

HARDING LARMORE KUTCHER & KOZAL, LLP
ATTORNEYS AT LAW

WRITER'S DIRECT DIAL

(310) 656-4330

1250 SIXTH STREET, SUITE 200
SANTA MONICA, CALIFORNIA 90401-1602
TELEPHONE (310) 393-1007
FACSIMILE (310) 392-3537

WRITER'S E-MAIL ADDRESS

laffer@hlkklaw.com

June 18, 2024

Planning and Land Use Management (PLUM) Committee
Los Angeles City Council
City of Los Angeles 200 N. Spring Street, Room 340
Los Angeles, CA 90012
Commission Executive Assistant

Date: 6/18/24
Submitted in PLUM Committee
Council File No: 24-0555
Item No. #8
Deputy: Wm

Re: Agenda Item No. 8
CF 24-0555 (CPC-2024-2302-CA)
Proposed Ordinance for Trucking-Related Uses in Wilmington-Harbor City
Community Plan Area

Dear Chair Harris-Dawson and Honorable Councilmembers;

On behalf of my client Voltera Power (Voltera), I want to thank and recognize Councilmember McOsker and his Staff, along with the Department of City Planning Staff and the City Attorney's Office, for their diligence in bringing the proposed ordinance to the City Council.

The ordinance provides important protections for community residents against the adverse public health impacts caused by diesel emissions from trucking-related uses, while allowing new electric vehicle (EV) charging stations for Port-serving drayage trucks. This will help Los Angeles meet State and City policy goals and regulatory mandates to reduce greenhouse gas emissions by transitioning to zero emission vehicles in the logistics and goods movement sector.

Specifically, the ordinance establishes *Electric Vehicle Charging Facility, Large Vehicles* as by-right use in the applicable geographic area, subject to development standards intended to ensure compatibility and protect nearby sensitive uses. One such development standard in the ordinance is a requirement that EV truck charging sites be sited at least two hundred (200) feet from defined *Sensitive Uses*, which we understand is intended to establish a buffer around residences, schools, medical uses and public parks. However, we are concerned that as currently drafted, the proposed ordinance could be more broadly (and mistakenly) construed to also require two hundred (200) foot buffers around private, indoor recreational facilities (e.g., climbing gyms, spinning studios, pickleball facilities), which are distinct from public parks and do not represent a use that is any more sensitive than other common commercial uses. Moreover, as these

HARDING LARMORE KUTCHER & KOZAL, LLP
ATTORNEYS AT LAW

Planning and Land Use Management Committee
Los Angeles City Council
June 18, 2024
Page 2

indoor, private recreational uses may be found in industrial zones, including them as *Sensitive Uses* could inadvertently result in eliminating the viability of some industrial sites as potential EV charging facilities.

Therefore, we respectfully request that the PLUM Committee recommend the following amendment to Los Angeles Municipal Code Section 12.22.A.36(c)(3) in the proposed ordinance, which would clarify that the definition of Sensitive Use is limited to public parks and recreational facilities and does not include private gyms or fitness centers.

3. Sensitive Use. A residential use, a medical use, a school use, or any public open space, ~~and indoor/outdoor recreational uses~~ park, or recreation center owned and operated by a governmental agency, which include, but are not limited to, skate parks, playgrounds, gymnasiums, ~~fitness centers,~~ sports courts, and athletic fields.

We appreciate your consideration of this requested amendment and are available to discuss this and any other elements of the proposed ordinance.

Sincerely,



C.J. Laffer

