on the Breuner property site would blow right into our communities, where we already have some of the highest asthma rates in the state. We would also have the most to lose if the Bay Trail was blocked, since we would be the most frequent users of that section. With CEQA we had a legitimate public process to address these concerns and now it looks like the marsh may finally be protected.”



Whitney Dotson, a leader of the Parchester Village Neighborhood Council, explains the importance of Breuner Marsh to local students.

The Richmond planning department received voluminous comments on the Environmental Impact Report (EIR) from over nineteen groups, including the East Bay Regional Park District, the Trails for Richmond Action Committee (TRAC), the Sierra Club, Communities for a Better Environment, and the Parchester Village Neighborhood Council. The residents

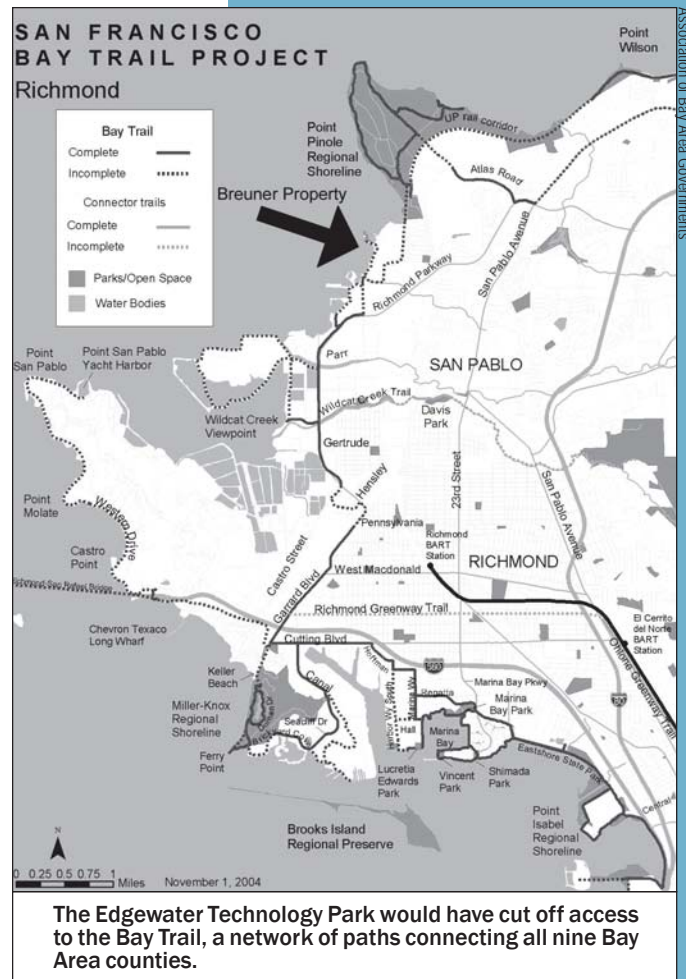
of Parchester Village made it clear that the negative effects of the project, including increased noise levels, decreased air quality, traffic in surrounding communities, obstruction of panoramic views of San Francisco Bay, and the loss of this valuable community resource were unacceptable.

Responding to public comment, City of Richmond planning staff reversed their original approval of the project and recommended that the city council set up a taskforce and special review body to re-examine the EIR.

With the community united to preserve the land, the developer decided not to pursue the project. The East Bay Regional Park District is considering purchasing the land with the help of the North Richmond Shoreline Alliance, a community group formed during the EIR process. Local legislators are looking at ways to secure funding for this purpose.

As Bruce Beyaert of TRAC explains, “Since 1989, Bay Area governments have been working together to build the Bay Trail. Yet, Point Pinole Regional Shoreline, which is the largest shoreline park in the entire Bay Area, has remained isolated without any Bay Trail connections. Breuner Marsh represents one of the last steps in a fifteen year process. Thanks to CEQA we were able to express those concerns to our local government. This was a victory for Richmond and the entire San Francisco Bay Region.”

Written by PCLF staff.



The Edgewater Technology Park would have cut off access to the Bay Trail, a network of paths connecting all nine Bay Area counties.

CEQA Brings Community Benefits to Hollywood and Highland

By Roxana Tynan

Over the last twenty-five years, several projects were proposed for the northwest corner of the Hollywood Boulevard and Highland Avenue intersection. The first project, proposed in the eighties by Mel Simon, met with significant and justified community opposition. Community members filed a lawsuit via CEQA, which eventually helped to kill the project. The idea for a major new commercial project then lay dormant until the mid-nineties.

At that point, Jackie Goldberg was the Councilmember for the area. She had come to office determined to ensure that new development happened—if it brought with it major community benefits such as quality jobs, local hiring, job training, housing and neighborhood services. When she was first elected, the business community in the neighborhood of Hollywood was nervous that Jackie would stand in the way of new projects. She made it clear, however, that if the business community understood that new development had to lift *all* boats, she would fight hard to make it happen.

Towards the end of Jackie's first term, she was approached by David Malmuth, representing the real estate behemoth, Trizec-Hahn. Malmuth had a vision for the project that made sense, and he was willing to negotiate a package of community benefits. This project would represent the first experiment

in that kind of negotiation. Malmuth understood that a project of this size—over 675,000 square feet of commercial space—would require significant community support in order to win approvals.

The project was designed to have a regional draw, and also to be a place to capture the imaginations of tourists. The Hollywood Chamber of Commerce had completed a tourist survey, which found that most tourists were extremely

members impacted by the project. He met and negotiated with all of the hillside homeowner associations, and he met with local residents interested in ensuring that the project would provide quality jobs. He also met with a team of local architects and designers appointed by Goldberg to influence the design of the project. The developers organized community meetings in addition to those already required by the City to ensure that everyone had an opportunity to weigh in on every aspect of the project.

As a result, the project Environmental Impact Report was completed and approved in roughly 6 months—an astonishing record for the City of LA. The developer agreed to a number of community demands: that all the jobs on the project be governed by a local hiring agreement with a goal that 30 percent of the jobs would go to residents nearby. For the construction jobs, they reached 20 percent, and for the permanent jobs, they reached above 60 percent of hires coming from the zip code in which the project was located.

The developer also agreed that any direct or subcontracted employees, such as security guards, janitors, parking lot attendants, or workers in the Kodak Theater, would be covered by the City's Living Wage Ordinance. The agreement included money for job training, and a commitment to bring in retail tenants who paid a living wage. Of particu-



The Hollywood and Highland project was designed to capture the imagination of tourists. CEQA ensured that the surrounding community benefited as well.

disappointed by their Hollywood experience. As a result, the City was not capturing many of those dollars, as there were few places for tourists to spend outside of a handful of T-shirt shops.

Malmuth was true to his commitment to engage all community

lar importance, the developers agreed not to interfere with workers' rights to organize, as a result of which the hotel workers, janitors, parking lot attendants and theater workers hired locally are covered by union contracts with good wages and health benefits.

In addition to all the job concessions, the developer agreed to a lengthy series of environmental

process can suffer delays or more significant setbacks to their project if they encounter organized community opposition. In this case, the developer took the high road and received approvals in record time.

We clearly have further to go. The development process remains confusing and opaque for most community members. We need much more transparency in that

For the first time, issues of economic justice were being addressed in addition to environmental issues. In many ways, CEQA paved the way for this new reality by reframing the debate about development. It's not just about profits, it's also about people.

mitigations and design changes. One of the environmental mitigations included installing a new traffic light system at over 100 intersections in Hollywood in order to ease traffic. The developer also created a program to subsidize public transportation for employees at the project.

What made the project different was that, for the first time, issues of economic justice were being addressed in addition to environmental issues. In many ways, CEQA paved the way for this new reality by reframing the debate about development. It's not just about profits, it's also about people. Including the economic and social issues in the development process is the next logical step.

CEQA provides a process by which developers can undertake to outreach to the community which, by building support for their project, can help them win necessary approvals. Developers that do not engage constructively in the CEQA

regard. We also need to institutionalize setting standards for developments which cover economic as well as environmental issues.

Epilogue: Trizec-Hahn lost money on the project due to construction cost overruns and the impact of September 11th on the tourist economy (the project opened in November of 2001) and the project is now owned by the CIM Group. The City of LA, however, is already reaping significant tax benefits, and the environmental and economic mitigations have ensured that the community benefited also. Those mitigations played no part in Trizec's losses.

Roxana Tynan works for the Los Angeles Alliance for a New Economy on the question of holding developers accountable to the communities in which they build.



Hollywood & Highland Site Before Construction



Early Construction



Final Buildout



The Completed Renaissance Hollywood Hotel

Photos courtesy of CIM Group, Inc.

Reducing Dangers from Hazardous Chemicals

Ammonia is a toxic chemical used for a variety of industrial and agricultural purposes, including pollution-control equipment on refineries and power plants. Inhaling ammonia can cause severe respiratory injuries and can burn the skin and eyes. It is fatal in large concentrations. Although the liquid form, called aqueous ammonia, limits these risks, many commercial users continue to request the more dangerous anhydrous ammonia which can create low-hanging toxic clouds when accidentally released.

Every year trucks carrying thousands of gallons of anhydrous ammonia travel across California's freeways, passing by commercial districts and residential neighborhoods. For example, a single power plant near Bakersfield requires the delivery of 750,000 pounds of anhydrous ammonia per year from a supplier halfway across the state in Stockton. Delivery routes can cross areas with population densities of 3,000 individuals per square mile, creating large vulnerable populations far removed from the site of usage.

A number of studies have found that transportation of anhydrous ammonia poses a significant risk to the communities that border these supply routes. In addition to explosions from collisions and accidents, anhydrous ammonia bearing trucks are occasionally susceptible to supply line leaks and hose failure which can slowly release the pressurized gas for several minutes.

Although the chances of a catastrophic accident are small, the affected area can stretch for nearly six miles.

Because the CEQA process requires an assessment of toxic chemicals, more and more industrial sites are switching to aqueous ammonia to limit the risk to their workers, neighbors, and the environment. In 2000, the Elk Hills Power Plant agreed to substitute anhydrous ammonia using aqueous ammonia with a concentration of less than 20 percent and develop a safety management plan for delivering ammonia. After substantial testimony from environmental risk consultants, the Sunrise power plant agreed to a similar plan the following year. Without CEQA, there would have been no regulatory basis to require switching to the safer form of ammonia.

Of course, while the switch from anhydrous to aqueous ammonia has reduced hazards, CEQA review is also needed to address the hazards presented by aqueous ammonia.

Hydrogen fluoride (or hydrofluoric acid) is a highly corrosive acid used at some oil refineries, in a process that boosts gasoline octane, and in the manufacturing of refrigerants and other compounds. HF vapors are known to form dense, fuming clouds capable of etching glass and causing severe damage to human skin and

lung tissue, and even death. According to state health officials, HF is so toxic that the release of a teaspoonful in a 500 square foot room would immediately cause a risk to life and health.

In 1987, an explosion and fire at the Mobile Oil Refinery in Torrance resulted in the accidental release of HF. That same year, an HF accident at the Marathon Refinery in Texas City, TX, sent over a thousand people to the hospital and caused the evacuation of approximately 4,000 people in the surrounding, predominantly low-income and minority communities. These accidents underscore the dangers of HF use to those living in nearby neighborhoods.

In subsequent years, CEQA studies for multiple refinery modernization projects (Mobil's in Torrance, Ultramar's in Wilmington, and Powerine/CENCO's in Santa Fe Springs) and a pesticide manufacturing plant expansion (at the Dow Chemical facility in Pittsburg) examined the potential impacts of HF transportation, storage and use. CEQA-related public comments for these projects highlighted the risks of HF, often leading to the implementation of important mitigation measures. Indeed, aside from one that shut down, all of the facilities have since phased out HF entirely, or have adopted measures that reduce HF risks.

Written by PCLF staff.