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Ms. Thuy Hua, AICP
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Dear Ms. Hua:

On behalf of the California Air Resources Board (CARB) staff, I am writing to provide comments on the County of Los Angeles' 2045 Climate Action Plan (CAP) and its associated Recirculated Draft Program Environmental Impact Report (PEIR). As part of the 2022 Scoping Plan for Achieving Carbon Neutrality (Scoping Plan), CARB has included recommendations to help jurisdictions across the state ensure their CAPs are consistent with applicable greenhouse gas (GHG) goals and requirements,¹ because the entire state benefits from ensuring that CAPs stay in step with applicable GHG reduction goals and requirements. This consistency is especially important if the jurisdiction adopting the CAP intends to rely on the CAP for streamlining the GHG emissions analyses in the CEQA documents for new projects. As noted in Appendix D of the Scoping Plan, "[l]ocal government efforts to reduce [GHG] emissions within their jurisdiction are critical to achieving the State's long-term climate goals." As discussed below, CARB notes that there are several changes that could be made to the CAP to more fully align it with the recommendations in the Scoping Plan. These changes would make the CAP even more robust and would add legal defensibility if future residential and mixed-use developments intend to rely on the CAP for CEQA streamlining of GHG analyses.

One strategy recommended in Appendix D that lead agencies can use to determine whether a project is consistent with the Scoping Plan and may be able to streamline its GHG analysis is to include a set of attributes included in Table 3—"Key Residential and Mixed-Use Project Attributes that Reduce GHGs." The attributes in Table 3 of Appendix D have been shown by empirical research to reduce operational GHG emissions and allow for growth from residential and mixed-use development in a manner consistent with the state's climate and equity goals, including those in Senate Bill (SB) 32 (2016). Moreover, Appendix D notes that tiering projects from a CEQA-qualified CAP is another approach to determining consistency with the Scoping Plan and enabling the streamlining of GHG analysis. CARB commends LA County for utilizing both of these approaches by including a checklist of project attributes in Appendix F of the proposed CAP and allowing for projects to tier their GHG analysis off of this document. Below, CARB suggests some modifications to the LA County CAP to better align its CEQA streamlining provisions with the recommendations in the Scoping Plan.

¹ <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents>

Appendix F of Los Angeles County's CAP describes a process for determining whether a project is consistent with the CAP for purposes of streamlining CEQA review. To be eligible for CEQA GHG streamlining, the CAP requires new discretionary projects subject to CEQA to demonstrate consistency with the County's General Plan. If General Plan consistency can be demonstrated, projects proceed to the Climate Action Plan Consistency Review Checklist (CAP Checklist). Projects that demonstrate consistency with the checklist are considered by the County to be consistent with the CAP and therefore eligible for streamlining of the GHG emissions analysis portion of the applicable CEQA document. CARB commends the County for developing this checklist approach to assist future land-use projects in assessing their consistency with the CAP.

After reviewing the consistency process in Appendix F of Los Angeles County's CAP, CARB notes that it would encourage residential and mixed-use projects to include many project attributes consistent with the priority GHG reduction strategies found in Appendix D of the 2022 Scoping Plan. One example of this is building decarbonization. Appendix D of the Scoping Plan identifies the adoption of all-electric new construction reach codes for residential and commercial uses as an appropriate strategy for enacting building decarbonization. This strategy is clearly addressed in the CAP Checklist's CAP Consistency Requirement #16 – "Electrify New Buildings."

However, some of the other strategies in the CAP Checklist's requirements are less stringent than those recommended in Appendix D of the Scoping Plan. CARB notes that use of the CAP Checklist could allow for residential and mixed-use projects that do not include all of the attributes recommended in Table 3 to qualitatively demonstrate consistency with the Scoping Plan. For instance, a key project attribute for new development is to provide "EV charging infrastructure that, at minimum, meets the most ambitious voluntary standard in the California Green Building Standards Code at the time of project approval." The CAP consistency checklist, however, only requires that projects "Comply with any CALGreen Code requirement, County ordinance, building code, or condition of approval that requires a certain amount of electric vehicle (EV) charging infrastructure (EVCSs) and readiness."

Likewise, Table 3 of Appendix D includes several key project attributes to help projects achieve reductions in vehicle miles traveled (VMT). Some of these attributes are not specifically addressed in LA County's CAP consistency checklist, but are instead addressed in the County's General Plan. As an example, one of the Scoping Plan's key project attributes to achieve VMT reductions is that new development be "located on infill sites that are surrounded by existing urban uses and reuses or redevelops previously undeveloped or underutilized land that is presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer)." The County's General Plan includes several policies that are related to infill development. However, these policies merely encourage infill and do not require this type of development. An example of this is the General Plan's **Policy LU 4.1**, which reads: "Encourage infill development in urban and suburban areas on vacant, underutilized, and/or brownfield sites." CARB notes that this could potentially lead to situations where new projects endeavor to streamline their CEQA GHG analysis while not being located in infill areas and therefore not clearly demonstrating consistency with the Scoping Plan.

Appendix D of the Scoping Plan notes that new development can align with State GHG reduction goals while simultaneously demonstrating consistency with State equity goals and advancing fair housing. Table 3 of Appendix D lists key project attributes related to affordable housing. One of these key project attributes is that “[a]t least 20 percent of units included are affordable to lower-income residents.” This would apply to all new residential and mixed-use development. The CAP’s consistency checklist does not address affordable housing, but does require that projects are consistent with the land use and housing elements of the General Plan. The County’s housing element includes Policy 3.4 “Require future Development Agreements and project-based specific plans to include an affordable housing implementation plan that exceeds the requirements in the County’s Inclusionary Housing Ordinance.” The County’s Inclusionary Housing Ordinance requires a 20 percent affordable housing set-aside on certain parcels, but not all.

Conclusion

CARB appreciates the opportunity to review and comment on Los Angeles County’s 2045 Climate Action Plan and its associated PEIR. CARB believes that the CAP includes many elements that are consistent with the 2022 Scoping Plan’s recommendations for CAPs. However, as explained above, there are also opportunities for the County to demonstrate an even more robust relationship between the CAP’s recommendations for new residential and mixed-use development and the recommended key project attributes identified in Appendix D of the Scoping Plan. Strengthening the CAP to take advantage of these opportunities will allow for increased legal defensibility when the CAP is used for the purposes of CEQA streamlining of residential and mixed-use development. If you have any questions, please feel free to contact Pedro Peterson at (279) 208-7367 or by email at pedro.peterson@arb.ca.gov.

Sincerely,



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