Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

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Director of Planning

October 7, 2008

TO: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Bruce W. McClendon, FAICP
Director of Planning

SUBJECT: DEPARTMENT OF REGIONAL PLANNING HEARING AMENDMENTS RELATING TO ORDINANCES FOR GREEN BUILDING, LOW IMPACT DEVELOPMENT AND DROUGHT-TOLERANT LANDSCAPING

On September 23, 2008, your Board continued the above noted public hearings relating to the Green Building Program to October 7, 2008 without discussion. Since September 23, 2008 the Departments of Regional Planning and Public Works have further refined the draft ordinances. Attachment 1 provides the specific recommendations for the Supervisor's consideration. The draft ordinances referenced were previously distributed to the Supervisors and are dated August 14, 2008.

In summary, the modifications include the following revisions:

- Clarify that all three ordinances apply to all administrative and all discretionary projects.
- Expand the requirements for updating and adding to the existing third-party systems that requires Regional Planning Commission approval.
- Clarify that the drought-tolerant landscape requirements also apply to new hotels/motels, lodging houses, non-residential and mixed-use buildings.
- Expand the director's review requirements to show areas devoted to drought-tolerant landscaping, turf and tree planting on the site plan.
- Expand the director's review requirement to depict low impact development features on the site plan.
- Revise an exception to the green building ordinance regarding refrigerated warehouses to read as approved by the Planning Commission.

Additionally, the Public Works Department requests two revisions to the Low impact Development Ordinance be considered:

- Incorporate general design requirements from the LID Standards Manual into the ordinance. Providing the standards within the ordinance would provide clarity.
- Remove Exemption 12.84.470.A. "This chapter shall not apply to any development application accepted for review by the department of regional planning prior to January 1, 2009." This exemption is a duplicate of exemption 12.84.470.B, which was added to

the ordinance at a later date. Add the effective date of January 1, 2009 to Section 12.84.470. B.

In addition to the green building ordinances, approval of the Green Building Program includes the creation of a Green Building Taskforce, phasing in staffing for the program, and implementing a monitor and review process. In addition, Regional Planning is preparing a Green Building Technical Manual; Public Works is preparing a Low Impact Development Standards Manual. The Manuals complement the ordinances and contain procedures for compliance. The Manuals are living documents that will be modified as regulations are updated or modified.

- **Green Building Taskforce**
  The purpose of the Green Building taskforce is to implement the ordinances as part of the county's Green Building Program, by encouraging innovation, removing obstacles to green building, and facilitating the county's green building objectives.

  The taskforce composition should include the following: representatives from the Chief Executive Officer, the Directors of Regional Planning, Public Works, Parks and Recreation, and Internal Services; deputies from the Fire Department, and the Chief Executive Officer of the Community Development Commission. Officers or their authorized representatives from additional departments or other special interest and environmental agencies shall participate as needed.

  The responsibilities of the taskforce shall include: reports to the regional planning commission; recommendations to implement the county's Green Building Program; recommendations to facilitate the county's sustainable Green Building objectives; recommendations for updating and revising thresholds and requirements as necessary; education of staff; and outreach to the public to aid in the implementation of the county's Green Building Program.

- **Staffing**
  The green building, low-impact development and drought-tolerant landscaping ordinances introduce new information about site plan design, building materials, and third-party sustainability systems. Planning and building staff must be knowledgeable of the ordinances to explain them and to be responsive to developers and residents. In addition, new case processing procedures will be introduced. To ensure that we provide the public with easy access to quality information and services that are both beneficial and responsive and to ensure the organizational effectiveness of the Green Building Program, the Departments must be adequately staffed. Currently neither Regional Planning nor Public Works have staff to devote solely to the Program.

  Our recommendation to the Board of Supervisors includes approving hiring additional staff to implement these ordinances. We propose phasing in a Green Building Section in the Planning Department, staffed initially by a fulltime ombudsman that will coordinate with Green Building staff in the appropriate CEO's office and the Building Department. Additionally, at a minimum, a landscape architect certified in the State of California will

be needed by the County. We also recommend a planner who is certified by a third-party system or systems.

- **Monitor and Review**
  As discussed above, the Departments of Regional Planning and Public Works will be developing new processes to implement the Green Building Program. We recommend compliance with these requirements are monitored and reviewed by the Green Building Task Force in 18 months. This review should allow for modifying the implementation measures and include adjusting staffing if required.

IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:

1. Find that the proposed amendments to Title 12, Title 21 and Title 22 are categorically exempt from CEQA;
2. Approve the recommendation of the Regional Planning Commission as reflected in the draft ordinances to establish green building, low impact development and drought-tolerant landscaping standards and determine that the proposed amendments are consistent with the Los Angeles County General Plan; and
3. Instruct County Counsel to prepare an ordinance to amend Title 12, Title 21 and Title 22 of the Los Angeles County Code as recommended by the Commission and include any changes directed by the Board.

Should you have any questions please contact me, or Karen Simmons of my staff at (213) 974-6432.

BWM:RCH:KMS

Attachments (1)

c: Chief Executive Officer
County Counsel
Dean D. Efstathiou

GREEN BUILDING ORDINANCE		
SECTION	LOCATION	MODIFICATION
22.52.2130.D.5.b.	Pg. 7, line 1	"gross lot area"; changed to "developed area"
22.52.2130.D.5.c.	Pg. 7, line 5	"gross lot area"; changed to "developed area"
22.52.2130.E.4.	Pg. 8, line 12	"January 1, 2010"; should read "January 1, 2009"
22.52.2130.E.5.	Pg. 9, line 4	"January 1, 2010"; should read "January 1, 2009"
22.52.2130.E.5.b.ii.	Pg. 9, line 18	Clarify the submittal and review procedures for the Department of Public Works to confirm the equivalent of LEED-Silver certification.
22.52.2130.F.	Pg. 10, line 11	Add "All updates to the third-party systems shall be approved by the commission prior to inclusion in the manual."
22.52.2130.H.	Pg. 10, line 19	Add "Equivalent third-party systems shall be approved by the commission prior to inclusion in the manual."
22.52.2140.B.	Pg. 10, line 25	"Regional Planning Commission"; add "1."
22.52.2140.B.	Pg. 11, line 1	Add "2. Development standards within this Part 20 apply to all administrative and all discretionary projects." *Additional clarification of applicability provisions may be provided as directed by County Counsel.
22.52.2150	Pg. 11, lines 10 & 11	Remove "The director of planning and/or public works may grant an exemption from the requirements of this ordinance for:" (These are exemptions, not "may")
22.52.2150.C.	Pg. 11, line 15	" . . . energy efficient standards of this Part 20, unless otherwise superseded by state law."; modify to ' . . .third party requirements and other energy efficient standards."
Director's review – Green Building Program Requirements		
22.56.1765	Pg. 12, line 23	Add "In addition to the principles and standards contained in Section 22.56.1690, the director shall ensure that an applicant complies with the following additional requirements."
22.56.1765.A.	Pg. 12, line 24	Remove "In addition to the principles and standards contained in Section 22.56.1690, the director shall ensure that an applicant complies with the requirements of"
22.56.1765.B.	Pg. 13, line 5	Remove "In addition to the principles and standards contained in Section 22.56.1690, the director shall ensure that an applicant complies with the requirements of"
22.56.1765	Pg. 13, line 9	Add "The plans shall outline the areas to be landscaped with drought-tolerant plants and turf. Calculations shall be provided on the plans that list the percent of landscaped area devoted to each. Upon installation of the landscaping

GREEN BUILDING ORDINANCE		
SECTION	LOCATION	MODIFICATION
		the applicant may install the plants other than how originally designed on the site plan without additional approvals from regional planning. The alternate installation, however, shall maintain the percentage of drought-tolerant plants and turf as originally designed. The site plan shall also depict the location of the tree planting, per Section 22.52.2130.D.5."
22.56.1765	Pg. 13, line 9	Add "C. Low impact development. Chapter 12.84. The site plan or plot plan shall depict the low impact development standards that will be incorporated into the project. Approval by Regional Planning will be concept approval only; Planning will review setbacks and development standards only within Title 22. Final approval of low impact development requirements will be made by the Department of Public Works."
22.56.1765.C.	Pg. 13, line 13	"22.56.1765.C."; change to "22.56.1765.D."
22.56.1765.D.	Pg. 13, line 13	Add "The requirements Part 20 of 22.52 (green building), Part 21 of 22.52 (drought-tolerant landscaping), and Chapter 12.84 (low impact development), shall be depicted on the site plans required for such permit, variance or other discretionary approval."

LOW IMPACT DEVELOPMENT ORDINANCE		
SECTION	LOCATION	MODIFICATION
12.84.430	Pg. 4, ine 4	". . .shall the standards . . '; modify to " . . shall meet the standards. . ."
12.84.440	Pg. 4, line12	"Low Impact Development (LID) Objectives"; modify to "Low impact Development (LID) Standards"
12.84.440	Pg. 4, line 12	"The objectives of LID are to:"; modify to "The standards of LID are to:"
12.84.460	Pg. 4, line 23	"Low Impact Development Standards"; modify to "Low Impact Development Implementation"
12.84.460.B.1	Pg. 5, line 3	"Residential developments with four units or less"; *Request to add:* shall implement at least 2 of the 6 LID BMP alternatives listed in the LID Standards Manual. The alternatives include: porous pavement, downspout routing, disconnecting impervious surfaces, a dry well, landscaping and irrigation requirements, and a green roof. 2. All residential developments of five units or greater and all nonresidential developments shall infiltrate the change in volume for the water quality storm event from each lot at the lot level, or infiltrate the change in volume from the entire project site,

LOW IMPACT DEVELOPMENT ORDINANCE		
SECTION	LOCATION	MODIFICATION
		including streets and public right-of-way, in sub-regional facilities. The tributary area of a sub-regional facility shall generally be limited to five acres, but may be exceeded per the Director of Public Works. When infiltration is not possible, on-site storage and reuse of the change in volume is required. The entire volume for the water quality storm event associated with the developed site hydrology must be treated for pollutants of concern before discharge.
12.84.470.A.	Pg. 5, line 12	*Request to Delete:* A. This chapter shall not apply to any development application accepted for review by the department of regional planning prior to January 1, 2009.
12.84.470.B.	Pg. 5, line 14	". . . effective date of this ordinance . . ."; modify to ". . .January 1, 2009 . . ."
Title 22 (Zoning) – Low Impact Development Standards		
22.52.2210	Pg. 7, line 20	"22.52.2210 Applicability"; should read "22.52.2220 Applicability"

DROUGHT-TOLERANT LANDSCAPING ORDINANCE		
SECTION	LOCATION	MODIFICATION
22.52.2200.C.	Pg. 1, line 23	". . . supersede provisions . . ."; modify to " . . . supersede landscape provisions . . ."
22.52.2210.E.	Pg. 2, line 15	Add "For single-family residences, rear and side yards are not included in the measure of the total landscaped area."
22.52.2210.H.	Pg. 2, line 20	"Recreational lawn"; modify to "Public recreational lawn"
22.52.2210.H.	Pg. 2, line 21	"..., including athletic fields"; add " . . . , including athletic fields that are available for public use."
22.52.2230	Pg. 3, line 9	"22.52.2230 Compliance"; add "A"
22.52.2230	Pg. 3, line 10	Add "B. Development standards within this Part 21 apply to all administrative and all discretionary projects." *Additional clarification of applicability provisions may be provided as directed by County Counsel.
22.52.2240.D.1	Pg. 3, line 19	To be reworded to read: "The grass species planted in the total landscaped area in addition to the rear and side yards shall be water-efficient; a list of species meeting this requirement is found within the Green Building Technical Manual."
22.52.2240	Pg. 3, line 23	Add "E. New hotels/motels, lodging houses, non-residential and mixed-use buildings shall meet the following requirements: 1. The grass species planted in the total landscaped area shall be water-efficient; a list of species meeting this requirement is found within the Green Building Technical Manual. 2. The total landscaped area shall not contain more than 5,000 square feet

DROUGHT-TOLERANT LANDSCAPING ORDINANCE		
SECTION	LOCATION	MODIFICATION
		of turf."
22.52.2240	Pg. 3, line 24	"3"; change to "F."
22.52.2250.A.	Pg. 4, line 1	" . . . recreational lawn . . ."; modify to " . . . public recreational lawn . . ."

9/30/08