



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

July 2, 2015

Ms. Jacki Ayer
2010 W. Ave. K
Lancaster, CA 93536

**RESPONSE TO YOUR LETTER REGARDING THE
RENEWABLE ENERGY ORDINANCE**

Dear Ms. Ayer:

I am in receipt of your letter dated March 20, 2015 to the Planning Commissioners regarding concerns raised by representations made by the Department of Regional Planning (DRP) staff and yourself at the March 18, 2015 Renewable Energy Ordinance (Ordinance) public hearing. Your letter specifically expresses concern over the Ordinance's compliance with state law, DRP staff comments regarding small scale solar project requirements, conflicts between the Los Angeles County Code (LACC) Community Standard Districts (CSDs) requirements and the Ordinance, and FAA-required lights.

Compliance with State Law

Small Scale Wind Energy Systems

Your letter disagrees with the County of Los Angeles' representations at the March 18, 2015 public hearing that state law restricts its regulation of renewable wind energy projects. However, the state has passed zoning requirements for small wind energy systems, encompassed by Government Code section 65893 et seq. The state clearly set forth its intent to encourage the installation of small wind energy systems:

It is the intent of the Legislature to encourage local agencies to support the state's ambitious renewable energy procurement requirements by developing and adopting ordinances that facilitate the installation of small wind energy systems and do not unreasonable restrict the ability of homeowners, farms, and small businesses to install small wind energy systems in zones which they are authorized by local ordinance. Gov. Code §65893(5).

A small wind energy system is defined as a:

Wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more

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than 50 kilowatts per customer site...and that will be used primarily to reduce onsite consumption of utility power. Gov. Code §65894(2).

Accordingly, the state provides that a county may adopt an ordinance for the installation of small wind energy systems so long as it is not more restrictive than what is provided by state requirements which encompass in part rated capacity, tower height, setbacks, noise levels, and visual effects. Gov. Code §§65894-65896. However, a county is exempt from these requirements if it has passed a small wind energy ordinance prior to January 1, 2011. Gov. Code §65895(a).

Based on these state restrictions and comments provided by the public, it was determined that keeping the County's existing small scale wind requirements, which were adopted prior to January 1, 2011, would allow more protective measures to remain in place than if it had to comply with some of the state's less strict requirements. For small scale wind the Ordinance has been revised to only include amendments for birds and bats, which state law is silent on.

California Renewable Energy Portfolio

Your letter disagrees with DRP staff's reference to California's Renewables Portfolio Standard (RPS) at the March 18, 2015 public hearing as you believe it does not limit local agencies in any way.

The RPS was discussed at the March 18, 2015 public hearing to illustrate that steps are being taken at the state level to increase renewable energy production. This intent is also reflected in several state statutes which affect how the County can regulate such projects. See Solar Shade Control Act; Solar Rights Act; Small Wind Energy Systems; Senate Bill X-2 signed by Governor Brown April 2011.

Solar Rights Act

Your letter indicates that the Ordinance does not account for AB2188's permit streamlining for "small residential rooftop solar energy systems". The Ordinance has been subsequently revised to ensure there is no conflict with AB2188. However, the County will be adopting a separate ordinance tailored to AB2188's specific provisions later in the year.

Your letter also discusses the Solar Rights Act being pre-empted by certain federal and state statutes. However, the Ordinance specifically provides that solar projects must be consistent with all applicable state and federal laws.

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Your letter disagrees with DRP staff's representation at the March 18, 2015 public hearing that the Solar Rights Act limits the County's ability to regulate. First, the state has made clear that "the implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair." Gov. Code §65850.5(a). Then, as you point out, the Solar Rights Act distinguishes between solar energy systems that would cause adverse health and safety impacts and those that would not. In order for a local jurisdiction to require a use permit for a solar energy system, it must make a finding that such a system would result in adverse health and safety impacts. The County has found that the following solar energy system size and locations would result in adverse health and safety effects and is therefore proposing to require a use permit for such systems: small-scale ground-mounted solar energy systems that are constructed in an O-S or W zone; and small-scale ground-mounted solar energy systems that exceed 2.5 acres or 25% of the lot, whichever is lesser. The aforementioned would be subject to CEQA. However, those solar energy systems not requiring a use permit would proceed under a ministerial review (consistent with state law) and therefore be exempt under CEQA Guideline section 15268(a).

DRP Staff Comments Regarding Small-Scale Solar Projects

Your letter expresses concern with the comments made by DRP staff at the March 18, 2015 public hearing regarding the sizing of small-scale solar energy systems. More specifically, your letter expresses concern that the maximum lot coverage for ground-mounted small-scale solar energy systems is too large. If too large, the concern is that these would allow for small-scale solar energy systems that generate much more energy than typically needed for single-family residences and other buildings allowed in residential and agricultural zones with a relatively low on-site energy demand.

Subsection C.2 of Section 22.52.1620 of the Ordinance establishes a maximum lot coverage of 25 percent of the parcel or 2.5 acres, whichever is lesser, for ground-mounted small-scale solar projects. A wide range in size for these systems is provided as they can be installed for single-family residences as well as energy-intensive uses such as institutions and large warehouse distribution centers. Encouraging on-site generation for these energy-intensive uses is one of the goals of this Ordinance. This threshold however, is included to minimize ground disturbance for large systems by encouraging structure-mounted solar for large energy-intensive buildings, such as commercial, industrial or institutional buildings, which could be quite large in scale. A smaller threshold would limit the energy generating potential of larger systems for on-site use, and would not encourage distributed generation. This threshold balances encouraging distributed generation with minimizing ground disturbance. Furthermore, this threshold will not allow for much more energy generation than needed for lower energy demand uses such as single-family residences. The Ordinance requires small-

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scale solar energy systems to generate energy primarily for on-site use, and projects would need to be sized accordingly. As such, the threshold does not need to be revised.

Conflicts between CSDs and the Ordinance

Your letter also addresses potential conflicts between CSDs and the Ordinance such that solar and wind energy projects within the CSDs would not be subject to the CSD standards. As discussed during the April 22, 2015 RPC hearing, based on our understanding of the community's concerns, the Ordinance has subsequently been revised to clarify how the Ordinance provisions relate to the CSD provisions. For utility-scale projects, where the Ordinance and CSDs regulate the same matter, whichever provision is more restrictive shall apply pursuant to Section 22.04.050 of the County Code, such as ridgelines, and drainage. Exceptions include wind tower height, height for structure-mounted projects, and fence height.

FAA Lights

Your letter also requests staff to address the issue of safety lights required by the Federal Aviation Administration (FAA) in the Ordinance. The Ordinance includes provisions regarding FAA-required safety lights on wind towers. Only lights required by the FAA will be allowed and any other lights will be prohibited.

Thank you for your letter which further discusses issues that were brought up at the Ordinance's March 18, 2015 public hearing. Your letter, along with this response, will be provided to the Board of Supervisors for their review and consideration.

If you have any questions or require further information, please do not hesitate to contact Jay Lee at jalee@planning.lacounty.gov or (213) 974-6476 between 7:30 a.m. and 5:30 p.m., Monday through Thursday.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner, Director



Susan Tae, AICP
Supervising Regional Planning
Community Studies North

RJB:SMT:JL:jl

The Regional Planning Commission
County of Los Angeles
320 W. Temple Street
Los Angeles, California 90012
Electronic Transmittal of 6 [six] pages
[c/o Ms. Rosie Ruiz: RRuiz@planning.lacounty.gov]

March 20, 2015

Subject: The Draft Renewable Energy Ordinance and Information Submitted Pursuant to Matters Raised in the March 18, 2015 Public Hearing

Dear Planning Commissioners;

I appreciate the time and effort that all of you took to address community concerns in your consideration of the Draft Renewable Energy Ordinance at the March 18 public hearing. The matter was continued due to uncertainties regarding potential conflicts with adopted standards districts as well as uncertainties regarding the possibility of preemption of some ordinance provisions by state law. This letter is intended to address these concerns, and also provide supplemental information which clarifies certain remarks and representations that were made by staff and County Counsel. In the absence of a transcript, I am relying on my notes, which I believe are reasonably accurate.

Conflicts with State Law

Staff and County Counsel made a number of remarks regarding state law and its relation to renewable energy standards, wind turbine classification and permitting, and solar energy development which seemed to give the impression that state law largely preempts the County's authority to regulate renewable projects. This is not true, as evidenced by the following:

- There are no state laws which regulate or establish wind turbine size classifications; in such matters, the California Energy Commission relies on "industry standards" which establish that a 50 kW wind turbine is an intermediate utility-scale system.
- There is nothing in state or federal law which limits the County's ability to regulate the environmental, health, safety, and aesthetic impacts of wind energy systems. Nor are there any state or federal laws which preempt or prevent the County from establishing a residential wind turbine limit of 15 kW (as I have requested)
- Staff displayed a slide indicating the state's renewable energy standard of 33% by 2020, and indicated that this standard somehow applies to the County's ordinance development process. However, the 33% renewable energy standard does not apply to, or control, any County action. In fact, the 33% standard applies specifically to energy utilities (such as Southern California Edison), and it requires that these utilities obtain a fixed percentage of the energy they deliver from renewable resources. It does not impose any requirements or limitations on local agencies.

- AB2188 (enacted just a few months ago) defines “small” solar installations as 10 kW, and it requires local jurisdictions to adopt a streamlined, “check-list” style, expedited permit process for such systems installed on residential rooftops by September 30, 2015. None of these elements are included in the Draft Ordinance, so presumably the County intends to implement AB2188 in a separate rulemaking process.
- The only other state statute which could possibly inform or direct the County’s renewable energy ordinance development process is the California Solar Rights Act (the “Act”), which was adopted to prevent homeowner associations and local jurisdictions from placing unnecessary barriers to the installation of solar energy systems. This Act is discussed in more detail below.
- The California Solar Rights Act is itself preempted by certain federal and state statutes (such as those addressing endangered species, wildlife protection, and environmental impacts). In fact, the only solar installations that are categorically exempt from the California Environmental Quality Act (“CEQA”) are parking lot- and roof mounted-solar systems.
- The California Energy Commission, in concert with the California Department of Fish and Wildlife, the U.S. Bureau of Land Management, and the U.S. Fish and Wildlife Service, are coordinating on the Desert Renewable Energy Conservation Plan (DRECP) to develop a biological mitigation and conservation program for renewable energy projects. This plan captures virtually all of the Antelope Valley. Although the Draft EIR/EIS for this project has only just recently released, it appears to address (at least in part) the concerns raised by Ms. Pincetl at the public hearing. More information can be found here: <http://www.drecp.org/>

The Draft Ordinance Already Complies Fully with the California Solar Rights Act.

In referring to the Act, staff gave the impression that it restricts the County’s ability to impose limits on solar energy project developments. This is not simply not true. In fact, even if the County were to incorporate all the changes requested by the public during the hearing, the Draft Ordinance would still be fully compliant with the Act. This is because the Act simply establishes 2 categories of solar installations; those which are deemed to have no adverse health and safety impacts, and those that are deemed to potentially create adverse health and safety impacts. The first category includes rooftop solar installations by homeowners, agricultural interests and business interests, and the Act specifies that these types of projects must be by approved by the County through a ministerial “building permit” process. Solar installations that fall into the second category may undergo a “use permit” process. It must also be pointed out that, although the Act focusses on the health and safety impacts of solar energy projects, it does not exempt solar projects from CEQA or other environmental protection statutes, and those installations that are subject to a “use permit” process must fully comply with CEQA.

As written, the Draft Ordinance already complies (explicitly and fully) with both the language and the intent of the Act because it provides ministerial approval of both small-scale and roof-mounted utility scale solar installations “by right” through the building permit process. And consistent with the Act, the only solar installations that are subject to a “use permit” process are 1) Ground-mounted large utility-scale developments on lands zoned as A2, commercial, industrial, RR, and W; and 2) Structure mounted developments in R1-zoned land. The ordinance establishes that all other installations are approved through ministerial building permits. Equally important is the fact that **none** of this would change if the ordinance were revised to accommodate all the matters raised by the public in the hearing. Contrary to what was indicated by staff and County Counsel, the Draft Ordinance would still comply fully with the Act even if all of the recommendations made by the public were integrated into it. This fact is supported by the plain language of the Act itself, which states (in pertinent part and with emphasis added):

9.5 CALIFORNIA GOVERNMENT CODE SECTION 65850.5

(a) The implementation of consistent statewide standards to achieve the timely and cost effective installation of solar energy systems is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern. It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability **of homeowners and agricultural and business concerns to install solar energy systems**. It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use. It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.

(b) **A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit.** Review of the application to install a solar energy system shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. **The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety.** However, if the building official of the city or county has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, **the city or county may require the applicant to apply for a use permit.**

It should also be noted that the Act authorizes the County to deny a use permit application for a solar project based on findings that the adverse health and safety impacts created by the project cannot be feasibly mitigated. At the public hearing, three substantial health and safety concerns relative to ground-mounted solar projects were raised that are not properly addressed in the Draft ordinance (and have NEVER been mitigated in any solar projects installed to date). These impacts (glare, dust, and valley fever) pose significant

health and safety concerns in the Antelope Valley. Glare significantly impairs safe driving conditions even in areas that are miles away from solar installations. Dust causes significant respiratory and health problems, and the incidence of Valley Fever has increased 100% since large scale solar installations became operational in the Antelope Valley. The Act makes it clear that the County must properly address these serious health and safety concerns in the Draft Ordinance, and ensure that these impacts are thoroughly mitigated before any use permit is issued for solar projects in future.

Staff Comments Regarding “Small-Scale” solar projects.

I raised concerns regarding the Draft Ordinance provisions which authorize 2.5 acres of “small scale” solar facilities as an accessory use in any zoned area. This “accessory use” authorized by the Draft Ordinance does not distinguish between low impact roof-mounted systems on industrial/commercial buildings and high impact, ground-mounted systems on rural residential/agricultural parcels. It also fails to address or even recognize that 2.5 acres of solar panels on a rural residential lot is hardly intended for “on-site” use, given that it produces sufficient energy to support 75+ homes. These concerns stem from the significant glare, dust, valley-fever, and well water usage impacts that such enormous accessory uses will create in Acton’s residential and agricultural areas. Mr. Lee indicated that the 2.5 acre “small-scale” solar facility limit was intended more for commercial and non-residential locations. However, the Draft Ordinance does not draw this distinction, so his comments are not supported by the language of the ordinance itself. Mr. Lee also indicated that, because “small scale” systems are intended to generate energy for on-site use, the County would be able to reduce the size of residential systems to less than 2.5 acres through the permitting and environmental review process. This is also incorrect because the accessory 2.5 acre “small-scale” solar systems are authorized “by right” in the Draft Ordinance, and will never be subject to limitations or environmental review because they will be approved through a ministerial building permit process. The following is intended to correct the information presented by Mr. Lee:

- “Small-Scale” solar facilities are established as an accessory use in every single zoning category, including rural residential/agricultural. Contrary to Mr. Lee’s understanding, they are not limited to commercial or industrial areas.
- As an established accessory use, rural residential and agricultural property owners are allowed “by right” to cover up to 25% of their property with solar panels up to a maximum of 2.5 acres.
- As an established accessory use, the approval of 2.5 acres of solar panels on residential and agricultural lots is a ministerial action which will not be subject to the “environmental review” referred to by Mr. Lee.
- As an established accessory use, rural resident will have unconditional authorization to strip 2.5 acres of their property and cover it with solar panels, which will create significant dust, glare, water table and valley fever impacts on the surrounding properties

- As an established accessory use, the County will be unable to limit the total area of solar panels on a residential or agricultural lot based on whether or not the staff believe the energy will be used “on-site” or “off-site”.

I have never seen the County conduct an “environmental review” of any “by right” accessory use, and I have never seen the County restrict any “by right” accessory use to anything less than what the code allows. In other words, I have never seen the County implement any of the “limiting” actions that Mr. Lee described to the Planning Commission. It should be noted that the draft Ordinance already authorizes unlimited *utility-scale* solar facilities as a “structure” use that is permitted “by right” in almost every zoning category (including rural residential and agricultural).

To address these concerns, and to be consistent with AB 2188, I suggest that the Draft Ordinance be revised to define “small-scale” solar energy systems as being roof or parking lot mounted (and therefore categorically exempt from CEQA review), and establish a 25 kW size limits for accessory solar energy systems in commercial and industrial zones, and a 10 kW size limit for accessory solar energy systems in residential and agricultural zones. This revision complies fully with all state laws, and addresses the concerns that I raised. If a particular commercial or industrial facility wishes to increase this limit to support its “on-site” energy needs, then it can easily do so via the minor CUP process authorized in 22.52.1640 of the Draft Ordinance.

Conflicts between CSD’s and the Draft Renewable Energy Ordinance.

Mr. Child indicated that staff had not perceived any substantial conflicts between the Draft Renewable Energy Ordinance and any CSD provisions. If this is true, then staff had no reason to include a statement in the draft ordinance which explicitly subordinates all CSD provisions. Nonetheless, such a statement was included. More to the point, there are numerous and substantial conflicts between the Draft Ordinance and the Acton CSD. The following list identifies some of these conflicts; it was put together quickly, so there may be other conflicts that would be identified via a more detailed review.

- The Draft Ordinance authorizes structures as high as 500 feet in height. This conflicts with the 35 foot structure height limit imposed by the Acton CSD [22.44.126(C) (3)].
- Ground-mounted utility scale wind and solar structure conflict with the CSD requirement that external utility devices be concealed, and non-residential uses have a “western style” design.
- The Draft Ordinance protects only “significant ridgelines identified in the General Plan... Area Plan, ... or CSD”. The problem is, Acton has no specifically identified significant ridgelines. Instead, the Acton CSD generally describes what constitutes a significant ridgeline, and simply urges that the “natural silhouette” of these ridgeline area be “preserved to the greatest extent possible”. Because these ridgelines are not

specifically identified in the CSD or in any planning documents, they are not protected by the ordinance, which paves the way for 500 foot high wind turbines to be constructed on them. Such construction, though allowable under the Draft Ordinance, would substantially conflict with the Acton CSD. The only way to avoid this would be to make the Draft Energy Ordinance subordinate to CSD provisions, not the other way round. As I stated previously, any energy developer wishing to construct a project that is contrary to any CSD provision can simply apply for a variance for the project, just like any other project proponent.

- Drainage provisions of the Acton CSD limit the total impervious surface finished area to 10% of lots sized 3 acres or more, and to less than a quarter of an acre on lots that are less than 3 acres. The grading for, and the installation of, a 25% solar panel lot coverage authorized by the Draft Ordinance will significantly alter water runoff patterns in Acton and therefore impact drainage in Acton to an extent similar to 2.5 acres of roof runoff. Therefore, this provision essentially conflicts with the Acton CSD drainage provisions. Note that these drainage provisions were implemented as a safety measure to protect down-stream properties. Therefore, limiting the total solar panel area in Acton to something less than 25% is in complete harmony with the Solar Rights Act.

I trust that these comments address all the outstanding issues raised at the public hearing, and that they convince the County to revise the draft Ordinance provisions pertaining to accessory uses, CSD subordination, and other matters. I also respectfully request that the County more fully address the issue of glare and “FAA-required” lights in the ordinance, particularly in light of Southern California Edison’s startling admission earlier this week that none of the lights that it has recently installed along the 200+ miles of new transmission lines were actually required by the FAA. If you have any questions, please do not hesitate to contact me at AirSpecial@aol.com.

Sincerely,

/S/ Jacqueline Ayer
Jacqueline Ayer

Cc: Suzie Tae, Department of regional Planning
Norm Hickling, Deputy for Supervisor Antonovich
The Association of Rural town Councils
The Acton Town Council

Jay Lee

From: Three Points-Liebre Mountain Town Council [3pointsliebremountain@gmail.com]
Sent: Wednesday, May 06, 2015 2:17 PM
To: Jay Lee; Susan Tae
Subject: Re: REO and CSDs

Jay,

Why can't language be clarified in "definitions" that indicate small scale energy production will not exceed 150% of onsite usage or produce more than 50% of onsite usage? How will this be enforced when permits are issued, and not just for "modification." How is "primarily" onsite usage determined if it is not in the ordinance or written down somewhere, even though county counsel has indicated verbally this is so. Could you tell me where in the "Code" this is written? Please detail actual enforcement mechanisms mentioned in your previous email. (Enforcement after the fact or by complaint is not tenable. From the email below: "I imagine they would look at electricity bills and compare it with the rated capacity or amount generated. They could also look at how much energy was sold back to the grid.") The definitions in the April 22nd Supplemental--RE Ordinance definitions only indicate "Any energy generated by such system that exceeds the on-site energy demand may be used off-site," for both small solar and wind (page 2/90).

Even though no larger solar installations have been built, it is possible as indicated by the website link I sent, a person or entity could enter into a contract with a solar company whose only requirement is a total of five acres of panels, including rooftops, parking structures, and open land; and who arranges for a PPA. I don't think it unreasonable to ask for written assurance that small scale energy productions stays small scale, and as soon as you have a PPA, it is, to me, utility-scale.

Also, please note, the audio was so bad, I and the other viewers at the Lancaster Library could not understand what counsel or anyone else in LA was saying. Are there transcripts?

Susan

On Mon, May 4, 2015 at 4:48 PM, Jay Lee <jlee2@planning.lacounty.gov> wrote:

Hi Susan,

The REO does not specify that "primarily" means over 50% but that is how our County Counsel sees it. This issue was further discussed during the hearing. Compliance with this language will be addressed in the same manner as for other standards in our Code.

Also, a modification will not be allowed for exceeding 50% as that is part of the definition. The modification procedures in the REO are only for development standards. Any project generating energy primarily for off-site use will be considered utility-scale. It is not possible for it to be considered small-scale, so there is no loophole here.

From: Three Points-Liebre Mountain Town Council [<mailto:3pointsliebremountain@gmail.com>]
Sent: Thursday, April 30, 2015 9:28 AM
To: Jay Lee; Susan Tae

Subject: Re: REO and CSDs

Jay,

I was wondering where in the latest version REO the "primarily onsite" use is listed as 50%, and what language in the ordinance exists to ensure compliance--how, specifically would that be implemented? Waiting for a complaint is after the fact, and a modification is very easy to get for non-compliance, and as mentioned before--another loophole that would make energy sales available to anyone violating the 50% cut-off, and reliant upon complaint.

Any help on this is very much appreciated.

Susan

On Thu, Apr 16, 2015 at 6:08 PM, Jay Lee <JALee@planning.lacounty.gov> wrote:

Dear Susan,

We have changed the language to “whichever is more restrictive”, so the CSDs would apply where they are more restrictive and the REO would apply where it’s more restrictive. We believe this provides the greatest level of regulation.

“Primarily” means at least 50 percent, so a small-scale solar or wind energy system must use at least 50 percent of the energy generated on-site. If we were to receive a complaint, our Zoning Enforcement staff would look into it. I imagine they would look at electricity bills and compare it with the rated capacity or amount generated. They could also look at how much energy was sold back to the grid.

Building carports or other structures to install panels to avoid public hearings and CEQA review is a possibility but highly unlikely. The cost of building carports or other structures just to install panels and the installation of the panels themselves would be much higher than the money generated from the panels. And as you may know, there are only some limitations in place today for someone to build multiple carports or other accessory structures without any solar component.

To clarify, a Minor CUP would be subject to a public hearing and CEQA, so ground-mounted small-scale solar energy systems exceeding the maximum lot coverage would be subject to notice, public hearing and CEQA.

We understand the concern that theoretically there could be very large solar projects. However, as you may know we have no regulations today limiting the small-scale solar footprints. Despite no limitation, we have not seen any, if at all, small-scale solar energy systems that are so large as to generate way more energy than needed. The maximum lot coverage is intended to provide a reasonable cap that currently doesn’t exist. Please keep in mind that the maximum lot coverage is 25 percent of the lot or 2.5 acres, **whichever is lesser**. In most instances, the maximum lot coverage will be much lower than 2.5 acres. And it’s a maximum lot coverage so it does not require this amount, only up to that as needed without a Minor CUP.

To summarize, we don't expect any of these types of projects to come in, but if they do, we have the appropriate enforcement mechanisms and processes in place to regulate them.

Once again, thank you for your comments and please let us know if you have any more questions or comments.

From: Three Points-Liebre Mountain Town Council [mailto:3pointsliebremountain@gmail.com]
Sent: Monday, April 13, 2015 3:30 PM
To: Jacki Ayer
Cc: Susan Tae; SZ; Jay Lee
Subject: Re: REO and CSDs

Susie and Jay,

Yes, it looks like CSDs first, and if the REO is more restrictive, that would apply. I still have questions about the "primarily" onsite and offsite use. How does RP determine use and is there a percentage that tips onsite to offsite use? I ask because I was in contact some time ago with a representative from Pristine Sun. See the link: <http://www.pristinesun.com/utility.html> (printed below) and setbacks for wind :

<https://windpowergrab.wordpress.com/setbacks/> If land owners want to sell to the grid *and* use some of the electricity produced, how is that evaluated by RP? Would a MCUP prove adequate if a landowner had several 5acre+ adjoining parcels, or say, built several carports (for no business or residential use) for solar development? Looks like a way to avoid public hearings and CEQA review.

We help utilities meet their Renewable Portfolio Standards by constructing 1 - 20+ MW (10 – 200 acre) renewable power system projects. The Feed-in Tariff program provides revenue to property owners for leasing their land and rooftop space.

Pristine Sun can help Building and Land Owners to:

- > Create a new long-term income stream
- > Turn a non-performing asset (vacant rooftop) into a performing asset
- > Enhance asset value and resale value
- > Increase the marketability of your property
- > Participate in helping Green their Community

Primary Market - California in PGE, and SDGE territories.

Secondary Market – Participating utilities in North Carolina, Georgia, Colorado, Utah, and Texas
other markets where Feed-In-Tariff programs are established.

Site Lease Feed-In-Tariff (FIT) program:

This program helps utilities meet their Renewable Portfolio Standards for mandated clean power generation. We have project funding available and are looking for space to construct and operate FIT renewable power systems. The owner/lessor receives annual lease payments that start after the system is producing power for a 15 or 20 year term. The term will vary by utility. Small FIT projects (up to 5 MW) typically take about 18 - 30 months to become operational and larger systems take longer. 1 MW (Megawatt) = 1000 kW (kilowatts). PV Solar will be the primary equipment for FIT projects.

Land must be at least 5 acres of unshaded space in most utility service territory. Some projects can be a combination of rooftop, land space and/or parking lot space. New utility territories are being added as Feed-In-Tariff programs become available from utilities. For a list of Pristine Sun's executed Feed-In-Tariff contracts with PG&E, visit their website [here](#).

Please contact your Pristine Sun Sales Associate for a property review to assess its qualification for our Site Lease FIT program.

Thanks,

Susan Zahnter

On Sun, Apr 12, 2015 at 2:20 PM, Jacki Ayer <airspecial@aol.com> wrote:

I would imagine that it would be best for the CSD to prevail unless the RenEng Ordinance is more restrictive....

We also need to do something about the 2.5 acres of solar panels allowed on A1 lands; it could cover 25% of Acton with solar panels, causing lots of glare, dust and water problems.

I apologize for the delayed response; I have been out of town, and will not return until the middle of April...

Regards;

Jacqueline Ayer

-----Original Message-----

From: Susan Tae <stae@planning.lacounty.gov>

To: S Z <ontishima1775@gmail.com>

Cc: Jay Lee <jlee2@planning.lacounty.gov>; 'Jacki Ayer' <airspecial@aol.com>

Sent: Wed, Apr 8, 2015 11:22 am

Subject: FW: REO and CSDs

Hi Susan,

I just wanted to follow up because we want to hear from you on how you envisioned the ordinance working together with the CSDs, but we're also working within deadlines that are coming up.

Can you please take a look at the information Jay provided below and let us know what you think?

We've also reached out to Jacki and we're hoping to hear back from both of you...

Thanks!

Susie

Susan Tae, AICP

Supervising Regional Planner

Community Studies North

Department of Regional Planning

(213) 974-6476

From: Jay Lee
Sent: Wednesday, April 08, 2015 10:50 AM
To: Susan Tae
Subject: FW: REO and CSDs

From: Jay Lee
Sent: Tuesday, April 07, 2015 12:53 PM
To: 'S Z'
Subject: REO and CSDs

Hi Susan,

We're currently revising subsection B of Section 22.52.1605 of the REO, which includes language about CSDs.

To clarify, would you prefer that when the REO and CSDs regulate the same matter, the CSD regulations apply or whichever provision is more restrictive? The issue is that CSDs (at the moment) are less restrictive than the REO in most respects but more restrictive in a couple of areas. If the REO says that the CSD regulations apply, there may be instances where the less restrictive regulation would apply. I'm guessing that you would prefer the REO say that the more restrictive regulation shall apply, but I just wanted to confirm.

Once again, thank you for your participation and your input regarding this matter would be appreciated.

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