



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



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TO: Doug Smith, Chair
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Ordinance Studies Section

PROJECT NO. 2017-003637-(1-5)

PLAN NO. RPPL 2016002293

**AMENDMENT TO TITLE 22 IN ORDER TO IMPLEMENT THE LOS ANGELES
COUNTY COMMUNITY CLIMATE ACTION PLAN 2020**

MAY 17, 2017 – AGENDA ITEM #7

INTRODUCTION

The attached ordinance will amend Title 22 of the County Code (Planning and Zoning) in order to achieve the following: ensure compatibility with environmentally friendly roof and pavement materials and electric vehicle infrastructure; require signs in on-site loading areas to encourage vehicle idle reduction; and regulate secondary land uses under high voltage power lines. This ordinance will make Title 22 compatible and consistent with the County's effort to implement the Los Angeles County Community Climate Action Plan 2020¹ (CCAP), the County's plan to reduce greenhouse gas emissions. This ordinance will not add new mandatory requirements or development standards.

Item #7 is a public hearing item. Staff recommends the following action:

1. Find that the project is categorically exempt from CEQA per CEQA Statute and Guidelines Section 15308 and Section 15305.
2. Adopt the resolution to recommend that the Board of Supervisors conduct a public hearing to consider the adoption of the ordinance.

BACKGROUND

The CCAP was adopted as part of the Los Angeles County General Plan on October 6, 2015 and satisfies the County's goals of meeting the recommendations for local governments in Assembly Bill 32 (AB 32), the California Global Warming Solutions Act. The CCAP describes the County's plan to reduce greenhouse gas emissions in unincorporated Los Angeles County by at least 11% below 2010 levels by the year 2020.

¹ CCAP available at <http://planning.lacounty.gov/ccap>.

The County designated the CCAP Implementation Team to lead and coordinate implementation, monitoring, and update of the plan. Department of Regional Planning (DRP) is a member of the CCAP Implementation Team. DRP staff is working with the team for CCAP implementation. In order to meet the County's greenhouse gas reduction goals, the implementation schedule calls for the adoption of ordinances by 2017.

PROPOSED ORDINANCE

This ordinance will:

1. Modify existing definition for "automobile service station". This ordinance will add non-petroleum based fuel to the type of fuels allowed for sale at an "automobile service station". The existing code includes only gasoline and other petroleum based products as vehicle fuel permitted for sale at an "automobile service station".
2. Modify existing definition for "automobile service station" and "cool pavement". The ordinance will modify the definition of "cool pavement" to make it consistent with the California Green Building Standards Code (CALGreen).
3. Add new definitions for "electric vehicle", "electric vehicle charging space", "electric vehicle supply equipment", "heat island effect", and "secondary land use under high voltage transmission lines". This ordinance adds definitions for "electric vehicle", "electric vehicle charging space", "electric vehicle supply equipment", and "heat island effect", consistent with CA Building Code. This ordinance adds a definition for "secondary land use under high voltage transmission lines", consistent with LA County Fire Department Regulation 27.
4. Modify existing regulations for single-family residence development standards to ensure compatibility with environmentally friendly roof and exterior siding materials.
5. Modify existing regulations for pavement in parking lots to ensure compatibility with environmentally friendly paving materials.
6. Add new regulations to required parking spaces to ensure compatibility with parking spaces served by electric vehicle supply equipment and parking spaces reserved for future electric vehicle charging spaces.
7. Add new regulations to on-site loading and unloading space requirements to require a sign limiting vehicle idle to five minutes.
8. Add new regulations to Zones A-1, R-A, R-1, R-2, R-3, R-4, and IT to include secondary land uses under high voltage power lines as a ministerial use. Secondary land uses include parks, trails, crops, and greenhouses and development standards are included for crops and greenhouses.

CCAP CONSISTENCY

This ordinance is consistent with four CCAP Actions: (1) BE-1: Green building development, (2) LUT-8: Electric vehicle infrastructure, (3) LUT-9: Idle reduction, and (4) LC-2: Create new vegetated open space.

Green Building Development (BE-1)

CCAP Action BE-1 is *promote and incentivize at least Tier 1 voluntary standards within CALGreen for all new residential and nonresidential buildings. Develop a heat island reduction plan and facilitate green building development by removing regulatory and procedural barriers.* ISD is designated as the lead agency on this goal, with DRP as a

supporting agency. This ordinance supports CCAP Action BE-1 by ensuring that Title 22 is compatible with environmentally friendly roof and pavement materials.

This ordinance will amend Title 22 to remove regulatory and procedural barriers to environmentally friendly roof and pavement materials. Section 22.20.105.A regulates roof and exterior siding materials for single-family residences, prohibiting reflective, glossy, polished and/or roll-formed type metal materials. This ordinance will allow roof and exterior siding materials that are made of metal, provided they are not reflective, glossy, or polished. Section 22.52.1060.A regulates paving materials for parking. This ordinance will allow flexibility for the review paving materials that achieve environmental objectives, such as increased water percolation, reduced erosion and runoff, increased aeration and water for tree roots, and reduced glare and heat island effect, while maintaining standards for public safety, performance, strength, quality, and durability.

This ordinance will define “heat island effect” and amend the definition for “cool pavement”. Both definitions in Title 22 will be consistent with the definitions in the CALGreen.

Electric Vehicle Infrastructure (LUT-8)

CCAP Action LUT-8 is *electric vehicle infrastructure* and identifies the goal to *install 500 electric vehicle charging facilities at County-owned public venues and ensure that at least one-third of these charging stations will be available for visitor use*. ISD is designated as the lead agency on the goal, with DPW and DRP as supporting agencies. This ordinance supports CCAP Action LUT-8 by ensuring that parking spaces served by or intended to be served by electric vehicle supply equipment are treated uniformly by DRP.

This ordinance will add Section 22.48.120.J and amend Part 11 (Vehicle Parking Space) of Chapter 22.52 (General Regulations) in Title 22 and codify electric vehicle supply equipment as a permitted accessory structure or equipment on private property in unincorporated Los Angeles County. Currently, Title 22 is silent on electric vehicle supply equipment and DRP treats it as an accessory structure or equipment, subject to the same development standards as any other accessory structure or equipment (such as yard setbacks and height limits). This ordinance will codify that parking spaces served by electric vehicle supply equipment and parking spaces intended to be served by electric vehicle supply equipment shall qualify as required parking spaces in Title 22.

This ordinance will also amend Title 22 to modify the definition of “automobile service station” to include alternative fuel for vehicles. The existing definition includes only gasoline and petroleum products as vehicle fuel permitted for sale. As alternative fuel become more readily available, this amendment will ensure that any automobile fuel is covered under this use. Automobile service stations are permitted as a ministerial use in both Commercial and Industrial Zones.

On January 1, 2017, additional regulations became effective for electric vehicle supply equipment and electric vehicle charging spaces. CALGreen requires electric vehicle charging spaces for non-residential uses and requires pre-wiring for electric vehicle charging equipment for residential uses. The California Building Code regulates the size and placement of electric vehicle charging spaces and related access aisles and

routes. On February 17, 2017, Assembly Bill 1239 was introduced in order to “*research, propose, and adopt mandatory building standards regarding electric vehicle capable parking spaces for multifamily housing, commercial, and parking structure construction and renovation.*” The bill is pending consideration by the State Legislature. This ordinance will ensure that Title 22 is compatible with evolving State regulations for electric vehicle charging requirements.

Idle Reduction (LUT-9)

CCAP Action LUT-9 is *idle reduction* and identifies the goal to *encourage idling limits of 3 minutes for heavy-duty construction equipment, as feasible within manufacturer’s specification.* DRP is designated as the lead agency on this goal, with DPW and DPH as supporting agencies. In support of this goal, DRP staff proposed to (1) incorporate a three minute idle reduction mitigation measure for development projects subject to the California Environmental Quality Act (CEQA) and (2) to amend Section 22.52.1084 (Loading Areas) in Title 22 require signs in on-site loading areas to encourage vehicle idle reduction.

Section 2485 of Title 13 (Motor Vehicles) from the California Code of Regulations limit vehicle idle for commercial (semi-trailer trucks) and off-road diesel (heavy equipment such as bulldozers, backhoes, cranes, etc...) vehicles to five minutes. The California Air Resources Board (CARB), law enforcement, and the local public health agency are authorized to enforce this limit. After discussion with DPW and DPH, DRP concluded: 1) The 3-minute limit would create an inconsistent regulation between unincorporated Los Angeles County and the 88 incorporated cities in Los Angeles County and 2) The County would need both state and local enforcement agencies to commit to enforcing a stricter vehicle idle limit requirement. Because it would create an inconsistent regulation across the County and would require a high level of agency coordination to enforce a more restrictive vehicle idle limit, DRP will not to pursue enacting a more restrictive vehicle idle limit. As an alternative, DRP staff proposes to require signs in on-site loading areas to encourage vehicle idle reduction.

In support of CCAP Action LUT-9, this ordinance will amend Title 22 to require signs in on-site loading areas to encourage vehicle idle reduction. The sign will contain a message limiting vehicle idle to five minutes and will be placed in a location visible from the loading area. This ordinance will only require that a sign be posted and will not require DRP staff to enforce the five minute vehicle idle limit. The five minute vehicle idle limit is required by the State and only applies to commercial vehicles and off-road diesel vehicles. This ordinance will support CCAP by encouraging the reduction of vehicle idle in on-site loading area. This will result in the reduction greenhouse gases produced by vehicle emissions.

Create New Vegetated Open Space (LC-2)

CCAP Action LC-2 is to *create new vegetated open space* and identifies the goal to *restore and re-vegetate previously disturbed land and/or unused land and suburban areas.* The Fire Department is designated as the lead agency on this action, with DRP, Department of Parks and Recreation (DPR), and Department of Public Works (DPW) as supporting agencies. This ordinance will implement CCAP Action LC-2 because it will encourage vegetated open space uses such as parks and riding and hiking trails and encourage the restoration and revegetation of previously disturbed land and/or unused

land and suburban areas, such as crops, and greenhouses on underused properties under high voltage power lines.

Utility rights-of-way for high voltage power lines are present on properties in 25 of the County's 36 zones. In urban areas, utility rights-of-way for high voltage power lines are usually unused at ground level other than for the high voltage power lines. These properties are usually, but not always, vacant and flat, with vegetation removed to prevent a fire hazard. Each zone regulates secondary land uses with varying review requirements. Some zones require intensive review, such as a conditional use permit, while other zones require less intensive review, such as a ministerial review. In support of this action, this ordinance will amend Title 22 to allow the following select secondary land uses with a ministerial review in utility rights-of-way with high voltage power lines: parks, riding and hiking trails, crops, and greenhouses. Development standards for crops and greenhouses are included in this ordinance to ensure compatibility with surrounding uses.

This ordinance supports the Countywide Comprehensive Parks & Recreation Needs Assessment (May 9, 2016) because it identifies "underutilized land, utility corridors, alleys, and other public lands" for "expand(ed) park opportunities and (to) meet recreational needs." By removing barriers to secondary uses under high voltage power lines, DRP will streamline implementation of DPR's goals for identifying additional parkland opportunities.

This ordinance supports a motion made by the Board of Supervisors on May 13, 2014. The motion instructed DRP, in collaboration with the Fire Department, to study and provide recommendations for an appropriate permitting process for crops, greenhouses, and other secondary land uses considered appropriate in utility rights-of-way. In a memo dated September 29, 2014, DRP provided a response to the Board of Supervisors on this motion. The response outlined options for a draft ordinance that DRP could pursue upon further direction from the Board of Supervisors.

CCAP AND GENERAL PLAN CONSISTENCY

This ordinance is consistent with the following General Plan goals and policies:

Goal AQ 3: Implementation of plans and programs to address the impacts of climate change.

- **Policy AQ 3.1:** Facilitate the implementation and maintenance of the Community Climate Action Plan to ensure that the County reaches its climate change and greenhouse gas emission reduction goals.

Goal LU 4: Infill development and redevelopment that strengthens and enhances communities

- **Policy LU 4.1:** Encourage infill development in urban and suburban areas on vacant, underutilized, and/or brownfield sites.

Goal LU 9: Land use patterns and community infrastructure that promote health and wellness.

- **Policy LU 9.1:** Promote community health for all neighborhoods.

CCAP IMPLEMENTATION BEYOND TITLE 22

Beyond this ordinance and Title 22, the CCAP Implementation Team is working on several items to implement CCAP, including the Urban Heat Island Reduction Plan, Water Goals Campaign, and an update to the CCAP. The Urban Heat Island Reduction Plan is nearing completion. The CCAP Implementation Team will review draft infographics, timeline, and action items at their next meeting, scheduled for the end of May. County Water Goals Campaign for water conservation awareness is tentatively planned for May. In February 2017, the County was awarded a \$200,000 grant from the Southern California Association of Governments to complete an update to CCAP through 2030. This update is required by AB 32 and is expected to be completed by 2020.

ENVIRONMENTAL DOCUMENTATION

This project is categorically exempt from CEQA requirements per CEQA Statute and Guidelines Section 15308 (Class 8, Actions by Regulatory Agencies for the Protection of the Environment) and Section 15305 (Class 5, Minor Alterations in Land Use Limitations). Consistent with Section 15061(b)(3), it can be seen with certainty that there is no possibility that the project would have the potential to cause a significant effect on the environment.

The portion of the project to amend Title 22 in order to ensure compatibility with environmentally friendly roof and pavement materials and electric vehicle infrastructure and require signs in on-site loading areas to encourage vehicle idle reduction is categorically exempt under Section 15308 because these regulations will maintain, enhance, and protect the environment.

The portion of the project to amend Title 22 to regulate secondary land uses under high voltage power lines is categorically exempt under Section 15305 because it is a minor alteration in land use limitations. This portion of the project restricts secondary land uses to already disturbed land under high voltage power lines and restricts the secondary land use from grading on properties with a natural slope of more than ten percent or disturbing natural areas.

Public Notification

In September 2016, a summary of this ordinance was included as part of the public outreach for several DRP ordinance initiatives. A series of 14 public outreach meeting was held throughout the County. DRP also staff sent draft ordinances to the building and development community, including the Roofing Contractors Association of California and Building Industry Association.

LEGAL NOTIFICATION

On April 8, 2017 notice of public hearing was published in the Los Angeles Times. On April 12, 2017, notice of public hearing was published in La Opinion.

Public Comments

In response to the outreach conducted during September 2016, DRP staff received five inquiries for more information about the ordinances. The inquiries did not result in comments on the ordinance.

On September 30, 2016, in an email, Mr. Marc Connerly from the Roofing Contractors Association of California stated that they were supportive of the portion of this ordinance amendment that would ensure Title 22 compatibility with environmentally friendly roofing materials. This email has been attached to this report.

On March 28, 2017, via phone call, Mr. De'Andre Valencia from Building Industry Association Los Angeles/Ventura Chapter stated that because this ordinance amendment would not require new development standards, that they had no comment on this ordinance.

STAFF RECOMMENDATION

In consideration of the facts presented, DRP Staff recommends that your Commission close the public hearing, find the project exempt from CEQA, and adopt the resolution to recommend that the Board of Supervisors conduct a public hearing to consider the adoption of Project Number R2017-003637-(1-5), Plan No. RPPL 2016002293.

SUGGESTED MOTION

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, FIND THAT PROJECT NUMBER R2017-003637-(1-5), PLAN NO. RPPL 2016002293 IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA SECTION 15308 AND SECTION 15305.

I ALSO MOVE THAT THE REGIONAL PLANNING COMMISSION ADOPT THE ATTACHED RESOLUTION AND FORWARD PROJECT NUMBER R2017-003637-(1-5) TO THE BOARD OF SUPERVISORS FOR CONSIDERATION IN A PUBLIC HEARING.

Attachments