



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT



CITY PLANNING COMMISSION

Date: May 12, 2011
Time: After 8:30 a.m.*
Place: Room 350, City Hall
200 North Spring Street
Los Angeles, CA 90012

Case No: CPC 2011-958-ICO
CEQA No: ENV 2011-959-CE
Location: Citywide
Council No: All
Plan Area: All

PUBLIC HEARING REQUIRED

REQUEST: Interim Control Ordinance (ICO)


SUMMARY: A proposed ICO temporarily prohibiting the issuance of demolition, building, and any other applicable permits for the installation of ground mounted solar photovoltaic systems located within a Very High Fire Hazard Severity Zone.


RECOMMENDED ACTIONS:

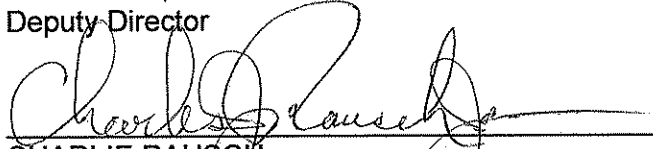
1. **Adopt** the staff report as its report on the subject.
2. **Adopt** the findings in Attachment 1.
3. **Adopt** the Categorical Exemption as the CEQA clearance on the subject.
4. **Approve** the proposed ICO (Appendix A) and recommend its adoption by the City Council.

MICHAEL J. LOGRANDE
Director of Planning


LINN K WYATT
Chief Zoning Administrator


THOMAS ROTHMANN
City Planner, Code Studies
Telephone: (213) 978-1891


ALAN BELL, AICP
Deputy Director


CHARLIE RAUSCH
Senior City Planner, Office of Zoning Administration


DEBORAH KAHEN
Policy Planner, Code Studies
Telephone: (213) 978-1202

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

EXECUTIVE SUMMARY

The proposed ordinance (Appendix A) is an Interim Control Ordinance (ICO) prohibiting the issuance of demolition, building, and any other applicable permits for the installation of ground mounted solar photovoltaic systems (solar installations) located within the Very High Fire Hazard Severity Zone. The ICO would be effective for an initial one year with the possibility of two future extensions of six months each. This would allow City staff to review existing regulation and assess whether additional measures to protect the public health and safety are necessary.

STAFF REPORT

REQUEST

At its November 10, 2010 meeting, Councilmember Reyes introduced motion 10-2410 instructing the Department of City Planning to prepare an ICO to temporarily prohibit solar installations within the Very High Fire Hazard Severity Zone. This would give staff time to review existing regulations and make any necessary changes.

DISCUSSION

Amidst increasing popularity for sustainable development coupled with the City of Los Angeles' solar incentive programs, solar installation requests have grown rapidly in recent years. Due to anticipated growth, the City is reviewing its regulations for solar installations in the Very High Fire Hazard Severity Zones to ensure appropriate zoning.

The proposed ICO would be effective for an initial one year with the possibility of two future extensions of six months each, or until the adoption of the appropriate land use regulatory controls have been prepared by the Planning Department, adopted by the City Council and become effective, whichever comes first. Permit applications submitted with appropriate fees paid to the Department of Building and Safety prior to the effective date of the ordinance would be exempt.

Urgency Clause

Due to the proliferation of applications, it is recommended that the proposed ICO include an Urgency Clause. The Urgency Clause would allow the ICO to become effective upon adoption by the City Council, rather than after the required publication period and approval by the Mayor.

CONCLUSION

Harnessing solar rays for renewable energy without compromising the public health or welfare is a goal for the City. Accordingly, this ICO will enable staff to assess the appropriateness of current solar zoning in the City's Very High Fire Severity Zones.

ATTACHMENT 1

LAND USE FINDINGS

1. In accordance with Charter Section 556, that the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent and provisions of the General Plan in that it imposes temporary prohibitions on the issuance of building permits related to the installations of ground mounted solar photovoltaic structures in Very High Fire Severity Zones in order to ensure public safety is protected through adequate fire access to and around said structures.

The proposed ordinance is consistent with the following objectives:

Framework Element

Objective 9-17: Assure that all areas of the City have the highest level of fire protection and EMS, at the lowest possible cost, to meet existing and future demand.

Policy 9-17-4: Consider the Fire Department's concerns and, where feasible adhere to them, regarding the quality of the area's fire protection and emergency medical services when developing general plan amendments and zone changes, or considering discretionary land use permits.

Safety Element

Objective 1-1: Implement comprehensive hazard mitigation plans and programs that are integrated with each other and with the City's comprehensive emergency response and recovery plans and programs.

Policy 1.1.5: Risk reduction. Reduce potential risk hazards due to natural disaster to the greatest extent feasible within the resources available, including provision of information and training. [All programs that incorporate current data, knowledge and technology in revising and implementing plans (including this Safety Element), codes, standards and procedures that are designed to reduce potential hazards and risk from hazards potentially associated with natural disasters implement this policy.]

2. In accordance with Charter Section 558 (b) (2), that the proposed ordinance (Appendix A) is in substantial conformance with the public necessity, convenience, general welfare and good zoning practice in that it will control the proliferation of ground mounted solar photovoltaic structures while health and safety impacts are assessed.

ENVIRONMENTAL FINDING

The proposed ordinance (Appendix A) is exempt from the requirements of the California Environmental Quality Act (CEQA) and city guidelines for the implementation thereof pursuant to Section 15061 (b) (3) of the CEQA Guidelines and City of Los Angeles CEQA Guidelines Article II, Section 1 because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (see Exhibit A, Environmental Clearance).

APPENDIX A

ORDINANCE NO. _____

A proposed ICO temporarily prohibiting the issuance of demolition, building, and any other applicable permits for the installation of ground mounted solar photovoltaic systems located within the Very High Fire Hazard Severity Zone.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. **PROHIBITION.** Notwithstanding any provision of the LAMC to the contrary, or any other ordinances or agreements adopted by the City Council containing regulations or provisions regarding solar installation projects, until the first occurring of: a period of one year with two possible extensions of six months each from the effective date of this ordinance, or a permanent ordinance which amends the provisions governing solar panel installations in Very High Fire Hazard Severity Zones becomes effective, whichever comes first.

- A. No demolition, building, or any other applicable permits for the installation of ground mounted solar photovoltaic systems located within the Very High Fire Hazard Severity Zone shall be issued.

Sec. 2 **EXEMPTIONS.** The prohibitions specified in Section 1 of this ordinance shall not apply to any permit application submitted with appropriate fees paid to the Department of Building and Safety prior to the effective date of the ordinance.

Sec. 3. **HARDSHIP EXEMPTIONS.** The City Council, acting in its legislative capacity, and by resolution, may grant an exemption from the provisions of this ordinance in cases of extreme hardship pursuant to a set of defined criteria and standards as set forth by the City Council. An application for hardship exemption shall be filed with the City Clerk on forms provided by the Department of City Planning.

Sec. 4 **EXTENSION OF REGULATIONS.** The City Council may, by resolution, extend the provisions of this ordinance so long as the Council makes the following finding: that the appropriate City agencies and officials are exercising due diligence to assure that the permanent regulations are being expeditiously processed.

Sec. 5. **SEVERABILITY.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

Sec. 5. **APPLICABILITY OF THE ZONING CODE.** The regulations of this ordinance are in addition to those set forth in the planning and zoning provisions of Chapter 1 of the LAMC and any other ordinances adopted by the City Council, and do not contain any rights not otherwise granted under the provisions and procedures contained in that Chapter or any other ordinances.

Sec. 6. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate preservation of the public peace, health and safety for the following reasons. This ordinance is necessary to prevent irreversible development from occurring pending adoption of a permanent ordinance, by temporarily halting the proliferation of ground mounted solar photovoltaic structures in Very High Fire Severity Zones. These structures may negatively be impacting communities with potential fire access hazards, yet applications for said structures have been proliferating. Therefore, this ordinance shall become effective upon publication pursuant to Los Angeles City Charter Section 253.

Sec. 7. The City Clerk shall certify...

COUNTY CLERK'S USE

CITY OF LOS ANGELES

CITY CLERK'S USE

OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 360
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION

(California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY: City of Los Angeles Department of City Planning
COUNCIL DISTRICT: All

PROJECT TITLE: Interim Control Ordinance (ICO) - Solar Installations in the Very High Fire Severity Zone (CPC 2011-958-ICO)
LOG REFERENCE: ENV 2011-959-CE

PROJECT LOCATION: Citywide

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: A proposed ICO temporarily prohibiting the issuance of demolition, building, and any other applicable permits for the installation of ground mounted solar photovoltaic systems located within the Very High Fire Hazard Severity Zone, for an initial one year with the possibility of two future extensions of six months each.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY: *

CONTACT PERSON: Deborah Kahen
AREA CODE: 213
TELEPHONE NUMBER: 978 - 1202
EXT.:

Table with 3 columns: EXEMPT STATUS: (Check One), STATE CEQA GUIDELINES, CITY CEQA GUIDELINES. Rows include MINISTERIAL, DECLARED EMERGENCY, EMERGENCY PROJECT, CATEGORICAL EXEMPTION (checked), GENERAL EXEMPTION, and OTHER.

JUSTIFICATION FOR PROJECT EXEMPTION: The proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) and City guidelines for the implementation thereof pursuant to Section 15061 (b) (3) of the CEQA Guidelines and City of Los Angeles CEQA Guidelines Article II, Section 1 because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed ordinance temporarily prohibits the installation of solar panels in Very High Fire Hazard Severity Zones.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE, TITLE, DATE

FEE, RECEIPT NO., REC'D. BY, DATE

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record.

Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:

* THOMAS ROTHMANN
NAME (PRINTED)

* [Signature]
SIGNATURE

4/26/2011
DATE