Los Angeles County
Department of Regional Planning

*Planning for the Challenges Ahead*

November 12, 2008

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**Agenda Date: November 18, 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
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**STATUS REPORT ON BOARD DIRECTION TO DEVELOP AN IMPLEMENTATION PLAN RELATING TO ORDINANCES FOR GREEN BUILDING, LOW IMPACT DEVELOPMENT AND DROUGHT-TOLERANT LANDSCAPING (ITEM NO. 76, OCTOBER 7, 2008 AGENDA)**

On October 7, 2008 your Board approved a motion instructing County Counsel to prepare final ordinances for the Board's consideration on or before November 18, 2008. In addition, your Board approved additional motions instructing the Department of Public Works (DPW) to file the appropriate findings with the California Building Standards Commission and/or the California Energy Commission and for the Chief Executive Office (CEO), Public Works, and Department of Regional Planning (DRP) to develop an implementation plan for the establishment of a Green Building Program Implementation Task Force and the description of a staff training and public education plan. Also, your Board approved a motion instructing the CEO to report back with a cost-neutral funding plan to implement the Green Building Program.

County Counsel will submit the final ordinances under separate cover for Board consideration on November 18, 2008. This report provides an update on staff efforts to develop a plan for implementation actions related to the ordinances and related matters. The report has been reviewed and concurred in by the CEO and DPW.

## Background

On October 23, 2007, your Board approved a motion instructing DPW and DRP to prepare draft ordinances for green building, low impact development (LID) and drought-tolerant landscaping; prepare a cost-benefit analysis of the various LID and green building requirements that would be included in the draft ordinances; conduct outreach with property owners associations, homeowners groups, town councils, building industry representatives, utilities, and environmental groups; and hold a public hearing before the Regional Planning Commission.

After October 23, 2007, DRP developed a multi-departmental Task Force to develop the draft ordinances and prepare the cost-benefit analysis. The Task Force designed a Green Building

Program that includes the green building, low impact development and drought-tolerant landscape ordinances and technical manuals. DRP, DPW and Parks and Recreation held outreach meetings in December of 2007, and March of 2008. Public hearings were held before the Regional Planning Commission on January 23, May 7 and June 25 of 2008. A public hearing was held before your Board on October 7, 2008.

**California Energy Commission**

The Green Building Ordinance includes a requirement that buildings shall be designed to consume 15% less energy than the 2005 State of California Energy Efficiency Standards.

Public Resources Code Section 25402.1(h)2 and Section 10-106 of the Building Energy Efficiency Standards establish a process which allows local adoption of energy standards that are more stringent then the statewide standards. This process requires local governments to apply to the Energy Commission for approval, documenting the supporting analysis for how the local government has determined that their proposed standards will save more energy then current statewide standards and the basis for the local government's determination that the local standards are cost-effective. Once the Energy Commission staff has verified these facts, the application is brought before the full Energy Commission for approval.

Building and Safety staff has performed the analysis and is planning to send the information to the Energy Commission for approval by November 18.

**Green Building Program Implementation Task Force**

The purpose of the County of Los Angeles Green Building Program Implementation Task Force (Task Force) is to provide support for and promote the Green Building Program (Program) and to provide recommendations to the Regional Planning Commission and the Board of Supervisors for the sustainability of the Program.

The Task Force goals include:

- Reviewing new versions of the approved third-party standards (green building standards and rating systems adopted by independent organizations) and Title 24 energy standards annually, or more often as needed, and make a recommendation as to whether to accept or deny the new requirements in their totality to the Regional Planning Commission, and, upon appeal, to the Board of Supervisors;
- Incorporating new State of California Building Standards into the County's Green Building Program;
- Recommending updates or amendments to the Green Building and Drought-Tolerant Ordinances based upon new or modified requirements developed through additional research of the Task Force;
- Recommending updates or amendments to the Green Building and Drought-Tolerant Ordinance's Manual or other supporting technical documents;
- Reporting to the County Board of Supervisors by April 2010 on the effectiveness of the Green Building Program including landscaping guidelines for residential projects and provisions relating to exemptions for warehouse and industrial manufacturing buildings;

- Providing assistance and helping disseminate information to the public and Ceounty employees regarding the Green Building, Low Impact Development, and Drought-Tolerant Ordinances;
- Facilitating information sharing among staff to create a stronger interest and commitment to sustainable development.

The CEO, or his designee, will chair the Task Force and will coordinate implementation of the Program's goals. The Task Force shall consist of a maximum of 20 persons; it will consist of County staff and identified stakeholders as follows:

| **County Staff** | **Public Stakeholders** |
|---|---|
| 1) Chief Executive Office | 9) Licensed architect nominated by the LA AIA Chapter |
| 2) Community Development Commission | 10) Licensed contractor nominated by the LA BIA Chapter |
| 3) Fire | 11) Licensed electrical and/or mechanical engineer nominated by the LA BIA Chapter |
| 4) Internal Services | 12) Residential developer nominated by the LA BIA Chapter |
| 5) Member of the Energy and Environmental Team | 13) Commercial developer nominated by the LA BIA Chapter |
| 6) Parks & Recreation | 14) LEED Accredited Professional planner nominated by USGBC |
| 7) Public Works | 15) Licensed landscape architect nominated by the Southern California Chapter of American Society of Landscape Architects |
| 8) Regional Planning | 16) Public member - green activist nominated by the 1st Board office |
| | 17) Public member - green activist nominated by the 2nd Board office |
| | 18) Public member - green activist nominated by the 3rd Board office |
| | 19) Public member - green activist nominated by the 4th Board office |
| | 20) Public member - green activist nominated by the 5th Board office |

In developing the Task Force, the CEO shall strive for diversity in County representatives by ensuring representation of various departmental staff levels. The diverse composition will not only assist in the identification of implementation as well as policy type risks and opportunities,

but also ensure comprehensive buy-in from all departments. The diverse composition will create a sense of commitment and common understanding among all levels of employees. In asking for nominations for public stakeholders, the CEO shall ask the Board Deputies and associations for names of those that have previously shown an interest in green development.

The Task Force shall hold regular publicly noticed meetings on a monthly basis. The meetings shall be convened by the Chairperson. The posting of public notices, and the taking and reporting of minutes shall be the responsibility of a County department participating on the Task Force as designated the CEO; this responsibility shall rotate annually.

The Task Force may establish the following committees; additional committees may be established if necessary to accomplish the goals of this Task Force. All committees shall be chaired by a county employee. The committees shall be composed of both Task Force members and other stakeholders with knowledge, experience and interest in green building and drought-tolerant landscaping.

- The Ordinance Amendment Committee shall recommend to the Task Force amendments to the Green Building and Drought-Tolerant Landscaping Ordinances and Manuals that address the following: 1) new versions of approved third-party standards, 2) modifications regarding Title 24 energy standards, and 3) modifications to the Manuals due to modifications to the ordinances or new information or technology available.

- The Landscaping Committee shall develop and maintain information for the County's Green Building Technical Manual that includes general and technical information regarding drought-tolerant landscaping, landscape irrigation requirements, and Frequently Asked Questions. The Committee shall create submittal and compliance forms, and site plan examples.

- The Outreach Committee shall develop informational materials and outreach action plans to inform the residents of Los Angeles County and special interest groups that include neighborhood watch groups, town councils, chambers of commerce, and Boards of Realtors regarding the Green Building, Low Impact Development, and Drought-Tolerant Ordinances. In addition, the Committee shall provide ideas for sharing information among County staff in appropriated departments to create a stronger interest and commitment to green building and sustainable development.

- The Monitoring Committee shall develop forms and a process to monitor plans submitted to Regional Planning and Public Works that include green building and drought-tolerant landscaping elements. The Committee shall identify and track all LEED certified development within the unincorporated County. The Committee shall also monitor how landscaping elements are being incorporated into residential projects in the unincorporated County. In addition, any warehouse and industrial/manufacturing buildings that have been submitted for plan check should be reviewed periodically by the Committee so that it is informed about implementation issues in this type of buildings.

- The Incentive Committee shall provide, and regularly update, a list of State, federal and local incentives and rebates for renewable and efficiency products. The Committee shall be able to provide the instructions and/or forms to businesses or residents interested in these incentives and rebates. The Incentive Committee shall also research grants available to local jurisdictions for providing sustainable communities.

Each committee shall establish an annual meeting schedule. The Committee meetings may be held in a specific location and/or via conference calls at the discretion of the chair. The results of committee meetings shall be reported at each monthly Task Force meeting.

The Task Force may create Public Advisory Groups that include relevant external stakeholders who may assist in promoting regional collaboration. The Public Advisory Groups shall include members of the public, members of professional associations, and members of special interest groups. The Public Advisory Groups will provide professional and technical advice to the Task Force and its committees. In addition, through the Public Advisory Groups, residents will be able to provide information and seek assistance on green programs or activities they have already established in their neighborhoods, as well as identify barriers to complying with the Green Building Program. The Public Advisory Groups shall participate in the Task Force and committees meetings as issues warrant.

The Task Force shall provide a report to the Board in April 2010 and annually every year thereafter, unless requested otherwise by the Board. The reports shall include summaries from each committee, as well as providing steps to remediate any concerns or obstacles to green building development and/or innovations.

**Staff Training**

The Departments of Public Works and Regional Planning will need to implement training programs for their staff regarding the Green Building Program. The processing of permits will need to be smoothly implemented into the development review process. Staff will need to be knowledgeable about the contents of the ordinances, how the permits will be processed at both Public Works and Regional Planning and incentives and rebates available for using green building products. Staff will need to provide technical assistance at the public information counters, and respond to e-mail and telephone inquiries.

Regional Planning's staff training program includes the following:

- Ordinance Studies will present the ordinances to front counter, field offices and current planning staff in presentation and question and answer format in November and December of 2008. The main emphasis will be on the Green Building Standards that take effect on January 2009.

- Regional Planning staff shall appoint one person per each field office as the primary contact for the public or technical assistance on the green building ordinances. These personnel shall be selected and trained by January 1, 2009.

- Regional Planning staff shall meet with Public Works staff to review the submittal processes at both Departments. Staff to meet in December of 2008.

- Commencing in 2009 Regional Planning will begin more intensive training for selected staff that improves familiarity with applicable standards; the training should include discussions and classes with the third-party organizations included in the ordinance: LEED - United States Green Building Council, Build it Green, and California Green Builder.

- Regional Planning will work with the Task Force in further developing staff training programs.

Public Works' staff training program includes the following:

- Building and Safety Division will train staff on the general requirements of the Green Building Program ordinances with specified technical training for plan check engineers and field inspection staff. Training will include verifying green building requirements on design drawings and during site construction. Initial training will focus on the County's Green Building Standards effective on January 1, 2009.

- Building and Safety's plan check engineers staffed in each of the Division's eleven field offices will serve as the green building technical experts to provide assistance and public information. All plan check staff will be trained by January 1, 2009.

- In conjunction with Building and Safety, the Land Development Division will participate in the general and technical training as applied to verification of green building requirements for sub-division plans and development.

- Public Works staff shall meet with Regional Planning staff to review and collaboratively develop and document the submittal processes at both Departments. Staff to meet in December of 2008 and complete submittal process documents.

- Commencing in 2009 Public Works will begin more intensive training for selected staff that improves familiarity with applicable standards; the training should include discussions and classes with the third-party organizations included in the ordinance: LEED - United States Green Building Council, Build it Green, and California Green Builder.

- Public Works will work with the Task Force in further developing staff training programs.

**Education Plan**

The education plan implemented for the Green Building Program will consist of two parts: educating staff and the public about how to comply with the ordinance requirements, and promotional public education. In addition to the staff training discussed above, educating staff and the public will include the following:

- Public Works and Regional Planning will prepare a flowchart that shows the step-by-step process to be followed for plan submittal.

- Informational forms will be developed that clearly explains the requirements of all three ordinances. The same informational forms will be used by Public Works and Regional Planning for consistency.

- The Green Building Technical Manual and the Low Impact Development Standards Manual will be made available to the public prior to January 1, 2009. Staff shall continue to refine these manuals, providing additional explanatory and technical information. The Task Force shall work with staff on the future development of the Green Building Technical Manual.

- All informational documents and manuals shall be multi-lingual to meet the needs of the constituents.

- Public Works and Regional Planning's Green Building Websites will be further developed to provide information about the three ordinances. The websites will link to other County green building programs and to the Environmental and Energy Task Force's sustainable website when it's available.

Promotional public education for the Green Building Program will include the following types of outreach:

- The public outreach and education program shall utilize County communication and outreach channels to share information, facilitate implementation of assistance programs, and spread information and education on the Green Building Program.

- The outreach will be geared towards the public, neighborhood watch groups, town councils, chambers of commerce, board of realtors, and other special interest groups.

- Public outreach will include participation in seminars and presentations, including the following:

  - Regional Planning submitted a proposal for a "Spotlight Conversation", sponsored by ICLEI-Local Governments for Sustainability USA, Yale School of Forestry and Environmental Studies, and America*Speaks.* Los Angeles County was selected as one of ten major events to take place on Earth Day 2009 as part of the National Conversation on Climate Action. Regional Planning will be designing this event and will collaborate with the Green Building Implementation Task Force to include a discussion on the Green Building Program.

  - Regional Planning will be presenting the County's Green Building Program at the Los Angeles City Green Team Internal meeting on December 10, 2008. This meeting will be an opportunity to better understand the City's monitoring and implementation system, while giving their Green Team insight into the regulations incorporated into the County's ordinances.

  - Regional Planning and Public Works will be presenting the Green Building Program to the Building Industry Association's Los Angeles and Ventura Chapter on January 29, 2008.

  - Regional Planning and Public Works will be presenting the Drought-Tolerant Landscaping Ordinance and other water efficient policies incorporated into the Green Building Program at the Sustainable Landscape Design Seminar to be held sometime early next year.

**Cost-Neutral Funding**

The Chief Executive Office will collaborate with Regional Planning and Public Works to develop and present a cost-neutral funding plan related to the need to add additional staff, if any, necessary to implement the Green Building Program in January 2009 as a part of the report to the Board updating fiscal projections and addressing issues deferred from the Supplemental Budget in October 2008.

**Recommended County Green Building Program Actions**

1. Instruct the Chief Executive Office, in coordination with the Departments of Public Works and Regional Planning, to develop a policy that will establish the charter for the Green Building Program Implementation Task Force. The CEO shall report back to the Board with this policy in December of 2008; the Task Force shall be established by January 1, 2009.

2. Instruct Regional Planning and Public Works to begin staff training in November of 2008, and continue with more intensive training in 2009. Insure all staff is trained on the green building, low impact development, and drought-tolerant landscaping ordinances' requirements by January 1, 2009.

3. Instruct Regional Planning and Public Works to begin the staff and public education plans prior to January 1, 2009.

4. Instruct the Chief Executive Office to present a cost-neutral funding plan to the Board in January of 2009.

cc : Chief Executive Office
Public Works
County Counsel