



County of Los Angeles

## Regional Planning Commission

### Airport Land Use Commission

April 9, 2015

TO: Pat Modugno, Chair  
Stephanie Pincetl, Vice Chair  
Esther L. Valadez, Commissioner  
David W. Louie, Commissioner  
Curt Pedersen, Commissioner

FROM: Carmen Sainz, Supervising Regional Planner  
Community Studies East Section  
Advance Planning Division

**ALUC REVIEW OF THE RENEWABLE ENERGY ORDINANCE  
PROJECT NO. R2015-00543-(1-5) / AVIATION CASE NO. 201500001  
HEARING DATE: APRIL 22, 2015; AGENDA ITEM #4**

The project is the Airport Land Use Commission (ALUC) review of the proposed Renewable Energy Ordinance (Ordinance) submitted by Los Angeles County. ALUC staff reviewed the Ordinance with the Los Angeles County Airport Land Use Plan (ALUP), the Los Angeles County Airport Land Use Commission Review Procedures (Review Procedures), and the General William J. Fox Airfield Land Use Compatibility Plan. This review revealed that the Ordinance presents no conflicts or inconsistencies with those documents and the respective policies. The Ordinance sets forth requirements for future installation of solar and wind energy facilities and does not propose zone and land use changes, nor does it authorize any improvements which can have compatibility concerns with noise, safety, airspace protection and overflight annoyance. The Ordinance requires individual projects to be reviewed by ALUC staff where project details will be available.

The Ordinance proposes amendments to Title 22 – Planning and Zoning – of the Los Angeles County Code. The Los Angeles County Regional Planning Commission approved the Ordinance along with the Environmental Impact Review (EIR) for the project on April 22, 2015. On April 22, 2015, the ALUC will review the Ordinance for a consistency determination with the airport land use policies.

Please find the attached public hearing documents for the above referenced project.

Project materials are available online at <http://planning.lacounty.gov/case/view/r2015-00543>. For questions, please contact Jennifer Jung at (213) 974-6425 or via email at [jjung@planning.lacounty.gov](mailto:jjung@planning.lacounty.gov) between 7:30 a.m. and 6:00 p.m. Monday through Friday.

MC:CS:JTJ

c: Bruckner  
Slavin  
Child

Richard J. Bruckner  
Director  
Dept. of Regional Planning

Rosie O. Ruiz  
Secretary of Commission

PROJECT NO. R2015-00543-(1-5)  
AVIATION CASE NO. 201500001

## AIRPORT LAND USE COMMISSION REVIEW OF THE RENEWABLE ENERGY ORDINANCE

### Overview

This is an Airport Land Use Commission (ALUC) review of the Los Angeles County Renewable Energy Ordinance (Ordinance), a Countywide Ordinance. The purpose of this review is to determine consistency of the Ordinance with the Los Angeles County Airport Land Use Plan (ALUP), the Los Angeles County Airport Land Use Commission Review Procedures (Review Procedures), and the General William J. Fox Airfield Land Use Compatibility Plan.

The purpose for the ALUC review of this Countywide Ordinance is “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.”

### STATUTORY REQUIREMENTS

Public Utilities Code Section 21670.2 established the Los Angeles County Regional Planning Department as the ALUC with the mission of protecting public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards around public airports.

Section 21676 (b) directs local agencies to submit for ALUC review, amendments to the general plan or specific plan, or the adoption of a zoning ordinance or building regulation for consistency with the adopted 1991 ALUP. This Ordinance is a County zoning ordinance and therefore requires ALUC review.

### PROJECT DESCRIPTION

The Renewable Energy Ordinance (Ordinance) is a countywide ordinance that amends Title 22 (Planning and Zoning) of the Los Angeles County (County) Code to establish a set of procedures and standards for review and permitting of solar and wind energy projects. These include solar and wind projects generating energy for on-site (small-scale) or off-site (utility-scale) use as well as temporary meteorological towers. In summary, the Ordinance will accomplish the following:

- Revise and add definitions related to solar and wind energy projects;

- Establish the permitting process for each type of solar and wind energy project in each zone; and
- Provide regulations for each type of solar and wind energy project.

In addition, the Ordinance includes amendments to the Minor CUP provisions of the County Code.

The Ordinance does not propose zone and land use changes, nor does it authorize any improvements which can have compatibility concerns with noise, safety, airspace protection and overflight annoyance. There are no increases in density nor intensity of people exposed to noise and safety impacts.

The Ordinance proposes amendments to Title 22 – Planning and Zoning – of the Los Angeles County Code. The Los Angeles County Regional Planning Commission will hold a public hearing for the Ordinance along with the Environmental Impact Review (EIR) for the project on April 22, 2015. On April 22, 2015, the ALUC will review the Ordinance for consistency with the adopted ALUP and General William J. Fox Airfield Land Use Compatibility Plan.

#### **Airport Influence Area**

The Ordinance is Countywide and entirely encompasses all of the Airport Influence Areas for the County (see Attachment A: Los Angeles County Airport Influence Area Map).

#### **Los Angeles County Airport Land Use Plan (ALUP)**

In 1991 the ALUC adopted the Los Angeles County Airport Land Use Plan (ALUP) which sets forth policies, maps with planning boundaries, and criteria for promoting compatibility between airports and the land uses that surround them. The adopted ALUP contains policies to help minimize the public's exposure to excessive noise and safety hazards associated with airport operations.

#### **General William J. Fox Airfield Land Use Compatibility Plan**

On December 1, 2004, the Los Angeles County ALUC adopted the General William J. Fox Airfield Land Use Compatibility Plan for General William J. Fox Airfield (Compatibility Plan). The Compatibility Plan sets forth policies, a planning boundary, intensity and density criteria for promoting compatibility between the airport and the surrounding land uses.

#### **ALUP Noise Policy**

ALUP noise policy establishes a system for measuring noise, sets sound insulation standards for qualified projects, establishes the Land Use Compatibility Table (see Attachment B: ALUP Land Use Compatibility Table) and encourages a statement of noise disclosure for properties in affected areas.

The ALUP Land Use Compatibility Table lists recreation, agriculture, industrial and commercial land uses within the 65 dB CNEL noise contour as compatible from an airport land use perspective. Residential and recreational uses are also listed as compatible uses

provided sound insulation needs are reviewed, and lists educational facilities as not compatible. The Ordinance does not introduce new noise sensitive land uses within an airport influence area. Additionally, solar and wind energy facilities proposed under the Ordinance are considered compatible land uses.

### **ALUP Safety Policy**

ALUP safety policy requires the establishment of safety zones, and sets criteria for limiting uses that may create a safety hazard for aircraft in the air and people on the ground. The Ordinance is a policy document and does not set forth development guidelines that pose a safety concern according to the ALUP. The solar and wind energy facilities proposed under the Ordinance will be reviewed by ALUC staff on a case-by-case basis, where project details will be available, and potential glare impacts will be analyzed.

### **Staff Evaluation**

Staff has reviewed the Ordinance with all the ALUP policies. This analysis revealed that the Ordinance presents no conflicts or inconsistencies with the ALUP, the Review Procedures, and the General William J. Fox Airfield Land Use Compatibility Plan. The Ordinance was found to be consistent with those documents and policies. The Ordinance is not a development proposal and does not set forth any zone or land use changes, or any new housing, businesses, road extensions, or other infrastructure improvements that would induce substantial population growth.

### **Staff Recommendation**

Staff recommends that the ALUC allow future developments under this proposed Ordinance to be processed administratively. The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends that your Commission close the public hearing and make a consistency determination between the airport land use policies and the Ordinance.

*"I move that the Airport Land Use Commission close the public hearing and, based on the evidence presented, find the Los Angeles County Renewable Energy Ordinance **CONSISTENT** with the adopted Los Angeles County Airport Land Use Plan, Los Angeles County Airport Land Use Commission Review Procedures, and General William J. Fox Airfield Land Use Compatibility Plan."*

### **ATTACHMENTS**

- Attachment A: Los Angeles County Airport Influence Area Map
- Attachment B: ALUP Land Use Compatibility Table

**Prepared by:** Jennifer Jung, LEED AP BD+C, Regional Planning Assistant II  
**Reviewed by:** Carmen Sainz, Supervising Regional Planner, Community Studies East

## **Attachment A**

# **Los Angeles County Airport Influence Area Map**

# Airports and Airport Influence Areas

June 2012

### LEGEND:

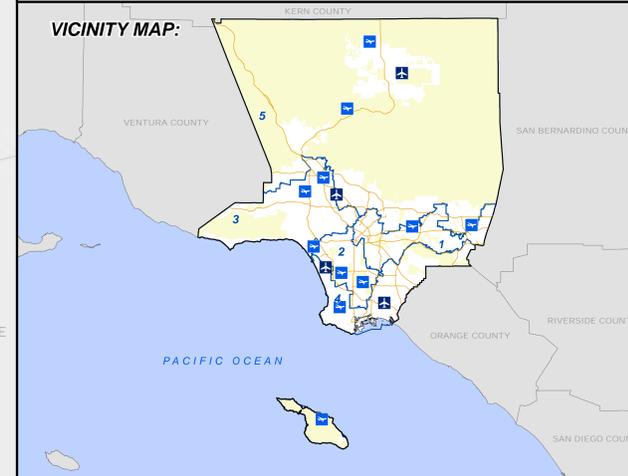
- Airport Influence Area
- Supervisorial District Boundary
- Metrolink
- Rapid Transit
- Freeway
- River, Stream or Channel
- Unincorporated Area
- Perennial Water Body
- Intermittent Water Body
- Dry Water Body
- National Forest Boundary

### NOTES:

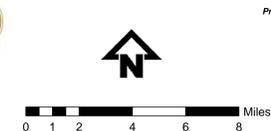
SOURCE: Los Angeles County Airport Land Use Plan (1991) and the Fox Airfield Land Use Compatibility Plan (2004).

This map was produced in whole or in part from THOMAS BROS. MAPS digital database and reproduced with permission from THOMAS BROS. MAPS. All rights reserved.

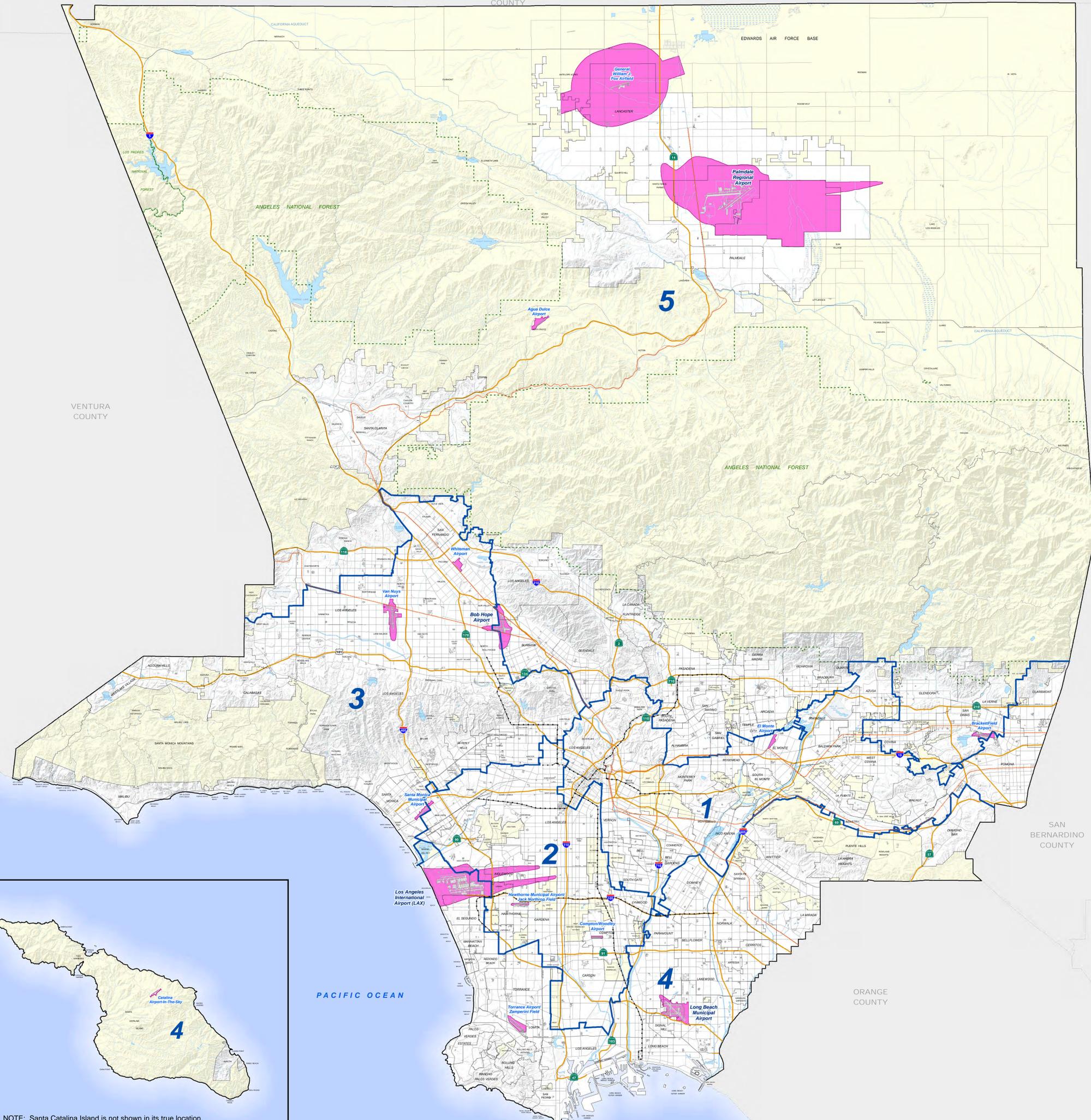
### VICINITY MAP:



LOS ANGELES COUNTY  
 Dept. of Regional Planning  
 320 W. Temple St.  
 Los Angeles, CA 90012



Printed on: \_\_\_\_\_

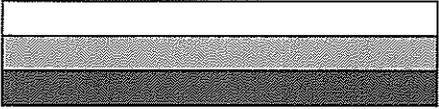


NOTE: Santa Catalina Island is not shown in its true location.  
 San Clemente Island is not shown on this map.

**Attachment B**

**ALUP Land Use Compatibility Table**

V. STATEMENT OF LAND USE COMPATIBILITY

<i>LAND USE COMPATIBILITY TABLE</i>						
	<i>Satisfactory</i> <i>Caution. Review Noise Insulation Needs</i> <i>Avoid Land Use Unless Related to Airport Services</i>					
	<i>Community Noise Exposure</i>					
<i>Land Use Category</i>	<i>55</i>	<i>60</i>	<i>65</i>	<i>70</i>	<i>75</i>	
<i>Residential</i>						
<i>Educational Facilities</i>						
<i>Commercial</i>						
<i>Industrial</i>						
<i>Agriculture</i>						
<i>Recreation</i>						

Consider FAR Part 150 for commercial and recreational uses above the 75 CNEL.

**DRAFT FINDINGS AND ORDER OF THE AIRPORT LAND USE COMMISSION  
COUNTY OF LOS ANGELES  
ALUC REVIEW OF THE RENEWABLE ENERGY ORDINANCE  
PROJECT NO. R2015-00543-(1-5)  
AVIATION CASE NO. 201500001**

**HEARING DATE:** April 22, 2015

**SYNOPSIS**

The Airport Land Use Commission (ALUC) is conducting a consistency review of the Los Angeles County Renewable Energy Ordinance (Ordinance), a countywide ordinance. ALUC review is necessary because the Ordinance is a legislative action affecting property within the ALUC's planning boundaries, also known as the Airport Influence Areas (AIA) surrounding the fifteen airports in Los Angeles County.

ALUC's consistency determination focuses on how the Ordinance will impact the surrounding land uses of the fifteen airports in Los Angeles County, and how it will relate to the policies contained in the Los Angeles County Airport Land Use Plan (ALUP) and the General William J. Fox Airfield Land Use Compatibility Plan (Compatibility Plan).

**PROCEEDINGS**

April 22, 2015 Public Hearing

[Reserved for summary of proceedings on April 22, 2015 public hearing]

**FINDINGS**

1. The State Aeronautics Act Section 21670, et seq. of the California Public Utilities Code ("PUC") requires every county in which there is an airport served by a scheduled airline to establish an Airport Land Use Commission.
2. Pursuant to Section 21670.2 of the PUC, the Los Angeles County Regional Planning Commission has the responsibility for acting as the Airport Land Use Commission for Los Angeles County and thereby coordinating the airport planning of public agencies within the County.
3. Pursuant to Section 21670(a)(1) of the PUC the purpose of the State Aeronautics Act that establishes Airport Land Use Commissions is to provide for the orderly development of each public use airport and the area surrounding these airports and to prevent the creation of new noise and safety problems.
4. Pursuant to Section 21674 of the PUC, the powers and duties of an Airport Land Use Commission include: assisting local agencies in ensuring compatible land uses in the vicinity of new and existing airports; coordinating planning at the state, regional and local levels so as to provide for the orderly development of air transportation; preparing and adopting Airport Land Use Compatibility Plans; and reviewing plans of local agencies to determine whether such plans are consistent with the applicable Airport Land use Compatibility Plan.
5. In 1991 the County ALUC adopted the Los Angeles County Airport Land Use Plan, which is known as the Airport Land Use Compatibility Plan ("ALUCP") that sets forth policies, purposes, maps with planning boundaries, and criteria for promoting compatibility between airports and the land uses that surround them.
6. The ALUCP provides for the orderly development of Los Angeles County's public use airports and the area surrounding them. The ALUCP contains policies and criteria, including a 65dB Community Noise Equivalent Level ("CNEL") contour, that minimize the public's exposure to excessive noise and safety hazards.
7. Pursuant to Sections 21674(d), 21676(b), 21672(c), 21661.5, 21664.5(a), and 21664.5(b) of the PUC, the County ALUC has the responsibility to review for consistency with the ALUCP, airport master plans, specific plans, general plan amendments and zoning ordinances for consistency with the adopted ALUCP, before final action is taken by the local agency.

8. Pursuant to Sections 21670(a)(2) and 21674(a), the ALUC has no authority over existing land uses regardless of whether such uses are incompatible with airport activities.
9. On December 1, 2004, the Los Angeles County ALUC adopted the General William J. Fox Airfield Land Use Compatibility Plan for General William J. Fox Airfield (Compatibility Plan). The Compatibility Plan sets forth policies, a planning boundary, intensity and density criteria for promoting compatibility between the airport and the surrounding land uses.
10. ALUC reviewed the proposed Los Angeles County Renewable Energy Ordinance (Ordinance) on April 22, 2015 and found the Ordinance to be consistent with the ALUP policies and the policies in the Compatibility Plan.
11. ALUC found no increase in density or intensity of people exposed to noise and safety impacts.
12. The Ordinance would allow renewable energy land uses within an airport influence area which are considered compatible land uses.
13. The Ordinance does not introduce new noise sensitive land uses within an airport influence area.
14. Potential glare impacts would be reviewed by ALUC staff on a case-by-case basis.
15. The Ordinance does not propose a use that would generate electrical interference, direct a steady or flashing light, attract large concentrations of birds or emit smoke. Therefore, the Ordinance is consistent with ALUP Policies S-5 and S-6 which prohibit such uses that would create the aforementioned safety hazards.
16. The Ordinance does not propose a use that would exceed 200 feet. ALUP Policy S-7 requires compliance with height restrictions of Federal Aviation Regulations (FAR) Part 77 which identifies an obstruction as a minimum of 200 feet high within 3 nautical miles of an airport. The Ordinance allows a height limit that is considerably less and is therefore consistent with ALUP Policy S-7.
17. The approval process for the development and operation of solar and wind energy systems and facilities are being clarified and definitions are being revised with this Ordinance. Clarification of approval process and revision of definitions for these proposed uses do not conflict with the ALUP policies.

**CONCLUSION**

Based on the foregoing, the Airport Land Use Commission concludes that the Renewable Energy Ordinance is consistent with the Los Angeles County Airport Land Use Plan and General William J. Fox Airfield Land Use Compatibility Plan.

**ACTION**

In view of the findings of fact presented above, the Airport Land Use Commission finds the Renewable Energy Ordinance consistent with the Los Angeles County Airport Land Use Plan and General William J. Fox Airfield Land Use Compatibility Plan

**Action Date:** April 22, 2015

**Vote:** N/A

**Concurring:** N/A

**Dissenting:** N/A

**Abstaining:** N/A

**Absent:** N/A