



County of Los Angeles

Regional Planning Commission Airport Land Use Commission

April 16, 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

Since submitting the Staff Findings and Order for ALUC's review of the Renewable Energy Ordinance to your Commission on April 09, 2015, staff made minor revisions. Within the attachment, the changes to the draft Findings and Order are shown in underline and strikethrough for ease of review.

The project is the Airport Land Use Commission (ALUC) review of the proposed Renewable Energy Ordinance (Ordinance) submitted by Los Angeles County. Pursuant to Los Angeles County Airport Land Use Commission Review Procedures Section 1.5.1(b), ALUC staff reviewed the Ordinance to ensure it is consistent with the various adopted commission airport land use plans within the County. 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 would have compatibility concerns with noise, safety, airspace protection and overflight annoyance. However, the Ordinance requires individual projects to be reviewed by ALUC staff administratively when specific project details will be available to ensure that such projects will not create glare, safety or noise issues.

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

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 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
HOA.1150548.1

Rosie O. Ruiz
Secretary of Commission

**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 Plans.
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 administratively by ALUC staff as individual projects are proposed, per the procedures set forth in the Ordinance 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