

SUPPLEMENTAL REPORT TO THE REGIONAL PLANNING COMMISSION

DATE ISSUED:	November 9, 2023	
MEETING DATE:	November 15, 2023	AGENDA 7
		ITEM:
PROJECT NUMBER:	2019-002015-(1-5)	
PROJECT NAME:	Los Angeles County 2045 Climate Action Plan	
PLAN NUMBER(S):	Advance Planning RPPL2019003630 Environmental Assessment RPPL2019003635	
SUPERVISORIAL DISTRICT:	1-5	
PROJECT LOCATION:	Unincorporated Los Angeles County	
PROJECT PLANNER:	Iris Chi, Senior Planner ichi@planning.lacounty.gov	

On November 15, 2023, your Commission will hold a public hearing to consider the Los Angeles County 2045 Climate Action Plan (“Project”). The Project will be the County’s plan towards meeting greenhouse gas emissions reduction targets for unincorporated Los Angeles County by the years 2030, 2035, 2045.

ADDITIONAL PUBLIC CORRESPONDENCE


LA County Planning staff (“staff”) received three comment letters since the hearing package was submitted on November 2, 2023. On November 8, 2023, Staff received one comment letter from Rebuild SoCal Partnership and the Building Industry Association. On November 9, 2023, Staff received two comment letters from Ed Salisbury and the Palmdale Water District. See Exhibit S1-A for copies of correspondences.

ADDITIONAL STAFF RECOMMENDATION

Staff recommends a revision to the discussion currently titled, “Consistency Review Checklist,” in the **2045 Climate Action Plan (Final Draft)** document. This is to provide further clarification and consistency with the previous revisions made to Appendix F (CEQA Streamlining Checklist) that explains the Checklist being a voluntary option for future discretionary projects. See Exhibit S1-B for details on the specific changes recommended.

Report

Reviewed By:


Thuy Hua, Supervising Regional Planner

Report

Approved By:


Connie Chung, Deputy Director

LIST OF ATTACHED EXHIBITS	
EXHIBIT S1-A	Additional Public Correspondences
EXHIBIT S1-B	Additional Staff Recommendation

EXHIBIT S1-A

ADDITIONAL PUBLIC CORRESPONDENCES

From: [Elida Luna](#)
To: [Connie Chung](#); [Edward Rojas](#); [Tina Fung](#); [Patricia Hachiya](#); [Thuy Hua](#); [Iris Chi](#)
Cc: [EDL-DRP BU-S Commission Services](#)
Subject: FW: Coalition Letter Regarding LA County CAP - Grave Concerns
Date: Wednesday, November 8, 2023 9:44:52 AM
Attachments: [BIASC Rebuild CAP Coalition Letter.pdf](#)

Please see below email and attachment. Thank you.

ELIDA LUNA (she/her/hers)

COMMISSION SECRETARY, Operations & Major Projects (OMP)

From: Jon Switalski <jon@rebuildsocal.org>
Sent: Wednesday, November 8, 2023 9:40 AM
To: Perry, Dave <DPerry@bos.lacounty.gov>; Saraiya, Anish <ASaraiya@bos.lacounty.gov>; Wilson, Jayme <JWilson@bos.lacounty.gov>; Gomez, Viviana <VGomez@bos.lacounty.gov>; Gonzalez, Daritza <DGonzalez@bos.lacounty.gov>; O'Brien, Lilly <LOBrien@bos.lacounty.gov>; ThirdDistrict@bos.lacounty.gov; Duran-Medina, Guadalupe <GDuran-Medina@bos.lacounty.gov>; Leo, Pamela <PLEo@bos.lacounty.gov>; Johnson, Matthew <MJohnson@bos.lacounty.gov>
Cc: EDL-DRP BU-S Commission Services <commission@planning.lacounty.gov>; yduarte-white@planning.lacounty.gov; David Louie <DLouie@planning.lacounty.gov>; poconnor@planning.lacounty.gov; Elvin Moon <EMoon@planning.lacounty.gov>; Michael Hastings <MHastings@planning.lacounty.gov>; Amy Peake <amy@rebuildsocal.org>
Subject: Coalition Letter Regarding LA County CAP - Grave Concerns

CAUTION: External Email. Proceed Responsibly.

Board of Supervisors Staff,

Please find Rebuild SoCal Partnership and the Building Industry Association's letter detailing our grave concerns about the Climate Action Plan that the Planning Commission is considering. We ask for a delay in any action and further request an economic impact study to be completed.

Rebuild SoCal Partnership is an organization comprising the Laborers' Union (LiUNA), the Carpenters' Unions, and Operating Engineers, which represent 90,000 skilled workers along with the unionized construction industry, including the BIA.

I've attached the letter.

Thank you,

--



Jon Switalski
Executive Director

Jon@rebuildsocal.org

2400 E Katella Avenue, Suite 650
Anaheim, CA 92806
Office: (562) 483-2044

Rebuild SoCal Partnership
www.rebuildsocal.org



November 7, 2023

Los Angeles County Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

To: Supervisor Hilda L. Solis, Supervisor Holly J. Mitchell, Supervisor Lindsey P. Horvath, Supervisor Janice Hahn, Supervisor Kathryn Barger

The County of Los Angeles must continue to lead the global fight against climate change. As such, effective climate leadership requires comprehensive policy decisions that align with other critical needs, including building the housing and infrastructure in plans that elected leaders have already approved. To that end, the sustainability of the outcome *and* process are critical considerations.

After a careful review of the proposed 2045 Climate Action Plan, the undersigned organizations regrettably find the sustainability of the policy itself to be lacking in several key areas that ultimately undermine the desired outcome. Therefore, **until corrective actions can be implemented, we respectfully request an official postponement of the Proposed 2045 Climate Action Plan (CAP).**

Advancing a CAP needs to remain a top priority for the County of Los Angeles but such a plan must address and align with labor, infrastructure, equity, and housing, not to mention inclusion of existing County legal mandates. The draft under consideration does not meet that standard.

To remediate concerns and bring unified support for the 2045 CAP, several key actions must be taken:

1. **Economic Impact Analysis:** Engage an impartial entity such as the Los Angeles Economic Development Corporation to conduct a comprehensive fiscal analysis of 2045 CAP impacts. A proposed CAP in San Francisco was estimated to cost up to \$22,000,000,000 to implement. Understanding the pressure points this policy may create will allow for adequate identification, preparation, and planning for the industries impacted. It is important to understand what Los Angeles County must plan for with this proposal.
2. **Weaponization Avoidance:** Include language within the 2045 CAP to ensure the policy is not weaponized by NIMBY and no-growth advocates to stop smart growth in Los Angeles County. For example, San Francisco already decided a CAP doesn't belong in the General Plan. A CAP should not undermine already approved infrastructure, housing, and other projects (including those eligible for trillions of federal and state funding) that already comply with California's strict climate,

environmental, labor, and public health laws. CAP must remain an aspirational document setting targets for the County.

3. **Ensure Alignment:** Ensure alignment with existing Los Angeles County-approved projects and plans. For example, the CAP's goal of limiting imported water conflicts with water supply and demand plans, Urban Water Management plans, approved contracts by the County's waterworks districts, County Public Works, and other water agencies such as the Metropolitan Water District.
4. **Reasonable Density:** Draft 2045 CAP language calls for 300 employees per acre. Only about 50 census tracts in the entire country (areas such as Manhattan, NY) have that employment density. The County's current employment density is 6 employees per acre. We can't create manufacturing, production, logistics, or even the small business jobs (which are the backbone of our economy and our diverse workforce) with a CAP employment mandate that demands more already underutilized high-rise office towers on unincorporated County lands.
5. **Right Size CEQA Reliance:** The 2045 CAP language applies only to projects that are required to comply with the California Environmental Quality Act (CEQA). This 1970 law has been repeatedly used to block housing and infrastructure projects, has created a financial bonanza for lawyers and consultants, and decades-long delays for projects that comply with every one of California's strict environmental and public health laws. As such, California isn't getting its fair share of funding for infrastructure and green jobs because procedural statutes like CEQA take years to complete, and then take more years to litigate. Implementation of the 2045 CAP will prevent important infrastructure projects from ever being considered.
6. **Leadership First:** 2045 CAP language defers critical decisions on equity, housing, infrastructure, and job creation to the staff level where it will occur outside the public review process and eliminates the ability of the Board of Supervisors to assess individual projects. Strong leadership is needed to address these issues at adoption as opposed to the current language's approach.
7. **Enhance Carbon Offset Credit Criteria.** As written currently, the CAP will only allow LA County carbon offsets. The strict exclusion and location limitation create a hindrance and will hamper project development due to cost impacts. It is not aligned with the state approach which references a locational hierarchy with flexibility to use carbon offset credits and/or reductions outside of California and creates an unnecessary barrier to projects. Furthermore, the County has not established a local County offset program. The CAP must recognize CARB-approved offsets and offsets recognized by CARB in determining when projects are "net zero" for greenhouse gas emission reductions.
8. **Inconsistent With Federal Law.** CAP Measure E2.1 proposes the adoption of an ordinance to ban the use of natural gas in new buildings. The directive to adopt such an ordinance runs afoul of *California Restaurant Assn v City of Berkeley* where the Ninth Circuit held that City of Berkeley regulations to prohibit gas connections to new buildings was preempted by the federal Environmental Policy and Conservation Act (EPCA). The Ninth Circuit ruled that EPCA expressly preempts state and local energy use regulations that effectively prohibit use of natural gas appliances covered by EPCA, including those used in household and restaurant kitchens. EPCA provides, with respect to covered products, that "no State regulation concerning the energy efficiency, energy use, or water use of such covered product shall be effective with respect to such product."

To the extent the CAP proposes the adoption of an ordinance to eliminate use of natural gas in new buildings, it directly contradicts the holding in the *California Restaurant Assn* case. This is significant because the CAP's GHG reduction analysis relies in part on the GHG reductions that would result from the natural gas ban. The CAP projects this measure would reduce GHG emissions by 22,639 MTCO₂e by 2045. (CAP, pg. 3-49.) In the absence of such a natural gas ban,

the GHG reduction analysis would need to be rerun and alternative measures to reach the overall projected GHG reductions would be needed. The CAP's inconsistency with federal law must be addressed prior to its adoption.

There is no legal mandate, or deadline, to approve the staff's current proposed CAP. Further, the County has already adopted dozens of equity, infrastructure, environmental, housing, climate, job-creation, sustainability, and economic development mandates – and as the CAP itself notes. This grants the County the ability to protect the environment while crafting the 2045 CAP language with unified support in process and outcome. **The importance of getting the 2045 CAP correct cannot be overstated.**

Of note, our undersigned organizations have a history of policy disagreements on how best to build livable communities within the Southern California region. However, as it relates to the current 2045 CAP proposal, **we are unified in our position.** We respectfully request an official postponement until we can meet with you and your staff to address our concerns and implement substantive solutions through enhanced collaboration with your Planning Department.

Thank you for your thoughtful consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Montejano', with a long horizontal flourish extending to the right.

Jeff Montejano
Chief Executive Officer
BIASC

A handwritten signature in black ink, appearing to read 'Jon Switalski', with a long horizontal flourish extending to the right.

Jon Switalski
Executive Director
Rebuild SoCal Partnership

From: [ejs2514](#)
To: [DRP EPS Climate](#)
Subject: Revised Draft 2045 CAP comments
Date: Thursday, November 9, 2023 12:17:34 AM

CAUTION: External Email. Proceed Responsibly.

[Please note: The letter below was previously sent, and while I am listed within document <https://planning.lacounty.gov/wp-content/uploads/2023/02/Draft-CAP-Comment-Letters-Individuals.pdf> , my letter is not included within the document. Because my comments still appear to be relevant to the revised draft CAP, I am resending them. Thank you.]

On Sunday, July 17, 2022 at 11:37:02 PM PDT, ej2514 <ej2514@verizon.net> wrote:

Good governance is efficient, and maximizes results with a minimum of public sector involvement.

The Climate Action Plan can generate maximum results with the simple strategy of increasing residential density throughout the county. Doing so will greatly reduce greenhouse gas emissions, and also address LA County's housing crisis – a classic twofer result that does not require public funding or taxation. Limiting increased land use density to locations “near transit” is insufficient, and will not fully achieve either result.

Additionally, the Climate Action Plan can maximize results by accelerating the transition to renewable energy (including appropriate energy storage strategies). The ongoing decrease in renewable energy and storage costs justifies an aggressive policy approach. Merely participating in the Clean Power Alliance is insufficient, and will delay the countywide transition to 100% renewable energy.

The Climate Action Plan should focus on achievable results, not “aspirations”.

Thank you,
Ed Salisbury
Santa Monica, CA

From: [Scott Rogers](#)
To: [DRP EPS Climate](#)
Subject: Comment Letter for Climate Action Plan
Date: Thursday, November 9, 2023 11:40:11 AM
Attachments: [image001.png](#)
[PWDCCommentLetter_2045ClimateActionPlan.pdf](#)

CAUTION: External Email. Proceed Responsibly.

Hello Iris,

As discussed during the office hours meeting, PWD is appreciative of the efforts of LA County planning staff to implement the Climate Action Plan. We would like to offer the following comment for consideration by the Commission. If you have any additional questions, please reach out to me.

Thank you,
Scott

Scott L. Rogers, PE
Engineering Manager



2029 East Avenue Q, Palmdale, CA 93550
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PALMDALE WATER DISTRICT
A CENTURY OF SERVICE

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November 8, 2023

Los Angeles County Department of Regional Planning
Attn: Thuy Hua
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012

Sent Via E-mail and Mail/U.S.P.S.

RE: PWD COMMENTS ON THE 2045 CAP AND DPEIR

Dear Ms. Hua:

Thank you for the opportunity to comment on the Draft Program Environmental Impact Report (DPEIR) for 2045 Climate Action Plan (CAP) and the 2045 Climate Action Plan. The Palmdale Water District (PWD) has reviewed the documents and has the following comment:

1. Table E-1 Greenhouse Gas Strategy, Measure, and Action Implementation Details.

a. Strategy 7 – Conserve Water

Add the following strategy:

5.6 Partner with the County water districts and retail suppliers to explore the potential for widespread utilization of indirect potable reuse through full-scale projects that puts recycled water to its highest beneficial use and includes a carbon removal strategy through direct air capture.

DENNIS D. LaMOREAUX
General Manager

ALESHIRE & WYNDER LLP
Attorneys



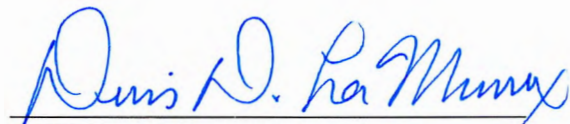
November 8, 2023

The District is currently in the implementation phase of an indirect potable reuse project that will utilize tertiary treated recycled water and provide a new water supply that meets 25% of the District's demand by 2030. It will also include a direct air capture system that uses the byproduct (brine) from the advance water treatment system to remove carbon dioxide from the air.

The Palmdale Water District continues to look forward to working in partnership with the County's Department of Regional Planning on the implementation of projects within the plan. PWD's Pure Water Antelope Valley (Pure Water AV) achieves several of the strategies identified in the CAP.

Should you have any questions, please feel free to contact to me at (661) 456-1017 or dlamoreaux@palmdalewater.org or Scott Rogers, Engineering Manager, at (661) 456-1020 or srogers@palmdalewater.org.

Very Truly Yours,



DENNIS D. LaMOREAUX,
General Manager

DDL/SR/dh

CC: Board of Directors
Ethan Cohen, CEO Capture6

EXHIBIT S1-B

ADDITIONAL STAFF RECOMMENDATION

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Staff recommends revising the discussion currently titled, “Consistency Review Checklist,” in the **2045 Climate Action Plan (Final Draft)** for clarification and consistency with the changes made to Appendix F (CEQA Streamlining Checklist) that explains the Checklist being a voluntary option for future discretionary projects.

2045 Climate Action Plan (Final Draft) - Pages 4-9 to 4-10

...

Consistency Review CEQA Streamlining Checklist

The 2045 CAP constitutes a qualified GHG emissions reduction plan under CEQA CEQA Guidelines Section 15183.5(b). Future non-CEQA-exempt projects requiring discretionary approvals may ~~demonstrate consistency with~~ elect to use the voluntary 2045 CAP (as a qualified GHG emissions reduction plan) CEQA Streamlining Checklist if they are consistent with the General Plan, ~~the 2045 CAP’s future growth projections, and the 2045 CAP CEQA streamlining requirements.~~ Projects that comply with the CEQA streamlining requirements would not require additional GHG emissions analysis or mitigation under CEQA Guidelines Section 15183.5(b)(2), provided that the project’s environmental document identifies the 2045 CAP CEQA streamlining requirements that are applicable to the project, and, ~~for those requirements that are not binding or enforceable,~~ incorporates these requirements as mitigation measures where they are not incorporated into the design of the project.

~~The 2045 CAP Consistency Checklist (Appendix F) assists with determining project consistency with the 2045 CAP. The 2045 CAP CEQA Streamlining Checklist provides individual projects the opportunity to demonstrate that they are reducing GHG emissions; it also ensures that future projects facilitated by the 2045 CAP would achieve their proportion of emissions reductions consistent with the assumptions of the 2045 CAP. Project consistency with the 2045 CAP is demonstrated by incorporating the CEQA streamlining requirements identified in the Checklist that apply to new projects.~~

To demonstrate compliance with the 2045 CAP CEQA Streamlining Requirements when projects elect to use the CEQA Streamlining Checklist, all projects that do not screen out of the 2045 CAP consistency review process must implement either (1) all feasible applicable checklist measures or (2) for infeasible checklist measures, alternative project emissions reduction measures. ~~The project review checklist~~ CEQA Streamlining Checklist can ~~will~~ be used for projects consistent with the 2045 CAP, to demonstrate CAP consistency that allows for streamlined project-specific CEQA GHG analysis.

...