

SUPPLEMENTAL REPORT TO THE REGIONAL PLANNING COMMISSION

DATE ISSUED:	November 14, 2023	
MEETING DATE:	11/15/2023	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 12 comment letters since the second supplemental report was submitted on November 13, 2023. On November 13-14, 2023, Staff received comment letters from the following groups/individuals: Building Industry Legal Defense Foundation, Central City Association of Los Angeles, Chris Rhie, Diana Ordaz-Cherrington, Endangered Habitats League, John Musella, Las Virgenes Homeowners Federation, Mihran Toumajan, Rebuild SoCal Partnership/ Building Industry Association, Roberto Arnold, Santa Clarita Valley Chamber of Commerce, and Southern California Leadership Council. See Exhibit S3-A for copies of correspondences.

Report

Reviewed By:



Thuy Hua, Supervising Regional Planner

Report

Approved By:



Connie Chung, Deputy Director

LIST OF ATTACHED EXHIBITS	
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EXHIBIT S3-A	Additional Public Correspondences
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EXHIBIT S3-A

ADDITIONAL PUBLIC CORRESPONDENCES

From: [DRP Public Comment](#)
To: [Thuy Hua](#); [Iris Chi](#)
Cc: [Connie Chung](#); [Edward Rojas](#); [Elida Luna](#)
Subject: FW: BILD Comment Letter - 2045 CAP
Date: Monday, November 13, 2023 5:28:15 PM
Attachments: [BILD Comment Letter.pdf](#)

FYI

From: Adam Wood BILD <awood@bildfoundation.org>
Sent: Monday, November 13, 2023 5:23 PM
To: DRP Public Comment <comment@planning.lacounty.gov>
Subject: BILD Comment Letter - 2045 CAP

CAUTION: External Email. Proceed Responsibly.

Please see the attached comment letter.

Thank you.

-Adam

Adam S. Wood

Administrator

Building Industry Legal Defense Foundation

awood@bildfoundation.org

ph: (949) 777-3860

w: bildfoundation.org

Address: 17192 Murphy Ave., #14445, Irvine, CA 92623



BUILDING INDUSTRY LEGAL DEFENSE FOUNDATION

November 13, 2023

Members of the Regional Planning Commission of Los Angeles County:

Commissioner Yolanda Duarte-White, District 1

Commissioner David W. Louie, District 2

Vice Chair and Commissioner Pam O'Connor, District 3

Commissioner W. Moon, District 4

Chair and Commissioner Michael R. Hastings, District 5

500 West Temple Street

Los Angeles, CA 90012

Fesla Davenport, Chief Executive Officer of Los Angeles County

Dawyn R. Harrison, Los Angeles County Counsel

Auditor-Controller Oscar Valdez

Assessor Jeffrey Prang

Executive Officer Celia Zavala, Board of Supervisors

500 West Temple Street

Los Angeles, CA 90012

Director Amy Bodek, Regional Planning

Director Rafael Carbajal, Department of Consumer and Business Affairs

320 West Temple Street

Los Angeles, CA 90012

Mark Pestrella, Director

900 South Fremont Ave.

Alhambra, CA 91803-1331

Director Kelly LoBianco, Economic Opportunity

510 S. Vermont Ave, 11th Floor

Los Angeles, CA 90020

Agricultural Commissioner Kurt Floren

12300 Lower Azua Road

Arcadia, CA 91006-5872

RE: Proposed Amendments to Los Angeles County General Plan, Approval of Los Angeles 2045 Climate Action Plan, and Certification of Accompanying Environmental Impact Report: Urgent Request to Defer Action

Dear Commissioners, Chief Executive Officers, and Directors:

The Building Industry Legal Defense Foundation (BILD) is the litigation and legal advocacy arm of the Building Industry Association of Southern California, which includes our BIA-Los Angeles/Ventura chapter.

BILD joins with our colleagues in organized labor, with other public agencies, and with dozens of business leaders and business associations, in urging you to defer taking action on the Proposed Amendments to the Los Angeles County General Plan (specifically, the Air Quality Element thereof), the proposed 2045 Climate Action Plan, and the accompanying Program EIR.

We have been repeatedly informed that members of the Planning Commission and other County leaders have been advised that the CAP is merely aspirational and does not include any new mandates. This is FALSE.

In fact, staff is asking this Commission to adopt 17 amendments to the Los Angeles County General Plan which include “implementation and maintenance of the Climate Action Plan to ensure that the County reaches its climate action and greenhouse gas emission reduction goals.” This is neither advisory nor aspirational: this approach requires the CAP to be recognized and implemented as part of the County’s General Plan.

The breadth of the CAP is clear from the CAP itself: it is “**a comprehensive suite of strategies, measures and actions that are geographically specific to unincorporated Los Angeles County and is to be implemented through County and external agency partnerships.**” (CAP, p. 1-2) After approval by the Board of Supervisors, the CAP is to be implemented solely by a County staff “team” that will determine, at a future unspecified time, which CAP measures should be prioritized based on “equity,” which CAP measures have funding sources, and what is the “optimal” extent of implementation of each CAP measure. (CAP, p. 4-2) Only after staff first unilaterally makes its equity, funding and implementability determinations for each CAP provision, will staff “conduct engagement” – and potentially, for some unspecified subset of CAP measures, then come back to this Commission and the Board to adopt new ordinances or codes. (See Six-Step CAP implementation process on p. 4-2 of CAP) Until then, staff and its unnamed “agency partners” have free reign to implement the CAP however they choose, and third parties are free to sue the County for any and all actions or inaction which they allege are “inconsistent” with the CAP policies.

As shown in greater detail below, there is nothing hypothetical or speculative about this outcome: San Diego County fell into this CAP abyss in 2011 with what its staff and counsel assured the Board were “aspirational” goals, but which in fact have been (predictably) strictly and rigorously enforced by the courts against the County in a string of CAP lawsuits that blocked housing production and other projects, and cost the County millions in its own attorneys’ fees, as well as paying the attorneys’ fees of parties that have repeatedly sued the County to block not just projects but even block amendments to the CAP itself!

If adopted, the CAP will constitute a new legal mandate applicable to all County departments and all discretionary County activities, including plans, policies, projects, grant applications, and

funding decisions. The CAP could then be applied to harm voter-approved transportation, water, and other infrastructure projects. Indeed, the CAP could then be applied to jeopardize infrastructure/economic development projects that are otherwise eligible for federal funding, and even implementation of the County’s approved Housing Element. Furthermore, the CAP could even be applied to challenge the procurement of goods and services, and to the maintenance, expansion, and replacement of equipment and facilities. All County leaders, including Department heads, receiving this letter will need to learn and comply with the CAP before proceeding with long-planned projects, and will need to devote hundreds of additional hours of staff time and consultant cost to provide substantial evidence of CAP consistency – or incur further costs and delays in seeking Board approval of CAP modifications with a corresponding General Plan modification.

In short, all County actions – not just approvals of private projects – will be required to align and be consistent with this new CAP as required by the accompanying new General Plan amendments. We respectfully and urgently request a pause on taking any action to approve the CAP until an impartial analysis is undertaken by a third-party expert, such as the Los Angeles Economic Development Commission along with all affected County departments, of the CAP’s fiscal impacts, its impacts on the County’s approved plans, policies and projects for infrastructure, equity, housing and jobs, and its equity impacts.

We also urge that the CAP, once it is appropriately evaluated and revised, not include an open-ended delegation to staff of discretion to decide when and whether to decide if a measure is consistent with the County’s commitment to equity, or whether it can even be implemented at all, as is currently proposed in Chapter 4 of the CAP. The state’s other ambitious climate scoping plan, approved by the California Air Resources Board (CARB) in 2022, expressly acknowledges that pursuing it would impose economic harms disproportionately on middle and lower income families earning less than \$100,000 per household; and CARB expressly acknowledged that these harms would disproportionately befall the Black and Latino households that comprise the outsize majority of lower income households. CARB 2022 Scoping Plan, p. 125-126. CARB staff, working in a climate action silo, selected their Scoping Plan measures in open disregard for racial equity, which is why the County’s 2045 CAP – more like the current 2020 CAP – needs to be clear, unambiguous, legally feasible, and implementable in full consistency with the county’s other important policies and duties.

1. The CAP is Not “Aspirational” – It is Legally Binding General Plan Mandate

The CAP explains that it includes three GHG compliance deadlines: 2030, 2035 and 2045 for meeting county greenhouse gas (GHG) reduction targets established for those dates. The CAP also includes what it describes as an “aspirational” 2045 “net zero” target.¹ Except for the 2045 aspirational “net zero” target, the CAP is embedded in the General Plan and as such upon adoption it becomes a legal mandate of the county; and thus it is not a mere “aspiration.”

¹ It is noteworthy that the County’s non-regulatory greenhouse gas reduction targets, which were not included in the General Plan or made otherwise enforceable by code or regulation, were approved before the Legislature enacted many recent, very stringent new statewide GHG mandates such as the required transition to an all-renewable electric energy supply and the ban on continued sale of internal combustion engines.

The legally binding nature of the CAP is suggested by decades of judicial decisions such as the following.

- Dozens of appellate court decisions have confirmed that the General Plan serves as the “Constitution” for local land use planning in California, and consistency with the General Plan is a legal mandate – not an aspiration. “The requirement of consistency is the lynch pin of California’s land use and development laws.” *De Bottari v. City of Norco* (1985) 171 Cal.3rd 1204. As further explained by the Office of Planning & Research in its current General Plan Handbook: “An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and will not inhibit or obstruct their attainment.” https://opr.ca.gov/docs/OPR_C9_final.pdf, p. 254.
- San Diego County, an early pioneer in requiring CAP implementation in its General Plan in 2011, was assured by its staff and legal counsel that the CAP was “aspirational” and would not constrain the Board’s authority to implement other critical county goals such as approving housing and infrastructure. But, the courts disagreed: not only was the CAP fully enforceable, but over the next ten years the County has lost numerous subsequent lawsuits challenging the County’s authority to amend or even interpret the CAP to allow approval of new housing and other projects. *See, e.g., Golden Door Properties, LLC v. County of San Diego* (2020) 53 Cal.App. 5th 733. San Diego County was also required to give its opponents more than a million dollars in legal fees, including in a NIMBY case to block nearby housing that was filed by a luxury spa that cost more than \$10,000 per person for a minimum one-week stay.
- Advice that the CAP is somehow “optional” or “not applicable to private projects” is likewise flat wrong as a matter of law. The General Plan is the “constitution” in land use planning, which the City of Los Angeles just again learned the hard way this last summer from an appellate panel that concluded the City improperly approved a tourist hotel project because it failed to apply the Housing Element in the General Plan to the hotel project. *United Neighborhoods for Los Angeles v. City of Los Angeles* (2023) ____ Cal.App.5th ____.

2. The CAP Creates 455 New Causes of Action for Activists to Sue the County

The advocacy groups supporting the CAP, such as the Center for Biological Diversity, frequently litigates against the County and County-approved projects. The CAP provides CBD and its anti-development allies with literally hundreds (precisely, 455) new legal arguments to wage their litigation wars against County-approved actions based on each action’s inconsistency with the CAP. The sprawling CAP package the Board is being asked to approve includes:

- **17 newly revealed amendments to the General Plan** itself, none of which were disclosed or analyzed in three rounds of EIR documentation.
- **10 new CAP “strategies,”** including many over which the County lacks any jurisdiction or control but which the state has already legislated, such as the mandated transition away from internal combustion engines.

- **36 CAP “measures,”** including measures that courts have already ruled are illegal such as banning natural gas from new development. *California Restaurant Ass’n v. Berkeley* (2022) 65 F.4th 1045.
- **137 more CAP “performance objectives,”** including the patently illegal demand that “locally-sourced” (stormwater, groundwater, and treated wastewater) rather than imported water meets 50% of County’s water demand in just over ten years (2035) and 90% of county water demand by 2045. (CAP p. 3-54) This is a prohibition on water imports that directly contradicts the water supply plans of all Waterworks Districts, the Department of Public Works, and the Metropolitan Water District. There is no indication that municipal wastewater can be recycled into the quantities of lawful potable water supply which might ever approach the quantities that will be needed. Yet the CAP does not acknowledge or allow for other potential water supply solutions (such as desalination) and that all projects must demonstrate adequate water supplies over time under both CEQA and applicable water laws. The CAP provides no alternative pathways for meeting water supply needs; nor does the Program EIR for the CAP evaluate the impacts of the CAP’s imposition of massive new restrictions on water imported or stored outside the County.
- **91 additional CAP “implementation actions”** that include additional prescriptive mandates such as mandating that all newly-purchased light-duty vehicles must be ZEVs (p. 3-39) (potentially including sheriff patrol cars), and that 70% of all medium-duty and heavy-duty County fleet vehicles be ZEVs by 2035 (p. 3-40) (including fire engines, sanitation trucks, heavy construction equipment – none of which are commercially available or meet applicable public safety and functionality performance standards)
- **And another group of 162 prescriptive “tracking metrics”** required to show compliance with some but not all of the preceding strategies, measures, performance objectives, and/or implementation actions.

The CAP does not specify which of these more than 455 provisions apply to which types of County decisions. Instead, the CAP applies to every action (except for development projects that are exempt from CEQA), which include but are not limited to: (a) applying for or accepting grants or other funding, or approving construction, of mixed income inclusionary housing projects or transitional supportive housing; (b) applying for or accepting grants or other funding, or approving construction, of infrastructure including transportation, water, public health, educational, emergency response, and other public facilities or equipment; (c) procuring repairs or replacements of existing equipment, fixtures and facilities inclusive of contract renewals or extensions that occur after approval of the CAP; (d) siting or expanding other County facilities or relocating employees; or (e) approving housing and job/economic development projects.²

The legal risks the CAP creates for the County and all applicants seeking County approval, based on the sheer volume of these sprawling, contradictory, and vague CAP provisions, cannot be underestimated – nor can the extent to which the CAP is flatly at odds with already-approved County General Plans, Urban Water Management Plans, infrastructure improvement plans, and already-pending federal and state grants.

² The CAP’s declaration that projects that are exempt from CEQA are “deemed” to comply with the CAP is unsupported by any rationale, and unexamined in any component of the Program EIR. CEQA exemptions enacted by the Legislature cover an eclectic range of projects from the conversion of mobile home parks to subdivisions, to the alteration of oil pipelines up to 8 miles long outside refineries.

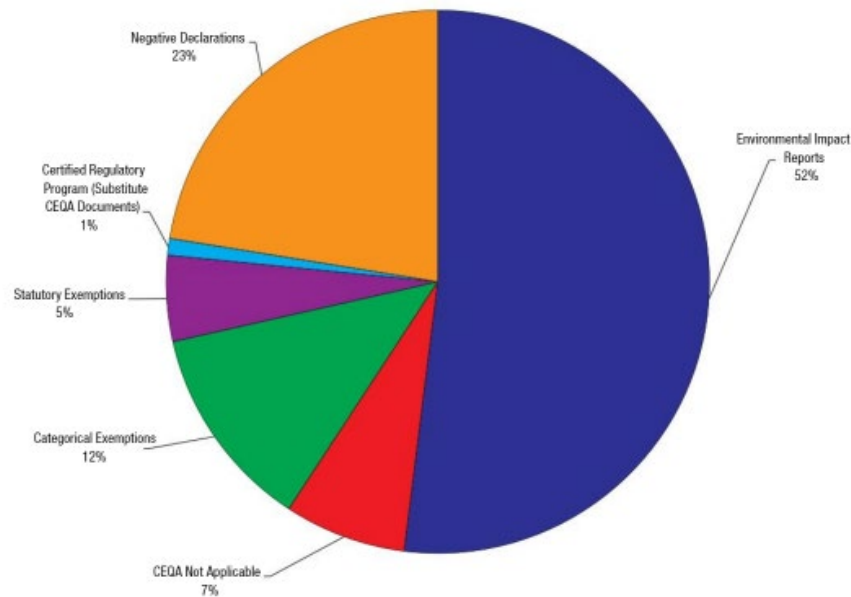
The CAP does not even explain how these 455 new provisions relate to – and are consistent or inconsistent with - other approved elements of the General Plan, such as last year’s updated Housing Element, the Mobility Element, the Safety Element, the Public Services and Facilities Element, and the Economic Development Element.

3. The CAP would impose many One-Size-Fits-All Mandates that Disregard the Diversity and Differences in the County’s Approved Area Plans, Community Plans, and Specific Plans

The CAP is also a “one-size-fits-all” County mandate that ignores the fact that the County’s General Plan is itself comprised of multiple Area Plans and Community Plans – as befits a geography that is larger than a state, with vastly diverse climates, demographics, and economic drivers. The CAP thus runs roughshod over the years of painstaking work by thousands of stakeholders to create Area Plans, Community Plans, and Specific Plans that do take these complex localized needs into account.

Upon adoption, the CAP would instantly apply to all future County decisions in all of these areas – and actions that are inconsistent with the CAP cannot lawfully proceed without addressing the CAP inconsistency under CEQA and applicable land use laws. For example, projects that are consistent with these already-approved plans that would otherwise qualify for a CEQA exemption or Negative Declaration will instead need to prepare an Environmental Impact Report (EIR), and require Board approval of an amendment to either the General Plan/Area Plan/Community Plan – or the CAP itself. Nowhere in the CAP is there sufficiently clear indication that the type of “tiering” that normally applies to follow-on planning and approvals will apply to projects that become subject to the CAP. As shown in the Figure below, EIRs are far more likely to get sued than projects that are otherwise exempt or eligible for a Negative Declaration under CEQA.

Figure 8: CEQA Compliance Tracks Targeted by CEQA Lawsuits



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EIRs are also more likely to lose in court than exempt projects: in a 15-year study of all CEQA appellate court cases, agencies lost 43% of EIR challenges but only 20% of exemption challenges. <https://www.hklaw.com/files/Uploads/Documents/Articles/0504FINALCEQA.pdf>, p. 9-10. As vividly demonstrated by San Diego County CAP's litigation ordeal, which is also consistent with Sonoma County's CAP courtroom lose, courts have strictly construed CAP compliance requirements to overturn county approvals. See *California Riverwatch v. County of Sonoma* (2017), trial court decision available here: <http://transitionsonomavalley.org/wp-content/uploads/2017/07/Order-Granting-Writ-7-20-17.pdf>

4. The CAP Unlawfully Conflicts with the Economic Development Element of the General Plan, Area Plans and Community Plans.

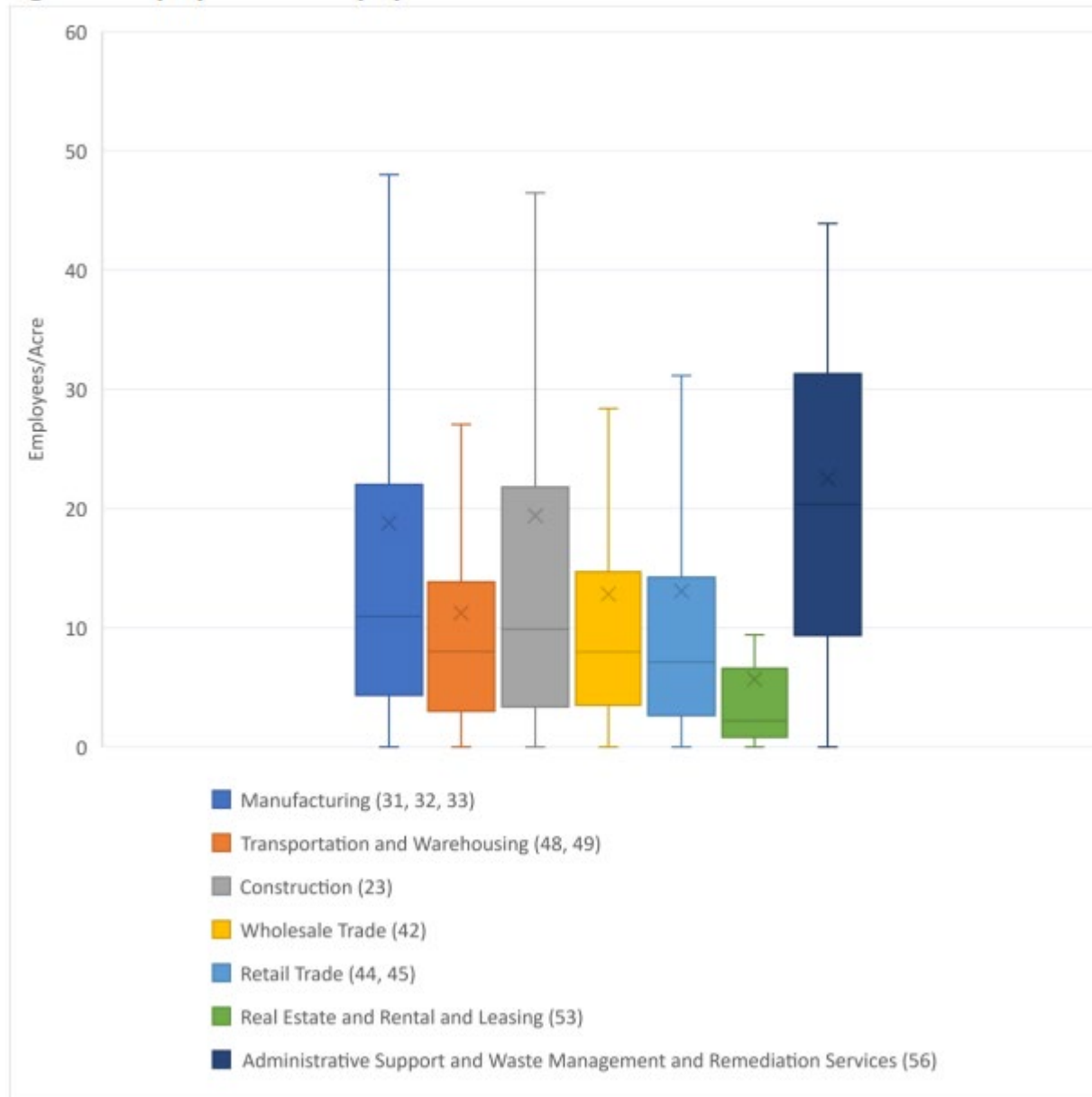
The first “performance objective” of Measure T2 of Strategy 2 is: “By 2030, achieve a job density of 300 jobs per acre.” As our colleagues at BizFed and the Southern California Leadership Council have noted publicly, of the county's 810 planning zones, only 9 have more than 20 jobs per acre – and none has anything remotely close to 300 jobs per acre. <https://www.dailynews.com/2023/11/09/los-angeles-countys-aspirational-climate-action-plan-threatens-real-results/> This particularly outlandish CAP provision prompted a distinguished academic expert in a recent New Geography column to note that “Los Angeles County Proposes Job Creation Ban” available at [https://www.newgeography.com/content/007950-los-angeles-county-proposes-job-creation-ban#:~:text=Overall%2C%20the%20Los%20Angeles%20urban,jobs%20per%20acre%20\(Note\).](https://www.newgeography.com/content/007950-los-angeles-county-proposes-job-creation-ban#:~:text=Overall%2C%20the%20Los%20Angeles%20urban,jobs%20per%20acre%20(Note).)

In fact, only 74 census tracts anywhere in America had a 300 jobs/acre density, and all but one (in pre-COVID Downtown San Francisco) were located in the highest density, high rise cities on the East Coast and in Chicago.

- This 300 jobs/acre “jobs density” performance objective, like many other CAP measures, unconnected to the reality of Los Angeles County, and urgently demonstrate the need for an impartial analysis of the CAP by the Los Angeles Economic Development Commission, which has both the knowledge of the economy and a track record of producing credible non-partisan evaluations for public and policymaker consideration.
- For example, the small business community is a cornerstone of the Los Angeles economy, and there is exceptionally strong participation by women and communities of color in the local economy: the CAP is not merely hostile to these important community members, it ignores them – both in the CAP itself (which postpones “equity” considerations to a staff-level decision after the Board rubber stamps the entire CAP and hands implementation responsibility to staff as proposed in Chapter 4 of the CAP), and in the accompanying EIR.
- In fact, none of the sectors targeted for economic growth in the General Plan achieve anything close to this 300/acre job density, including entertainment, tourism, fashion, aerospace, trade, education, publishing, manufacturing, and biomedical. None of these or any related job classification comes remotely close to this 300 employee/acre density CAP provision. As noted below, choking off lower-density job growth includes an inherent bias

favoring white-collar, high-rise jobs – and create a racially exclusionary barrier to the kind of higher wage jobs that County residents deserve to access as part of a diverse economy that provides upward mobility to County residents without college degrees.

Figure 3: Employment Density by select NAICS Sector



Source:

https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/26252/CRohan_ExitProj_Final.pdf?sequence=1&isAllowed=y#:~:text=The%20Guidebook%20provides%20some%20basic,varies%20by%20and%20within%20industries.&text=type.

- The CAP also ignores the Los Angeles County Strategic Plan for Economic Development, and the economic development plans of each and every Area Plan and Community Plan. This 300 employee/acre job density performance objective, as well as many other CAP provisions, appears to confirm that the CAP was developed in a silo with little regard (or

intentional rejection) of other critical County tasks, goals, objectives, projects, and priorities.

- The Program EIR accompanying the CAP includes less than 5 pages of analysis on the CAP's effects on jobs, housing and population combined, and then conclude that – because the CAP would not create unplanned homes or jobs, displace existing housing, or add new population – it would have a less than significant environmental impact. There is no analysis of the environmental consequences of not proceeding with various CAP-noncompliant General Plan provisions, or of not proceeding with planned but not yet fully-approved housing or infrastructure projects based on CAP inconsistency as described herein.
- The Program EIR's Land Use consistency analysis is equally inadequate: the EIR's authors identify the General Plan Economic Development Element as an applicable Land Plan, for example, but in the "consistency table" included as Table 3.12-2 first assumes approval of the proposed General Plan amendments to find General Plan consistency with the CAP – and thereby fails to evaluate consistency of the CAP with the existing General Plan, which is in violation of CEQA. Table 3.12.-2 then acknowledges the 300 jobs/acre "performance objective" as a CAP/General Plan consistency issue, but then identifies only Housing Element Policy 3.1 (promoting mixed income housing to increase housing choices) to conclude that this absurd 300/acre job density CAP is indeed consistent with "relevant plans." The Program EIR is legally flawed in that it avoids analyzing and recognizing the obvious inconsistency between the CAP and the Economic Development Element as well as other County policies.
- The Program EIR also acknowledges the General Plan and the Antelope Valley Area Plan, but then ignores completely the County's other 12 Area and Community Plans, or the County's approved Specific Plans, which apply to geographically distinct and economically diverse areas within the County (as is recognized, for example, in the Housing Element and the Economic Development Element). The Program EIR fails as an informational document, and the missing identification and evaluation of these relevant plans in the EIR is one of many prejudicial legal errors.
- These and other provisions demonstrate that the CAP would operate as an anti-job, anti-economic development, anti-Housing Element (including but not limited to the 300 jobs/acre performance objective) measure; such that the Program EIR is fatally flawed in its failure to disclose, analyze, or mitigate for the physical blight of homelessness and joblessness that is the reasonably foreseeable consequence of approving a CAP that contradicts and undermines the Housing Element and Economic Development Elements of the General Plan, and other County-approved plans, programs, policies and projects.
- The CAP's methodology, which counts only greenhouse gas emissions (GHG) occurring within the boundaries of unincorporated Los Angeles County, and credits only GHG emission reductions within this unincorporated land area, establishes a GHG reduction for every person or job who moves out of the county and into a city (or out of the region or state entirely). The Program EIR fails to account for this population/job "leakage" bias,

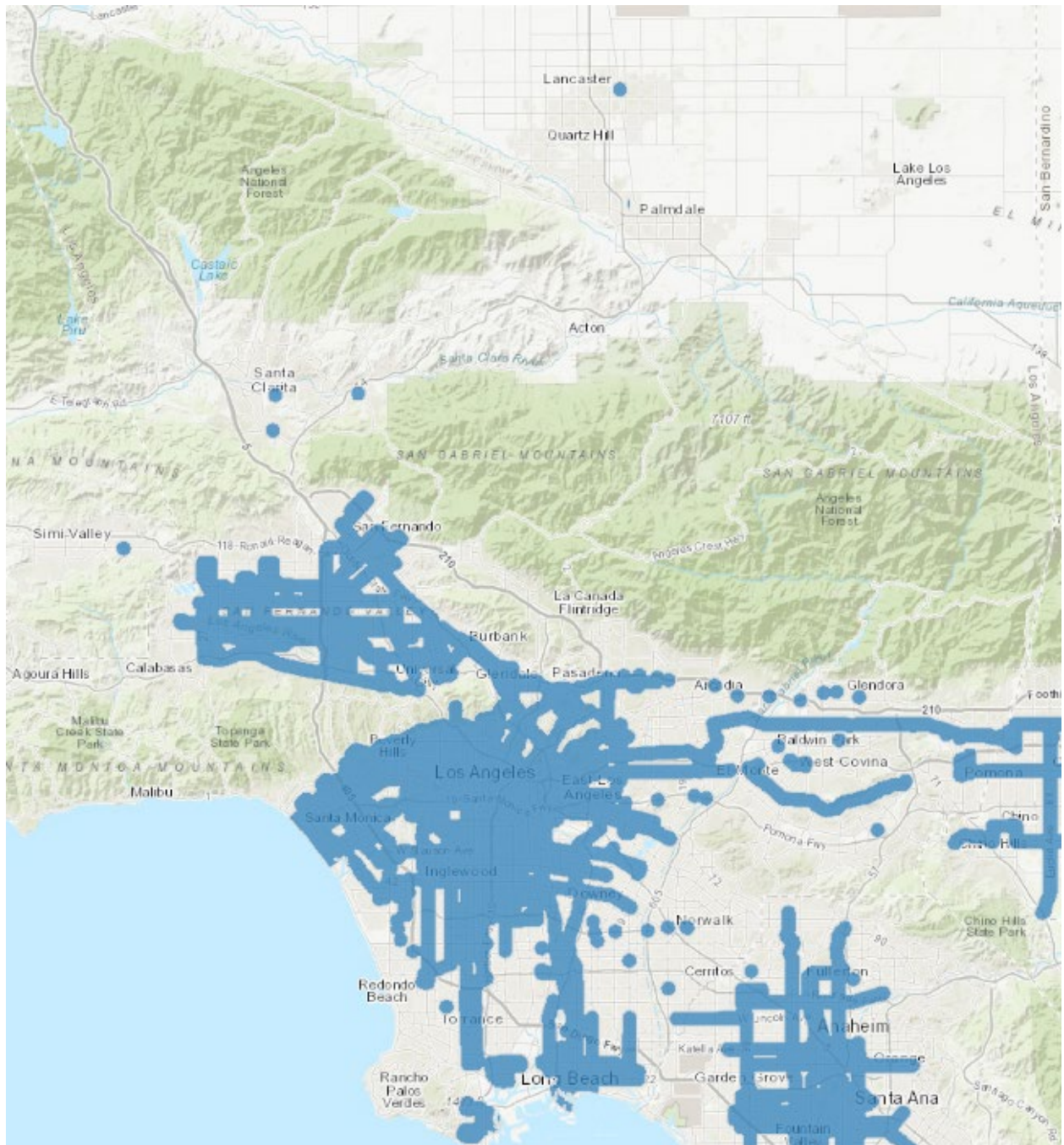
which of course does not result in any reductions of global GHG but does count toward meeting the county's GHG reduction goals. This perverse methodology rewards job losses, rewards mass exoduses and the stultification of housing production within the county, none of which has any beneficial effect on climate change. Agencies do not have the discretion to choose an arbitrary or capricious methodology for assessing impacts to the actual environment (as opposed to impacts only to or within a legal jurisdiction). The Program EIR and CAP itself may not lawfully use this anti-growth or negative growth metric under General Plan law or under CEQA.

5. The CAP Unlawfully Conflicts with Housing Element and Undermines Housing Production.

Among dozens of similar fatal CAP land use and CEQA legal flaws, another “performance objective” included in the third of four “performance objectives” in Measure T1 of Strategy 2 is: “Locate a majority of residential and employment centers in unincorporated Los Angeles County within 1 mile of a HQTAs [High Quality Transit Area].” An HQTAs is defined as the one-half mile around a transit stop or along a transit corridor that operates with a 15-minute or less wait time for a bus during peak transit hours. These bus lines require a minimum four-bus, two-shift fleet – equipment and staffing costing many millions of dollars per year to operate. However, the County's approved Housing Element includes 1,625 sites in its housing inventory, concerning all of which the County is required to approve projects if it receives eligible housing project applications. The County is also required to approve accessory dwelling units and junior accessory dwelling units in nearly all single-family neighborhoods; and the Housing Element includes scores housing policy and legal compliance obligations such as distributing new housing throughout communities under the civil rights law to affirmatively further fair housing. None of these realities comport with the CAP's prescription that 50+% of new housing is required to be within 1/2 mile of a 4-bus transit line operating at 15 minute intervals during peak hours.

General Plans that are internally inconsistent are illegal, and courts have imposed and may impose the draconian remedy of halting all new development pending adoption of an internally consistent and legally adequate General Plan. *See, e.g., Save El Toro Assn. v. Days* (1977) 74 Cal.Appl. 3d 64. The Program EIR also blatantly ignores the housing distribution requirements in the County's approved Housing Element.

The CAP's 50+% HQTAs objective is inconsistent with the County's approved General Plan Housing Element, and accompanying Area and Community Plans, as showed in the SCAG map (see map below) which shows HQTAs (not to scale). These 1-mile-wide bands along higher frequency bus routes do not reach more than 90% of unincorporated Los Angeles County. Bus ridership changes and service cutbacks also mean many of these lines do not meet the required 15-minute interval, four-bus per peak commute hour in both the afternoon and morning, HQTAs criteria.



As also acknowledged by the Housing Element, only about 5.7% of County residents use transit to get to work – and this Figure includes all the cities as well as the unincorporated county area. The term “High Quality Transit Corridor” does not even appear in the approved Housing Element, but the CAP now demands that 50+% of new housing be located in these unexamined, undisclosed locations – with equally undisclosed information about what Housing Element goals and policies are undermined by the CAP.

The Program EIR does not address this – or many hundreds of other – direct contradictions between this 50+% HQT CAP housing measure and the Housing Element. It does not explain how a housing project proposed today is supposed to show “consistency” with an absolute CAP mandate that 50% of its water supply is from recycled grey water or potable reuse water by 2035, or how the project is supposed to show consistency with the CAP’s 2045 mandate that 90 percent of its water supply is from recycled grey water or potable reuse water. Instead, it is reasonably foreseeable that no new projects will be able to meet such objectives given the current and foreseeable realities.

6. The Program EIR Willfully and Repeatedly Ignores Comments Filed by Agencies and Stakeholders Identifying Flaws in the CAP and in the Program EIR

The Program EIR includes numerous foundational and fatal legal flaws, in addition to the specific deficiencies identified above.

Failure to Respond to Comments: An EIR is a mandatory disclosure document required to be sufficient to facilitate informed public comment and agency decision-making. A Draft EIR must include all required analyses, and must “show its work” by explaining its analytical methodologies, significance conclusions, mitigation determinations, and alternatives evaluation. The draft Program EIR was initially released in May of 2022 (2022 DEIR). Numerous agencies and other interested parties commented on the Draft EIR, including by way of example a letter submitted from the Los Angeles County Sanitation District. Numerous additional comment letters were submitted by various organizations and individuals.

The Final EIR unlawfully fails to respond to comments on the 2022 DEIR. To avoid doing so, it issued a Recirculated Draft EIR in 2023 (2023 DEIR), which included almost no changes to either the draft CAP or to the 2022 DEIR, and conspicuously failed to include comments or responses on the 2022 DEIR as required by CEQA. Instead, it asserted that it had no obligation to respond to comments because it issued a sham 2023 DEIR which superseded the 2022 DEIR. When the Los Angeles County Sanitation District again raised their concerns, in a short new comment letter that re-submitted nearly 40 pages of comments that had been ignored, the Final EIR responds with four short paragraphs, on less than two pages of text, explaining why no responses to the 2022 DEIR were required – nor were any given.

This kabuki exchange, which was repeated for the many other thoughtful comments submitted on the 2022 EIR, makes a mockery of the CEQA public review and comment process. It constitutes an illegal tactic to avoid directly responding to the many significant concerns that the County’s Sanitation District had raised through the sham tactic of issuing a revised DEIR. The agency, not the public commenters, have a duty to respond to public comments and engage with the public. The artifice of issuing a revised DEIR that has virtually no substantive changes (to significance conclusions, mitigation measures, or anything else) violates CEQA.

The County also unlawfully failed to respond to questions about the CAP itself, even though it is an environmental plan that – by definition – affects the physical environment. The pro forma “responses” in the Final EIR fall into three buckets, none of which are sufficient to comply with CEQA:

- Comments on the CAP were ignored unless the commenter raised a specific comment about the Program EIR itself. The CAP is an environmental plan, the entirety of which is supposed to govern all future physical activities to the environment subject to the CAP (a universe which as noted above includes all discretionary activities that could affect the physical environment undertaken or approved by the County). CEQA requires meaningful responses to the environmental concerns which are raised by the public, not just meaningful responses to criticism of the EIR's content.
- Comments on the CAP that questioned how the CAP would actually be applied to specific County activities were unlawfully deferred on the grounds the CAP was not itself a physical project and the EIR was a mere "programmatic" EIR, so any questions about how the CAP would work in relation to any particular project or action were "speculative." There is nothing speculative about the dozens of infrastructure, housing, economic development, procurement, grant applications, and other actions currently being reviewed by the County. There is nothing speculative about asking how a newly mandated General Plan provision would apply to actions to implement previously-approved Area Plans, Community Plans and Specific Plans. There is nothing speculative about asking which employment projects would be inconsistent with the CAP because they did not employ 300 people per acre, or get 50-90% of their water supply from grey water or potable reuse water. None of these is "speculative;" and all required substantive replies.
- Comments about the increased litigation risks created by the CAP, given the woes of San Diego County where thousands of approved new homes were blocked by CAP-based CEQA lawsuits, or Sonoma County, or other jurisdictions where CAP litigation has been threatened, were likewise summarily dismissed based on the assertion that such litigation was likewise "speculative." Litigation is not speculative: if approved, this CAP creates an existential risk to current and future infrastructure projects as recognized by labor leaders, public agencies, and business leaders.
- Comments about the legal infeasibility of CAP measures, such as banning natural gas in new development or requiring illegal treated wastewaters to provide potable water supplies, were also sidestepped in the responses provided in the Final EIR.

As has been noted in the authoritative CEB CEQA Treatise (Kostka & Zischke): "The most important part of the Final EIR is its response to comments on the draft EIR." The CEQA statute requires that a lead agency must evaluate and prepare "written responses" in the final EIR. Cal. Pub. Res. Code section 21009(d). Courts have held that the "responses to comments contained in a final EIR are an "integral part" of an EIR's substantive analysis of environmental issues." *Cleveland Nat'l Forest Found. V. San Diego Ass'n of Gov'ts* (2017) 3 Cal5th 497, 516.

Should there be any remaining doubt as to the seriousness of the flaws in the Program EIR, or the multitude of such flaws, below are additional comments on the Program EIR which have been informed by the Final EIR's unlawful failure to respond to comments, and to other issues which were raised in comment letters but given short shrift in comments, and by the more precisely

framed legal flaws in the CAP and Program EIR given the Final EIR's hyper-legalistic refusal to respond to comments.

7. The Project Described and Analyzed in the Program EIR Is Not “Complete, Stable, and Accurate.”

A complete, stable and accurate project description is a foundational requirement of an EIR. The “project” is a sprawling document spanning over 200 pages, with a collective content of 455 new provisions variously categorized as strategies, measures, implementation actions, performance objectives, and metrics. The Program EIR does not describe the whole of the CAP. The CAP is also described as “aspirational” – but only for the 2045 “net zero” compliance provisions; the 2030, 2035 and 2045 GHG reductions are quantified mandates included for example in the Program EIR's description of the CAP's performance objectives. The Program EIR fails to differentiate between CAP measure that are immediately enforceable, and those that are mere aspirations. The CAP unlawfully defers finalization of numerous measures to later agency action at an unknown date and with an unknown effect, including but not limited to unlawful deferral of both a VMT mitigation bank or GHG offset program. The CAP asserts that the County's “climate implementation team” reserves the authority to modify the CAP, may or may not complete subsequent analyses of equity, funding and implantability for some unspecified number of CAP provisions, and may – or may not – choose to propose new ordinances or other actions in the future. The CAP also includes legally infeasible measures to be achieved on a non-aspirational (aka mandatory) time frame, such as the use of treated wastewater as a water supply or a ban on natural gas in new development. Any one of these defects makes the CAP an unstable and incomplete Project Description under CEQA.

8. By Failing to Have a Complete and Stable Project Description, the EIR Fails to Identify or Adequately Analyze the Impacts of the CAP.

Without a stable and accurate project description, every analytical section of the EIR – from agriculture and aesthetics to transportation and public utilities – is woefully inaccurate under CEQA. There are dozens of examples of shoddy or missing analysis:

- The CAP demands that 80% of the agricultural irrigation water (with a lower mandate for 2030 and 2035) used in the County be derived from treated wastewater or other non-imported sources; these sources are presently unavailable, the infrastructure required to achieve any increment of progress toward this goal would require construction of infrastructure and vast new piping systems to convey sewage (in population centers) to treatment facilities to storage and distribution facilities required to irrigate (distant) agricultural lands is ignored. The CAP does not disclose the need for (let alone the impacts of) the vast new water supply infrastructure system – or what agricultural productivity would be lost if this CAP mandate could not be accomplished. It does not disclose the “baseline” of existing agricultural water use sources, even though this information is readily available from other County departments and Waterworks Districts. It does not disclose the impacts, including increased risk of contaminants and nitrate concentrations, from migrating over to a recycled water supply – or the legal limitations of this type of water to irrigate food crops, and the resulting food crop conversion impacts. The

Agriculture section of the EIR simply notes that some apparent construction projects “facilitated by the Draft 2045 CAP could impact farmland, and provides as an example building new utility scale solar projects. As the California Supreme Court observed years ago in response to a similar shoddy 2-page alternatives “analysis” provided by the Regents of the University of California, the idea that this EIR could take 100 years of agricultural water supply and simply blithely demand that it be converted to treated wastewater “blinks at common sense” – and certainly violates CEQA. See *Laurel Heights Improvement Ass’n v. Regents of University of California* (1993) 6 Cal.4h 1112.

- The Land Use Section of the EIR identifies the CAP’s strategies, measures and performance objectives as collectively the “project” it is evaluating in the Program EIR, identifies scores of applicable land use plan policies, but then identifies only one (Antelope Valley) of the County’s dozen-plus approved Area Plans/Community Plans/Specific Plans – a fatal legal flaw in that these adopted plans are in geographically distinct areas of the County, which the CAP would affect in differential but unexamined and undisclosed ways. For example, the CAP’s demand for the majority of housing to be built within 1/2 mile of high frequency public transit would preclude housing in the vast majority (well over 90%) of the County lands that do not have HQT proximity.
- Table 3.12-2 in the Land Use Section of the EIR is the only purported “analysis” of the CAP’s consistency with the scores of land use policies, from more than a hundred County General Plan elements, goals and policies that the EIR itself identifies are “applicable” to the CAP. The Table then fails to identify General Plan Goals and Policies, or any other Plan content, with which the CAP is inconsistent – including, for example, the fact that none of the economic sector job growth priorities in the General Plan’s Economic Development Element can support a worker density of 300 employees/acre. Table 3.12-2 goes on at length to describe the CAP’s consistency with a non-regulatory County plan (which is not included in the General Plan, or in any ordinance or otherwise applicable regulation – the “OurCounty” Sustainability Plan.) along with a regional plan approved by SCAG. Here too the DEIR “blinks” at common sense, as enforced by the courts most recently against the city of Los Angeles as noted above. The Table is incomplete even assuming that the Chapter’s list of applicable plans, policies and objectives are complete. In fact the Chapter list is itself incomplete: there is no mention, nor is there any analysis, of the General Plan’s Economic Development Element at all.

The Program EIR cherry picks from among the 455 provisions of the CAP, and the resulting “analysis” is all over the map – but uniform in its avoidance of any evaluation of the CAP’s employment/economic development, housing or water provisions in relation to the County’s Land Use, Housing, Economic Development, and other adopted plans and policies. Without “blinking” it is obvious that numerous CAP measures – including just the few identified above relating to employment, housing, water, agriculture and infrastructure – conflict with and therefore will undermine these important plans, goals and policy mandates. Population, job and economic displacement, as housing and job prospects dim and infrastructure becomes less reliable and more costly, is one of dozens of reasonably foreseeable environmental impacts of CAP implementation. None are acknowledged, analyzed, or mitigated in this fatally flawed Program EIR.

9. The CAP's Evaluation of Alternatives is Legally Insufficient

The CAP discloses that the vast majority of GHG emissions that occur from human activities within unincorporated Los Angeles County are from vehicular use (mostly on-road), and energy used in buildings (mostly electricity), which collectively account for about 85% of the County's GHG emissions. Agriculture is only 1%, waste and wastewater management (9%), and industrial processing and product use (5%). California is a climate leader, and the CAP goes on to disclose that state law mandates will dramatically reduce GHG in each of the target years (2030, 2035 and 2045), with or without the CAP, in fact, as shown in Figure 2-6 of the CAP.

None of the Alternatives evaluate the extent to which the CAP will result in the absence of job growth (since no employers on County lands presently come close to 300 employees/acre), in the absence of reliable water supplies (since for more than a century Los Angeles – like all massive metropolitan areas dating back to at least Ancient Rome – rely significantly on imported water), in the absence of Housing Element implementation, and in the absence of funded infrastructure construction projects that are critical even to serve present County needs.

There can be no legally adequate alternatives analysis without reference to the project objective, which is to achieve the three target GHG reductions by 2030, 2035 and 2045. As shown in Figure 2-6 of the CAP, however, California is on track to meet these targets with or without a County CAP. The Program EIR was required to evaluate a CAP that consists “solely” of bridging the gap between the GHG emission reductions that the State government has already mandated by legislation and regulation, and those that the State has not (yet) mandated by legislation or regulation such as emission reductions from wastewater and waste treatment. This Alternative would place the county on a level playing field with every other jurisdiction in California, and allow for an informed decision-making process about what specific additional measures, affecting what specific sectors and what specific demographics and what specific geographic areas, would close the gap to meet the 2030 2035 and 2045 GHG reductions required by the CAP.

The foundational flaws in the Project Description, the incomplete environmental analysis and willful failure to identify or mitigate for reasonably foreseeable adverse impacts of the CAP on agriculture, economic development, housing and infrastructure, resulted in the omission of dozens of significant unavoidable adverse impacts of CAP implementation. Had those impacts been lawfully identified, the need for an alternative focused on closing the gap between state-mandated GHG reductions and CAP targets would have been obvious. In either event, one or more reasonable alternatives to lessen or avoid significant CAP impacts should have been and should be considered in full.

10. Conclusion

Imposing a one-size-fits-all, all-sector, all-geography, all-encompassing CAP on the entirety of Los Angeles County unincorporated lands is a daunting task – and 455 separate measures may well be what staff advises is necessary. However, this sprawling, ambiguous and contradictory new package of General Plan amendments and the CAP itself is collectively a “project” subject to CEQA, and the CEQA analysis that staff has presented is nowhere near legally sufficient (nor was the CEQA process lawful including by way of example the summary dismissal of comments).

From: [DRP Public Comment](#)
To: [Thuy Hua](#); [Iris Chi](#)
Cc: [Connie Chung](#); [Edward Rojas](#); [Elida Luna](#)
Subject: FW: RPC Agenda Item 7 - Climate Action Plan
Date: Tuesday, November 14, 2023 11:39:09 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[CCA Comment Letter Climate Action Plan.pdf](#)

Please see attached letter.

From: Anh Nguyen <anguyen@ccala.org>
Sent: Tuesday, November 14, 2023 11:28 AM
To: [DRP Public Comment <comment@planning.lacounty.gov>](#)
Cc: Michael Shilstone <mshilstone@ccala.org>; Nella McOske <nmcoske@ccala.org>
Subject: RPC Agenda Item 7 - Climate Action Plan

CAUTION: External Email. Proceed Responsibly.

CCA comment letter attached (not the applicant).



Anh Nguyen

Chief Strategy Officer

she/her | 213.416.7513 | anguyen@ccala.org |

ccala.org

626 Wilshire Blvd., Suite 850, Los Angeles, CA 90017

[CCA Reflects](#) | [DTLA Insights](#)





November 14, 2023

Regional Planning Commission
County of Los Angeles
320 West Temple Street, 13th Floor
Los Angeles, CA 90012

**Re: 2045 Climate Action Plan – Request for Economic Impact Study
Project No. 2019-002015-(1-5)**

Dear Commissioners,

Established in 1924, Central City Association (CCA) represents approximately 300 member organizations committed to advancing policies and projects that enhance Downtown Los Angeles' vibrancy and increase economic opportunities. The goals outlined in the 2045 Climate Action Plan (CAP) align with CCA's vision for a resilient and sustainable urban environment, and we commend the County's commitment toward meeting its greenhouse gas emission reduction targets. CCA has consistently advocated for thoughtful transit-oriented development that promotes walkability and public transit access to help create greener and healthier built environments. **While we acknowledge and appreciate the intent behind the CAP framework, we request that it be considered alongside an economic impact study to assess the cumulative impact of these policies in Los Angeles County.**

CCA understands the importance of a high hobs/housing balance and increasing density near high-quality transit areas. However, the requirement for a job density of 300 jobs per acre and the limited availability of such transit-oriented areas may present constraints to meaningful development opportunities, including master plans designed to address community needs. Furthermore, mandating exclusive use of recycled water, greywater, or potable reuse within unincorporated parts of Los Angeles County may pose challenges in ensuring sustainable water management by excluding imported water sources. Imposing restrictions such as "net-zero water" policies, mandating 100% onsite water usage without import, could potentially limit our community's ability to meet our water demands.

We respectfully request an economic impact study alongside the CAP to provide valuable insights into the ramifications of the CAP's proposed measures. We look forward to continued collaboration to ensure an informed approach to achieving our shared goals.

Sincerely,

Nella McOske
President & CEO
Central City Association

From: [DRP Public Comment](#)
To: [Thuy Hua](#); [Iris Chi](#)
Cc: [Connie Chung](#); [Edward Rojas](#); [Elida Luna](#)
Subject: FW: Strong Support for the 2045 Climate Action Plan and Amendments to the General Plan Air Quality Element - Comment on Behalf of Urban Environmentalists
Date: Tuesday, November 14, 2023 11:38:05 AM

FYI

From: Chris Rhie <chris.rhie@gmail.com>
Sent: Tuesday, November 14, 2023 11:14 AM
To: [DRP Public Comment <comment@planning.lacounty.gov>](mailto:comment@planning.lacounty.gov)
Subject: Strong Support for the 2045 Climate Action Plan and Amendments to the General Plan Air Quality Element - Comment on Behalf of Urban Environmentalists

CAUTION: External Email. Proceed Responsibly.

Agenda item number 23-649

Chris Rhie

chris.rhie@gmail.com

860-573-4507

Not the applicant

Dear Planning Commission,

On behalf of Urban Environmentalists, I am writing to express my strong support for the agenda item concerning the consideration of the 2045 Climate Action Plan (CAP) and the associated amendments to the Los Angeles County General Plan Air Quality Element. As we face the escalating impacts of climate change, it is imperative that local governments take swift and bold action to mitigate climate change and safeguard the well-being of future generations. We must not get bogged down into "analysis paralysis." Urban Environmentalists urge the County of Los Angeles to adopt the CAP and redirect its focus towards implementation.

Urban Environmentalists empowers our network of grassroots activists and coalition partners to transform cities and towns into more sustainable, human-centered, and just communities through land use policy reform. While the CAP does not alter land use in the General Plan, it is nevertheless a crucial document that outlines the County's strategy to meet greenhouse gas emissions reduction targets for unincorporated Los Angeles County by 2030, 2035, and ultimately, 2045. By aligning climate action measures, we can create more sustainable communities, reduce air pollution, and enhance the overall quality of life for residents. We cannot wait any longer to take action - time is of the essence.

Sincerely,

Chris Rhie
Board Member
Urban Environmentalists

--

Chris Rhie
+1 860 573 4507

Founder and Principal | [Rhie Planning LLC](#) (DBE, MBE, SBE)

Board President | [Westside Urban Forum](#)
Board Member | [Urban Environmentalists](#)

From: [Rafael Andrade](#)
To: [Thuy Hua](#); [Iris Chi](#)
Cc: [Connie Chung](#); [Edward Rojas](#); [Elida Luna](#)
Subject: FW: LA County Climate Action Plan - need for an economic impact analysis
Date: Tuesday, November 14, 2023 7:01:23 AM

FYI

From: myvoice@oneclickpolitics.com <myvoice@oneclickpolitics.com>
Sent: Monday, November 13, 2023 6:43 PM
To: EDL-DRP BU-S Commission Services <commission@planning.lacounty.gov>
Subject: LA County Climate Action Plan - need for an economic impact analysis

CAUTION: External Email. Proceed Responsibly.

Re: LA County Climate Action Plan - need for an economic impact analysis

Dear LA County Planning Commission,

As California continues to be the leader in climate policies, we trust that any homes and jobs created in Los Angeles will also be sustainable and climate friendly. At the same time, if not done carefully, policies can also undermine our housing goals, increase our energy costs, and further curtail needed economic growth in Los Angeles. I am deeply concerned with Final Draft 2045 County Climate Action Plan (Draft CAP) and its impact on housing, jobs, mobility, and infrastructure. The proposal includes a density mandate of 300 jobs per acre for new projects. Of the county's 810 planning zones, only nine have more than 20 jobs per acre. This restriction will have a significant impact on small retailers, manufacturing facilities, entertainment venues and other sectors that drive our region's economic engine. The proposal also demands 90% of all water consumed – and 80% of agricultural irrigation water – be supplied exclusively by local water sources consisting of reclaimed water, graywater and potable recycled water by 2045. A vast majority of our water is imported - and this could have a significant impact on our housing and development. Although these are only considered aspirational, with the inclusion in the general plan, we have concerns that this will be far more binding than just "aspirational." It is clear that we must conduct a comprehensive Economic Impact Analysis to gain a better understanding of how this proposal may affect business and its potential implications to meeting the County Approved General Plan/Housing Element Regional Housing Needs Assessment goals. And we ask that Regional Planning and the LA County Board of Supervisors provide such a analysis.

Sincerely,

Mrs. Diana Ordaz-Cherrington

diana@aphealthsolutions.com

9722 Huntington Dr unit D Rancho Cucamonga, CA 91701

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From: [Dan Silver](#)
To: [EDL-DRP BU-S Commission Services](#); [DRP EPS Climate](#)
Cc: [Thuy Hua](#); [Iris Chi](#)
Subject: Regional Planning Commission Item 7, Nov 15, 2023, Los Angeles County 2045 Climate Action Plan
Date: Monday, November 13, 2023 6:25:01 PM
Attachments: [EHL-PC-Item 7-11.15.23-CAP.pdf](#)

CAUTION: External Email. Proceed Responsibly.

Gentlepersons:

Please distribute this written testimony to Commissioners prior to the hearing.

Thank you in advance,
Dan Silver

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750
dsilverla@me.com
<https://ehleague.org>

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



November 13, 2023

Honorable Michael R. Hastings, Chair
Los Angeles County Regional Planning Commission
320 W. Temple Street
Los Angeles, CA 90012
commission@planning.lacounty.gov, climate@planning.lacounty.gov

**RE: Item 7, Nov 15, 2023, Los Angeles County 2045 Climate Action Plan –
SUPPORT**

Dear Chair Hastings and Members of the Commission:

Endangered Habitats League (EHL) *supports* expeditious adoption of the Climate Action Plan (CAP). For your reference, EHL is a regional conservation group dedicated to ecosystem protection and sustainable land use. We have been active participants in the CAP process, submitting several sets of comments over the years. ***Our conclusion is that the plan should be adopted without delay or additional studies.***

Several iterations have now produced a balanced and well-considered plan that sets up-to-date GHG reduction targets and provides a comprehensive set of actions – across sectors from transportation to energy to agriculture – to achieve the goals. Climate change is an emergency that demands getting this program in motion.

We particularly point to the 2045 CAP's voluntary CEQA Streamlining Checklist as a positive accomplishment. This will *expedite* General Plan-consistent housing. With an approved CAP in place, such projects can “tier” from the Program EIR and will be insulated from legal challenge on CEQA grounds. The building industry should welcome this. The CAP also treats controversial “carbon offsets” appropriately.

Please adopt the CAP and bring Los Angeles County into the forefront of responding to climate change.

Yours truly,

A handwritten signature in blue ink, which appears to read 'Dan Silver', is positioned above the printed name and title.

Dan Silver
Executive Director

From: [Rafael Andrade](#)
To: [Thuy Hua](#); [Iris Chi](#)
Cc: [Connie Chung](#); [Edward Rojas](#); [Elida Luna](#)
Subject: FW: LA County Climate Action Plan - need for an economic impact analysis
Date: Tuesday, November 14, 2023 8:42:23 AM

FYI

From: myvoice@oneclickpolitics.com <myvoice@oneclickpolitics.com>
Sent: Tuesday, November 14, 2023 8:32 AM
To: EDL-DRP BU-S Commission Services <commission@planning.lacounty.gov>
Subject: LA County Climate Action Plan - need for an economic impact analysis

CAUTION: External Email. Proceed Responsibly.

Re: LA County Climate Action Plan - need for an economic impact analysis

Dear LA County Planning Commission,

As California continues to be the leader in climate policies, we trust that any homes and jobs created in Los Angeles will also be sustainable and climate friendly. At the same time, if not done carefully, policies can also undermine our housing goals, increase our energy costs, and further curtail needed economic growth in Los Angeles. I am deeply concerned with Final Draft 2045 County Climate Action Plan (Draft CAP) and its impact on housing, jobs, mobility, and infrastructure. The proposal includes a density mandate of 300 jobs per acre for new projects. Of the county's 810 planning zones, only nine have more than 20 jobs per acre. This restriction will have a significant impact on small retailers, manufacturing facilities, entertainment venues and other sectors that drive our region's economic engine. The proposal also demands 90% of all water consumed – and 80% of agricultural irrigation water – be supplied exclusively by local water sources consisting of reclaimed water, graywater and potable recycled water by 2045. A vast majority of our water is imported - and this could have a significant impact on our housing and development. Although these are only considered aspirational, with the inclusion in the general plan, we have concerns that this will be far more binding than just "aspirational." It is clear that we must conduct a comprehensive Economic Impact Analysis to gain a better understanding of how this proposal may affect business and its potential implications to meeting the County Approved General Plan/Housing Element Regional Housing Needs Assessment goals. And we ask that Regional Planning and the LA County Board of Supervisors provide such a analysis.

Sincerely,
Mr. John R Musella
john@musellagroup.com
26039 Lucerne Court VALENCIA, CA 91355

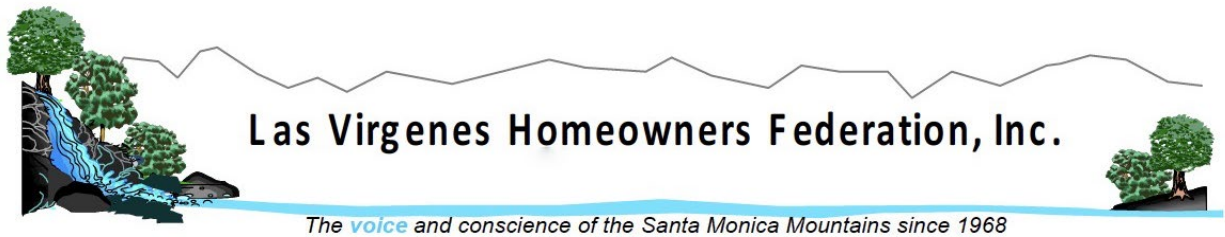
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From: [DRP Public Comment](#)
To: [Thuy Hua](#); [Iris Chi](#)
Cc: [Connie Chung](#); [Edward Rojas](#); [Elida Luna](#)
Subject: FW: LVHF SUPPORT AGENDA ITEM #7
Date: Tuesday, November 14, 2023 11:40:02 AM
Attachments: [LVHF SUPPORT-AGENDA ITEM #7.pdf](#)

[Please see attached letter.](#)

From: Kim Lamorie <kimlamorie1@gmail.com>
Sent: Tuesday, November 14, 2023 11:29 AM
To: DRP Public Comment <comment@planning.lacounty.gov>
Cc: Cameron Robertson <CRobertson@planning.lacounty.gov>
Subject: LVHF SUPPORT AGENDA ITEM #7

CAUTION: External Email. Proceed Responsibly.



Good Morning --
Thank you for distributing our letter of SUPPORT with considerations, for Agenda item #7 to our Regional Planning Commissioners for the hearing on Wednesday, November 15.

Sincerely,
Kim Lamorie
President
LVHF

--
Kim Lamorie

*Save California's Mountain Lions
Support Endangered Species Status!*



November 14, 2023

Los Angeles County Regional Planning Commission
320 W Temple St.
Los Angeles, CA 90012

Honorable Regional Planning Commissioners:

SUPPORT Agenda Item # 7
Project No. 2019-002015-(1-5) 2045 Climate Action Plan
a. Advance Planning No. RPPL2019003630
b. Environmental Assessment No. RPPL2019003635

On behalf of the Las Virgenes Homeowners Federation, Inc., -- our Santa Monica Mountains stakeholders and communities -- we support and ask you to approve the 2045 Climate Action Plan and certification of the Final Environmental Impact Report.

We also respectfully ask you to *consider* the following:

The unincorporated Santa Monica Mountains National Recreation (SMMNRA) area is comprised of approximately 55,000 acres in the Local Coastal Program (LCP) and 22,000 acres in the North Area Plan (NAP). It thus holds a very large, distinct, and unique place within the County that is **disproportionately impacted by climate change**. That is both the environment – our sensitive biological coastal resources – and our rural communities who are affected by the increase in and severity of wildfires, flooding, erosion, and heat.

Regional Planning's efforts to mitigate these impacts in the CAP are much appreciated. As our antiquated subdivisions and rural villages are encompassed within the SMMNRA, the most compelling contribution of this area is carbon sequester, and connectivity of wildlands.

The SMMNRA was deemed "the lungs of Los Angeles" by our former Supervisor Zev Yaroslavsky more than a decade ago and that fact holds true today. The collaboration between the public, communities, and government has protected hundreds of thousands of acres to serve the public, a respite in the urban sprawl of Los Angeles, and a place where the ecosystem and humans can restore.

Adaptation funding must include undergrounding powerlines and investing in open space in the Santa Monica Mountains. Land protection actions, connectivity and undergrounding of power lines and other fire causing infrastructure will help this vital carbon sink thrive and continue its service to the overall community. Above ground power lines will continue to cause displacement, as they ensure building loss and threaten the public's investment in the protected lands. Loss of habitat harms the public. The [Climate and Economic Justice Screening Tool](#) cite +/-80% loss in much of our Wildland Urban Interface (WUI.)

The fact is, with the increase in frequency and severity of wildfire due to climate change, the native habitat which sustains all wildlife, and all wild things can no longer replenish and repopulate as it once did. *This is why undergrounding of power lines without equivocation must be a priority of the CAP. Without this focus, determination, and action, the sustainability of this Mediterranean ecosystem, one of only 6 in the entire world is gravely threatened.

Transportation action as primarily described in the CAP is not applicable for the Santa Monica Mountains rural villages, as this landscape is very mountainous, etc., and with transportation availability tied to development possibility it is difficult and not a match for the WUIs to support public transportation increases.

In actuality, the Santa Monica Mountains National Recreation Area would benefit greatly from a targeted *overlay zone* – one that is specific to the landscape and the climate change issues and priorities that are only found here and that are only applicable here. Just like the distinct LCP and the NAP that govern this turf, this CAP overlay would provide the most significant, tailored benefits to mitigate the impacts of climate change.

Kudos to Regional Planning for their superb outreach and creative CAP workshop which was met with enthusiasm and input from our communities!

Thank you for this opportunity to comment. Please support and approve the Climate Action Plan, certify the FEIR, and consider adding additional protections and climate action specificity to the CAP to ensure and preserve the County's only precious coastal biological resources, designated rural villages, and thus a future for the Santa Monica Mountains National Recreation Area.

Sincerely,
Kim Lamorie
President
Las Virgenes Homeowners Federation, Inc., of the Santa Monica Mountains

From: [Rafael Andrade](#)
To: [Thuy Hua](#); [Iris Chi](#)
Cc: [Connie Chung](#); [Edward Rojas](#); [Elida Luna](#)
Subject: FW: LA County Climate Action Plan - need for an economic impact analysis
Date: Tuesday, November 14, 2023 10:39:49 AM

FYI

From: myvoice@oneclickpolitics.com <myvoice@oneclickpolitics.com>
Sent: Tuesday, November 14, 2023 10:39 AM
To: EDL-DRP BU-S Commission Services <commission@planning.lacounty.gov>
Subject: LA County Climate Action Plan - need for an economic impact analysis

CAUTION: External Email. Proceed Responsibly.

Re: LA County Climate Action Plan - need for an economic impact analysis

Dear LA County Planning Commission,

As California continues to be the leader in climate policies, we trust that any homes and jobs created in Los Angeles will also be sustainable and climate friendly. At the same time, if not done carefully, policies can also undermine our housing goals, increase our energy costs, and further curtail needed economic growth in Los Angeles. I am deeply concerned with Final Draft 2045 County Climate Action Plan (Draft CAP) and its impact on housing, jobs, mobility, and infrastructure. The proposal includes a density mandate of 300 jobs per acre for new projects. Of the county's 810 planning zones, only nine have more than 20 jobs per acre. This restriction will have a significant impact on small retailers, manufacturing facilities, entertainment venues and other sectors that drive our region's economic engine. The proposal also demands 90% of all water consumed – and 80% of agricultural irrigation water – be supplied exclusively by local water sources consisting of reclaimed water, graywater and potable recycled water by 2045. A vast majority of our water is imported - and this could have a significant impact on our housing and development. Although these are only considered aspirational, with the inclusion in the general plan, we have concerns that this will be far more binding than just "aspirational." It is clear that we must conduct a comprehensive Economic Impact Analysis to gain a better understanding of how this proposal may affect business and its potential implications to meeting the County Approved General Plan/Housing Element Regional Housing Needs Assessment goals. And we ask that Regional Planning and the LA County Board of Supervisors provide such a analysis.

Sincerely,
Mr. Mihran Toumajan
mihran_toumaj@yahoo.com
2121 Valderas Drive, Apt 14 Glendale, CA 91208

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From: [Elida Luna](#)
To: [Iris Chi](#); [Thuy Hua](#)
Cc: [Elida Luna](#); [Rafael Andrade](#)
Subject: FW: Public Comment on Agenda Item 7 11/15/23 - Project No. 2019-002015-(1-5) 2045 Climate Action Plan
Date: Tuesday, November 14, 2023 10:20:23 AM
Attachments: [BIASC RBSC Comment Letter - Project No. 2019-002015-\(1-5\) 2045 Climate Action Plan.pdf](#)

Please see attached. Thank you.

ELIDA LUNA (she/her/hers)

COMMISSION SECRETARY, Operations & Major Projects (OMP)

From: Amy Peake <amy@rebuildsocal.org>
Sent: Tuesday, November 14, 2023 10:09 AM
To: DRP Public Comment <comment@planning.lacounty.gov>; Elida Luna <ELuna@planning.lacounty.gov>
Subject: Public Comment on Agenda Item 7 11/15/23 - Project No. 2019-002015-(1-5) 2045 Climate Action Plan

CAUTION: External Email. Proceed Responsibly.

Good morning,

Attached is a public comment from **Jon Switalski** (info@rebuildsocal.org \ 562-483-2044) on behalf of **Rebuild SoCal Partnership** and **Jeff Montejano** (membership@biasc.org \ 949-553-9500) on behalf of **BIASC** regarding **Agenda Item 7** of the 11/15/23 LA County Regional Planning Commission, **Project No. 2019-002015-(1-5) 2045 Climate Action Plan**. These organizations are not the applicant.

Thank you.

--

Amy Peake
Rebuild SoCal Partnership
rebuildsocal.org



November 14, 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

RE: Concerning the County's Pending Climate Action Plan Update -- Request for a One Year Pause to Undertake Greater Stakeholder Involvement and an Economic Impact Analysis: A follow-up to our letter submitted on November 8, 2013.

Dear Chair Hahn and Hon. Supervisors,

The Building Industry Association of Southern California (BIASC), which represents homebuilders, and Rebuild SoCal Partnership, which represents the trade organizations, respectfully ask you to direct County staff and the Planning Commission to delay – for the reasons set forth below – consideration of the current draft of the Revised Draft Climate Action Plan (RDCAP). Although our two organizations often hold differing views concerning how best to promote and build livable communities within the Southern California region, as it relates to the current 2045 CAP proposal, **we are unified in our position that the RDCAP should be improved through substantially more stakeholder input and study.**

On November 8, 2023, our organizations submitted a joint letter, which is attached and outlined the substance of our most pressing concerns about the RDCAP. Since then, we believe that the need for a pause in the consideration of the RDCAP is most imperative, so that concrete steps can be taken to both (i) address the many concerns that have been expressed concerning the RDCAP, and (ii) allow for the RDCAP to be revised into a policy document that will bring all stakeholder groups into greater agreement concerning updated CAP measures.

Per this letter, we jointly ask for a **1-year pause in the process of considering the RDCAP specifically to allow for several defined tasks to be undertaken. First, we believe that it is imperative that the County undertake an economic impact analysis to understand the foreseeable economic impacts of the RDCAP.** As referenced in our previous letter, it would be prudent to 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.

Specifically concerning the requested economic study, we believe that this one-year pause should be used as follows:

- 3 months for the scoping and bidding process
- 6 months to complete the study
- 3 months of public review and finalization of the study

Secondly, a number of concerns have been expressed about both the legal sufficiency of the environmental review undertaken concerning the RDCAP and the foreseeable legal ramifications of its many mandates. To address these concerns, we respectfully ask for both the time and a process to allow these legal concerns to be discussed and addressed with representatives of the stakeholder groups.

BIASC and Rebuild SoCal Partnership would commit to working with the County and other stakeholder groups to ensure a timely and transparent analysis of the RDCAP. For these reasons, BIASC and Rebuild SoCal Partnership unite in this request; and we respectfully ask for your favorable consideration.

Thank you,

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', written in a cursive style.

Jon Switalski
Executive Director
Rebuild SoCal Partnership



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, sweeping horizontal line extending to the right.

Jeff Montejano
Chief Executive Officer
BIASC

A handwritten signature in black ink, appearing to read 'Jon Switalski', written in a cursive style.

Jon Switalski
Executive Director
Rebuild SoCal Partnership

From: [Rafael Andrade](#)
To: [Thuy Hua](#); [Iris Chi](#)
Cc: [Connie Chung](#); [Edward Rojas](#); [Elida Luna](#)
Subject: FW: LA County Climate Action Plan - need for an economic impact analysis
Date: Tuesday, November 14, 2023 7:00:52 AM

FYI

From: myvoice@oneclickpolitics.com <myvoice@oneclickpolitics.com>
Sent: Monday, November 13, 2023 6:41 PM
To: EDL-DRP BU-S Commission Services <commission@planning.lacounty.gov>
Subject: LA County Climate Action Plan - need for an economic impact analysis

CAUTION: External Email. Proceed Responsibly.

Re: LA County Climate Action Plan - need for an economic impact analysis

Dear LA County Planning Commission,

As California continues to be the leader in climate policies, we trust that any homes and jobs created in Los Angeles will also be sustainable and climate friendly. At the same time, if not done carefully, policies can also undermine our housing goals, increase our energy costs, and further curtail needed economic growth in Los Angeles. I am deeply concerned with Final Draft 2045 County Climate Action Plan (Draft CAP) and its impact on housing, jobs, mobility, and infrastructure. The proposal includes a density mandate of 300 jobs per acre for new projects. Of the county's 810 planning zones, only nine have more than 20 jobs per acre. This restriction will have a significant impact on small retailers, manufacturing facilities, entertainment venues and other sectors that drive our region's economic engine. The proposal also demands 90% of all water consumed – and 80% of agricultural irrigation water – be supplied exclusively by local water sources consisting of reclaimed water, graywater and potable recycled water by 2045. A vast majority of our water is imported - and this could have a significant impact on our housing and development. Although these are only considered aspirational, with the inclusion in the general plan, we have concerns that this will be far more binding than just "aspirational." It is clear that we must conduct a comprehensive Economic Impact Analysis to gain a better understanding of how this proposal may affect business and its potential implications to meeting the County Approved General Plan/Housing Element Regional Housing Needs Assessment goals. And we ask that Regional Planning and the LA County Board of Supervisors provide such a analysis.

Sincerely,
Roberto Arnold
roberto@mballiance.org
18615 E Arrow Hwy , 127 Covina, CA 91722

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From: [DRP Public Comment](#)
To: [Thuy Hua](#); [Iris Chi](#)
Cc: [Connie Chung](#); [Edward Rojas](#); [Elida Luna](#)
Subject: FW: LA County DRP Hearing: Public Comment - Agenda Item 7
Date: Monday, November 13, 2023 4:21:08 PM
Attachments: [SCV Chamber Letter LA County CAP - 11.13.23.pdf](#)

[Please see attached letter.](#)

From: Peter Warda (TMG) <peter@musellagroup.com>
Sent: Monday, November 13, 2023 4:09 PM
To: DRP Public Comment <comment@planning.lacounty.gov>
Cc: Ivan Volschenk (Evolve) <ivan@evolvebizstrat.com>
Subject: LA County DRP Hearing: Public Comment - Agenda Item 7

CAUTION: External Email. Proceed Responsibly.

Good afternoon –

Please find attached the Santa Clarita Valley Chamber of Commerce’s comment letter on Agenda Item #7 2045 Climate Action Plan for the November 15th LA County DRP Commission Meeting.

Please let me know if you have any questions or need anything else.

Thank you!

PETER WARDA (he/him)
Senior Vice President + Chief Policy Officer
661-993-3046 | musellagroup.com

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SANTA CLARITA VALLEY
CHAMBER OF COMMERCE®

November 13, 2023

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

Re: LA County's Revised Draft 2045 Climate Action Plan (CAP) – Comments

Dear Ms. Hua,

The Santa Clarita Valley Chamber of Commerce is the largest business membership organization in the Santa Clarita Valley, representing more than a 65,000-member workforce. We fully support California's global climate leadership, with a commitment from our members to ensure that state and local climate measures can be realistically implemented while advancing other essential California priorities. These priorities include sustaining the growth of the California economy, promoting equity and upward mobility for working families and employers, addressing urgent transportation, water, and infrastructure needs, and fulfilling the housing plans approved by our cities and counties to resolve our regional housing crisis. We eagerly anticipate continued collaboration with LA County to achieve lasting and equitable progress.

The Draft CAP outlines 10 strategies, 25 measures, and specific actions to reduce greenhouse gas (GHG) emissions in unincorporated LA County. It mandates that project applicants adhere to these actions, with non-compliance leading to participation in the County's proposed Offsite Reduction Program, or the determination of "significant and unavoidable" GHG emissions under the California Environmental Quality Act (CEQA).

However, the Draft CAP imposes rigid, long-term compliance obligations on county officials, voters, and project applicants. Amendments to the CAP require further CEQA review, including the adoption of "all feasible mitigation" to achieve either the original or a modified GHG reduction goal. San Diego County's experience with an aspirational CAP in its General Plan, for instance, led to legal challenges that hindered housing projects. Even jurisdictions deeply committed to climate action, like San Francisco, have opted not to include CAPs in their General Plans or have ensured their clarity, feasibility, and alignment with other priorities.

In contrast, the County's current General Plan CAP is achievable and has withstood CEQA lawsuits. The Draft CAP, however, includes infeasible, undefined, and unquantified measures while rejecting lawful and feasible climate compliance mandates. This could lead to litigation, hampering infrastructure, housing, job creation, and other projects. There is no obligation, federal, state, or county, to approve even an aspirational policy CAP, let alone adopt it into the General Plan.

Some actions in the Draft CAP conflict with County priorities, such as economic growth and housing availability, and many of the required actions are currently impractical. Moreover, several proposed measures depend on State and Federal actions beyond the County's jurisdiction. The Draft CAP also fails to address the challenges associated with the proposed Offsite Reduction Plan. This could create significant problems for the County, leading the SCV Chamber to recommend against its adoption.

Once included in the General Plan, the Draft CAP cannot be modified without additional CEQA review, potentially leading to years of litigation and project delays. It should be transformed into an aspirational policy document focused on feasible GHG reduction measures within the County's jurisdiction, aligned with economic development, housing, and infrastructure goals, and without increasing costs, time, or litigation risks for the County or applicants. GHG reductions from statewide laws and mandates should be quantified separately, and an economic impact study should precede final adoption of the plan.

Thank you for considering our feedback.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ivan Volschenk', with a stylized, cursive script.

Ivan Volschenk
President & CEO, Santa Clarita Valley Chamber of Commerce

From: [Richard Lambros](#)
To: cchen@bos.lacounty.com; FMcGee@bos.lacounty.org; [Cabello, Cecilia](#); [Baucum, Mark](#); [Mouradian, Anna](#)
Cc: WRehman@bos.lacounty.gov; [Feldman, Benjamin](#); [Caroline Torosis](#); [Sara Harris](#); [Laura Muraida](#); [Ordower, Aaron](#); [Torrez Jr., Joel](#); [Wilson, Jayme](#); [Saraiva, Anish](#); [Corey, Anders](#); [Thuy Hua](#); [Amy Bodek](#); [EDL-DRP BU-S Commission Services](#); [DRP EPS Climate](#)
Subject: Urgent Request from SCLC ... RE: Proposed LA County Climate Action Plan (CAP)
Date: Monday, November 13, 2023 1:50:06 PM
Attachments: [SCLC Ltr to LA County Sups - Requesting Economic Analysis of Draft CAP \(11-10-2023\) FINAL.pdf](#)

CAUTION: External Email. Proceed Responsibly.

Chair Hahn and Members of the Board of Supervisors,

On behalf of the Southern California Leadership Council (SCLC) we want to submit the attached letter expressing our strong concerns regarding the Proposed Los Angeles County Climate Action Plan (CAP) which will be on the Planning Commission agenda this Wednesday (November 15th). The attached letter articulates our concerns and asks for your assistance in pausing the Proposed CAP until the County has the opportunity to conduct a much-needed economic impact analysis of this plan and the time necessary to evaluate its results.

Considering there is no statutory deadline for the County to adopt this CAP, we believe it is important for the County to pause now and get the plan right before moving forward. As you will see from our letter, a failure to do so could put housing and other County priorities at risk and have unintended consequences on jobs, the economy, and the cost of living (and cost of housing) within LA County.

We at SCLC greatly appreciate your time and attention to this urgent matter and please let me know if you have any questions.

Best,
Rich

Richard J. Lambros | Managing Director
Southern California Leadership Council
444 S. Flower Street, 37th Floor, Los Angeles CA 90071
T: (213) 236-4810 | M: (909) 225-0095 | F: (213) 622-7100
E: richard.lambros@socallc.org | W: www.socallc.org



Three former Governors and over three dozen President/CEOs of major companies and agencies comprise the Southern California Leadership Council, a nonprofit, nonpartisan organization formed to provide leadership on major public policies critical to economic vitality, job growth and the quality of life in Southern California.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL



SOUTHERN CALIFORNIA LEADERSHIP COUNCIL

444 South Flower Street, 37th Floor
Los Angeles, CA 90071
P: 213.622.4300
F: 213.622.7100

Co-Chairs:

Governor Pete Wilson
Thomas Priselac

November 10, 2023

Vice-Chairs:

Fran Inman
Jeff Jennison

Hon. Janice Hahn, Chair, and Members of the Board of Supervisors
Los Angeles County Board of Supervisors
500 W. Temple Street, Room 822
Los Angeles CA 90012

SCLC Board:

Governor Gray Davis (Ret.)
Governor Arnold Schwarzenegger
John Adams
Martin L. Adams
Ashwin Adarkar
William Ahmanson
Kome Ajise
Senate Pres. Pro Tem Toni Atkins
John Baackes
Supervisor Kathryn Barger
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Lorcan Kearney
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Stephen Larson
Randall Lewis
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Greg McWilliams
Bobby Olvera, Jr.
Adan Ortega
Supervisor V. Manuel Perez
Chet Pipkin
George Pla
Steve PonTell
Steven Powell
Michael Ruane
Trey Thornton
Supervisor Nora Vargas
Raul Vargas
Mike Vomund
Supervisor Donald Wagner
Stephanie Wiggins
Steve Williams

RE: Los Angeles County Climate Action Plan; Need for Economic Impact Analysis

Dear Supervisor Hahn and Members of the Board,

We are writing to you to express our grave concerns regarding the potential negative economic impacts of the proposed Los Angeles County Climate Action Plan ("CAP") on the County's residents and its economy. In this letter, we are detailing only some of our concerns to highlight what we feel is an urgent need for the Board of Supervisors to commission an economic analysis of the Draft CAP, so that you can evaluate its potential negative impacts on jobs, the regional economy, the County's under-served communities, and the aspirations of so many who hope for the social and economic benefits of home ownership. Because the draft CAP is currently scheduled to go before the Planning Commission for consideration on November 15th, we ask that the CAP's review process be delayed until an economic impact study can be undertaken and made available to the Planning Commission, the Board of Supervisors, and members of the public.

The Southern California Leadership Council is a non-partisan, non-profit public policy partnership of business, government, and community leaders, which provides a common voice on major public policies that are critical to the economic vitality, job growth and quality of life in Southern California. Our Board Members include three former California governors, the leaders of many of the region's largest corporations, and the executive directors or board chairs of major regional governmental agencies.

As currently proposed, the Draft CAP would impose scores of new land use limitations and burdens, new building standards, new process costs, and new green-houses gas (GHG) mitigation requirements on all discretionary projects that may be proposed and brought forward in unincorporated Los Angeles County. These new regulatory burdens, some of which we outline below, would even be imposed on future projects that are subparts of master planned communities that have already fully mitigated their overall GHG impacts at the larger master plan level, in compliance with existing laws.

As such, SCLC is concerned that the CAP's passage as it is now drafted will make it impossible for the County to fulfill its RHNA obligations and its other commitments to address the social inequities, family hardships, and homelessness caused by the County's housing shortage. Yet the CAP would impose more than 100 new regulatory measures, tests, and standards on new home construction. Among the more harmful of these new burdens that the CAP would place on the County's efforts to increase its housing supply within the County's unincorporated areas are:

Executive Staff:

Mike Roos
President

Richard Lambros
Managing Director

- **Requiring new projects which will have employment opportunities to strive for an employment density of 300 employees per acre.** During construction, this goal is, of course, not obtainable on most new developments because construction typically is phased, with a limited number of workers on a building site at any time. Post-construction, the 300-person per acre employment density goal is not in touch with the reality of the County's unincorporated areas. This can easily be proved by considering the actual employment density that presently exists anywhere within these areas. Of the 810 planning areas referred to as Transportation Analysis Zones (TAZs) within the unincorporated County, only nine have an employment density greater than 20 employees per acre, and none has an employment density that comes close to 100 employees per acre, let alone 300.

Economic impact of this provision: The unincorporated County offers some of the most affordable new housing and employment opportunities in the region, but building new communities there would become extremely difficult or even impossible under the employment density standard now proposed. For example, the typical strip mall, restaurant, business park, manufacturing facility or entertainment venue does not employ anywhere near 300 people per acre, and more likely would employ less than a tenth of that ratio. Any mandatory imposition of this provision would eliminate all or most new housing and job opportunities in some of the County's most affordable areas.

- **Requiring a full EIR for affordable projects that might otherwise qualify for CEQA streamlining.** Under the proposed CAP, if a project is not fully compliant with a very long list of new CAP requirements, it must undergo a full GHG analysis, which signals a requirement for an Environmental Impact Report – and this eliminates the opportunity for CEQA streamlining. Even then, the CAP states that going through the EIR process will not eliminate the need to comply with every single one of the scores of CAP provisions “to the extent feasible.”

Economic impact of this provision: This provision appears to eliminate the advantages of regulatory streamlining the state has created to spur the development of more affordable housing for working class Californians and would therefore contribute to the County's housing affordability crisis.

- **Limiting offsite GHG mitigation measures to only within Los Angeles County.** Requiring that a project's GHG offsite mitigations be achieved only within the County's jurisdictional limits is contrary to economic principles, unscientific, unreasonable, and will eliminate most large-scale developments that would otherwise have the economies of scale necessary to approach or achieve net zero energy, net zero water, and effective GHG mitigation. This requirement is unreasonable particularly because climate change presents a global challenge, not a sub-regional one. While we recognize the need for more work to address climate change in Los Angeles County, greater dollar-for-dollar benefits can be attained by creating more climate resiliency and minimizing GHG emissions in geographic areas that are not nearly as advanced in this regard as Southern California. It is also unreasonable because there are not enough *affordable* mitigation opportunities in Los Angeles County to allow for the amount of new housing needed to attain the County's housing goals.

Economic impact of this provision: By requiring local mitigation, this provision will skyrocket demand for a very limited and shrinking supply of allowable mitigation opportunities, driving up the cost of those opportunities – and hence, the cost and unaffordability of housing.

- **Setting water supply mandates that likely cannot be met.** In its current form, the CAP would have the County strive for a goal that no more than 10% of the unincorporated County's water supply may come from outside Los Angeles County (i.e., be "imported water"). The draft CAP also champions the idea that all new development in the unincorporated areas would be required to achieve net-zero water usage (i.e., developments must utilize only water supplies from local, in-County water sources; if not, the project would need to fund expensive mitigation). New housing and development projects cannot change the many local water agencies' long-established water supply agreements or the water rights and obligations that apply to nearly all local groundwater supplies in this arid region. New projects alone cannot possibly finance new ocean desalination or municipal wastewater recycling plants or get them approved by regulatory agencies; nor can rooftop rain capture on a multi-story residential building meet that building's water demand. These sorts of local water supply strategies work only with appropriately sized economies of scale, so imposing provisions that require those sorts of solutions for every individual project will render most new projects financially infeasible, in effect, imposing a ban on new development.

Economic impact of this provision: By reducing the amount of new development, this provision will drive up the cost of housing and other projects. Even if sufficient water supplies could be found to achieve net zero water, the cost of that water would likely impose a severe economic burden on the residents and businesses served by those new development projects.

As you can see, each of these provisions of the current draft of the CAP has the potential to impose a considerable economic impact on the residents of the unincorporated County – and these are just four of the CAP's many troubling provisions. But it is not only the roughly one million residents of the unincorporated County who will suffer economically if the Draft CAP is enacted in its current form because under this proposal, much of the County's 9.5-million-person population would suffer. Los Angeles County's approximately 2,653 square miles (1.7 million acres) of unincorporated land would no longer be "the land of housing opportunity" for all the residents in the County who desire to buy a home they can afford. SCLC is concerned that these negative economic impacts will fall most harshly on the residents of disadvantaged areas who aspire to attain the social and economic benefits of home ownership.

SCLC agrees that the climate crisis requires appropriate measures to address GHG emissions, but we strongly encourage you, as the Board of Supervisors, to ensure that you fully understand and evaluate the economic impacts of the CAP before imposing it on the people you serve. Therefore, on behalf of the members of SCLC, we strongly urge the Los Angeles County Board of Supervisors to require that an economic impact analysis of the proposed CAP be performed, and that sufficient time be allowed for the study's findings to be evaluated before a Draft CAP moves forward to the Planning Commission and Board of Supervisors for consideration.

Sincerely,



Mike Roos
President



Richard Lambros
Managing Director

The CAP is a “ready, fire, aim” mandate that will tie this county in endless knots and lawsuits, as was the case in San Diego County. Even San Francisco wisely decided not to embed their CAP in their General Plan, and that was before they got an after-the-fact fiscal study done that showed CAP implementation would cost upwards of \$22 Billion in the state’s most temperate climate, most transit-served, tragically office worker/tourist-dependent economy, 49-square mile city of about 800,000 people. <https://www.law.berkeley.edu/research/clee/research/climate/california-climate-action/funding-sf-cap/> Los Angeles County is the size of a state; it is more populous than many states; it has more climate zones and a more diverse economy than most states.

We respectfully request that the CAP be paused, pending independent third-party review by the Los Angeles Economic Development Commission, which has both the knowledge of the county’s economy and the track record of independent and honest analysis. The CAP should be substantially trimmed down, to include only those measures that are legally and technically feasible, and can be funded and implemented in alignment with other critical county priorities. A legally adequate EIR should be prepared for the revised CAP. We did not oppose the 2020 CAP, which was legally feasible and has not created the litigation black hole of the type suffered by San Diego. We look forward to supporting a CAP update once these processes are complete and pledge our participation in the CAP and EIR study and revision process.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to be 'AW' with a long horizontal stroke extending to the right.

Adam Wood
Administrator
Building Industry Legal Defense Foundation
17192 Murphy Avenue, #14445
Irvine, CA 92623