



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

September 23, 2008

Bruce W. McClendon FAICP  
Director of Planning

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON AMENDMENTS TO COUNTY CODES (TITLE 12 – ENVIRONMENTAL PROTECTION, TITLE 21 – SUBDIVISIONS, TITLE 22 – PLANNING AND ZONING) RELATING TO ORDINANCES FOR GREEN BUILDING, LOW IMPACT DEVELOPMENT AND DROUGHT-TOLERANT LANDSCAPING (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

**SUBJECT**

The proposed modification to the ordinances establish green building techniques, low impact development techniques and minimum standards for the design and installation of landscaping using drought-tolerant plants that require minimal use of water to be incorporated into all new projects.

**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 attached 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.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

On January 16, 2007, the Los Angeles County Board of Supervisors (Board) instructed the Directors of Regional Planning (DRP) and Public Works (DPW) to investigate and report back to the Board on opportunities to incorporate green building principles into the County's development standards for all appropriate industrial, commercial and residential development projects within unincorporated areas and to develop an implementation program that includes modifications to building and zoning codes. The directive clearly recognizes that the Board acknowledges building design and construction have a tremendous impact on the health of the

environment and the people that inhabit them. The report on energy efficiency and steps to combat global warming was presented to the Board of Supervisors on October 23, 2007.

As a result of the DRP and DPW report on October 23, 2007, the Board made 15 motions directed towards the Internal Services Department, Chief Executive Office, Department of Public Works and the Department of Regional Planning that included:

- Prepare draft ordinances for green building, low impact development (LID) and drought-tolerant and native landscaping;
- Prepare a cost benefit analysis of the various LID and green building requirements that will be reviewed by the Regional Planning Commission along with 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.

During this time period Regional Planning developed an inter-departmental Task Force to develop and review the draft ordinances and project status. The Task Force includes members of Regional Planning, Public Works, Fire Department, Internal Services and Parks and Recreation. The Task Force designed a Green Building Program that includes the green building ordinance, low impact development ordinance and drought-tolerant landscape ordinance, technical manuals and outreach. Regional Planning, Public Works 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.

When developing the green building ordinances, the Task Force considered developing a system that is unique to Los Angeles County instead of using an established third-party system. However, the development of a unique system requires additional expertise and funding. The County can work toward designing its own green system for sustainable buildings after third-party systems have been utilized and monitored for how applicants are achieving their green certification.

The proposed green building ordinance does not address subdivisions, as subdivisions only address the division of land and not the construction of buildings. The green building ordinance only addresses the construction of buildings. Leadership in Energy and Environmental Design (LEED) has completed a pilot program for Neighborhood Development that address subdivision sustainability issues such as location, linkage and neighborhood pattern and design. However, the Department of Public Works needs to thoroughly review this system to ensure it is feasible for the County before including this requirement within the ordinance. LEED for Neighborhood Development or a similar guideline for subdivision design can be adopted by the County at a future time.

The Departments of Regional Planning and Public Works will provide technical manuals to help implement the proposed ordinances. DRP's manual, includes an introduction to green building, a discussion of green building concepts with diagrams and photos, third-party checklists and guidelines, the drought-tolerant and native plant list, available incentives from utility companies, sources for green products and the submittal requirements for all projects subject to this

ordinance. This is a living document that will be modified as third-party systems are updated and new systems will be included once they have been approved by the Directors of Planning and Public Works. In addition, the plant list within the manual will be revised as required to implement the drought-tolerant landscape ordinance.

The draft Low Impact Development Standards Manual has been produced by the Department of Public Works. It includes an introduction to LID, site planning and design, Best Management Practices fact sheets and examples.

The Departments recommend the creation of a Green Building Task Force to implement the ordinances by encouraging innovation, removing obstacles to green building, and facilitating the County's green building objectives. The taskforce should include not only representatives from County departments, but community stakeholders.

#### Green Building Ordinance

The purpose of the green building ordinance is to establish green building techniques into the construction of new projects. Green building practices are intended to:

- Conserve water;
- Conserve energy;
- Conserve natural resources;
- Divert waste from landfills;
- Minimize impacts to existing infrastructure; and
- Promote a healthier environment.

This ordinance shall apply to the construction of all new projects. After adoption by the Board, this ordinance shall become effective on January 1, 2009. This ordinance shall be placed within Title 21 (Subdivisions) and Title 22 (Planning and Zoning) of the Los Angeles County Code.

#### Low Impact Development Ordinance

The purpose of the low impact development ordinance is to require the use of LID principles in development projects. LID encourages site sustainability and smart growth in a manner that respects and preserves the characteristics of the County's watersheds, drainage paths, water supplies and natural resources.

This ordinance shall apply to all development. Additionally, development comprising of additions to existing developments shall comply with the following:

- Where development results in an alteration to fifty percent or more of the impervious surfaces of a previously existing development, the entire development shall comply with the standards and requirements of this ordinance;
- Where development results in an alteration to less than fifty percent of the impervious surfaces of a previously existing development, only the alteration must meet the standards and requirements of this ordinance; and
- Where development results in an alteration to less than fifty percent of the impervious surfaces of a previously existing residential development of four units or less, the development is exempt from the standards and requirements of this ordinance.

After adoption by the Board, this ordinance shall become effective on January 1, 2009. This ordinance shall be placed within Title 12 (Environmental Protection) of the Los Angeles County Code. However, Titles 21 (Subdivision) and 22 (Planning and Zoning) will reference compliance with the low impact development ordinance within Title 12.

#### Drought-Tolerant Landscaping

The purpose of the drought-tolerant landscaping ordinance is to establish minimum standards for the design and installation of landscaping using drought-tolerant and native plants that require minimal use of water. These requirements will ensure that the County conserves water resources by requiring landscaping that is appropriate to the region's climate and nature of the use.

This ordinance shall apply to the construction of all new projects. After adoption by the Board, this ordinance shall become effective on January 1, 2009. This ordinance shall be placed within Title 21 (Subdivisions) and Title 22 (Planning and Zoning) of the Los Angeles County Code.

#### Cost Benefit Analyses

Staff analyzed the costs and benefits associated with building structures that incorporate green techniques within Los Angeles County. The most relevant data indicates an average increase of \$.55 per square foot to achieve 15% over Title 24 energy standard for a single family home. This is one of the county-specific green building standards staff is recommending for all new construction projects, and is also a green building measure that will gain points or credit in all of the approved third-party rating systems.

Other data shows that to be eligible for California Green Builder certification, the Building Industry Association's green building certification program, can increase costs up to \$2,700 per home. To meet the requirements to be eligible for GreenPoint Rated certification, the third-party system developed by Build It Green, the cost premium can be up to \$3,175 per home.

Finally, to be eligible for LEED for Homes certification for a single family home, the cost increase can be up to \$11,400. However, when evaluating costs, it is essential to note that there are many factors that can determine any cost increases for implementing green building measures.

#### 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. Regional Planning and Building and Safety staff must be knowledgeable of the ordinances to explain them and 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, the Departments must be adequately staffed. Currently, neither Regional Planning nor Public Works has staff to devote solely to the Program.

Our recommendation to the Board of Supervisors includes approving hiring additional Public Works and Regional Planning 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. At a minimum, a landscape architect certified in the State of California and a LEED Certified planner will be needed by the County.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Countywide Strategic Plan directs that we provide Service Excellence (Goal 1), and Organizational Effectiveness (Goal 3). Approval of the proposed amendments to the County Code will provide the public with easy access to quality information and services that are both beneficial and responsive to the concerns of global warming.

### **FISCAL IMPACT/FINANCING**

No additional funding has been provided for the implementation of the green ordinances. Both the Departments of Public Works and Regional Planning will be reviewing these documents for compliance with the ordinance. Regional Planning will be checking for compliance during a plot plan review, or a site plan submitted as part of a use permit or subdivision. Public Works will be reviewing the documents through plan check and inspections and anticipates that there will be an additional expense for plan checkers. Fees will be charged to recover costs for LID. After implementing and monitoring the review it can be determined if the process requires significantly more resources and will be addressed in the Fiscal Year 2009 – 2010 Budget.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

In response to the California Global Warming Solutions Act of 2006, this Green Building Program ensures the County of Los Angeles is aware of and taking the necessary steps to address issues related to greenhouse gas emissions, global warming, and environmental protection.

#### **Public Hearing Notice**

A public hearing is required pursuant to Section 22.16.200 of the County Code and Section 65856 of the Government Code. Required notice must be given pursuant to the requirements set forth in Section 22.60.174 of the County Code. The County Code procedures exceed the minimum standards of Government Code Sections 6061, 65090, 65856, and 66016 relating to notice of public hearing.

### **ENVIRONMENTAL DOCUMENTATION**

The Department of Regional Planning has determined that these projects are categorically exempt (Class 8 – Actions by Regulatory Agencies for Protection of the Environment) from CEQA requirements. Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

**IMPACTS ON CURRENT SERVICES (OR PROJECTS)**

The Departments of Public Works, Regional Planning and Fire will be involved with the review of these ordinance requirements. As these Departments begin to review cases that incorporate green components the project flow will be modified as necessary for efficient case processing. Although staff does not anticipate more than the normal amount of cases being submitted after the adoption of these ordinances, the time to review each case could increase. As mentioned above in the Fiscal Impact paragraph, monitoring the review of these cases will determine if the process requires significantly more resources.

**CONCLUSION**

Responding to statewide concerns about energy and water efficiency, the proposed code amendments will modify the County's land use entitlement process while protecting the environmental health and safety of the residents of the County.

The Honorable Board of Supervisors  
September 23, 2008  
Page 7 of 7

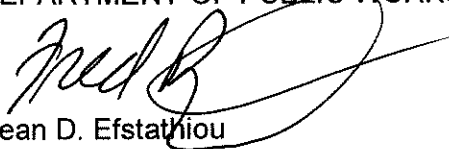
Respectfully submitted,

DEPARTMENT OF REGIONAL PLANNING



Bruce McClendon, FAICP  
Director of Planning

DEPARTMENT OF PUBLIC WORKS



Dean D. Efstathiou  
Acting Director of Public Works

BWM:DE:RH:KMS

Attachments:

1. Resolution of Regional Planning Commission
2. Project Summary
3. Draft Green Building Ordinance
4. Draft Low Impact Development Ordinance
5. Draft Drought-Tolerant Landscaping Ordinance
6. Summary of RPC Proceedings
7. Public Comment Letters
8. Legal Notice of Hearing
9. List of persons to be notified

c: Chief Executive Officer  
County Counsel  
Executive Officer, Board of Supervisors  
Fire Department

**This page is intentionally left blank.**



**RESOLUTION  
REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES**

**WHEREAS**, the Regional Planning Commission of the County of Los Angeles conducted public hearings on January 23, 2008, May 7, 2008 and June 25, 2008 on the amendments to Title 12 (Environmental Protection), Title 21 (Subdivisions) and Title 22 (Planning and Zoning) of the Los Angeles County Code relating to green buildings, low-impact development and drought-tolerant landscaping;

**WHEREAS**, the Commission finds as follows:

1. On January 16, 2007, the Los Angeles County Board of Supervisors (Board) instructed the Directors of Regional Planning (DRP) and Public Works (DPW) to investigate and report back to the Board on opportunities to incorporate green building principles into the County's development standards for all development within unincorporated areas and to develop an implementation program that includes modifications to building and zoning codes.
2. The report on green building was presented to the Board on October 23, 2007. The Green Building Report laid out a comprehensive strategy for improving energy efficiency and combating global warming. Specifically, it categorizes the County's programs and implementation measures into four distinct categories: an Energy and Water Efficiency Program, a Green Building/LIDS program, an Environmental Stewardship Program, and a Public Education and Outreach Program.
3. As a result of the DRP and DPW report on October 23, 2007, the Board made 15 motions directed towards the Internal Services Department, Chief Executive Office, Department of Public Works and the Department of Regional Planning that included: reporting back on the impact of the policies and action plans in satisfying the goals of AB 32, reporting back on the feasibility of requiring that all computer products meet EPEAT Electronic Products Environmental Assessment Tool standards, reporting back on all aspects of the County's Energy Policy, including Leadership in Energy and Environmental Design (LEED), purchasing, public outreach, and leasing of buildings.
4. The motion included DRP and DPW preparing draft ordinances for green building, low-impact development (LID) and drought-tolerant landscaping. These ordinances should incorporate guidelines and checklists that are "living documents" which may be revised and updated as needed.
5. The directive to Regional Planning and Public Works included preparing a cost benefit analysis of the various LID and green building requirements that will be included in the draft ordinances, conducting outreach with property owners associations, homeowners groups, town councils, building industry representatives, utilities, and environmental groups.
6. The proposed ordinance amendments respond to the Board's concerns by providing the County with an integrated strategy for maximizing our ability to

comply with State guidelines for greenhouse gas emissions as set forth in Assembly Bill (AB) 32.

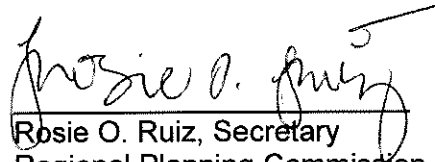
7. This green building program comes concurrently as the County works with our State counterparts to frame legislation, regulation and programs to determine how best to inventory our green house gas emissions reductions to comply with AB 32.
8. The ordinance and/or programs and accompanying green building guidelines and checklists are designed as "living documents" so they can be periodically and easily updated as needed to address changes in technology and available information.
9. The proposed green building, low-impact development and drought-tolerant landscaping are consistent with all State and Federal laws pertaining to such regulations.
10. Many of the County's area and community plans, community standards districts and draft General Plan, expected for adoption next year, have policies and standards that support the proposed green building ordinances.
11. The project is categorically exempt (Class 8 – Actions by Regulatory Agencies for Protection of the Environment) from CEQA requirements. Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

**THEREFORE, BE IT RESOLVED THAT** the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. That the Board hold a public hearing to consider the proposed amendments to Title 12, Title 21 and Title 22 of the Los Angeles County Code to establish new development standards relating to green buildings, low-impact development and drought-tolerant landscaping;
2. That the Board find that the proposed amendments to Title 12, Title 21 and Title 22 are categorically exempt from CEQA;
3. That the Board adopts the revised draft ordinances as recommended by this Commission and amend Title 12, Title 21 and Title 22 accordingly, and determine that the amendments are consistent with the goals and policies of the Los Angeles County General Plan.

Green Program Resolution  
Regional Planning Commission  
July 31, 2008  
Page 3 of 3

I hereby certify that the foregoing resolution was adopted by the Regional Planning Commission of the County of Los Angeles on August 13, 2008.

  
Rosie O. Ruiz, Secretary  
Regional Planning Commission  
County of Los Angeles

**This page is intentionally left blank.**

**DEPARTMENT OF REGIONAL PLANNING**  
**GREEN PROGRAM PROJECT SUMMARY**

**PROJECT IDENTIFICATION:** Proposed amendments to Title 12 (Environmental Protection), Title 21 (Subdivisions), and Title 22 (Planning and Zoning) establishing new case processing procedures relating to green buildings, low impact development, and drought-tolerant landscaping

**REQUEST:** Approve the proposed amendments to Titles 12, 21 and 22

**LOCATION:** Countywide

**STAFF CONTACT:** Ms. Karen Simmons at (213) 974-6432

**RPC MEETING DATES:** January 23, 2008, May 7, 2008, June 25, 2008

**RPC CONSENT DATE:** August 13, 2008

**RPC RECOMMENDATION:** Board Hearing and approval of proposed ordinance amendments

**MEMBERS VOTING AYE:** Helsley, Bellamy, Valadez, Rew, Modugno

**MEMBERS VOTING NAY:** None

**MEMBERS ABSENT:** None

**BOARD HEARING:** September 23, 2008

**KEY ISSUES:** The Board acknowledges building design and construction have a tremendous impact on the health of the environment and the people that inhabit them. The green building principles within the three ordinances (Green Building, Low Impact Development and Drought-Tolerant Landscaping) will be incorporated into the County's development standards for all appropriate industrial, commercial and residential development within unincorporated areas. The Green Program includes an implementation program that includes modifications to building and zoning codes.

**MAJOR POINTS FOR:**

Green Building Ordinance – The green building ordinance establishes green building techniques into the construction of new buildings. Green building practices are intended to: conserve water; conserve energy; conserve natural resources; divert waste from landfills; minimize impacts to existing infrastructure; and promote a healthier environment.

Low Impact Development Ordinance (LID) - The low impact development ordinance requires the use of LID principles in development projects. LID encourages site sustainability and smart growth in a manner that respects and preserves the characteristics of the County's watersheds, drainage paths, water supplies and natural resources.

Drought-Tolerant Landscaping Ordinance - The drought-tolerant landscaping ordinance establishes minimum standards for the design and installation of landscaping using drought-tolerant and native plants that require minimal use of water. These requirements will ensure that the County conserves water resources by requiring landscaping that is appropriate to the region's climate and nature of the use.

**MAJOR POINTS AGAINST:**

Green Building Ordinance

- Concerns regarding using a third-party system:
  - Any fees to build within the County should be paid to the County, not an independent party.
  - Additional costs required
  - Can cause time delays in construction and inspection
- Additional construction costs
- Another regulation to comply with
- No incentives offered

Low Impact Development Ordinance

- Unclear on how to apply to high-density lot-line to lot-line projects
- Unclear if it's feasible to apply to project remodels
- Additional expense to both homeowners and commercial uses

Drought-Tolerant Landscape Ordinance

- Drought-tolerant and native plants difficult to find
- Drought-tolerant and native plants more expensive
- Ordinance difficult to enforce

ORDINANCE NUMBER \_\_\_DRAFT\_\_\_

An ordinance amending Title 21-Subdivisions and Title 22-Planning and Zoning of the Los Angeles County Code, establishing Green Building standards.

The Board of Supervisors of the County of Los Angeles ordains as follows:

...

**SECTION 1.** Section 21.24.440 of Title 21 is hereby amended to add reference to Title 22 on "Green Building" as follows:

**21.24.440 Green Building.** All new projects shall comply with the green building requirements in Part 20 of Chapter 22.52.

**21.24.450 Definitions.** The following definition shall apply: "Project" means any new construction project, as defined by the department of public works. This excludes remodels or additions.

...

**SECTION 2.** Part 20 of Chapter 22.52 is hereby amended to add regulations for Green Buildings as follows:

**Part 20 GREEN BUILDING**

**22.52.2100 Purpose.**

A. The purpose of Part 20 is to establish green building techniques into the construction of new buildings. Green building practices are intended to:

- Conserve water;
- Conserve energy;
- Conserve natural resources;
- Divert waste from landfills;
- Minimize impacts to existing infrastructure; and

1 - Promote a healthier environment.

2 B. This Part 20, and all references within, shall not be construed to supersede any  
3 local, county, state or federal law. Where conflict may be deemed to exist, to the extent  
4 allowed by the law, the stricter standard shall apply.

5 C. The provisions of this Part 20 shall supersede provisions within Supplemental  
6 Districts, including Community Standards Districts and Transit Oriented Districts. Where  
7 conflict may be deemed to exist, to the extent allowed by the law, the stricter standard shall  
8 apply.

9 **22.52.2110 Definitions.** The following definitions apply to this Part 20:

10 A. "Agricultural Accessory Structure" is a structure used for sheltering animals or  
11 agricultural equipment, hay, feed, or other agricultural supplies. Examples of these structures  
12 include barns, non-commercial greenhouses, coops, corrals, and pens.

13 B. "Build It Green<sup>TM</sup>" is a non-profit organization whose mission is to promote healthy,  
14 energy- and resource-efficient residential building practices in California.

15 C. "California Energy Efficiency Standards", also referred to as Title 24, are the Energy  
16 Efficiency Standards for Residential and Nonresidential Buildings established in 1978 and  
17 found in Title 24, Part 6 of the California Code of Regulations to reduce California's energy  
18 consumption. The standards are updated periodically by the California Energy Commission to  
19 allow consideration and possible incorporation of new energy efficiency technologies and  
20 methods.

21 D. "County of Los Angeles Green Building Standards" are the minimum requirements  
22 for all new construction projects in the County of Los Angeles unincorporated areas.

23 E. "CGB" means California Green Builder which is a green building rating system for  
24 residential construction, developed by the California Building Industry Association.

25 F. "Drought-tolerant approved plant list" means a listing of native and non-native plant  
26



1 species that is organized by ecological zones for use in landscaped areas. The list is  
2 approved by the director and maintained by the department of regional planning.

3 G. "First-Time Tenant Improvement" is the initial construction of a space within a  
4 building where the construction includes building, electrical, plumbing and mechanical permits.

5 H. "GPR" means GreenPoint Rated™ which is a green building rating system for  
6 residential construction, developed and administered by Build It Green™.

7 I. "Green Building Technical Manual" is a document prepared by the County that  
8 includes the most recently approved versions of the third-party green building standards,  
9 guidelines and rating systems, as well as other pertinent information necessary to assist  
10 applicants in complying with these requirements. The Green Building Technical Manual also  
11 includes the county's drought-tolerant approved plant list.

12 J. "LEED™" means Leadership in Energy and Environmental Design Green Building  
13 Rating System™ which is a system established by the United States Green Building Council  
14 as an independent means to verify the sustainable qualities of different building types.  
15 Buildings pursuing LEED certification are rated at four different levels: Certified, Silver, Gold  
16 and Platinum.

17 K. "LEED Accredited Professional" is an accredited building industry professional who  
18 has demonstrated a thorough understanding of green building practices and principles and  
19 familiarity with LEED requirements, resources and processes.

20 L. "Lodging House" means any building or portion thereof containing not more than  
21 five guest rooms intended or designed to be used, or which are used, rented or hired out to be  
22 occupied, or which are occupied for sleeping purposes by guests.

23 M. "Mature Tree" means any tree rooted on a lot or parcel of land that is at least six  
24 inches in diameter, measured four and a half feet above mean natural grade.

25 N. "Project" means any new construction project, as defined by the department of  
26

1 public works. This excludes remodels or additions.

2 O. "Registered historic site" means a property listed on any federal, state, or county  
3 register, including, but not limited to, the National Register of Historic Places, California  
4 Register of Historical Resources, California Historical Landmarks and State Points of Historical  
5 Interest.

6 P. "Smart Irrigation Controller" is a device that automatically adjusts watering times in  
7 response to weather changes. Smart irrigation controllers use sensors and weather  
8 information to manage watering times and frequency.

9 Q. "Total landscaped area" is the cumulative landscaped area of a lot or parcel of  
10 land. Trees required by Part 20 of Section 22.52 and other existing mature trees on the site  
11 are not included as part of the total landscaped area. For single family residences, rear and  
12 side yards are not included in the measure of total landscaped area.

13 R. "United States Green Building Council (USGBC)" is a non-profit organization whose  
14 mission is to promote structures that are environmentally responsible, profitable, and healthy  
15 places to live and work.

16 **22.52.2120 Applicability.**

17 A. Provisions of this Part 20 shall apply to the construction of all new projects within  
18 the county of Los Angeles unincorporated areas as indicated in Table 22.52.2130-1.

19 B. This Part 20 shall become effective on January 1, 2009.

20 **22.52.2130 General Provisions.**

21 A. Table 22.52.2130-1 summarizes the green building requirements for all new  
22 projects.

23 B The applicable requirements from Table 22.52.2130-1 for new projects shall be  
24 based on the building permit application filing date.

1 C. If a project may be defined by more than one project description, the more stringent  
 2 requirement shall apply.

3 **TABLE 22.52.2130-1**  
 4 **GREEN BUILDING REQUIREMENTS FOR NEW PROJECTS**

5	6 <b>Project Description</b>	7 <b>Building Permit Application Filed on or after January 1, 2009 and before January 1, 2010</b>	8 <b>Building Permit Application Filed on or After January 1, 2010</b>
9	10 1 New residential projects containing < 5 dwelling units	11 County of L.A. Green Building Standards	12 County of L.A. Green Building Standards
13	14 2 New residential projects containing ≥ 5 dwelling units	15 County of L.A. Green Building Standards	16 County of L.A. Green Building Standards & GPR or CGB or LEED
17	18 3 New hotels/motels, lodging houses, nonresidential and mixed-use buildings with a gross floor area of < 10,000 square feet	19 County of L.A. Green Building Standards	20 County of L.A. Green Building Standards
21	22 4 New hotels/motels, lodging houses, nonresidential and mixed-use buildings and first-time tenant improvements with a gross floor area of ≥ 10,000 square feet and < 25,000	23 County of L.A. Green Building Standards	24 County of L.A. Green Building Standards & LEED - Certified
25	26 5 New hotels/motels, lodging houses, nonresidential and mixed-use buildings and first-time tenant improvements with a gross floor area of ≥ 25,000 square feet	County of L.A. Green Building Standards	County of L.A. Green Building Standards & LEED - Silver
	6 New high-rise buildings > 75 feet in height	County of L.A. Green Building Standards	County of L.A. Green Building Standards & LEED – Silver

20 D. County of Los Angeles Green Building Standards.

21 1. Energy Conservation

22 a. Buildings shall be designed to consume at least 15% less Time  
 23 Dependent Valuation than the energy usage permitted by the 2005 California Energy  
 24 Efficiency Standards. Projects that are exempted from energy compliance under the  
 25 provisions of Title 24, Part 6 do not need to comply with this requirement.

1                   2. Outdoor Water Conservation

2                   a. The applicant shall install a smart irrigation controller for any area of  
3 the lot that is either landscaped or designated for future landscaping.

4                   b. Landscaped areas shall comply with all requirements within Title 22  
5 Part 21 of Chapter 22.52

6                   3. Indoor Water Conservation

7                   a. All new residential projects containing five or more dwelling units,  
8 and hotels/motels, lodging houses, non-residential, and mixed use buildings with a gross floor  
9 area of 10,000 square feet or more shall install high-efficiency toilets (maximum 1.28  
10 gallons/flush) when tank-type toilets are installed.

11                  4. Resource Conservation

12                  a. All new residential projects containing less than five dwelling units,  
13 and hotels/motels, lodging houses, non-residential, and mixed-use buildings with a gross floor  
14 area of less than 10,000 square feet must recycle and/or salvage for reuse a minimum of 50%  
15 of non-hazardous construction and demolition debris by weight.

16                  b. All new residential projects containing five or more units and  
17 hotels/motels, lodging houses, non-residential, and mixed-use buildings with a gross floor area  
18 of 10,000 square feet or more must recycle and/or salvage for reuse a minimum of 65% of  
19 non-hazardous construction and demolition debris by weight.

20                  5. Tree Planting

21                  a. For each single family residence, a minimum of two 15-gallon trees  
22 shall be planted and maintained, at least one of which shall be selected from the drought-  
23 tolerant approved plant list. This requirement may fulfill other tree-planting requirements.

24                  b. For each residential lot with a building having more than one dwelling  
25 unit, a minimum of one 15-gallon tree shall be planted and maintained per every 5,000 square  
26

1 feet of gross lot area, at least 50% of which shall be selected from the drought-tolerant  
2 approved plant list. This requirement may fulfill other tree-planting requirements.

3 c. For hotels/motels, lodging houses and non-residential projects, a  
4 minimum of three 15-gallon trees shall be planted and maintained for every 10,000 square feet  
5 of gross lot area, at least 65% of which shall be selected from the drought-tolerant approved  
6 plant list. This requirement may fulfill other tree-planting requirements.

7 d. Exceptions

8 i. If the lot size or other site conditions make planting of the  
9 required trees impractical to comply with, the applicant may request that the trees be planted  
10 off-site at twice the ratio, as approved by the director of regional planning. Documentation that  
11 such trees have been planted shall be submitted to the department of regional planning.  
12 Procedures for planting trees off-site shall be described within the Green Building Technical  
13 Manual.

14 ii. The applicant shall not be required to plant new trees if the  
15 required number of trees, regardless of whether they are drought-tolerant species, already  
16 exists on the site. The existing trees shall be shown on the site plan submitted to the  
17 department of regional planning. The trees shall be mature, as defined in this Part 20.

18 E. Mandatory requirements for all new projects.

19 1. New residential projects containing less than five dwelling units shall comply  
20 with the following:

21 a. The County of Los Angeles Green Building Standards as listed in  
22 subsection D above.

23 2. New residential projects containing five or more dwelling units shall comply  
24 with the following:

25 a. The County of Los Angeles Green Building Standards as listed in  
26

1 subsection D above.

2                   b. For building permit applications filed on or after January 1, 2010, the  
3 applicant must achieve the equivalency of GPR, CGB or LEED certification. At his or her  
4 discretion, the applicant can choose to either obtain certification from an approved third-party  
5 or have the department of public works confirm the equivalent of GPR certification.

6                   3. New hotels/motels, lodging houses, non-residential, and mixed-use buildings  
7 having a gross floor area of less than 10,000 square feet shall comply with the following:

8                   a. County of Los Angeles Green Building Standards as listed in  
9 subsection D above.

10                  4. New hotels/motels, lodging houses, non-residential and mixed-use buildings  
11 and first-time tenant improvements in buildings with building permit applications filed on or  
12 after January 1, 2010, having a gross floor area of greater than or equal to 10,000 square feet  
13 and less than 25,000 square feet shall comply with the following:

14                  a. The County of Los Angeles Green Building Standards as listed in  
15 subsection D above.

16                  b. For building permit applications field on or after January 1, 2010, the  
17 applicant must comply with the following:

18                    i. Retain a LEED Accredited Professional, or another green  
19 building professional, as approved by the director of regional planning and the director of  
20 public works, as part of the design team.

21                    ii. Achieve the equivalency of LEED-Certified level. At his or her  
22 discretion, the applicant can choose to either obtain certification from the USGBC or have the  
23 department of public works confirm the equivalent of LEED-Certified certification. If the  
24 applicant chooses to pursue certification from the USGBC, the building design submittal to the  
25 department of public works shall show all of the building elements that will be used to achieve

1 the LEED-Certified certification.

2           5. New hotels/motels, lodging houses, non-residential and mixed use buildings  
3 and first-time tenant improvements in buildings with building permit applications filed on or  
4 after January 1, 2010, having a gross area of 25,000 square feet or more shall comply with the  
5 following:

6                   a. The County of Los Angeles Green Building Standards as listed in  
7 subsection D above.

8                   b. For building permit applications filed on or after January 1, 2010, the  
9 applicant must comply with the following:

10                           i. Retain a LEED Accredited Professional, or another green  
11 building professional, as approved by the director of regional planning and the director of  
12 public works, as part of the design team.

13                           ii. Achieve the equivalency of LEED-Silver level. At his or her  
14 discretion, the applicant can choose to either obtain certification from the USGBC or have the  
15 department of public works confirm the equivalent of LEED-Silver certification. If the applicant  
16 chooses to pursue certification from the USGBC, the building design submittal to the  
17 department of public works shall show all of the building elements that will be used to achieve  
18 the LEED-Silver certification.

19           6. New high-rise buildings greater than 75 feet in height shall comply with the  
20 following:

21                   a. The County of Los Angeles Green Building Standards as listed in  
22 subsection D above.

23                   b. For building permit applications submitted on or after January 1,  
24 2010, the applicant must comply with the following:

25                           i. The applicant must retain a LEED Accredited Professional, or  
26

1 another green building professional, as approved by the director of regional planning and the  
2 director of public works, as part of the design team.

3           ii. Achieve the equivalency of LEED-Silver level. At his or her  
4 discretion, the applicant can choose to either obtain certification from the USGBC or have the  
5 department of public works confirm the equivalent of LEED-Silver certification. If the applicant  
6 chooses to pursue certification from the USGBC, the building design submittal to the  
7 department of public works shall show all of the building elements that will be used to achieve  
8 the LEED-Silver certification.

9           F. The most recent version of the third-party standards, guidelines and rating systems,  
10 as approved by the County of Los Angeles and found within the Green Building Technical  
11 Manual, shall be used to comply with the requirements of this ordinance.

12           G. Compliance with the County of Los Angeles Green Building Standards may be used  
13 in meeting the standards within an approved third-party standard, guideline or rating system  
14 when required of the applicant for compliance.

15           H. Provisions of this ordinance are not intended to prevent the use of any other green  
16 building standard. Applicants may use an equivalent third-party industry standard upon  
17 approval. The procedure for submitting a new third-party system or standard shall be  
18 established by the director of regional planning and included in the department's Green  
19 Building Technical Manual.

20           **22.52.2140 Compliance.**

21           A. The applicant for any building or project applicable to this ordinance shall provide to  
22 the departments of regional planning and public works documents demonstrating how he or  
23 she intends to comply with this ordinance prior to approval of the project or prior to issuance of  
24 a building permit.

25           B. Regional Planning Requirements. Green Building requirements in compliance  
26



1 with this Part 20 shall be depicted on the required site plan per Part 12 of Section 22.56.

2 C. Public Works Requirements. The applicant shall demonstrate compliance with the  
3 provisions of this Part 20 to the satisfaction of the department of public works through the  
4 design and construction of the required green building measures prior to final approval of the  
5 building permit.

6 1. The building design submittal to the department of public works shall show  
7 all of the building elements that will be used to achieve the required level of third-party  
8 certification or equivalency of third-party certification.

9 **22.52.2150. Exemptions.**

10 The director of planning and/or public works may grant an exemption from the requirements of  
11 this ordinance for:

12 A. Agricultural accessory structures.

13 B. Registered historic sites.

14 C. Areas of projects that include warehouse/distribution buildings, refrigerated  
15 warehouses, and industrial/manufacturing buildings are exempt from compliance with energy  
16 efficiency standards of this Part 20, unless superseded by state law. Office space and other  
17 non-refrigerated, non-warehouse and non-industrial/manufacturing portions of the building that  
18 are distinct from the exempted portions of the building shall comply with the requirements, as  
19 indicated in Table 22.52.2130-1.

20 D. Any project where a complete application for a building permit was filed with the  
21 department of public works prior to the effective date of the Green Building Ordinance.

22 E. Any project where a complete application for a building permit was filed with the  
23 department of public works prior to the effective date of the Green Building Ordinance where  
24 the Building Official determines that the issuance of a final building permit was delayed  
25 because of third-party litigation against the County related to the County's approval of the  
26

1 project. The exemption shall not apply if the Building Official determines that there are  
2 material changes to the scope of the building permit as a result of modified entitlements.

3 F. Single-family projects less than five units where a complete application for a  
4 building permit was accepted by the department of public works within 90 days after the  
5 effective date of the Green Building Ordinance.

6 **22.52.2160 Waiver or Modification of Requirements.** The director of public works  
7 may grant a waiver or modification to the regulations required by this ordinance where there  
8 are special circumstances or exceptional characteristics applicable to the property involved.

9 **22.52.2170. Updating or Modifying Requirements**

10 A. Public hearings for updating the green building ordinance are required and shall be  
11 held pursuant to the procedure provided in Part 4 of 22.60.

12 B. The action of the Regional Planning Commission or Board of Supervisors shall  
13 serve notice of the action taken pursuant to the procedure provided in Part 4 of 22.60

14 C. Any person dissatisfied with the action of the Regional Planning Commission, may  
15 file an appeal of such action with the Board of Supervisors within the time period set forth in  
16 Part 5 of Chapter 22.60.

17 D. Any approved modification, with the exception of the California Energy Efficiency  
18 Standards, shall take affect six months after the date that of decision by the Board of  
19 Supervisors.

20 ...

21 **Section 3.** Section 22.56.1765 is hereby added to provide for director's review of  
22 green buildings, as follows:

23 **22.56.1765 Director's review—Green Building Program Elements**

24 A. Green Building. In addition to the principles and standards contained in Section  
25 22.56.1690, the director shall ensure that an applicant complies with the requirements of Part  
26

1 20 of 22.52 (Green Building). The site plan or plot plan shall depict or list the green building  
2 requirements that will be incorporated into the project. Approval by Regional Planning will be  
3 concept approval only; final approval of green building requirements will be made by the  
4 Department of Public Works.

5 B. Drought-tolerant landscaping. In addition to the principles and standards contained  
6 in Section 22.56.1690, the director shall ensure that an applicant complies with the  
7 requirements of Part 21 of 22.52 (Drought-Tolerant Landscaping). The site plan or plot plan  
8 shall depict or list the drought-tolerant landscaping requirements that will be incorporated into  
9 the project.

10 C. The procedure set forth in this section shall not apply where an application for a site  
11 plan review has been concurrently filed with an application for a permit, variance or other  
12 discretionary approval under Title 22, or for a zone change, development agreement or  
13 subdivision.

14 8/14/08

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**This page is intentionally left blank.**

An ordinance amending Title 12 – Environmental Protection of the Los Angeles County Code, establishing Low Impact Development standards.

The Board of Supervisors of the County of Los Angeles ordains as follows:

...

SECTION 1. Title 12 is hereby amended to add Chapter 12.84, establishing low impact development standards, as follows:

CHAPTER 12.84 LOW IMPACT DEVELOPMENT (LID) STANDARDS

**12.84.410 Purpose.**

A. The purpose of this chapter is to require the use of LID principles in development projects. LID encourages site sustainability and smart growth in a manner that respects and preserves the characteristics of the County’s watersheds, drainage paths, water supplies and natural resources. LID builds on conventional design strategies by utilizing every softscape and hardscape surface in the development to perform a beneficial hydrologic function by retaining, detaining, storing, changing the timing of, or filtering stormwater and urban runoff. LID encompasses the use of structural devices, engineered systems, vegetated natural designs, and education in order to distribute stormwater and urban runoff across a development site. LID reduces the impact from development and provides the following benefits:

1. Replenishment of groundwater supplies,
2. Improvement of the quality of surface water runoff,
3. Stabilization of natural stream characteristics,
4. Preservation of natural site characteristics, and
5. Minimization of downstream impacts.

1           B. This chapter, and all references within, shall not be construed to supersede any  
2 local, state or federal law. Where conflict may be deemed to exist, to the extent allowed by the  
3 law, the stricter standard shall apply.

4           **12.84.420 Definitions.** The following definitions apply to this chapter:

5           A. “Beneficial Use” means the existing or potential uses of receiving waters as  
6 designated by the Los Angeles or Lahontan Regional Water Quality Control Boards in their  
7 respective Basin Plans for Los Angeles County.

8           B. “Best Management Practices (BMPs)” means methods, measures or practices  
9 designed and selected to reduce or eliminate the discharge of pollutants to surface waters  
10 from point and nonpoint source discharge, including storm water.

11           C. “Drainage System” means a conveyance or system of conveyances, including  
12 paths, drives, roads, streets, alleys, catch basins, curbs, gutters, ditches, manmade channels,  
13 or storm drains, designed or used to collect or convey urban runoff and stormwater.

14           D. “Development” means land disturbing activity that results in the creation, addition,  
15 modification, or replacement of impervious surface area. Development includes, but is not  
16 limited to: land subdivision and single-lot projects requiring discretionary or non-discretionary  
17 land use approval; the construction, installation, addition, or replacement of a building or  
18 structure; expansion of a building footprint; replacement of impervious surface area that is not  
19 part of a routine maintenance activity; and land disturbing activities related to structural or  
20 impervious surfaces. It does not include routine maintenance to maintain original line and  
21 grade, hydraulic capacity, or original purpose of facility, nor does it include emergency  
22 construction activities required to immediately protect public health and safety.

23           E. “Hardscape” means any durable pervious or impervious surface material, including  
24 paving for pedestrians and vehicles.

25           F. “Hydromodification” means alteration of a natural drainage system through a change  
26 in the flow characteristics.

1 G. "Low Impact Development (LID)" means technologies and practices that are a part  
2 of a sustainable storm water management strategy that controls stormwater and urban runoff  
3 at the source.

4 H. "Low Impact Development Standards Manual" or "LID Standards Manual" means  
5 the manual stating the technologies, requirements, and procedures for compliance with this  
6 chapter. This manual shall be approved by the director of public works and maintained by the  
7 department of public works.

8 I. "Natural Drainage System" means any unlined or unimproved (not engineered)  
9 creek, stream, river, or similar waterway.

10 J. "Pollutants of Concern" means chemical, physical, or biological components of  
11 storm water that impair the beneficial uses of receiving waters, including those defined in CWA  
12 §502(6) (33.U.S.C.§1362(6)), and incorporated by reference into California Water Code  
13 §13373.

14 K. "Softscape" means the horticultural elements of a landscape, such as soil and  
15 plants.

16 L. "Stormwater" means runoff that occurs as the result of rainfall.

17 M. "Urban Runoff" means dry weather surface flows emanating from urban  
18 development.

19 N. "Water Quality Design Storm Event" means standard storm event for designing wet  
20 weather BMPs, such as the Weighted Average Storm Event (WASE) or 85th percentile, 24-  
21 hour storm.

#### 22 **12.84.430 Applicability**

23 A. This chapter shall become effective on January 1, 2009,

24 B. This chapter applies to all development except Road and Flood infrastructure  
25 projects, which shall be subject to pending revised design standards that incorporate LID  
26 principles, and

1 C. Development comprising of alterations to existing developments shall comply with  
2 the following:

3 1. Where development results in an alteration to fifty percent or more of the  
4 impervious surfaces of a previously existing development, the entire development shall  
5 the standards and requirements of this chapter,

6 2. Where development results in an alteration to less than fifty percent of the  
7 impervious surfaces of a previously existing development, only the alteration must  
8 meet the standards and requirements of this chapter, and

9 3. Where development results in an alteration to less than fifty percent of the  
10 impervious surfaces of a previously existing residential development of four units or  
11 less, the development is exempt from the standards and requirements of this chapter.

12 **12.84.440 Low Impact Development (LID) Objectives.** The objectives of LID are to:

13 A. Mimic undeveloped stormwater and urban runoff rates and volumes in any storm  
14 event up to and including the 50-year capital design storm event,

15 B. Prevent pollutants of concern from leaving the site in stormwater as the result of  
16 storms up to and including the water quality design storm event, and

17 C. Minimize hydromodification impacts to a natural drainage system.

18 **12.84.450 Submittal Requirements**

19 A. A comprehensive LID Plan that demonstrates compliance with the LID Standards  
20 Manual shall be submitted for the review and approval of the director of public works in  
21 accordance with this chapter and the LID Standards Manual.

22 B. Fee and deposit to recover costs associated with this plan review shall be required.

23 **12.84.460 Low Impact Development Standards**

24 A. Urban and stormwater runoff quantity and quality control development standards  
25 will be established in the LID Standards Manual. The LID Standards Manual shall be updated  
26 and maintained by the department of public works.



1 B. Minimum site design features shall be installed and maintained in accordance with  
2 this chapter and the LID Standards Manual, in the following categories:

- 3 1. Residential developments with four units or less, and
- 4 2. All other development.

5 C. Approval of the LID plan shall be obtained according to the following schedule:

6 1. For subdivisions, the LID plan shall be approved prior to tentative map  
7 approval, and

8 2. For all other developments, the LID plan must be approved prior to issuance  
9 of a grading permit or where a grading permit is not required, prior to the issuance of a  
10 building permit.

#### 11 **12.84.470 Exemptions**

12 A. This chapter shall not apply to any development application accepted for review by  
13 the department of regional planning prior to January 1, 2009.

14 B. Any project that has filed a complete application prior to the effective date of this  
15 ordinance with Regional Planning or any other County-controlled design control board,  
16 whichever occurs first, shall be exempt from these LID requirements. A complete application  
17 in this instance means everything has been submitted that is required to process the  
18 application.

#### 19 **12.84.480 Additional Requirements**

20 A. In addition to compliance with this chapter 12.84, the development must also  
21 conform to Title 22 of the Los Angeles County Code, Part 21 of Chapter 22.52 – Drought  
22 Tolerant Landscaping.

23 B. All grading and/or site drainage plans shall incorporate the features of the approved  
24 LID plan in accordance with Section 12.84.460-C.

25 C. A covenant or agreement shall be recorded at the office of the county recorder  
26 stating that the owner is aware of the low impact development features on the property and

1 that these features may require periodic maintenance and shall not be removed unless  
2 replaced with other low impact development features in accordance with Chapter 12.84 of the  
3 County Code. The covenant or agreement shall include a diagram of the site indicating  
4 location and type of low impact development features that are present. Recordation of the  
5 covenant or agreement shall comply with the following:

6 1. For subdivisions, said covenant or agreement shall be recorded prior to the  
7 final map approval, and

8 2. For all other projects, said covenant or agreement shall be recorded prior to  
9 issuance of a grading permit or where a grading permit is not required, prior to the issuance of  
10 a building permit.

11 **12.84.490 Waiver or Modification of Requirements.** An applicant proposing to  
12 deviate from the standards of this chapter due to technical infeasibility, while still meeting the  
13 purpose under 12.84.410-A and objectives under 12.84.440 of this chapter, may submit a  
14 proposal for approval by the Director of Public Works. Technical infeasibility shall be  
15 described in the LID Standards Manual.

16 **ORDINANCE NUMBER \_\_\_\_DRAFT\_\_\_\_**

17  
18 An ordinance amending Title 21-Subdivision and Title 22-Planning and Zoning of the  
19 Los Angeles County Code, establishing Low Impact Development standards.

20 The Board of Supervisors of the County of Los Angeles ordains as follows:

21 ...

22 **SECTION 1.** Section 21.21.420 is hereby added to reference Title 12 on “low impact  
23 development” read as follows:

24 **Section 21.24.420 LOW IMPACT DEVELOPMENT**

25 A. Regulations — Department of public works authority. The director of public works of  
26 the county of Los Angeles shall prescribe, by uniform rule or regulation, minimum standards

1 which incorporate Low Impact Development principles that provide on-site stormwater and  
2 runoff management for development on public and private property; and shall also have the  
3 power to prescribe any and all other rules and regulations, uniform in their operation,  
4 necessary for the carrying out of the purposes of this Section and of Chapter 12.84 or as  
5 required by the director of public works.

6 B. Applicability. All developments, as defined in Chapter 12.84 or as required by the  
7 director of public works, shall comply with this Section.

8 ...

9 **SECTION 3.** Part 22 of Chapter 22.52 is hereby added to reference Title 12 on “low  
10 impact development” as follows:

11 **Part 22**

12 **LOW IMPACT DEVELOPMENT**

13 **22.52.2210 Regulations — Department of public works authority.** The director of  
14 public works of the county of Los Angeles shall prescribe, by uniform rule or regulation,  
15 minimum standards which incorporate Low Impact Development principles that provide on-site  
16 stormwater and runoff management for development on public and private property; and shall  
17 also have the power to prescribe any and all other rules and regulations, uniform in their  
18 operation, necessary for the carrying out of the purposes of this Part 21 and of Chapter 12.84  
19 or as required by the director of public works.

20 **22.52.2210 Applicability.** All developments, as defined in Chapter 12.84 or as  
21 required by the director of public works, shall comply with this Part 22.

22 8/14/08

**This page is intentionally left blank.**

ORDINANCE NUMBER \_\_\_DRAFT\_\_\_

An ordinance amending Title 21- Subdivision and Title 22- Planning and Zoning of the Los Angeles County Code, establishing drought-tolerant landscaping standards.

The Board of Supervisors of the County of Los Angeles ordains as follows:

...

**SECTION 1.** Section 21.24.430 of Title 21 is hereby amended to add reference to Title 22 on “Drought-tolerant landscaping” as follows:

**Section 21.24.430 Drought-tolerant landscaping.** All projects, including common areas, shall comply with the landscaping requirements in Part 21 of Chapter 22.52 of Title 22.

...

**SECTION 2.** Part 21 of Chapter 22.52 of Title 22 is hereby amended to add regulations on drought-tolerant landscaping as follows:

**Part 21**

**DROUGHT-TOLERANT LANDSCAPING**

**22.52.2200 Purpose.**

A. The purpose of Part 21 is to establish minimum standards for the design and installation of landscaping using drought-tolerant plants and native plants that require minimal use of water. These requirements will ensure that the County conserves water resources by requiring landscaping that is appropriate to the region’s climate and nature of the use.

B. This Part 21 shall not be construed to supersede the regulations of any retail or wholesale water company, county, state or federal law. Where conflict may be deemed to exist, to the extent allowed by the law, the stricter shall apply.

C. The provisions of this Part 21 supersede provisions within Supplemental Districts, including Community Standards Districts and Transit Oriented Districts. Where conflict may be deemed to exist, to the extent allowed by the law, the stricter shall apply.

1           **22.52.2210 Definitions.** The following definitions apply to this Part 21 of chapter

2 22.52:

3           A. "Drought-tolerant approved plant list" means a listing of native and non-native plant  
4 species that is organized by ecological zones for use in landscaped areas. The list is  
5 approved by the director and maintained by the department of regional planning.

6           B. "Ecological zone" means a geographic area that is based on the plants that are  
7 indigenous to or appropriate for that area.

8           C. "Green Building Technical Manual" is a document prepared by the County that  
9 includes the most recently approved versions of the third-party green building guidelines,  
10 standards and rating systems, as well as other pertinent information necessary to assist  
11 applicants in complying with these requirements.

12           D. "Hydrozone" means a portion of the landscaped area having plants with similar  
13 water and sun needs that are served by an irrigation valve or set of valves with the same  
14 schedule.

15           E. "Landscaped area" means any area planted with turf, shrubbery, flowers or trees.

16           F. "Mature tree" means any tree rooted on a lot or parcel of land that is at least six  
17 inches in diameter, measured four and a half feet above mean natural grade.

18           G. "Native plants" mean indigenous plants that are naturally found in one of the  
19 ecological zones.

20           H. "Recreational lawn" means an area planted with turf or other mowed ground cover  
21 that is maintained for recreation or amenity, including athletic fields.

22           I. "Registered historic site" means a property listed on any federal, state, county, or city  
23 register, including, but not limited to the National Register of Historic Places, California  
24 Register of Historical Resources, California Historical Landmarks and State Points of Historical  
25 Interest.

26

1 J. "Total landscaped area" is the cumulative landscaped area of a lot or parcel of land.  
2 Trees required by Part 18 of Section 22.52 and other existing mature trees on the site are not  
3 included as part of the total landscaped area. For single-family residences, rear and side  
4 yards are not included in the measure of total landscaped area.

5 K. "Turf" means a surface layer of earth containing mowed grass.

6 **22.52.2220 Applicability.**

7 A. This Part 21 shall apply to on-site landscaping for all new construction.

8 B. This Part 21 shall become effective on January 1, 2009.

9 **22.52.2230 Compliance.** Landscaping requirements in compliance with this part shall  
10 be depicted on the required site plan per Part 12 of Section 22.56.

11 **22.52.2240 General landscaping development standards.** The total landscaped  
12 area shall comply with the following:

13 A. A minimum of 75 percent of the total landscaped area shall be plants as specified  
14 within the Drought-Tolerant Approved Plant List.

15 B. Turf shall be limited to a maximum of 25 percent of the total landscaped area.

16 C. Plants shall be grouped in hydrozones in accordance with their respective water,  
17 cultural (soil, climate, sun and light) and maintenance needs.

18 D. Single-family residences shall meet the following requirements:

19 1. The grass species planted in the total landscaped area in addition to the rear  
20 or side yards is water-efficient and has a plant factor of 0.8 or less. A list of species that meet  
21 this requirement is found in the Green Building Technical Manual.

22 2. The total landscaped area in addition to the rear and side yards shall not  
23 contain more than 5,000 square feet of turf.

24 3. Turf shall not be installed in areas less than five feet wide.

25 **22.52.2250 Exemptions:**

26

1           A. A registered historical site or recreational lawn may be exempted from the  
2 provisions of this chapter by the director of regional planning. All new and renovation projects  
3 for parks are exempt from this Part 21 but shall comply with the Department of Parks and  
4 Recreation Park Development Standards.

5           B. Landscaping for a manufactured cut or fill slope exceeding or equal to a gradient of  
6 3:1 may be exempted from the provisions of this Part 21 when deemed necessary and  
7 appropriate by the building official in order to comply with the requirements of the Building  
8 Code regulating engineered grading.

9           C. Areas permanently and solely dedicated to edible plants, such as orchards and  
10 vegetable gardens, shall be excluded.

11           D. Any project where a complete application for a building permit was accepted by the  
12 department of public works prior to the effective date of the Drought-tolerant Landscaping  
13 Ordinance.

14           E. Single-family projects less than five units where a complete application for a  
15 building permit was accepted by the department of public works within 90 days of the effective  
16 date of the Drought-tolerant Landscaping Ordinance.

17  
18           **22.52.2260 Modification of Requirements.**

19           A. The director of regional planning, without notice or hearing, may grant a  
20 modification to the landscape regulations required by this part when:

21                   1. Topographic features, lot size, or other conditions create an unnecessary  
22 hardship or unreasonable regulation or make it impractical to require compliance with the  
23 landscaping requirements.

24                   2. The inherent nature of large scale or multi-lot developments necessitates  
25 modifications to allow flexibility in the design of the project.



1 B. Modification requests that are not part of a use permit, nonconforming review or  
2 variance shall be processed as a yard modification, in compliance with Part 12 of Section  
3 22.56.

4 **22.52.2270 Additional Requirements.**

5 A. A covenant shall be recorded at the office of the County Registrar Recorder/County  
6 Clerk stating that the owner is aware of the drought-tolerant landscaping requirements on the  
7 property in accordance with Part 21 of Section 22.52 of the Zoning Ordinance.

8 B. In addition to compliance with this Part 21, the applicant must also conform to:

9  
10 1. Title 26 of the Los Angeles County Code, Chapter 71 – Water Efficient  
11 Landscaping.

12 2. Fire Department planting restrictions, including, but not limited to Fuel  
13 Modification Plan Guidelines.

14 **22.52.2280 Appeals.** The director’s decision of requested modification may be  
15 appealed in compliance with Part 5 of Chapter 22.60.

16 8/14/08

**This page is intentionally left blank.**

**Regional Planning Commission Public Hearing- January 23, 2008**

**Commissioners in attendance:** Commissioners Helsley, Modugno, Rew and Valadez

**Commissioners absent:** Commissioner Bellamy

**Action:** continued to May 7, 2008

**Speakers in support:** 5

**Speakers with concerns:** 5

**Comments:**

- Concern that the implementation dates are too soon and would not give enough time for builders to learn about the requirements
- Need for consistency within County departments as well as regionally, when dealing with new green building requirements
- Cost analysis should be expanded as it is still unclear what the cost implications for the Green Building and LID ordinances will be
- There should be more specific provisions as to which projects will be affected and if projects currently in the pipeline will have to comply
- Concern with the use of third-party certification as a requirement; obtaining certification can be cost prohibitive and outsources the County's ability to regulate
- There should be a provision requiring diversion of construction materials from landfills, as much of this waste can be reused or recycled
- How will these ordinances conflict with other permits, specifically Coastal Development Permits?
- Support for the continuance and further research into these issues

**Commission's questions and discussion:**

- Third party certification could become problematic; Commission asked BIA to draft written list of potential issue or obstacles
- Proposed keeping standards voluntary for a period to allow for familiarization with requirements before they become mandatory
- Instructed staff to look into providing incentives for compliance rather than mandates
- Concern that the manuals that will accompany ordinances are not available for review and comment
- Concern over how landscape ordinance can be enforced; discussed adding a covenant to the landscape ordinance
- Directed staff to reach out to individual stakeholder groups
- Instructed staff to hold more public outreach meetings to gain insight from constituents and better understand how these ordinances will be received
- Stressed the importance of having a regionally specific set of standards that meet the County's unique goals
- Asked staff to look into the feasibility of drafting County specific green building standards that would be maintained and enforced internally
- Instructed staff to conduct further cost-benefit research

**Regional Planning Commission Public Hearing- May 7, 2008**

**Commissioners in attendance:** Commissioners Bellamy, Helsley, Modugno and Valadez

**Commissioners absent:** Commissioner Rew

**Action:** continued to June 25, 2008

**Speakers in support:** 6

**Speakers with concerns: 4**

**Comments:**

- Concern with requirement for third-party certification and its impact on the County's autonomy in regulation
- Call for more cooperation between County departments to ensure a smooth process for applicants
- Fear that the timeline for implementation may be too aggressive
- Need to reexamine exemption language as it unfairly includes Marina projects with much longer project timelines and more extensive County involvement in the development process
- Concern there are potential conflicts between the LID and drought-tolerant ordinances that should be fleshed out before they are finalized
- Asked staff to provide a comprehensive review of how each of the ordinances will work in congress with the other two
- Need for public review of the draft manuals that accompany the ordinances before the ordinances are adopted

**Commission's questions and discussion:**

- Supportive of using a third party system with in-house review, rather than requiring certification from a third party rater
- Would like to see mock-ups of LID calculations for large scale or mixed use residential projects
- Interested in the State Green Building Standards or other potential amendments to the Building Code that could regulate green building
- Asked staff to report on the County's carbon footprint and how these ordinances would effectively reduce that impact
- Supportive of continuance to allow further amendments to the documents

**Regional Planning Commission Public Hearing- June 25, 2008**

**Commissioners in attendance:** Commissioners Bellamy, Helsley and Valadez

**Commissioners absent:** Commissioners Modugno and Rew

**Action:** intent to approve

**Speakers in support: 3**

**Speakers with concerns: 1**

**Comments:**

- Exemption language doesn't properly protect applicants in Marina del Rey that are subject to a much more extensive review process

**Commission's questions and discussion:**

- Concern with pre-plumbing and pre-wiring conditions as they may be cumbersome and may not prove useful down the line
- Staff needs to find a way for large scale projects to get County verification rather than forcing third-party certification

**Regional Planning Commission Consent Hearing- August 13, 2008**

**All Commissioners in attendance**

**Action:** Approve ordinances and resolution (5-0)

**No testimony taken**

**Commission's discussion:**

- Would like to work towards developing the County's own sustainable system, to avoid using third-party certification
- Concern that exemption language leaves room for abuse, but will be unable to verify that until program is implemented
- Implementation is the key to the success of the program
- RPC would like staff to return within 18-24 months to provide a progress report and assess whether amendments to the program should be made
- Commission's motion also included staff's recommendation to include the provision requiring a covenant into the LID ordinance

**This page is intentionally left blank.**

Public Comments  
Regional Planning Commission  
January 23, 2008

**This page is intentionally left blank.**





**SIERRA  
CLUB**  
FOUNDED 1892

**Sierra Club Angeles Chapter**  
3435 Wilshire Boulevard, Suite 320  
Los Angeles, CA 90010-1904  
213-387-4287  
[www.Angeles.SierraClub.org](http://www.Angeles.SierraClub.org)

January 6, 2008

Karen Simmons, Department of Regional Planning  
County of Los Angeles  
320 West Temple Street, Room 1355  
Los Angeles, California 90012

Re: County of Los Angeles – Recommendations for Green Building Standards:  
Nonresidential and Residential Construction

Dear Ms. Simmons:

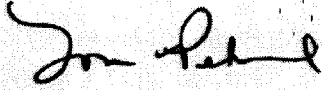
We are writing to comment on the County of Los Angeles Green Building Standards as set forth in draft format as of December 10, 2007. While we are truly encouraged by the County's intent to move forward with green building standards, we believe these standards can and should be upgraded significantly. The County must take a leadership role in mandating green building standards resulting in immediate diminution of global warming effects. In particular, we strongly support residential green building mandates—as opposed to voluntary residential standards as proposed for 2008. Mandated residential standards of any meaningful effect should also be positioned at the high end of the GPR scores, at least over 100.

New green building programs have appeared across this country in quick succession over the past several years—and often in forms surpassing previous best examples. Each new program expands the green building marketplace as well as the general knowledge base. Green building costs move downward accordingly. We ask the County of Los Angeles to mandate green building standards given the number of exemplary programs now in existence. The City of West Hollywood's new green building program provides one excellent example, among others. Similarly, the *Report and Recommendations of the Mayor's Task Force on Green Building for the City of and County of San Francisco* (which is currently moving through the review process by both City and County) provides another template on which to base an enhanced set of standards. We particularly applaud San Francisco's estimation of the cumulative effect of certain of its proposed standards as pertains to electrical savings and CO2 reduction, among other categories. Quantification of such improvements provides a coherent means by which to base cost/benefit decision-making.

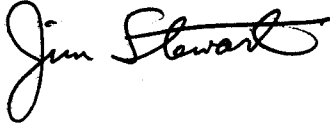
We also are pleased with the inclusion of Low Impact Development Standards, and again urge strong mandates, especially maximum feasible on-site water retention, with the goal of 100% retention of normal rainfall (e.g. less than a half-inch per 24 hours).

We look forward to providing further input and support to the County of Los Angeles with respect to Green Building Standards. Approval and implementation of a strong set of standards is an important step forward in the fight against global warming.

Respectfully yours,



Lore Pekrul, Chair, Green Building Committee  
310-306-2428 Email: [elpe1@earthlink.net](mailto:elpe1@earthlink.net) Cell: 310-529-2026



Jim Stewart, PhD, Co-chair, Global Warming, Energy & Air Quality Committee  
213-487-9340 Fax: 310-362-8400 Cell: 213-820-4345

cc: Angeles Chapter Green Building Committee

**Stewart, Alyson**

---

**From:** Stewart, Alyson  
**Sent:** Thursday, January 10, 2008 8:31 AM  
**To:** ZOUP  
**Subject:** FW: Los Angeles County Green Building Ordinance

**From:** SSL [mailto:steve\_lamb57@sbcglobal.net]  
**Sent:** Friday, December 14, 2007 2:01 PM  
**To:** Adams, Marshall; Alexanian, Sorin; Brizee, Melissa; Charles Bryant; Chung, Connie; Franchino, Nick; Franco-Rogan, Susana; a. Gentry; Glaser, Mitch; Glaser, Rob; Lori Glasgow; Hamilton, Rose; Hand, Gunnar; Herwick, Mark; Hoffman, Dan; Hua, Thuy; McClendon, Bruce; McDonald, David; Ng, Adrienne; Bart Prince; Vivian Rescalvo; Russett, Anne; Seawards, Travis; Siemers, Gretchen; Sinclair, Lisbeth; Siranosian, Veronica; Stewart, Alyson; Veronica Tam; Hannah Wear; Eric Lloyd Wright  
**Cc:** Sussy Nemer; Paul Novak; organicus@gmail.com; Stefanos Polyzoides  
**Subject:** Los Angeles County Green Building Ordinance

Dear Sirs;

It is my understanding that the Los Angeles County Department of Regional Planning has been instructed by the Los Angeles County Board of Supervisors to prepare a Green Building Ordinance. I have been both a builder and residential designer for the last thirty years. Throughout that entire time I have attempted to build green buildings with the best available technology. Most of the builders, designers and Architects I have known have done the same. Throughout this entire time, our major obstacles have not been our clients, the educational and willingness level of contractors or the lack of available technology. Our major obstacles in building green buildings have been the local Building departments, the code itself, and the unthinking unreasonable fundamentalist attitudes of the people who enforce the Building Codes.

Below are a few examples of recent denials of the use of the best available technologies by local agencies:

Both Los Angeles County and the City of Pasadena refuse to approve site built skylights for daylighting. Until five years ago, I was allowed to use my own design and Polygal or GE Thermoclear with refrigerator gaskets and wood hold downs. These skylights are inexpensive, and in thirty years I have never had a single one leak or fail. They are superior in both light transmission and U value to anything available commercially on the market. They have regularly been denied because they don't have a City of LA approval number. The Polygal/Thermoclear material do not have approval here, but they have it in Europe, Asia, South America, and the Atlantic states in the US. This gives my clients the choice of low performing leaking skylights or no daylighting at all.

Recently I designed a cathedral ceiling. Instead of using the existing 2x8 rafters with sprayed in foam insulation resulting in a R value of R56, I was required to remove the existing rafters and sheathing, replace them with 2 x 12 rafters and inferior R30 insulation. The additional thrust of the larger rafters required many many new steel connectors. Of course my client could have in the interest of being green, given up the cathedral ceiling, but getting it was the whole point of the job.....

Last year I designed a small house. I wanted to use Structural Insulated Panelized System (SIPS) for the walls and roof. This technology is well known and has been in use since Alden Dow invented it in 1942. It offers superior insulation values, better earthquake resistance, and less wood usage. Not allowed period. After months of endless calcs, consultants and consternation, client abandoned the project.

In the last four years I have attempted to use LED lighting in my kitchens to radically reduce energy use. In each case the building department has insisted that certain percentage of the total wattage had to come from a different ancient out of date but early low wattage lighting system. My clients are using more energy than they need as a result of the code, but they are getting a lower quality of light in the bargain.

I think what I'm trying to say is that we have codes that are stuck back in the past and people implementing them who are an impedence to progress.

Whatever we do regarding green building, I would like to say that the answer is not in new or more or better regulation, but in more freedom. Were Architects, Residential Designers and Builders not shackled with various mandates and limited choices, America would be much farther along in reducing energy and materials consumption per square foot of building.

One of the things that is leading to high energy use in the American home is the HUGE size house we have undertaken to build. In 1900 the average American house was 1100 Sq Ft. In 1948 it was 1400 SqFt, in the 1980's it was looming up in the 1650 range. Today the average new american home is 3,400 Sq Ft and many existing homes are being remodeled to almost double their existing square feet. If we have cut the energy usage per square foot by 30% since the late 1970's, but doubled the total number of square feet, we are way way behind not ahead of the game. This is in fact where we are. While reduction in the number of square feet per household is a excellent answer, mandating maximum house size is not a fair or just solution, compared to education, and is one that will probably make the County more wealthy through an increase of CUP applications, but not actually lead to reduction in square footage per house.

Additionally, we now to build a house that meets the "minimum" standard for safety under the code use 100% more board feet of structural lumber than we did in 1975 and 400% more steel, and 20% more concrete. We require so many nails in shear panels that framing members often shatter when placed under relatively slight stress. What has been our answer to that? Requiring larger members, thicker shear panels and yet MORE NAILS. This has not, in spite of all of the engeneering studies, made most families in earthquakes any safer than they were in a 1975 house, but it hase used tremendous additional unecessary natural materials and gallons of fuel in production.

The answer is not more mandates on buildings, but smaller buildings, and more freedom for builders and designers, not less.

Steve Lamb  
President, Society of Organic Architects

**Stewart, Alyson**

---

**From:** Alpat62@aol.com  
**Sent:** Monday, December 31, 2007 7:05 PM  
**To:** ZOUP  
**Cc:** Jim@EarthDayLA.org  
**Subject:** Say "No" to sod lawns

Say No To Sod Lawns!!  
By Alan Pollack, M.D.

On December 8, a photo of the Tujunga Wash Greenway Project in the Daily News depicted the effort to restore the LA River and its tributaries to something resembling their natural state. Somewhat puzzling, though, were the large swaths of sod lawn in the photo. Apparently, not all the agencies responsible for overseeing restoration attempts are aware that sod lawns are totally inappropriate in a restored, natural area in semi-arid Southern California.

The expansive, manicured lawn tradition found its way to this country from soggy old England, where it evolved as a status symbol. Back then, the more acres of sod lawn you had, the richer you were. Los Angeles is not soggy old England and has been suffering seven years of drought, with no end in sight, according to many experts. Now consider that in most cities in the U.S., lawns consume between 30-60% of municipal water supplies and, in our San Fernando Valley, that figure is probably closer to 80%.

The lawn story gets worse: in addition to water gluttony, lawns are often doused with millions of pounds of synthetic insecticides and herbicides which negatively affect the eco-system in our soil. Furthermore, any critter further up the food chain that happens to feed on a poisoned lawn pest can perish, too. Compounding these problems are toxic chemical fertilizers that are applied to lawns, which percolate into our ground water or run-off and ultimately end up in the ocean, damaging it's eco-system. And let's not forget the large amount of CO2 that is pumped into the atmosphere from all those gasoline powered mowers used to manicure those lawns.

Fortunately, there are good alternatives to growing a traditional sod lawn. If an area is to be used for children to play on or for relaxing adults, consider a low growing, low water using and low maintenance native ground cover. For more vigorous recreation, think about creating an unplanted area of decomposed granite. If an area is simply decorative, consider meadows of native grasses, perennials, or beds for native plants that are connected by paths of decomposed granite. Yet another option is to create a rock or succulent garden. The use of a mulch over any bare soil will enhance moisture retention in the soil.

Any of these choices will not only conserve water, but will also be saving time, energy and money while reducing air pollution. By eliminating sod lawn and restoring native plant habitat in our restoration projects, we will also be providing a welcoming home for our wildlife friends. Of course, these conservation measures go beyond large restoration projects and also apply to homes, schools and businesses. Say "NO" to sod lawns!!!

Alan Pollack, M.D. is Audubon at Home Chair of the San Fernando Valley Audubon Society and Wildlife Habitat Steward for the National Wildlife Federation.

---

See AOL's [top rated recipes](#) and [easy ways to stay in shape](#) for winter.

**Stewart, Alyson**

---

**From:** Richard Seeley [dick.seeley@juno.com]  
**Sent:** Monday, January 07, 2008 2:25 PM  
**To:** ZOUP  
**Subject:** Waterand energy conservation

To: Department of regional Planning

Gentlemen:

The Los Angeles County Board of Supervisors should be commended for their efforts to address global warming, water shortages, and drought. With respect to their comprehensive Green Building program, the Board needs to adopt an ordinance similar to that of West Hollywood which requires strict energy and water use standards for all new developments, remodels, and tenant improvements.

To merely request that the public conserve energy and water without controlling and limiting their use by developers, landlords and others is self defeating well as discriminatory.

It is imperative that you follow through with this program of conservation of energy and water, especially the latter. And see to it that the standards you adopt are strictly enforced without any "exemptions." Thank you.

Richard Seeley  
3924 El Caminito  
La Crescenta, CA 91214-1026

**Stewart, Alyson**

---

**From:** JOANNE N NAGY [jnn@juno.com]  
**Sent:** Monday, January 07, 2008 4:09 AM  
**To:** ZOUP  
**Subject:** Require water and energy efficiency for all new development

Dear Department of Regional Planning.

We recommend the Los Angeles County Board of Supervisors' efforts to address global warming and drought issues through a comprehensive Green Building program.

We urge the Board to adopt an ordinance (perhaps similar to that of West Hollywood), which requires strict energy and water use standards for all new development, remodels, and tenant improvements.

We do what we can at home. One little thing: we use liquid hand soap and so we do not turn on the water to rinse until we have done our 15 second wash. We only wish there were a simple device so that we could get warm water quickly without running off gallons of cold water first.

Thanks you for your concern about global warming and water and energy conservation.

Sincerely,

Ted and Joanne Nagy  
16500 Simonds Street  
Granada Hills, CA 91344-3730

jnn@juno.com

**Stewart, Alyson**

---

**From:** Sandra Trutt [s.trutt@verizon.net]  
**Sent:** Sunday, January 06, 2008 8:53 PM  
**To:** ZOUP  
**Subject:** Green Building Standards

Department of Regional Planning

Hello,

I understand that there is an opportunity to formulate new standards for building with the environment in mind. This is good news. I do support new regulations on energy use and water use in new construction and refurbishment. What a wonderful way to make a measurable difference by building energy and water efficiency right into the building from the ground up. Something which is vital to avert the climate crisis at our door.

Please do all you can to help bring this about for all new development, remodeling projects and also in apartment buildings. Your help is most appreciated. Thank you.

Sandra Trutt  
19549 Crystal Ridge Lane  
Northridge, CA 91326  
(818) 360-1020



## Stewart, Alyson

---

**From:** Linda Kline [lkline@qagc.com]  
**Sent:** Sunday, January 06, 2008 3:46 PM  
**To:** ZOUP  
**Cc:** Jim@EarthDayLA.org; Elpe1@earthlink.net  
**Subject:** FW:Green Building Ordinance

Hi,

This is a big topic, and so important. Who knew buildings were the big bad wolves of global warming!

Energy consumption can be cut dramatically by a simple duct leakage test and strict standards of 1/2 to 2% allowance of duct leakage.

I have the privilege of working with five companies that routinely achieve this tight allowance.

They do not actually seal the sheet metal or systems components.

They test for leakage, locate the leaks and stay in communication with the mechanical contractors( sheet metal installers) until the 1/2 to 2% duct leakage is reached.

Certified the by the Associated Air Balance Council, they follow their guidelines for testing and cannot sign off on the test until the strict standards of AABC are in effect.

The challenge is not only in new construction. Existing buildings may have as much as 30% duct leakage. No system can run efficiently under that condition.

The good news is there is an immediate remedy with knowledgeable and reputable companies prepared to tackle the problem.

Best of all, all AABC projects are automatically accompanied with a one year performance guarantee backed by HQ.

Regards,  
Linda  
(714) 356- 6387

Linda Kline

Area Representative:  
Quality Assurance Group of California, LLC "We do the work, and we stand behind it."

LIST US BY NAME IN YOUR SPECIFICATIONS, PLEASE!  
American Air Balance - Los Angeles Air Balance Penn Air Control - San Diego Air Balance - Winair

Helping you achieve design intent! - CALL US TODAY!

www.qagc.com  
(714) 356-6387  
lkline@qagc.com

**Stewart, Alyson**

---

**From:** Candace Haskell Swirkal [candy@swirkal.com]

**Sent:** Saturday, January 05, 2008 8:56 PM

**To:** ZOUP

**Subject:** requiring water and energy efficiency for ALL new develop.

Dear Dept of Regional Planning,

Please adopt an ordinance which requires strict energy and water use standards for ALL new development, remodels and tenant improvements. We need a comprehensive Green Building program.

Please consider for Los Angeles County what Orange County did with re-using all their water, including sewage water. We need vision for the future because we won't have water or freeways enough for the future at the rate we're growing.

Thank you.

Candace Haskell Swirkal

*Candace Haskell Swirkal Massage*  
*310-451-1636*

**Stewart, Alyson**

---

**From:** thedes4@aol.com  
**Sent:** Saturday, January 05, 2008 2:12 PM  
**To:** ZOUP  
**Subject:** Energy efficiency for all new development

Dear Department of Regional Planning,

I would like to thank the LA County Board of Supervisors for the efforts in addressing global warming and drought issues by a Green Building Program

I am urging the Board to adopt an ordinance that requires strict energy and water use standards for all new developments, tenant improvements and remodels.

Thank you very much for your concern about water and energy conservation as well as global warming.

Eileen Daniels

---

More new features than ever. Check out the new [AOL Mail!](#)

**Stewart, Alyson**

---

**From:** Doug Goosey [dgoosey@hotmail.com]

**Sent:** Saturday, January 05, 2008 1:38 PM

**To:** ZOUP

**Subject:** Require water and energy efficiency for all new development..

Dear Department of Regional Planning

We commend the Los Angeles county board of supervisors efforts to address global warming and drought issues through a comprehensive green building program.

We urge the board to adopt an ordinance which requires strict energy and water use standards for all new development, remodels and tenant improvements.

Thank you for your concern about global warming and water and energy conservation.

Doug Goosey

---

Share life as it happens with the new Windows Live. [Start sharing!](#)

**Stewart, Alyson**

---

**From:** Patricia Larkin [larkinss@socal.rr.com]  
**Sent:** Saturday, January 05, 2008 11:24 AM  
**To:** ZOUP  
**Subject:** Require water and energy efficiency for all new development

Dear Department of Regional Planning,

We commend the Los Angeles County Board of Supervisors' efforts to address global warming and drought issues through a comprehensive Green Building program.

We urge the Board to adopt an ordinance (perhaps similar to that of West Hollywood), which requires strict energy and water use standards for all new development, remodels and tenant improvements.

Thank you for your concern about global warming and water and energy conservation.

Sincerely,

Pat and Paul Larkin

**Stewart, Alyson**

---

**From:** Susan Moore [drsmoore01@ca.rr.com]  
**Sent:** Saturday, January 05, 2008 11:13 AM  
**To:** ZOUP  
**Subject:** Green Building Ordinance

Department of Regional Planning,

Thank you for your good work in addressing the global warming and drought issues in LA County to date.

I am writing as a concerned citizen of LA County to request that the board adopt an ordinance that requires strict energy and water use standards for all new development, remodels, and tenant improvements. The West Hollywood ordinance is a good example.

I appreciate your continued support of the environmental issues in LA County through imposing strict controls on water and energy efficiency. Regards,

Susan Moore, Ph.D.  
[DrSMoore01@ca.rr.com](mailto:DrSMoore01@ca.rr.com)  
310.305.9928

**Stewart, Alyson**

---

**From:** Dorrit Ragosine [Dorrit.Ragosine@fox.com]

**Sent:** Saturday, January 05, 2008 8:55 AM

**To:** ZOUP

**Subject:** Green Building Program

How exciting that the Los Angeles County Board of Supervisor's is considering adopting a Green Building program ordinance. This is the kind of forward/long term thinking that will benefit our local economy and quality of life.

I strongly urge the Board to make strict energy and water use standards for all new development, remodels and tenant improvements to insure this county's future. It is too important not too.

Let's be the leaders in the country!

Thank you.

Dorrit Ragosine

**Stewart, Alyson**

---

**From:** Julia Stein [juliast@earthlink.net]  
**Sent:** Thursday, January 03, 2008 7:51 PM  
**To:** ZOUP  
**Subject:** re: green building ordinance

Hi

Please support the green building ordinance for L.A. County, which is badly needed right now.

Sincerely,

Julia Stein



**Stewart, Alyson**

---

**From:** Graham Elwood [grahamelwood@verizon.net]

**Sent:** Thursday, January 03, 2008 5:27 PM

**To:** ZOUP

**Subject:** Green Building

Dear Dept. of Regional Planning,

We commend the LA County Board of Supervisors' efforts to address global warming and drought issues through a comprehensive Green Building program.

We urge the Board to adopt an ordinance (maybe similar to West Hollywood), which requires strict energy and water use standards for all new development, remodels and tenant improvements.

Thank you for your concern about global warming and water and energy conservation.

Graham Elwood  
[www.grahamelwood.com](http://www.grahamelwood.com)

**Stewart, Alyson**

---

**From:** Rachel Young [reuyoung@gmail.com]

**Sent:** Thursday, January 03, 2008 9:35 AM

**To:** ZOUP

**Subject:** Require water and energy efficiency for all new development

Dear Department of Regional Planning,

We commend the Los Angeles County Board of Supervisors' efforts to address global warming and drought issues through a comprehensive Green Building program.

We URGE the Board to adopt an ordinance (perhaps similar to that of West Hollywood's) that requires strict energy and water use standards for all new developments, remodels and tenant improvements.

We can't wait any longer. NOW is the time. We are completely in support of any such ordinance.

Thank you for your concern.

Sincerely,  
Rachel and Patrick Young

**Stewart, Alyson**

---

**From:** Rebecca Barker [barker450000@hotmail.com]  
**Sent:** Thursday, January 03, 2008 3:00 PM  
**To:** ZOUP  
**Subject:** Please Require Water & Energy Efficiency

To The Department of Regional Planning:

I write to urge the Board to adopt an ordinance which requires strict energy and water use standards for all new developments, remodels and tenant improvements. West Hollywood has already implemented similar requirements and may serve as a template or guide to creating such an ordinance.

Thank you for your time and consideration!  
Sincerely,

Rebecca Barker  
222 W. Duell Street  
Glendora, Ca. 91740  
L.A. County

---

Share life as it happens with the new Windows Live. [Share now!](#)

**Stewart, Alyson**

---

**From:** Omer Lamborn [olamborn@sbcglobal.net]  
**Sent:** Wednesday, January 16, 2008 10:05 AM  
**To:** ZOUP  
**Subject:** require water and energy efficiency for all new development

We commend the Los Angeles County Board of Supervisors' efforts to address global warming and drought issues through a comprehensive Green Building program.

We urge the Board to adopt an ordinance, perhaps similar to that of West Hollywood, which requires strict energy and water use standards for all new development, remodels and tenant improvements.

It has seemed to me that these have been important areas which have been completely overlooked for years and years. I, for one, would like to see no more developments, but retrofitting on all of the more recent ones, where at all possible, solar panels, for instance. I would also like to see houses of a more reasonable size, looking as if they were actually designed by someone to fit the size of the lot, with space for plants and trees and a yard for children to play or people to sit.

In 1931 in Arizona, my father built a water-heating system, which went on the roof of the house to take advantage of the constant sun. That was awhile ago.

However, I am glad that these considerations have finally come to people's attention and that some things are being done about them.

Sincerely,

Celia Lamborn, 20305 Gresham Street, Winnetka, CA, 91306  
Happy Birthday to you,  
Happy Birthday dear Maggie,  
Happy Birthday to you! --  
and many more!

Love, Celia and Omer

## Simmons, Karen

---

**To:** 'Karen Simmons'  
**Subject:** FW: Fwd: Green building ordinance for unincorporated

**From:** SSL [mailto:steve\_lamb57@sbcglobal.net]  
**Sent:** Tuesday, January 15, 2008 3:40 PM  
**To:** McClendon, Bruce; Mayor Michael D. Antonovich; Paul Novak; Sussy Nemer  
**Cc:** Novak, Paul; McCarthy, Paul; Hoffman, Ron; Hamilton, Rose  
**Subject:** RE: Fwd: Green building ordinance for unincorporated

Dear Mr. McClendon-

I have opened the files at the LACRPD website regarding the proposed Los Angeles County Green Building Ordinance. As I understand what I read in the materials supplied, the County of Los Angeles intends to codify as part of the code regulations, rules, regulations and standards developed entirely by two third party Not for Profit Corporations.

While I believe in the goals of Green building, I must say this is a shocking method of governance that offends virtually every "good government" instinct. It also seems from the materials on the Departments web site, that these standards will be altered over time, and it is not clear if there will be any public comment on either the standards that are being presently adopted or when they are revised and adopted in the future. This places the Citizens of Los Angeles County in the hands and under the control of persons not elected or accountable to them. Its a bad idea.

My prior letter, entered into the record on your website, does outline recent difficulties I have had, as a building designer, using the best available Green Technologies within the County of Los Angeles. Many Architects and designers have similar tales of woe. In each case, the problem was not the availability of the material, lack of a record of the benefits of the material, unwillingness of the client to spend the extra money, but instead resistance from building departments who insisted on less Green, more expensive, less effective, technologies. I submit respectfully, again that the problem in implementing Green Building has lay not with designers, but with Governmental agencies. Now it seems you will be through third parties demanding what you have until now disallowed. Again, Freedom, not restriction, will lead to faster better change. Were it not for building departments "protecting the public" it would have already.

Your reports and documents make several factual errors regarding the costs of Green Building. I'd love to site them to clients but they bear a strange resemblance to the numeric claims of a evangelist....They are just way overblown in favor of the proposition at hand. In one case it is stated that Green Building a average house will only raise the costs of the house \$1,000. In another place a figure of "only" \$5,000, and in another, "only" \$16,000. It seems since its other peoples money you are demand being spent to achieve your goals its all "worth it". I hate to say it, but these figures are simply not the truth. One of the MOST COMMON Green Building initiatives has been the use of Tankless water heaters. The cost differential on just this device itself is between \$1,000 and \$1200. Improved insulation and high performance glazing add about \$4,000 each to the cost of a home. High Efficiency HVAC systems again add about \$5,000 (or more or less 100%) over the cost of conventional systems. Sadly, best practice building also is more labor intensive. I don't have good solid figures on that since I have always insisted on some of those practices on all of my jobs, but I know that I have had over the years to educate contractors and They Whine at the costs like you can't believe. People use lawn for landscape because the initial cost is low, very low compared to planting native California plants in attractive ways. LED lighting is still a bit more expensive than other types, but the cost is dropping every day and I believe will soon be low. Environmentally sensitive countertops, wall board, paint, and flooring are all MUCH

more expensive than "standard" products. Products such as hardiboard for siding are however, cheaper than say redwood, but there are questions about the long term health effects of these products that probably can not or will not be answered for fifty or so years. I can tell you the sawdust from them can give workers a rather impressive rash....The argument that these supposedly small increases in costs has been made over and over again, making building in California, in spite of industry wide declining wages in the state, the most expensive in the country. As I noted in my prior letter, code revisions since 1979, all "worth it" when someone else is paying the bill, have added tremendous costs and tonnage of materials (and the loss of acres of forest) used in the average home. If these additional Green costs are really "worth it" why not permanently exempt the additional cost of them from property tax valuation and share the burden and the costs? Its for the greater good, afterall.....

As to landscaping: a lawn need not demand large amounts of water if it is treated like a natural grass. Personally, I never water mine, it survives on naturally occuring rain water, I let it grow long and cut it twice a year, once when long and alive, and once when it has naturally seeded and is dying (To remove fire danger) Permiabile hardscape is at present much more expensive than non permiabile hardscape, BUT it is more easily repaired if roots and such grow under it, or if underground electrical, gas, water or sewer lines need repairing. I'd guess the fifty year cost is a wash.

One area that really isn't being carefully considered at present is building volume. I dont mean in this case the square feet of a building, but the width times the length times the height of rooms. Two story living rooms and high plate lines have become very common in recent years. In a 20'x 16' x 8' room you have 2560 cubic feet to heat and cool. in a two story room with the same footprint you have to heat and cool 5120 cubic feet. While this seems obvios it is a often overlooked issue. Of course like all else this issue must be carefully considered. As a example, a south facing room, mostly glazed with (probably non native...) decidous trees planted in front of the windows can be used to heat the building with the sun in winter (much like say a 1960 Chevy sedan parked in the direct sun on the coldest of days) and with the windows opened and the trees providing shade can actually cool the whole building. But if the same room is not designed with such planting and opening windows it will consume mass quantities of heating and cooling. As Frank Lloyd Wright liked to say..."God is in the details"

Sincerely

Steven S. Lamb  
President, Society of Organic Architects

## Stewart, Alyson

---

**From:** Linda Kline [lkline@qagc.com]  
**Sent:** Monday, January 14, 2008 8:27 PM  
**To:** ZOUP; Jim@EarthDayLA.org; Elpe1@earthlink.net  
**Subject:** FW: Green Building Ordinance

Hi,  
thank you for asking us to send in our comments. I would certainly appreciate getting on your mailing list for the meetings in January. Today I saw photos of the leaky ducts I refer to below.  
The phenomenon is nicknamed a "smiley" where the installing contractor puts the "pooky" on the visible underside of the duct only, leaving one-half of the duct unsealed. A hand or screwdriver can easily fit into the gap in the duct. Ouch to the fishies in the sea who bear such a big part of the burden of our energy irresponsibility.

-----Original Message-----

From: "Linda Kline" <lkline@qagc.com>  
Sent: 1/6/2008 3:43 PM  
To: "Zoup@planning.lacounty.gov" <Zoup@planning.lacounty.gov>  
Cc: "Jim@EarthDayLA.org" <Jim@EarthDayLA.org>; "Elpel@earthlink.net" <Elpel@earthlink.net>  
Subject: FW:Green Building Ordinance

Hi,

This is a big topic, and so important. Who knew buildings were the big bad wolves of global warming!

Energy consumption can be cut dramatically by a simple duct leakage test and strict standards of 1/2 to 2% allowance of duct leakage.

I have the privilege of working with five companies that routinely achieve this tight allowance.

They do not actually seal the sheet metal or systems components.

They test for leakage, locate the leaks and stay in communication with the mechanical contractors( sheet metal installers) until the 1/2 to 2% duct leakage is reached.

Certified the by the Associated Air Balance Council, they follow their guidelines for testing and cannot sign off on the test until the strict standards of AABC are in effect.

The challenge is not only in new construction. Existing buildings may have as much as 30% duct leakage. No system can run efficiently under that condition.

The good news is there is an immediate remedy with knowledgeable and reputable companies prepared to tackle the problem.

Best of all, all AABC projects are automatically accompanied with a one year performance guarantee backed by HQ.

Regards,  
Linda  
(714) 356- 6387

Linda Kline

Area Representative:  
Quality Assurance Group of California, LLC "We do the work, and we stand behind it."

LIST US BY NAME IN YOUR SPECIFICATIONS, PLEASE!

American Air Balance - Los Angeles Air Balance Penn Air Control - San Diego Air Balance -  
Winaire

Helping you achieve design intent! - CALL US TODAY!

[www.qagc.com](http://www.qagc.com)

(714) 356-6387

[lkline@qagc.com](mailto:lkline@qagc.com)



## Stewart, Alyson

---

**From:** Cheryl Kohr [c\_kohr@hotmail.com]  
**Sent:** Wednesday, January 09, 2008 8:03 PM  
**To:** ZOUP  
**Subject:** Green Building

Dear Dept of Regional Planning,

We commend the L.A. County Board of Supervisors' efforts to address global warming & drought issues through a comprehensive Green Building program

We urge the Board to adopt an ordinance, similar to W. Hollywood, which requires strict energy & water use standards for all new development, remodels & tenant improvements.

Thank you for your concern about global warming & water & energy conservation.

Regards,

Cheryl Kohr  
Redondo Beach CA

---

Get the power of Windows + Web with the new Windows Live.  
[http://www.windowslive.com?ocid=TXT\\_TAGHM\\_Wave2\\_powerofwindows\\_012008](http://www.windowslive.com?ocid=TXT_TAGHM_Wave2_powerofwindows_012008)

Items # 5, 6, 7

**LIBERTY HILL  
FOUNDATION**

**30** Years of Change, Not Charity

2121 Cloverfield Blvd., Suite 113  
Santa Monica, CA 90404  
T: (310) 453-3611  
F: (310) 453-7806  
www.libertyhill.org

January 23, 2008

Ron Hoffman  
Administrator of Advance Planning, County of Los Angeles  
320 West Temple Street, 13<sup>th</sup> Floor  
Los Angeles, CA 90012

RE: Green Building Program - SUPPORT

Dear Mr. Hoffman,

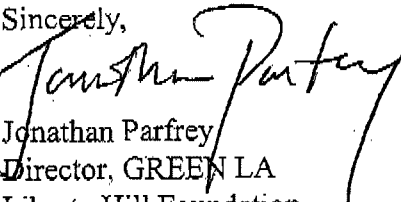
GREEN LA respectfully submits this letter in support of the Department of Regional Planning's proposal for a County of Los Angeles Green Building Program. GREEN LA is Los Angeles' leading environmental coalition composed of over sixty environmental and environmental justice organizations.

We support the County's efforts to encourage green buildings through policies and programmatic incentives and we believe the coordination of the Regional Planning Department and the Department of Public Works is a strong partnership model in order to pursue green building incentives and programs. We applaud the staff for their work in reaching out to stakeholders and for their work to create opportunities to promote, encourage and direct development that will lead to innovations to improve the health of residents and the environment and that provides financial benefits to both industry and the region.

We also appreciate the plan to phase in a broad spectrum of low-impact development, water-conserving landscaping programs and Green Building standards for a range of building types and sizes.

We are especially supportive of the Board of Supervisors' commitment to compliance with AB 32 and in implementing environmental stewardship policies in the County's General Plan update.

Lastly, know that the GREEN LA is very grateful for this initial effort. We believe the Green Building Program should move ahead with speed. Let us not lose sight of the larger picture: the global warming catastrophe. Reducing greenhouse gas emissions will require coordination between the county, the cities, the public and the private sector - as exemplified by the Green Building Program. GREEN LA encourages the County to forge ahead.

Sincerely,  
  
Jonathan Parfrey  
Director, GREEN LA  
Liberty Hill Foundation

**Founders**

*Larry Janss*

*Win McCormack*

*Anne Mendel*

*Sarah Pillsbury*

**Board of Directors**

*Michael J. Balaoing, Esq., Chair*

*Suzanne Biegel, Vice Chair*

*Jerry Soto, Treasurer*

*Paula Litt, Secretary*

*Omar Brownson*

*Brickson Diamond*

*Lanny Gertler*

*Richard D. Jacobs*

*Frances E. Jemmott*

*The Honorable Sheila James Kuehl*

*Antonio L. Manning*

*John Bard Manulis*

*Dennis R. Martinez*

*Weston Milliken*

*Alison Morgan*

*Jane Peebles*

*Sarah Pillsbury*

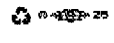
*Frank J. Quevedo*

*Cathy Salser*

*Gary Stewart*

*Jon Wiener*

*Angel Zapata*



**Stewart, Alyson**

---

**From:** Paul Gallagher [pgallagher@acua.com]  
**Sent:** Tuesday, January 22, 2008 7:18 AM  
**To:** ZOUP  
**Subject:** you are doing good work

I just reviewed your 1/23 agenda item and your powerpoint. Thought you should know that 3,000 miles away there was an environmental lawyer who appreciates your efforts. I picked up the story from Harvard's innovative insights, tracked down the web page, read the material, and am sharing it with my colleagues here in Atlantic County. I am just very impressed and wanted to let you know.

**Stewart, Alyson**

---

**From:** Springer, Linda [LSpringer@coh.org]  
**Sent:** Monday, January 21, 2008 11:54 AM  
**To:** ZOUP  
**Subject:** Subject: Require Water & Energy Efficiency for all New Development

Dear Department of Regional Planning,

I commend the Los Angeles County Board of Supervisors' efforts to address global warming and drought issues through a comprehensive Green Building program.

I urge the Board to adopt an ordinance (perhaps similar to that of West Hollywood), which requires strict energy and water use standards for all new development, remodels, and tenant improvements.

Thank you for your concern about global warming and water and energy conservation.

Sincerely,

Linda Springer  
Arcadia, CA

---

SECURITY/CONFIDENTIALITY WARNING: This message and any attachments are intended solely for the individual or entity to which they are addressed. This communication may contain information that is privileged, confidential, or exempt from disclosure under applicable law (e.g., personal health information, research data, financial information). Because this e-mail has been sent without encryption, individuals other than the intended recipient may be able to view the information, forward it to others or tamper with the information without the knowledge or consent of the sender. If you are not the intended recipient, or the employee or person responsible for delivering the message to the intended recipient, any dissemination, distribution or copying of the communication is strictly prohibited. If you received the communication in error, please notify the sender immediately by replying to this message and deleting the message and any accompanying files from your system. If, due to the security risks, you do not wish to receive further communications via e-mail, please reply to this message and inform the sender that you do not wish to receive further e-mail from the sender.

---

Public Comments  
Regional Planning Commission  
May 7, 2008

**This page is intentionally left blank.**

## Stewart, Alyson

---

**From:** Michelle Reed Zagorski [saffie26@verizon.net]  
**Sent:** Sunday, February 03, 2008 8:53 AM  
**To:** ZOUP  
**Subject:** Require water and efficiency for all new development in Los Angeles County

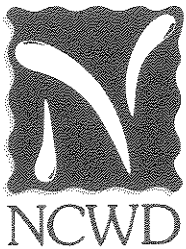
Greetings, Department of Regional Planning, We commend the LA County Board of Supervisors' effort to address energy and drought issues through a comprehensive Green Building Program. We urge the Board to adopt an ordinance, perhaps similar to that of West Hollywood, which requires strict energy and water use standards for all new development, remodels, and tenant improvements.

Thank you in advance for your consideration.

Best regards,

Norman and Michelle Zagorski

Residents of Long Beach, CA.



## NEWHALL COUNTY WATER DISTRICT

23780 North Pine Street • P.O. Box 220970 • Santa Clarita, CA 91322-0970  
(661) 259-3610 Phone • (661) 259-9673 Fax • email: mail@ncwd.org

**Directors:** B. J. ATKINS, *President*    MARIA GUTZEIT, *Vice President*    BARBARA DORE    DANIEL MORTENSEN    LYNNE A. PLAMBECK

May 5, 2008

Los Angeles County Department of Regional Planning  
Hall of Records (13<sup>th</sup> Floor)  
320 West Temple Street  
Los Angeles, CA 90012

Re: Support Letter for Agenda Item No. 8 – Drought Tolerant and Native Landscape Ordinance  
May 7, 2008 Regional Planning Commission Meeting

Dear Commission Members:

Newhall County Water District (NCWD) wanted to take the opportunity to provide a letter of support for Agenda Item No. 8 regarding the Drought Tolerant and Native Landscape Ordinance (Ordinance) to be heard by the Commission on May 7, 2008. NCWD has played an active role in collaborating with Los Angeles County staff in the development of this Ordinance and believes it will have a major impact in reducing water consumption in our service area.

Given the current challenges facing water suppliers in the State, NCWD believes that sound local policy will help ensure a sustainable water supply for the future. NCWD commends the County for taking a leadership role in helping promote water use efficiency. If you have any questions regarding this letter, please do not hesitate to contact me at (661) 259-3610.

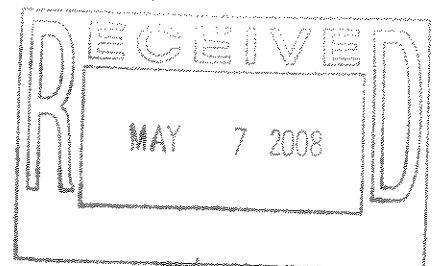
Sincerely,

NEWHALL COUNTY WATER DISTRICT

Stephen L. Cole  
General Manager

Cc: NCWD Board of Directors

RPC Item # 7.89  
5-7-08



RRUIZ/K. Simmons





The Forum for Commercial Real Estate

## SoCal Chapter

CYNTHIA G. FUSCO  
Executive Director

VICKIE TALLEY  
Director of Legislative Affairs

2900 Bristol St  
Suite G-105  
Costa Mesa, CA 92626  
Telephone: (714) 979-9131  
FAX: (714) 979-0403  
E-Mail: cfusco@cglassoc.com

25241 Paseo de Alicia  
Suite 120  
Laguna Hills, CA 92653  
Telephone: (949) 380-3300  
FAX: (949) 380-3310  
E-Mail: vickie@talleyassoc.com

[www.naiopsocal.org](http://www.naiopsocal.org)

May 6, 2008

### NAIOP 2008 OFFICERS AND BOARD OF DIRECTORS

**PRESIDENT**  
TERRY THOMPSON, WCB Properties

**PRESIDENT-ELECT**  
THOMAS R. SHERLOCK, Buchanan Street Partners

**VICE PRESIDENT**  
GREG BLOMSTRAND, American Realty Advisors

**SECRETARY**  
STEVEN AMES, USAA Real Estate Company

**TREASURER**  
WILLIAM H. FLAHERTY, Maguire Properties

**PROGRAMS AND EDUCATION LIAISON**  
MICHAEL A. ALVARADO, Allen Matkins

**PAST PRESIDENT**  
RICK A. WANDROCKE, The Irvine Company Office Properties

VALERIE K. ACHEMEIER, Majestic Realty Co.

JOHN AYOOB, CB Richard Ellis

JAMES V. CAMP, Voit Development Company

TIM CAMPBELL, CE Real Estate

LANG COTTRILL, LNR Property Corporation

SCOTT FARR, Reznick Group

TIMI ANYON HALLEM, Manatt, Phelps & Phillips, LLP

KEVIN P. HAUBER, Arnet Commercial Properties

DOUG HOLTE, Hines

MARC T. JONES, Arden Realty, Inc.

PHILIP W. KUNISCH, First American Title Insurance Co

STANLEY W. LAMPORT, Cos. Castle & Nicholson LLP

COLM MACKEN, Shea Properties

T. PATRICK MALONEY, Prologis

ANTHONY J. MANDS, The Irvine Company

PAUL MARSHALL, Opus West Corporation

BRENDAN MCCracken, Equiis Office

BRIAN P. MEHAUS, Shea Properties

BRAD NEGLIA, LBA Realty

RUSS PARKER, Parker Properties

BRIAN O. PARNOW, Stirling Enterprises

JOHN PREMAC, Chicago Title Company

JIM PROEHL, PM Realty Group

SCOTT REEKHOR, AMB Property Corporation

GREGORY R. RICHARDSON, Johnson Capital

LANCE RYAN, Watson Land Company

KURT STRASMAN, Grubb & Ellis Company

GARY R. TOELLER, Tishman Speyer

JOSEPH VARGAS, Cushman & Wakefield

STEPHANE M. WANDEL, The Boeing Company

STAN WENZEL, BioRealty, Inc.

THOMAS W. WULF, Lowe Enterprises Real Estate Group

### ADVISORY COUNCIL

THOMAS R. SHERLOCK, Buchanan Street Partners

TERRY THOMPSON, WCB Properties, Inc.

RICK A. WANDROCKE, The Irvine Company Office Properties

J. DOUGALL AGAN, Stirling Enterprises

ALAN F. AIRTH

THOMAS A. BAK, Trammell Crow Company

AL BEAUDETTE, Harsch Investment Properties

KATHLEEN BRISCOE, Buchanan Street Partners

VICTOR J. COLEMAN, Arden Realty, Inc.

W. WILLIAM GABOURY, The Gateway Company

JOHN S. HAGESTAD, SARES+REGIS Group

WILLIAM B. HALFORD, Bibby Land Company

ERIK M. HANSEN, LRR Property Corporation

GUY K. JOHNSON, Johnson Capital

KIRK JOHNSON, Watson Land Company

A. MARTIN STRADTMAN, Grubb & Ellis Company

DAVID L. THURMAN, Foch Investments, Inc.

J.R. WETZEL, JCP Partners, Inc.

Regional Planning Commission  
County of Los Angeles  
Room 150 Hall of Records  
320 W. Temple Street  
Los Angeles, CA 90012

Via Fax (213) 626-0434  
and email

Re: Draft County Green Building Ordinances – May 7 Agenda Items 7, 8 and 9

Dear Commissioners:

The National Association of Industrial and Office Properties (NAIOP) is the nation's leading trade association for developers, owners, investors and other professionals in industrial, office and mixed-use commercial real estate. Founded in 1967, NAIOP comprises 16,500+ members in 55 chapters throughout the United States and Canada. NAIOP provides educational programs, research on trends and innovations, and strong legislative representation. The NAIOP SoCal Chapter, serving Los Angeles and Orange Counties, encompasses more than 1,200 members. It is the second largest chapter in the United States and is the leading commercial real estate trade organization in Southern California.

NAIOP SoCal and its members have for many years been promoting efforts to design, construct and maintain buildings, infrastructure and their accompanying grounds in a manner that promotes environmental sustainability. In fact, the industrial and office development community has voluntarily made great strides in using proven environmental strategies. Thus, NAIOP SoCal applauds your interest in evaluating the "greening" of development projects. Yet, as currently drafted, NAIOP SoCal believes there are many issues that still need to be addressed, and believe effective consultation with the development community should continue before the ordinances are approved. In general, a successful program needs to be well thought out to address the various realities of developing efficient "green" projects and should include voluntary incentives that are cost effective. We are pleased to provide the following specific comments:

1. Sections 22.52.1930, especially Subdivision (C)(2), indicates, essentially, that non-residential projects over 10,000 square feet and buildings over 75 feet in height are "Projects that are **required** to obtain third party certification..."(emphasis added). Section 22.52.1940(A) states that a builder "shall provide documents...demonstrating compliance with this ordinance **prior to approval of the project or prior to issuance of a building permit.**"(emphasis added) The third party certification being required comes from the US Green Building Council (USGBC). Yet, to even complete a full application to USGBC the **construction** of the building must be complete. Therefore, it is not possible to

*An alliance of Southern California chapters serving the commercial real estate community:  
Orange County / Los Angeles • Inland Empire • San Diego*

**Page 2**

obtain LEED Certified or Silver certification prior to the issuance of a building permit or project approval. It must be remembered it does take many months to receive the certification even after the complete application is submitted to USGBC. This time lag will only increase if certifications are required as USGBC would become busier than they already now.

2. Section 22.52.1940(B) appears to provide a workable mechanism for complying with the ordinance, but it needs to be clarified. It appears to indicate a builder “shall demonstrate compliance...through the erection and construction of the green building measures...”. Other green building ordinances do not require third party certification. Those programs request the builder to submit with his plans how the project will meet the green building ordinance and they comply by “the erection and construction of the green building measures”. NAIOP SoCal recommends this Commission delete Section 19.52.1940(A) and the required third party certification referenced in 19.52.1930(C)(2), and focus on clarifying Subdivision (B) with the assistance of the development community.

3. Table 22.52.1930-1 states that by January 1, 2009, only 7 months from now, non-residential development over 25,000 square feet and buildings over 75 feet in height must comply with LEED Silver standards. This is not a practical timeline, and it will create mistakes, confusion and unnecessary time delays and costs. Even using a January 1, 2010 timeline is aggressive. In reality, achieving LEED Silver should be a voluntary program using incentives to promote achieving the Silver standard. A realistic timeframe for implementing any green program is very important so all the policies and procedures are established and the invariable difficulties in achieving the transition are worked out. We all need to make sure any program does not inadvertently stop necessary projects.

4. NAIOP SoCal supports the idea of a task force that will “encourage innovation, remove obstacles to green building, and facilitating the county’s green building objectives.” (Section 19.52.1950) Yet, we believe it will be vitally important to include representatives of the building community on this task force. This will provide the county with effective input on the type of innovative ideas that do exist as the development community is actively working on such efforts. The task force would also be getting specific feedback on the type of obstacles that have arisen and solid ideas on how to avoid such obstacles in the future, as well as having an ongoing cooperative method of pursuing everyone’s goals of building in an environmentally sensitive manner.

5. Throughout the draft ordinance there are references to Appendix 4 of Title 22. Appendix 4 is supposedly the current county green building standards. But, attached to the ordinance is “Appendix 3”, which may be a typographical error.

**Page 3**

Table 22.52.1940-1 refers builders to the county standards, and, therefore, which "Appendix" is the appropriate one needs to be clarified.

6. There have been numerous other comments in the past regarding the Green Building Ordinance, which we will not repeat herein. In this correspondence we have highlighted new issues we saw in the latest draft. There have also been many comments about the Low Impact Development Ordinance and the Drought-Tolerant Landscaping Ordinance. NAIOP SoCal believes the few changes in these ordinances do not fully address the prior comments that have been submitted. Again, we will not repeat those issues as you are aware of them from the prior hearings, but we do incorporate by reference the prior input on these three ordinances.

In conclusion, NAIOP SoCal believes the staff recommendation to continue the public hearing on these ordinances is appropriate. We also believe staff should be directed to work with the development community on the many outstanding issues. Such a process will go a long ways toward reaching the result we are all interested in achieving; effective environmentally sensitive development. It is unlikely this could be achieved by the May 28 date referenced by staff, so the return date should be left open.

Thank you for your consideration of this very important issue. NAIOP SoCal stands ready to work cooperatively with this Commission and your staff.

Sincerely,

A handwritten signature in black ink, appearing to read "James V. Camp". The signature is fluid and cursive, with the first name being the most prominent.

James V. Camp  
NAIOP SoCal Board Member  
Legislative Affairs Chair

Cc: NAIOP SoCal Board of Directors



May 7, 2008

Via electronic mail and U.S. mail

Regional Planning Commissioners  
Los Angeles County Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012

**Re: Comments on Draft Los Angeles County Low Impact Development Ordinance and LID Manual**

Dear Regional Planning Commission:

We write in response to the latest draft of Los Angeles County's proposed low-impact development ("LID") ordinance and draft "Low-Impact Development Manual" ("Manual"). We would like to offer our perspective on improvements to the LID ordinance and LID Manual that would clarify the County's requirements and better enable the County to protect water quality and augment water supply.

We have separated our comments into two sections: one on the LID ordinance and one on the LID Manual.<sup>1</sup> This does not indicate that the issues are exclusive to one document, however—our concerns regarding the LID ordinance could conceivably be addressed by the LID Manual, and vice versa. We would also welcome the opportunity to discuss our comments with Regional Planning staff in person, and we will contact staff to arrange such a meeting.

**I. Proposed LID Ordinance**

As stated in our January 23, 2008, comment letter, we strongly support the establishment of LID practices as legal requirements for new development and redevelopment projects. LID practices are an effective way to reduce pollutant loads

---

<sup>1</sup> We received two copies of the LID Manual: one that is 181 pages long and includes detailed requirements for various LID practices, and a shorter version that is on the County's website and refers to the Department of Public Works' "Stormwater Best Management Practice Design and Maintenance Manual" for greater detail. In general, our comments apply to both versions of the LID Manual, but in some cases, we have commented on the content of the longer manual where we feel that its requirements need revision. Depending on how the County structures the final draft of the LID Manual, some of our comments should perhaps be applied to the Department of Public Works' manual. Because of these documents' length and the short review period, our comments do not address every aspect of the proposed programs.

and adverse hydromodification impacts that result from urban runoff. We note that the County has implemented some of our comments, specifically regarding the application of the ordinance to public projects and to residential developments with fewer than five units. Other aspects of the ordinance remain problematic.

First, the ordinance still allows the Director of Public Works to grant deviations from the ordinance's requirements due to "technical infeasibility" but does not set forth any criteria for such deviations. Our studies show that very few, if any, sites in southern California are truly incapable of meeting LID standards. To prevent this waiver option from becoming a major loophole, the criteria for granting deviations should be strictly circumscribed and clearly defined. If the LID ordinance does not itself establish these criteria, the County should ensure that binding documents, such as the LID Manual or Department of Public Works' manuals, do establish such criteria.

Second, the ordinance (§ 12.84.440) continues to refer to "Low Impact Development (LID) Objectives." Two of these so-called objectives are actually numerical standards for LID implementation that, if legally binding, would provide clear standards. However, by calling these standards "objectives," the ordinance obscures whether these requirements are in fact binding on the projects to which the ordinance applies. Section 12.84.460 of the ordinance, on the other hand, mentions that "runoff quantity and quality control standards to be applied to development will be established in the LID Standards Manual." This implies that the "objectives" constitute nothing more than aspirations. We strongly encourage the Regional Planning Commission and its staff to rewrite the "objectives" as legal requirements, such that the ordinance will create compulsory standards for LID implementation and the LID Manual will describe permissible means of achieving these standards. This will establish a much clearer and more easily enforceable structure for the County's LID program.

Third, the Department of Public Works' role in prescribing LID standards remains ambiguous in the current draft ordinance. For instance, the ordinance confers authority on the Director of Public Works to "prescribe minimum standards which incorporate Low Impact Development principles," (§ 21.24.420), but the ordinance never clarifies whether the LID Manual is the vehicle for imposing these minimum standards, and if it is not, how the Director of Public Works' authority will impact the Manual's provisions. To prevent confusion and intra-governmental skirmishes, we urge the Regional Planning Commission to clarify this aspect of the ordinance.

Last, the ordinance does not establish any standard relative to impervious surfaces. We recommended in our January 23, 2008, letter that the County adopt a 3% effective impervious area (EIA) limitation. As described in that letter, a 3% EIA limitation would benefit water quality and the County's ability to enforce LID requirements, while also providing flexibility for developers. The Los Angeles Regional Water Quality Control Board has taken this approach in its draft NPDES stormwater permit for Ventura County, and we strongly recommend that you do the same.

## II. Draft LID Manual

We support the County's effort to begin gathering comments on its LID Manual while the LID ordinance is under consideration, and we offer these comments in the hope that Regional Planning staff will have the opportunity to address both broad and narrow issues related to the current draft of the Manual.

### A. Overarching Comments

1. The LID Manual should be reorganized to prioritize the implementation of LID site designs before conventional site designs and to distinguish between conventional and LID practices.

Throughout the Manual, discussion of conventional site designs is mixed with discussion of LID site designs, which masks the differences between the two and creates the impression that certain conventional practices actually represent LID measures. The problem with this intermingling is that the conventional practices described in the Manual are not as effective as their LID counterparts, yet the Manual appears to put them on equal footing.

Specifically, the Manual includes the following conventional site designs: dry ponds, engineered wetlands, infiltration basins, sand filters, wet ponds, vegetated buffers, and vegetated swales. LID site designs should supersede these conventional techniques whenever possible, and the Manual should clearly delineate conventional and LID practices by dividing them into separate sections. The Manual should describe LID practices first—emphasizing that they must receive priority in implementation to meet performance standards—and conventional practices second—emphasizing that developers should resort to them only when implementation of LID techniques is truly infeasible.

In some cases, namely vegetated buffers and vegetated swales, both conventional and LID forms exist, but the Manual fails to highlight the distinctions between them. The major difference is that, if existing soils cannot provide sufficient storage and infiltration capacity, the LID form is built with the same amended soils that are used for bioretention. Additionally, the LID and conventional forms differ insofar as LID designs can be applied on a localized, lot-by-lot basis, whereas conventional designs are typically applied at much larger scales. We suggest that the Manual reference these practices and provide soil specifications in the LID section (assuming that Regional Planning staff divide the Manual into LID and conventional portions) while describing the general details of the practices in the conventional section.

2. The LID Manual unnecessarily restricts the use of certain practices by always requiring ten feet of spacing to groundwater.

The Manual's descriptions of the use of infiltration in bioretention units, infiltration trenches, and conventional infiltration basins specify that there must be at least ten feet of spacing between the invert of the infiltration facility and the seasonal high water table. Dr.

Richard Horner, a nationally renowned stormwater expert, has studied these LID applications and recommends a minimum of only four feet, however. His research has shown that four feet of spacing suffices for infiltration purposes. He recommends that infiltration designs be allowed on sites in L.A. County where specific observations of groundwater levels are available and conclusively demonstrate groundwater depths of at least four feet. Thus, we suggest that the specification for each of the infiltration practices be revised to consider locations with four to ten feet of spacing. Indeed, developers should be required to investigate the soils on every site and select or eliminate infiltration designs on a sound, objective basis. For this reason, the Manual should require the determination of the seasonal high water table and infiltration rate for every site.

## **B. Specific Comments**

### 1. Hydromodification

On pages one and two, the Manual discusses how LID works and mentions capturing and treating water from “the most frequently occurring storm events as well as the first flush portion of runoff.” We agree with the conclusions in this section relative to water quality control, but this section—and the rest of the Manual—fails to discuss the significant water *quantity* control benefits of LID implementation. As Dr. Horner’s studies have shown (submitted with our January 23, 2008, letter), LID site designs can capture and retain considerably more precipitation than is required to treat the runoff from a water quality design storm. That extra level of capture and infiltration or evapotranspiration directly mitigates the adverse impacts of hydromodification. Currently, however, the Manual contains hydromodification requirements (page 20) but does not link these to LID.

The goal of LID implementation in L.A. County should encompass the removal of pollutant loads *and* the attainment of hydromodification performance standards, and the Manual should be revised to reflect this. If both cannot be achieved through LID, then developers should supplement their designs with conventional practices to the extent necessary.

### 2. Hydrologic functions

The Manual discusses how land development can adversely impact hydrologic processes (page 10). An additional adverse impact not directly discussed, but worthy of mention, is the removal and/or compaction of soils, which inhibits proper infiltration of stormwater.

### 3. Vegetation

The Manual lists a number of ecosystem services that vegetation provides (pages 10-11). Additional services deserving mention are: storing water in plant tissue; keeping soil pore structure open for storage and infiltration of water; and piping water along roots and into the soil, thus assisting infiltration.

4. Soils

The Manual lists various ecosystem services that soils provide (page 11). One additional service of healthy soils is an increased capacity for the storage of water, which allows more time for stormwater to infiltrate or be taken up and evapotranspired by vegetation.

5. Site design practices for LID

The Manual describes the “elements that make up a successful low-impact site plan” (page 12). Another very important element that should be mentioned is harvesting water from impervious surfaces, especially roofs, for reuse in a landscape irrigation or graywater recycling system. This element is especially critical on sites where infiltration is difficult or infeasible due to such factors as non-infiltrative soils or severe space constraints.

6. Rain barrels and cisterns

In several places, the Manual describes rain barrels and cisterns as an LID capture-and-reuse technique. However, the Manual sometimes mentions only “rain barrels” when both rain barrels *and* cisterns are (or should be) discussed. Except where a reference specifically applies to only one or the other device, rain barrels and cisterns should always be mentioned together. In this fashion, the Manual will properly address both the small scale of homeowner downspout disconnection through rain barrels and the large scale of cistern installation at commercial and residential complexes. Consistent description of the two devices is important because, as noted above, water harvesting may be the best option in locations where developers cannot feasibly infiltrate stormwater.

7. Dry wells

The Manual recommends the use of dry wells in certain circumstances and properly notes that they can endanger groundwater quality because they inject urban runoff directly into groundwater. We recommend that the County review and incorporate EPA’s guidance on the subject (for a basic overview of federal regulation of dry wells, see [http://www.epa.gov/OGWDW/uic/class5/pdf/fs\\_uic-class5\\_classvstudy\\_fs\\_storm.pdf](http://www.epa.gov/OGWDW/uic/class5/pdf/fs_uic-class5_classvstudy_fs_storm.pdf)).

8. Hydrologic analysis

The text of the Manual states that “[t]he main benefits of LID can be achieved with relatively simple analysis using tools that are currently available and consistent with approved methods...” (page 21). Although it is true that the County can move toward LID implementation without more sophisticated hydrologic modeling tools, we urge the County to follow the lead of other regions of California and the country that have adopted the latest analytical tools, namely continuous simulation modeling. This will enable the County to reap the most benefit from both LID and conventional practices while also reducing the risk of error in the application of these practices.



9. Bioretention

The Manual states that bioretention “may pose [a] vector control problem” (page 23). This is almost never true, though, when bioretention units are properly designed to drain within 72 hours, in which case mosquitoes will be unable to breed within them. The Manual should include this requirement to eliminate any potential vector control problems.

10. Dry ponds

The specification in the initially released draft of the Manual would have required dry ponds to detain the runoff from a water quality design storm for 36 to 48 hours. An extended-detention dry pond, however, is more effective and does not increase mosquito risk if it detains water up to 72 hours.

11. Green roofs

The Manual states that all pollutant removal levels are low for green roofs (page 34), but this is not always true. When green roofs evapotranspire a relatively large fraction of total precipitation—thus preventing that fraction from becoming surface runoff—green roofs are very effective at removing pollutants from stormwater. Some recent reports have shown that green roofs have greater effectiveness at attenuating runoff than originally indicated. They also provide a broad variety of community benefits, including reduction of the urban heat island effect and aesthetic improvements.

12. Access roads

In several places, the Manual appropriately emphasizes the importance of maintenance access for various LID practices. Roadways can be unnecessarily overbuilt, however, and the Manual should also emphasize that access road width must be minimized and surfaces built with an LID design (pervious pavement).

13. Planter boxes

The Manual makes two contradictory statements: that the “infiltration rate [is] limited to [the] infiltration capacity of [the] underlying soil” and that “[c]ontained planter boxes are suitable for any location as they are placed over impervious surfaces” (page 52). Planter boxes are highly efficient at removing pollutants, as claimed in the Manual, only when they are placed over *pervious* surfaces so that infiltration can take place. Therefore, whenever possible, planter boxes should be installed in locations that permit infiltration.

14. Vegetated buffers

The Manual specifies that slopes should be less than 5% “to avoid the formation of gullies and rills that can disrupt sheet flow” (page 65). Vegetated buffers (also called filter strips

or biofiltration strips), however, need not be limited so severely. Specifications in Washington State allow slopes up to 20%, provided that the vegetated buffers have adequate flow distribution designs at their upper end to ensure sheet flow.

15. Vegetated swales

One of the provisions in the initially released draft of the LID Manual recommends increasing the longitudinal slope of vegetated swales to a maximum of six feet in 100 feet as a means of reducing the design's bottom width. Vegetated swales should not have such steep slopes, though. Their slope should normally be in the range of 1.5 to 2.5%, and above 2.5%, check dams should be installed to attain an effective slope of 2.5% and prevent the tendency toward erosive velocities at steeper slopes. This specification should apply to any swale, regardless of bottom width. Additionally, if the swale is too wide, it should have a center divider or (if sloped over 2.5%) check dams.

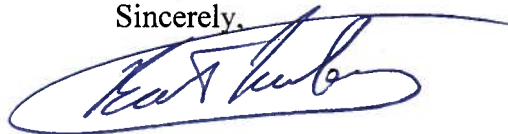
16. Dry ponds and wet ponds

The initially released draft of the Manual states that the flow path length-to-width ratio should be a minimum of 1.5:1. A flow path length-to-width ratio of 2:1 or greater is preferred, however. Flow short-circuiting is a significant problem in ponds, which results in flows that have a shorter residence time than projected and thus receive poorer water quality treatment. We recommend that the flow path length-to-width ratio of ponds be a minimum of 3:1, with a preferred ratio of 5:1 or greater.

**III. Conclusion**

We urge you to direct Regional Planning staff to implement the revisions suggested above as staff redraft the LID ordinance and LID Manual to implement a low-impact development program in L.A. County. Please feel free to contact us at (310) 434-2300 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Beckman", written over a horizontal line.

David Beckman  
Bart Lounsbury  
Natural Resources Defense Council



Building Industry Association  
Los Angeles/Ventura Chapter

CONFIDENTIAL  
Subject: Green Bldg  
Date: 5-7-08  
RRWZ / K Simmons

May 7, 2008

Regional Planning Commission  
Los Angeles County  
Room 150 Hall of Records  
320 W. Temple Street  
Los Angeles, CA 90012

**RE: LA County draft ordinances: Green Building, Drought-tolerant and Native Landscape, and Low Impact Development**

Dear Commissioners:

On behalf of the approximately 850 companies and their representative employees who make up the Los Angeles/Ventura Chapter and Antelope Valley Regional Chapter of the Building Industry Association of Southern California, thank you for the opportunity to comment on the three proposed ordinances before you today.

BIA/LAV and BIA/AV, and its member companies have long been supporters of improvements in technology that make development and construction practices more protective of the environment. We proudly work in California, which has some of the most advanced environmental requirements in the world. As an example, homes built in California are some of the most energy efficient structures constructed, which has helped California maintain their per capita electricity consumption level since the early 1970s while the consumption in the rest of the country has increased 50%.

BIA/LAV and BIA/AV, together with its member companies understand the County's interest in "greening" development projects. We support these efforts when they are well-designed with an effective implementation plan that recognizes the physical and economic realities of development projects. Any green building program should include actions to reduce the environmental footprint of existing buildings and developed areas, not solely new construction.

Given the interconnectivity of the three ordinances being proposed, we believe it is imperative that ALL County Departments are part of the public discussion of these proposals. As currently drafted, much of the foreseen opposition to these proposals, and problems with their implementation, will not be coming from the building community, but from within your own County Departments; cooperation and coordination is needed among all departments – something that has been lacking to date.

**"Building Homes ... Building Communities"**

28460 AVENUE STANFORD · SUITE 110 · SANTA CLARITA · CALIFORNIA 91355 · 661.257.5046 · Fax 661.257.5045  
253 N. SAN GABRIEL BLVD · 1ST FLOOR · PASADENA · CALIFORNIA 91107 · 626.449.6484 · Fax 626.564.8540

We applaud County staff in their public outreach sessions to discuss the "Green Building" ordinance; a well-vetted ordinance will better serve the County's objective in becoming more green. The BIA would ask that the Commission direct staff to conduct the same level of outreach and public participation surrounding the Drought-tolerant Landscaping Ordinance and the Low Impact Development Ordinance now that there is specific language to review (to date, much of the discussion surrounding these two aspects of the policy have been conceptual in nature). We ask that the public be given ample time to digest these proposals, and encourage County staff to meet with interested parties from the Building Industry to discuss in further detail. More time is needed to address the many questions and concerns our industry has with this new draft, some of which are highlighted below.

## **GREEN BUILDING**

1. *Outsourcing land use authority:* Using a third-party system has significant drawbacks, as described in the staff report. The County should not delegate its authority to set building and land use standards to a private enterprise. The County is considering establishing new mandates, therefore the responsibility and authority must remain with the County, as contrasted with the many voluntary programs listed in the staff report. Decisions on land use are not actions the County should outsource and the County is opening itself up to legal risk as a result, especially since these guidelines could be changed by the third-party program administrator with no action or approval by the County. But, given the construct of a third-party based system, we are glad to see that there are multiple options available to a builder, where multiple systems exist.
2. *Third-party certification:* The requirement to obtain certification from an outside entity is an inappropriate (and potentially illegal) delegation of authority. It also adds unnecessary costs to housing, as each proprietary green building program establishes its own administrative processes and fee, without any oversight by the County. And despite what some sections of the staff report say, no jurisdictions to our knowledge are requiring third-party certification.
3. *Other standards underway:* The state is currently developing the first set of green building standards that will begin to go into effect in 2009, through development of programs with HCD and determination of requirements for implementation of AB32. Any program adopted by the County needs to integrate with these emerging requirements to avoid duplication and re-work. Since the draft LA County Green Building Standards are designed to exceed code, they must be re-evaluated as the base code becomes more stringent.
4. *Far-reaching applicability:* As any action is taken, the County should recognize that the current scope of these ordinances will have far-reaching effects, affecting almost all projects in the county. The other green building mandates described in the staff report tend to apply only to the largest projects.
5. *Costs:* The costs for building green vary depending on the project and availability of materials. In certain instances, the materials don't cost more than standard materials, whereas other materials are much more expensive. Construction types also matter; for example, green building guidelines have existed for many years for commercial construction and, as a result, these materials and experienced subcontractors are easier to find. For home construction, these guidelines (that go beyond California's already strict code) are newer and the subcontractors and consultants have less experience with the

guidelines. As a result, those consultants command a premium price, sometimes up to a 15% increase. Our builders also indicate that the hard costs are higher than those listed in the staff report - \$0.75-\$1.25/SF to achieve the baseline standard of 15% over Title 24 energy standards. Each of the green building programs has additional requirements, with their own costs, with the most costly being LEED-H, which is estimated to add \$11.50/SF to the cost of a new home. Beyond these construction costs, since the County is considering requiring certification, the builder will be forced to pay whatever certification fees are set by the third-party program administrator. These fees are paid on a per unit basis and directly increase the cost of producing housing. Currently, not including reviewer costs, these fees are:

CGB: \$400 application fee + \$50/unit

GPR: \$700-\$1500 for a single family home, \$3750-\$6000 for a 30 unit subdivision (totals)

LEED-H: \$500 application fee + \$400/unit + \$700/floorplan

6. *Barriers:* For a variety of reasons, existing codes may deter or completely prevent incorporation of green building techniques. While clearly not a comprehensive list, some of the barriers listed below tend to discourage builders. A more thorough examination should be completed:
  - a. Prohibitions on use of grey water;
  - b. Inconsistencies between fire protection, water conservation, and stormwater management techniques;
  - c. Requirements for back up water heating systems in the event solar systems fail;
  - d. Requirements that plumbing still be installed to the unit even if waterless systems are used;
  - e. Inflexibility in minimum parking requirements
  - f. Requirements for wide streets driven by fire vehicle passage needs
  - g. Unwillingness by cities to assume maintenance responsibility for infrastructure built using green technologies
  - h. Liability concerns by cities and/or builders to use newer technologies that are not approved for use and building officials may not be familiar with the technologies; in addition, some of these technologies are not anticipated in the zoning code.

## **LOW IMPACT DEVELOPMENT**

1. *Stormwater Permitting:* The LA Regional Water Quality Control Board will be incorporating significant changes into its MS4 permit within the next year and the ordinance is not consistent with existing or anticipated requirements. The ordinance establishes new stringent standards that may not be realistic which will ultimately be overridden by the LARWQCB based on studies currently underway that will form the basis for these standards.
2. *Project approval process:* The LID requirements have not been integrated into CEQA and other project approval processes where planning decisions are made.
3. *Clear implementation plan:* As drafted, the ordinance will increase the number of stormwater devices installed across the County. A clear plan for management and maintenance of these devices, which will often be smaller and more localized, needs to be created, with clear authorities. Reliance on homeowners and/or homeowner

associations is likely to be challenging due to their lack of expertise or resources to manage these systems.

4. *Costs:* The costs, including land, associated with the LID requirements were not included in the cost/benefit analysis, and because the ordinance applies to municipal projects, the fiscal impact needs to be evaluated.
5. *Applicability and scale:* Requiring lot by lot solutions for LID and not regional solutions runs contrary to smart growth policies and will be difficult to implement in dense urban and new town center designs. The County should consider that the use of regional BMPs that provides a level of certainty, ability to quantify effectiveness, and longevity that cannot be guaranteed by the use of LID techniques to mitigate at the individual lot level.
6. *Achievable Infiltration:* The requirement for infiltration is not reasonable in all areas. Soil permeability factors, geotechnical constraints and the resultant standing/stagnant water need to be considered. Infiltration may not be achievable when the grading ordinance requires compaction to the 90-95% relative density.

### **DROUGHT-TOLERANT AND NATIVE LANDSCAPE**

1. *Applicability and scale:* It is unclear what scale the standards of 30% turf apply to – Entire project? Single lot? There needs to be clarification of the definition of “landscaped area” – it could be very difficult to achieve if the area includes parks, road landscaping and fire buffers.
2. *Determination of plant material- availability, costs and appropriateness:* In general, the draft ordinance fails to recognize several key factors that determine the type of landscape materials that are appropriate for specific projects areas (e.g. fire fuel modification, slope stability, water quality/hydromodification control facilities, or reclaimed water uses and opportunities). We would ask that more research be conducted on the availability and cost of the mandated plant materials – in initial surveys of local suppliers we found that many of the plants were not readily available and or cost prohibitive.
3. *Contradicts Fire Fuel Modification:* The requirement for the use of drought-tolerant landscaping conflicts with the provisions of Fire Fuel Modification. Fire Fuel Modification prefers plant material that is moist and provides a fire break.
4. *Conflicts with LID concepts:* Drought-tolerant plantings may be in conflict with the LID concepts for utilizing landscapes areas for the elimination of nuisance water and for providing water quality treatment, as this is typically accomplished through the use of bioswales and rain gardens, which require plants that can tolerate wet conditions.
5. *Inclusion of California Friendly Plants:* We applaud the revision to include a plant list that includes California Friendly plants beyond native plants. However, the plant list is still very incomplete and does not include many drought-tolerant species that have been used for many years in the various zones in the County. In addition, several species are excluded from certain zones yet these species have traditionally done very well in those zones. Are they now excluded? We ask that staff sit down with Landscape Architects and contractors who work in those zones to understand the plant success criteria. The elimination of certain species would severely impact the ability to achieve erosion control, shading, wind barriers and screening, etc. that these species have traditionally provided.

6. *Invasive Species*: The ordinance incorrectly identifies the “Undesirable Plant Species” published by the Fire Department as an invasive list that should be prohibited. This list is a fire “targeted list” for fire suppression and includes some native species.

Given the many questions and concerns from the Building Industry, we ask that the Commission delay any action to move forward today. We would appreciate the opportunity to have further discussions between the County and BIA and between County Departments before any further action is taken. We are available as a resource and partner to help the County develop a reasonable and effective program, and hope to continue to work with staff in coming months to make necessary changes to the ordinances. Please do not hesitate to contact us if you have any questions.

Sincerely,



Holly Schroeder  
Chief Executive Officer  
BIA LA/Ventura Chapter



Gretchen Gutierrez  
Executive Director  
Antelope Valley BIA



SIERRA  
CLUB

FOUNDED 1892

To: Los Angeles County Regional Planning Commissioners

Re: Proposed Green Building Standard Nos. R-2007-02984, R2007-02985, R2007-02988

Los Angeles County must take a leadership role in mandating Green Building Standards! These standards ensure that building designs will incorporate sustainable, low impact development plans guaranteeing energy and water efficiency, reducing pollutants and runoff, and promoting drought-tolerant, native landscaping. This is the best way to curb global warming created by development. ***Please - stay strong on mandatory standards and require 3rd party verification!*** Mayor Villaraigosa said LA would be "the greenest big city in the country." Let's help him keep that pledge as we ensure that the County Supervisors make theirs. ***Please do not weaken or vote to buyass these standards!***

PRINT NAME \_\_\_\_\_ E-MAIL \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY, STATE, ZIP \_\_\_\_\_





**SIERRA  
CLUB**  
FOUNDED 1892

**Sierra Club Angeles Chapter**  
3435 Wilshire Boulevard, Suite 320  
Los Angeles, CA 90010-1904  
213-387-4287  
[www.Angeles.SierraClub.org](http://www.Angeles.SierraClub.org)

May 7, 2008

Ms. Karen Simmons  
Department of Regional Planning  
County of Los Angeles  
320 West Temple Street, Room 1355  
Los Angeles, California 90012

Re: County of Los Angeles—Green Building Standards: Nonresidential and  
Residential Construction; April 24 draft

Dear Karen:

Members of the Sierra Club Angeles Chapter's Green Building Committee are concerned that the excellent green building ordinances presented on January 23, 2008 have been scaled back. We believe it is important for the County to proceed with a green building program at least as strong as first proposed.

We are pleased to learn the County will create a Green Task Force to help implement green building ordinances as well as to assemble an energy and environment-focused multi-department Sustainability Team. We appreciate that the Green Building Program has been recognized as fundamental to compliance with AB 32 regulations.

Our review of the April 24 draft Green Building ordinances is not yet complete, yet we note that revisions to Table 22.52.1930-1 show reduced roles for USGBC LEED certification and Build it Green's GreenPoint Rated system. The effectiveness of the Green Building Program to comply with AB 32 regulation may well be compromised by this revision. Third-party verification and rating standards are important elements for accurate green design and construction.

Public support for green building is increasing rapidly as sustainability principles become widely accepted. A crucial transformation in social perception has occurred: the public and the political leadership of California understands a decent future for humanity requires complete sustainability. Carbon-conscious articles reflecting new societal standards have appeared on a daily basis for months in all forms of media—newspaper, magazine, cinema, television and internet sources; and we believe the public will soon come to expect effective green building programs as a matter of course.

Ms. Karen Simmons  
May 7, 2008  
Page 2

As relates to funding, there are many viable programs to help finance energy efficient buildings without passing the costs down to contractors, building owners or tenants. The Cambridge Energy Alliance, recently featured on PBS, serves as an entrepreneurial model for green retrofit. That program helps clients secure loans to pay for building retrofits, and the loans are paid off from savings on utility bills. When the requirements now proposed by the County are put into effect, a similar model for interim construction loans could help pay the additional (one to three percent) cost to build green, rather than passing costs down. Perhaps ancillary costs supporting green building, such as County educational programs or payment for third-party certification fees, could be supported by such a financing scenario.

We ask the County of Los Angeles to adopt strong sustainable ordinances utilizing third party systems. We believe such a program will demonstrate the cost effectiveness of green building. Otherwise, higher utility costs associated with non-green buildings and poor water-related design practices will fall on future tenants, homeowners, businesses and industrial concerns alike. Green building is absolutely necessary to address climate change, to help prevent pollution and to improve public health due to the improvements of green building interiors.

Respectfully yours,



Members of the Green Building Committee  
Angeles Chapter Sierra Club  
By: Lore Pekar, Chair  
Cell: 310-529-2026; [elpe1@earthlink.net](mailto:elpe1@earthlink.net)

cc: Angeles Chapter Sierra Club

Public Comments  
Regional Planning Commission  
August 13, 2008

**This page is intentionally left blank.**

## Simmons, Karen

---

**From:** ZOUP  
**Subject:** FW: County Green Building Ordinance for review

### ATTACHMENT 2

---

**From:** Tim Kohut [mailto:tkohut@lacdc.com]  
**Sent:** Monday, July 21, 2008 10:26 AM  
**To:** 'Jane Paul'; ZOUP  
**Subject:** RE: County Green Building Ordinance for review

If there's anything we can do in support of this ordinance much needed ordinance, let me know. If the City of LA experience is anything to learn from, people will argue that this ordinance will greatly impact the production of affordable housing. As developers and architects of affordable housing, we are able to speak in support and relate our experiences building sustainable affordable housing.

*Tim Kohut, AIA, LEED AP* - Director of Architecture

**Los Angeles Community Design Center** - 701 East 3rd Street, Suite 400 - Los Angeles, CA 90013 - (tel) 213.629.2702  
e-mail: [tkohut@lacdc.com](mailto:tkohut@lacdc.com); website: [www.lacdc.com](http://www.lacdc.com); (tel) 213.225.2718 - (fax) 213.225.2719

*Celebrating Our 40th Anniversary*

Our mission is to open new doors in people's lives through creative and responsible design, development, and operation of service-enhanced affordable housing.



---

**From:** Jane Paul [mailto:janepaul@pobox.com]  
**Sent:** Monday, July 21, 2008 10:06 AM  
**To:** tkohut@lacdc.com; bsutton-willis@scanph.org; crsp@igc.org; csalazar@wcv.org; david.marquez@adelphia.net; david@pipe.org; eben-horin@treepeople.org; ikagan@alac.org; JDUPONTW@aol.com; jennifer.robinson@sierraclub.org; jim@peopleforparks.org; kevin.ibew11@gmail.com; L.A@earthlink.net; marjette@earthlink.net; Lore Pekrul; Bob Oedy; Rhonda Mills; mkaschak@endoil.org; mkirchen@earthlink.net; s.trutt@verizon.net; Stephanie.Zill@rsmi.com; suzanne@biegel.net; sv@metroluxllc.com; mleslie@labusinesscouncil.org; Don Strauss; ronpmillam@yahoo.com; mcgrorty@pipe.org; doggzilla@sbc.global.net; Lupe Perez; will@aialosangeles.org; john@zinnerconsultants.com; Peter Selfridge; Laurie Kaye  
**Cc:** Stephanie Taylor; Jonathan Parfrey  
**Subject:** FW: County Green Building Ordinance for review

----- Forwarded Message

**From:** ZOUP <[ZOUP@planning.lacounty.gov](mailto:ZOUP@planning.lacounty.gov)>  
**Date:** Mon, 14 Jul 2008 17:05:34 -0700  
**To:** ZOUP <[ZOUP@planning.lacounty.gov](mailto:ZOUP@planning.lacounty.gov)>

Dear Stakeholders,

Attached are the final draft ordinances for **Los Angeles County's Green Building Program**. The Green Building, Drought-Tolerant Landscaping and Low Impact Development ordinances are available for a review period of 30 days prior to their presentation to the **Regional Planning Commission on August 13, 2008**.

Our website for the Green Building Program is:

<http://planning.lacounty.gov/spGreenBuildingProgram.htm>. It contains all of our previous materials, including staff reports, draft ordinances, outreach package information, preliminary draft manuals, Board of Supervisors reports and motions, and links to third-party certification programs.

If you would like to provide comments, you can contact Regional Planning at [ZOUP@planning.lacounty.gov](mailto:ZOUP@planning.lacounty.gov). You can also click at: <http://planning.lacounty.gov/docOrd.htm> for the program documents and other draft ordinances being proposed by the Department.

Thank you for your interest!

### **Ordinance Studies Section**

Department of Regional Planning

320 W. Temple St.

Los Angeles, CA 90012

213.974.6432

P.S. We apologize if you get this same e-mail more than once as we were working off several e-mail lists. If you do not wish to receive e-mail notices regarding the Los Angeles County's Green Building Program, reply with "remove."

----- End of Forwarded Message



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

August 6, 2008

Bruce W. McClendon FAICP  
Director of Planning

TO: Harold V. Helsley, Chair  
Leslie G. Bellamy, Vice Chair  
Esther L. Valadez, Commissioner  
Wayne Rew, Commissioner  
Pat Modugno, Commissioner

FROM: Karen Simmons *KS for*  
Section Head, Ordinance Studies

**SUBJECT: Green Building Program  
Project Nos. R2007-02988, R2007-02985, R2007-02984**

**Agenda of August 13, 2008 - Item Numbers 5(x1), 5(x2),5(x3)**

Project Numbers R2007-02988, R2007-02985 and R2007-02984 are ordinances within the Department of Regional Planning's (DRP) Green Building Program. The ordinances are for green building standards, low impact development standards and drought-tolerant landscaping.

Materials for these cases were submitted to the Commission on July 30, 2008. Attached are two comment letters received since that time, one from Building Industry Association and one from Marina del Rey Lessees Association.

Let me know if you have any questions. You can reach me at 213-974-6432 or [ksimmons@planning.lacounty.gov](mailto:ksimmons@planning.lacounty.gov).



August 5, 2008

Regional Planning Commission  
Los Angeles County  
Room 150 Hall of Records  
320 W. Temple Street  
Los Angeles, CA 90012

**RE: LA County draft ordinances: Green Building, Drought-tolerant and Native Landscape, and Low Impact Development**

Dear Commissioners:

On behalf of the approximately 850 companies and their representative employees who make up the Los Angeles/Ventura Chapter and Antelope Valley Regional Chapter of the Building Industry Association of Southern California, thank you for the opportunity to provide additional comments on the three proposed ordinances.

BIA/LAV and BIA/AV, and its member companies have long been supporters of improvements in technology that make development and construction practices more protective of the environment. The BIA has a few final minor issues of concern that stem from the latest draft released on July 31<sup>st</sup>.

1. *Third-party certification deposit:* In the latest draft, the cover letter states that a recent modification to the Green Building Ordinance was the removal of the refundable deposit. Yet, in the actual ordinance, the deposit requirement still exists. We request that the requirement be removed. The deposit, five-times the cost of certification from an outside entity at the time of project submittal, is an additional new requirement that occurred after the public review process was closed after the June 25 public hearing. We believe a requirement as significant as this is inappropriate and should not have been added after the public review process was closed.

This new requirement adds unnecessary costs to housing, as each proprietary green building program establishes its own administrative processes and fee.

**"Building Homes ... Building Communities"**

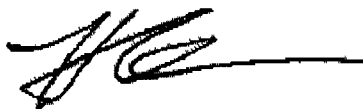
28460 AVENUE STANFORD · SUITE 110 · SANTA CLARITA · CALIFORNIA 91355 · 661.257.5046 · Fax 661.257.5045  
253 N. SAN GABRIEL BLVD · 1<sup>ST</sup> FLOOR · PASADENA · CALIFORNIA 91107 · 626.449.6484 · Fax 626.564.8540



- Requiring a deposit of five-times the amount of the certification at the time of project submittal appears arbitrarily assigned, excessive, and unnecessary. While we recognize the importance of projects obtaining third-party certification, other methods are already in place to hold projects accountable. At least one third-party program has a procedure in place that issues the certification when the Certificate of Occupancy is issued, therefore ensuring the resident of their certified green home.
2. *Low Impact Development Standards Manual*: The latest draft of the Low Impact Development Ordinance includes a LID Standards Manual, that requires a project to comply with a comprehensive LID Plan and submitted to the director of Public Works for review and approval. Given that the Manual will be completed after the ordinance is finalized, we ask that it undergo a review and approval process by the Regional Planning Commission to ensure accountability for all parties involved with the content and requirements.
  3. *Mandatory Landscape Requirements for All New Projects*: In subsection 1c, we noticed a discrepancy when compared to the June draft. Here it states that seventy-five percent of the *total landscaped area* will be required to use drought tolerant plant species selected from the drought-tolerant approved plant list. In the July version(s) of the draft, it mentions that this same requirement will only apply to *front yards of single family residences*. We respectfully ask that this requirement be clarified.
  4. *Drought Tolerant Plants and Plant List*: The draft ordinance states that 75% of the total landscaped area will require species to be selected from the drought-tolerant approved plant list. When conducting initial surveys of local landscapers, we found that a few of the plants on the list are harder to find, and more cost prohibitive. We ask that the plant list have the ability to be flexible and adapt as circumstances warrant, and not be confined to a final list that doesn't allow for changes or amendments.

With these few final concerns, the BIA continues to support the efforts of the County to provide a reasonable ordinance that works for all involved parties and most importantly for the citizens of the County.

Sincerely,



Holly Schroeder  
Chief Executive Officer  
BIA LA/Ventura Chapter



Gretchen Gutierrez  
Executive Director  
Antelope Valley BIA

**Marina del Rey  
Lessees Association**

C/o Mr. Timothy C. Riley, Executive Director  
8537 Wakefield Avenue  
Panorama City, CA 91402  
Telephone: 818-891-0495; FAX: 818-891-1056

August 6, 2008

Honorable Chairman and Commissioners  
Regional Planning Commission  
320 West Temple Street  
Los Angeles, CA 90012

RE: Green Building Program

Honorable Chairman and Commissioners:

During the past several months, the Marina del Rey Lessees Association has carefully monitored and testified at previous hearings on the subject of the proposed County Green Building Program. The Association recognizes and supports the importance of this effort. However, we have raised concerns throughout this process that appropriate practical measures should be considered to ensure that the new environmental standards in the Green Building Program reflect the status in the entitlement process of a number of projects currently being pursued by the members of our Association in conjunction with the County of Los Angeles.

Of greatest importance to our Association is that appropriate adjustments are made to the ordinances so as to not impair the site plans for Marina projects that have already been submitted to the Department of Beaches and Harbors for Marina del Rey Design Control Board review. The Green Building Program may have the unintended effect of changing site plans which could potentially cause Marina developers and the County to have to return to the beginning of the lengthy entitlement process. This would create undue hardships to the proposed projects in Marina del Rey which are already in the regulatory pipeline. Therefore the Association hopes that the Commission will consider the adoption of certain targeted exemptions to the Green Building Ordinance and the Low-Impact Development Ordinance that are reasonable and fair to projects that are currently undergoing the entitlement review process within the County system.

To this end, the Association urges the Commission to adopt the Department of Regional Planning staff's new recommendations for exemptions that are contained in staff's July 31, 2008 report to the Commission. Staff's recommended exemptions would create a level playing field for all applicants throughout the County. For Marina del Rey projects, the exemptions will ensure Marina Lessees are not unfairly penalized by having to materially change site plans, which have already gone through the lengthy entitlements approval process, due to the new Low-Impact Development standards that will be imposed by the Department of Public Works at the Building Permit plan check process. As mentioned above, such material changes to the approved site plans during plan check could be disastrous for the Marina Lessees by potentially causing them to have to go back through the prolonged entitlements process in order to get the County's and/or Coastal Commission's approval of the modified plans. Approval of the site plans by the Marina del Rey Design Control Board

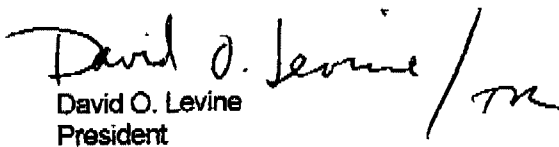
("DCB") is a process that is unique to projects located in unincorporated Marina del Rey (Marina developers must obtain the DCB's conceptual approval of their site plans at the very beginning of the entitlements process, usually a couple of years before their final entitlements have been obtained). The proposed staff recommendations therefore provide equitable treatment for Marina projects by recognizing that an application is deemed complete—and thus exempted from the Low-Impact Development Ordinance—whether it is submitted to the Department of Regional Planning or to any County-controlled Design Control Board.

Moreover, the Marina Lessees Association agrees with Regional Planning staff that projects that have filed a complete building permit application (which is the same as having filed a complete plan check application package) by the effective date of the Green Building Ordinance should be exempted from the Green Building Ordinance. We also concur with staff that an exemption from the Green Building Ordinance is warranted in cases of active third-party litigation; projects should not suffer additional regulatory requirements when the issuance of a final building permit is delayed because of third-party litigation against the County of Los Angeles related to the County's approval of a project.

The practical effect of staff's recommended exemptions for Marina projects is that only Marina developers which have either filed a complete application for a plan check or a building permit application or which are actively involved in a third-party litigation against the County causing delay to issuance of a project building permit, prior to January 1, 2009 (or whenever the ordinance becomes effective), will be exempt from the Green Building Ordinance provisions. The Association believes that those Marina projects which do not file for a building permit or plan check prior to the end of this year should not be exempt from the Green Building Ordinance. Furthermore, the only Marina projects exempted from the Low-Impact Development Ordinance should be those that have filed a complete application with the Department of Beaches and Harbors for Design Control Board review.

We believe the staff recommendations bring fair treatment to the Marina Lessees with projects now pending before the County. As a result, the Marina del Rey Lessees Association will provide its full support and endorsement of the ordinances before the Commission and the Board of Supervisors as long as the proposed exemptions are adopted for the final version of these ordinances.

Sincerely yours,

  
David O. Levine  
President



**IMPACT SCIENCES, INC.**

7101 Magnolia Avenue, Suite A  
Riverside, CA. 92504  
Telephone (951) 787-7808 • FAX (951) 684-0466

12 August 2008 – Via E-Mail

Karen Simmons and Lauren Rank  
Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012

RE: Green Building Program at the Regional Planning Commission, August 13, 2008

Dear Ms. Simmons and Rank:

I am writing to comment on the Green Building Program and associated ordinances. It is my understanding that the Regional Planning Commission is intending to take final action on the proposed ordinance tomorrow, August 13, 2008. I also understand from a telephone conversation with Ms. Rank on Thursday, August 14, 2008, that the accompanying list of drought-tolerant approved plant list is still a work in progress and that you welcome comments on this document.

Attached separately from this letter are my annotations on the drought-tolerant approved plant list. With the knowledge that the list is not currently a "final" one, I have noted a few species that are considered to be potential invasive pest species, a few that are native but are not marked as such, and a few species that are indicated as appropriate for the Antelope Valley high desert environment but which I believe they would freeze during the regular but occasional freezing temperatures in that location. I have not had a chance to exhaustively review the entire list. I will be more than happy to discuss my comments and annotations in the event that you have any question.

During the same conversation with Ms. Rank, I brought up an issue relating to the obligation of the number of tree species that will be required to be planted for non-residential projects. The ordinance currently has text indicating that such a project would be required to plant three trees per 10,000 square feet of lot area (approximately 12 trees per acre). While this is a commendable objective for increasing the number of trees to assist in both shading and carbon sequestration, it has the potential to penalize a project for maintaining open space on a property, for example, an owner of a 100 acre parcel hypothetically covered roughly half in non-native grassland and half with native chaparral would be required to plant about 1,200 trees regardless of the nature of an approved project, even if confining the development area to the acres of non-native grassland, the lesser sensitive plant community. There would be no incentive to maintain the chaparral acreage as open space, especially if the project proponent would need that area to achieve the planting area for that many trees. I recommend as alternative wording for this part of the ordinance to be changed so that the required trees are tied to development area and not to lot area. Another consideration, especially in our Mediterranean climate,

the requirement to plant this many trees has the potential of negating the beneficial qualities of plant metabolism because a considerable amount of energy will be expended to irrigate these plants in order for proper maintenance, even if they are native species, by both bringing the water to the planting location and the use of our diminishing water supply in sustaining plants that may not be suitable for the location in which they are planted.

I thank you for your consideration in bringing these comments to the attention of the Regional Planning Commission for their consideration in making their recommendation and resolution to the Board of Supervisors. I will be pleased to discuss my comments further, if you have any questions.

Sincerely,



Daryl Koutnik  
Manager, Biological Sciences

**Impact Sciences, Inc.**  
7101 Magnolia Avenue, Suite A  
Riverside, CA. 92504  
(951) 787-7808 - Office  
(951) 684-0466 - Fax  
[dkoutnik@impactsciences.com](mailto:dkoutnik@impactsciences.com)  
<http://www.impactsciences.com>

c: Ben Saltsman, Third Supervisorial District  
Rosie Ruiz, Regional Planning Commission Secretary



To	Pat Madugno	From	Jane Paul
Co./Dept.	RPC	Co.	Green LA
Phone #		Phone #	310 9021210
Fax #		Fax #	

August 12, 2008

Mr. Harold Helsley, Chair  
 Regional Planning Commission, County of Los Angeles  
 320 West Temple Street, 13<sup>th</sup> Floor  
 Los Angeles, CA 90012

**Change. Not Charity.**

2121 Cloverfield Blvd.  
 Suite 113  
 Santa Monica, CA 90404

310.453.3611  
 310.453.7806 fax

www.libertyhill.org

RE: Green Building Program ~~is~~ SUPPORT.

**President/CEO**

Kah D. Blumenfeld

**Board of Directors**

Michael J. Balasing, Esq., Chair

Suzanne Biegel, Vice Chair

Jerry Solo, Treasurer

Paula Litt, Secretary

The Honorable Karen Bass

Omar Brownson

Barbara Cohn

Brickson Diamond

Lanny Gertler

Veronica Gutierrez

Richard D. Jacobs

Frances E. Jemmett

Antonio L. Manning

John Bard Manulis

Weston Milliken

Alison Morgan

Jane Peoples

Sarah Pillsbury

Cathy Salner

Gary Stewart

Amy Elaine Wakeland

Dear Commissioner Helsley,

GREEN LA respectfully submits this letter in support of the Department of Regional Planning's proposal for a County of Los Angeles Green Building Program. GREEN LA is Los Angeles' leading environmental coalition composed of over one hundred environmental and environmental justice organizations.

We support the County's efforts to encourage green buildings through policies and programmatic incentives and we believe the coordination of the Regional Planning Department and the Department of Public Works is a strong partnership model. We applaud the staff for their work in reaching out to stakeholders and for their work to create opportunities to promote, encourage and direct development that will lead to innovations to improve the health of residents and the environment and that provides financial benefits to both industry and the region.

We also appreciate the plan to include a broad spectrum of low-impact development, water-conserving landscaping programs and Green Building standards for a range of building types and sizes.

We are especially supportive of the Board of Supervisor's commitment to compliance with AB 32 and in implementing environmental stewardship policies in the County's General Plan update.

Lastly, know that the GREEN LA is very grateful for this effort. We believe the Green Building Program should move ahead with speed. GREEN LA encourages the Regional Planning Commission's full endorsement, in order to have the program progress to the Board of Supervisors.

Let us not lose sight of the larger picture: the global warming catastrophe. Reducing greenhouse gas

**Founders**

Larry Janus

Win McCormack

Anne Mendel

Sarah Pillsbury

emissions will require coordination between the county, the cities, the public and the private sector - as exemplified by the Green Building Program.

Sincerely,



Jonathan Parfrey  
Director, GREEN LA  
Liberty Hill Foundation

CC:

Commissioner Esther L. Valadez

Commissioner Leslie G. Bellamy, Vice Chair

Commissioner Wayne Rew

Commissioner Pat Modugno

Karen Simmons, Department of Regional Planning,  
Section Head, Ordinance Studies

Bruce McClendon, Director of Planning

Ben Saltsman, Deputy, Office of Zev Yaroslavsky,  
Supervisor Third District

**This page is intentionally left blank.**





PUBLIC NOTICES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-  
Clerk of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

**NOTICE OF PUBLIC HEARING  
ON PROPOSED AMENDMENTS TO TITLE 12 – ENVIRONMENTAL PROTECTION,  
TITLE 21 – SUBDIVISIONS AND TITLE 22 - PLANNING AND ZONING  
OF THE LOS ANGELES COUNTY CODE**

**Proposed amendments to the Los Angeles County Code, Title 21 (Subdivisions) and Title 22 (Planning and Zoning), to establish new case processing procedures and development standards for green buildings, low impact development, and drought-tolerant and native landscaping.**

**NOTICE IS HEREBY GIVEN** that the Regional Planning Commission of the County of Los Angeles has recommended approval of amendments to the Los Angeles County Code, Title 21 (Subdivision) and Title 22 (Planning and Zoning).

**NOTICE IS HEREBY GIVEN** that a public hearing will be held before the Board of Supervisors, in Room 381B of the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012 at **9.30 a.m. on September 23, 2008** pursuant to Title 22 of the Los Angeles County Code and Title 7 of the Government Code of the State of California (Planning and Zoning Law) for the purpose of hearing testimony relative to the adoption of the above mentioned amendment.

Written comments may be sent to the Executive Office of the Board of Supervisors at the above address. If you do not understand this notice or need more information, please contact Karen Simmons at (213) 974-6432 or [ksimmons@planning.lacounty.gov](mailto:ksimmons@planning.lacounty.gov). Project materials will also be available on the Planning website at <http://planning.lacounty.gov/spgreenbuildingprogram.htm>.

This project has been determined to be categorically exempt from the environmental reporting requirements of the California Environmental Quality Act (CEQA), Class 8 (Actions by regulatory agencies for protection of the environment).

**"ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice".**

Si no entiende esta noticia o necesita mas información, por favor llame este numero:  
(213) 974-6432.

---

SACHI A. HAMAI  
EXECUTIVE OFFICER-CLERK OF  
BOARD OF SUPERVISORS