



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 12, 2014

TO: Esther L. Valadez, Chair
Laura Shell, Vice Chair
David W. Louie
Curt Pedersen
Pat Modugno

FROM: Carmen Sainz, Supervising Regional Planner
Community Studies East Section

**SUBJECT: PUBLIC HEARING MATERIALS
TREE PLANTING REQUIREMENTS ORDINANCE
PROJECT NO. R2007-02988
ADVANCE PLANNING CASE NO. 201400003
HEARING DATE: JUNE 25, 2014
ITEM 7**

Please find attached the following documents for the above referenced project:

Staff Report
Resolution
Draft Ordinance
Public Comments

If you have any questions regarding this project, please contact Dean Edwards at (213) 974-6425 or dedwards@planning.lacounty.gov, Monday through Thursday from 7:30 AM to 5:30 PM. Our offices are closed on Fridays.

CS:de

Attachments

STAFF REPORT
TREE PLANTING REQUIREMENTS ORDINANCE
PROJECT NO. R2007-02988
ADVANCE PLANNING CASE NO. 201400003

PROPOSAL

An ordinance amending Title 21 (Subdivisions) and Title 22 (Planning and Zoning) of the Los Angeles County Code to repeal the drought tolerant landscaping and green building requirements at Sections 21.24.430 and 21.24.440 and Parts 20 and 21 of Chapter 22.52 that are now found in Title 31; and to establish tree planting requirements for new projects. Division 1 of Chapter 22.08 is to be amended to add definitions. Part 20 (Tree Planting Requirements) of Chapter 22.52 to be added to establish new tree planting requirements that: encourage walking by shading pedestrian walkways; conserve energy otherwise used for air conditioning by shading buildings; reduce carbon dioxide, a greenhouse gas; and reduce the urban heat island effect by shading parking lots.

LOCATION: Unincorporated areas of Los Angeles County.

ISSUES

Since November 23, 2010 when the Board of Supervisors (BOS) adopted an ordinance that added Title 31 – Green Building Standards Code of the Los Angeles County Code, there have been redundancies and inconsistencies in the County Code because Title 22 also had Green Building and Drought Tolerant requirements.

The Green Building Standards tree requirements (Section 22.52.2130.C) of the County Code do not include location requirements which would maximize the benefit of the trees.

BACKGROUND

November 18, 2008 The Board of Supervisors adopted the following ordinances:

- Ordinance No. 2008-0064 entitled, “An ordinance amending Title 21 - Subdivisions and Title 22 - Planning and Zoning of the Los Angeles County Code to establish drought-tolerant landscaping requirements for projects constructed after January 1, 2009.”
- Ordinance No. 2008-0065 entitled, “An ordinance amending Title 21 - Subdivisions and Title 22 - Planning and Zoning of the Los Angeles County Code to establish green building development standards for projects constructed after January 1, 2009.”

The ordinances took effect December 18, 2008 and became operative January 1, 2009.

In 2008 the State adopted California Green Building Standards Code (CalGreen) to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CalGreen became effective August 1, 2009. (Source: State of California Department of Housing and Community. [A Guide to the California Green Building Standards Code](#), 2010).

November 23, 2010 the BOS adopted Ordinance No. 2010-0058 entitled, “An ordinance adding Title 31 – Green Building Standards Code of the Los Angeles County Code, relating to the adoption of the 2010 California Green Building Code by reference, with certain changes and modifications.” The ordinance took effect December 23, 2010 and become operative January 1, 2011.

June 6, 2012 the BOS directed County Counsel to work with the Departments of Regional Planning (DRP) and Public Works (DPW), to identify the green building provisions in Title 22 and report back to the Board on which, if any, of these provisions are legally enforceable. For

those green building provisions in Title 22 that are legally enforceable and are in conflict with Title 31, provide an explanation of how the departments propose to enforce those provisions going forward. A report back was made and subsequent Board actions implemented recommendations.

November 26, 2013 the BOS adopted Ordinance No. 2013-0053 entitled, "An ordinance amending Title 31 - Green Building Standards Code of the Los Angeles County Code, by adopting the 2013 California Green Building Standards Code by reference, with certain changes and modifications, and making other revisions thereto." The ordinance became operative on January 1, 2014.

ANALYSIS

General Plan

The proposed ordinance supports the following 1980 General Plan policies:

Environmental Protection 17. Conserve Energy to ensure adequate supplies for future use; and

Conservation, Open Space & Recreation – Energy 2. Support the conservation of energy and encourage the development and utilization of new energy sources including geothermal, thermal waste, solar, wind and ocean-related sources.

The proposed ordinance requires trees to be planted near sidewalks for shade to encourage people to walk instead of drive, therefore conserving energy used by the automobile and reducing emissions. Additionally, the ordinance requires trees to be planted near buildings to shade the buildings to reduce the use of air conditioning which would also conserve energy.

Staff has found that the proposed ordinance to be consistent with the adopted 1980 General Plan.

County Code

Title 22 Green Building standards currently have provisions to:

- Conserve energy by requiring projects to be designed to consume at least fifteen (15) percent less energy than allowed under the 2005 Update to the California Energy Efficiency Standards.
- Conserve water by requiring smart irrigation, drought tolerant landscaping and high efficiency toilets.
- Conserve resources by requiring construction and demolition debris to be recycled or salvaged.
- Require that certain projects achieve third party (Green Point Rate, California Green Builder or Leadership in Energy and Environmental Design Green Building Rating System) certification.
- Require that trees be planted to "promote a healthier environment".

Staff confirmed that there are similar requirements in Title 31 for the aforementioned standards with the exception of the third party certification, which were made redundant by CalGreen, and the tree planting requirements, which are not part of the State Building Code.

The adopted tree planting requirements are proposed to be replaced with new requirements that are more beneficial and that are also consistent with the adopted Healthy Design tree

requirements in terms of location, species and size. Following, is a summary of the proposed tree planting requirements:

- The proposed ordinance includes location requirements to shade sidewalks and parking lots for human comfort and to shade buildings to conserve energy otherwise used for air conditioning. The adopted tree planting requirements do not have location requirements.
- The species of trees must have a 25 foot diameter canopy at maturity to provide adequate shade. The adopted tree requirement does not have minimum canopy size requirement.
- The quantity of required trees for the proposed ordinance is based on lot frontage and number of parking spaces instead of the adopted requirements' use and developed area criteria. The proposed ordinance requires one tree for every 25 feet of lot frontage. Also, new or resurfaced parking lots require 1 tree for every 3 to 6 parking spaces depending on the parking configuration. The adopted requirements do not require trees for parking lots.

The quantity requirement is intentionally related to the required species of trees having a mature canopy of 25 feet diameter. Trees placed every 25 feet along sidewalks will provide continuous shade cover at maturity. Likewise, the number of trees required for parking lots is intended to provide continuous shade coverage to the parking spaces of the lot since a tree with a 25 foot diameter will provide shade coverage for three 8.5 feet wide adjacent spaces.

- Smaller trees are required by the proposed ordinance for affordability and survivability. The adopted ordinance requires 15 gallon trees while the proposed ordinance requires 5 gallon trees. Smaller trees are more likely to establish a root structure and therefore survive. Additionally, smaller trees are more financially feasible.
- Unlike the adopted requirements, the proposed ordinance requires that trees be maintained to ensure survival, and replaced as necessary.
- To provide flexibility, the proposed ordinance includes a modification section that allows the Director to modify the quantity, location and species of trees without additional fees or process to accommodate constraints by legally existing development, regulatory restrictions, topographic conditions or water availability.

ENVIRONMENTAL

The Los Angeles County Department of Regional Planning has determined that this project is eligible for Class 8 Categorical Exemption from CEQA reporting requirements because it is an action by a regulatory agency for the protection of the environment. Requiring trees that shade sidewalks, buildings and parking lots will conserve energy otherwise used for air conditioning and automobiles, reduce the urban heat island effect and reduce the Greenhouse Gas, carbon dioxide.

COMMENTS

Other Departments

The following County departments were consulted on this project: Public Works, Fire Department, Public Health, Parks and Recreation. The proposed ordinance was revised to address their comments.

Public

To date, one correspondence indentifying a concern about tree impacts to solar facilities was received. The correspondence and response is attached.

RECOMMENDATION

Staff recommends approval of this project because the Tree Planting Requirements Ordinance:

- Will remove redundancies and inconsistencies in the County Code; and
- Will provide a more comfortable outdoor developed environment by increasing shading of sidewalks and parking lots; and
- Will conserve energy otherwise used for air conditioning and automobiles by shading buildings and parking lots; and
- Will reduce the urban heat island effect and the Greenhouse Gas carbon dioxide; and
- Is consistent with the adopted General Plan.

SUGGESTED MOTION

I move that the Regional Planning Commission close the public hearing and recommend that the Board of Supervisors adopt the Tree Planting Requirements Ordinance and find the project categorically exempt from CEQA reporting requirements.

**RESOLUTION OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
TREE PLANTING REQUIREMENTS ORDINANCE**

WHEREAS, the Regional Planning Commission ("Commission") of the County of Los Angeles ("County") has reviewed the matter of amendments to Title 21 (Subdivisions) and Title 22 (Planning and Zoning) of the Los Angeles County Code that repeal the drought tolerant landscaping and green building requirements at Sections 21.24.430 and 21.24.440 and Parts 20 and 21 of Chapter 22.52 that are now found in Title 31; and that establish tree planting requirements for new projects. Division 1 of Chapter 22.08 is to be amended to add definitions. Part 20 (Tree Planting Requirements) of Chapter 22.52 to be added to establish new tree planting requirements that: encourage walking by shading pedestrian walkways; conserve energy otherwise used for air conditioning by shading buildings; reduce carbon dioxide, a greenhouse gas; and reduce the urban heat island effect by shading parking lots.

WHEREAS, the Commission finds as follows:

1. November 18, 2008 The Board of Supervisors (BOS) adopted the following ordinances:

Ordinance No. 2008-0064 entitled, "An ordinance amending Title 21 - Subdivisions and Title 22 - Planning and Zoning of the Los Angeles County Code to establish drought-tolerant landscaping requirements for projects constructed after January 1, 2009."

Ordinance No. 2008-0065 entitled, "An ordinance amending Title 21 - Subdivisions and Title 22 - Planning and Zoning of the Los Angeles County Code to establish green building development standards for projects constructed after January 1, 2009."

The ordinances took effect December 18, 2008 and became operative January 1, 2009.
2. November 23, 2010 the BOS adopted Ordinance No. 2010-0058 entitled, "An ordinance adding Title 31 – Green Building Standards Code of the Los Angeles County Code, relating to the adoption of the 2010 California Green Building Code by reference, with certain changes and modifications." The ordinance took effect December 23, 2010 and become operative January 1, 2011.
3. November 26, 2013 the BOS adopted Ordinance No. 2013-0053 entitled, "An ordinance amending Title 31 - Green Building Standards Code of the Los Angeles County Code, by adopting the 2013 California Green Building Standards Code by reference, with certain changes and modifications, and making other revisions thereto." The ordinance became operative on January 1, 2014.
4. Since November 23, 2010 when the BOS adopted an ordinance that added Title 31 – Green Building Standards Code of the Los Angeles County Code, there have been redundancies and inconsistencies in the County Code because Title 22 also had Green Building and Drought Tolerant requirements. This ordinance will remove said redundancies and inconsistencies.
5. The Green Building Standards tree requirements (Section 22.52.2130.C) of the County Code do not include location requirements which would maximize the benefit of the trees. This ordinance will add location requirements that will: provide a more comfortable outdoor developed environment by increasing shading of sidewalks and parking lots; conserve energy otherwise used for air conditioning and automobiles by shading buildings and parking lots; and reduce the urban heat island effect and the Greenhouse Gas carbon dioxide.

- 6. The Tree Planting Requirements Ordinance is consistent with and supports the goals and policies of the Los Angeles County General Plan.
- 7. The adoption of the Tree Planting Requirements Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15308 (Actions by Regulatory Agencies for Protection of the Environment) of Title 14 of the California Code of Regulations.
- 8. One correspondence from the public indentifying a concern about tree impacts to solar facilities was received.

NOW, THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends that the Los Angeles County Board of Supervisors:

- 1. Conduct a public hearing to consider proposed amendments to Title 21 (Subdivisions) and Title 22 (Planning and Zoning) of the Los Angeles County Code to repeal the drought tolerant landscaping and green building requirements and establish new tree planting requirements; and
- 2. Certify that the adoption of the Tree Planting Requirements Ordinance is exempt from the California Environmental Quality Act (CEQA) environmental review requirements pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) of Title 14 of the California Code of Regulations, and that the amendments to Title 21 (Subdivisions) and Title 22 (Planning and Zoning) of the Los Angeles County Code will not have a significant effect on the environment; and
- 3. Adopt the attached ordinance amending Title 21 (Subdivisions) and Title 22 (Planning and Zoning) of the Los Angeles County Code and determine that it is compatible with and supportive of the goals and policies of the Los Angeles County General Plan.

I hereby certify that the foregoing was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on June 25, 2013.

By: _____

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

VOTE

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: June 25, 2014

DRAFT TREE PLANTING REQUIREMENTS ORDINANCE

An ordinance amending Title 21 – Subdivisions and Title 22 – Planning and Zoning of the Los Angeles County Code to repeal the drought tolerant landscaping and green building requirements; and to establish tree planting requirements for projects constructed after the effective date of this ordinance amendment.

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

SECTION 1. Section 21.24.430 and 21.24.440 of Title 21 are hereby repealed in their entirety.

SECTION 2. Division 1 of Chapter 22.08 is hereby amended to read as follows:

22.08.040 M.

"Mature tree" shall mean any tree rooted on a lot or parcel of land, the trunk of which is at least six inches in diameter, measured four and one-half feet above the mean natural grade.

22.08.040 R.

"Registered historic site" shall mean a property listed on any federal, State, or County register related to historic designation or status, including, but not limited to, the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and State Points of Historical Interest.

SECTION 3. Part 20 of Chapter 22.52 is hereby repealed in its entirety.

SECTION 4. Part 20 of Chapter 22.52 is hereby added to read as follows:

Part 20

TREE PLANTING REQUIREMENTS

22.52.2100 Purpose.

22.52.2110 Applicability.

22.52.2120 Development Standards.

22.52.2130 Site Plan Review.

22.52.2140 Modification of Development Standards.

22.52.2100 Purpose.

- A. The purpose of this Part 20 is to establish tree planting requirements that:
1. Encourage walking by shading pedestrian walkways.
 2. Conserve energy otherwise used for air conditioning by shading buildings.
 3. Reduce carbon dioxide, a greenhouse gas.
 4. Reduce the urban heat island effect by shading parking lots.

22.52.2110 Applicability.

- A. This Part 20 shall apply to:
1. The construction of a new building as defined in this Title 22;

2. Additions within any 12 month period, with a cumulative area of not more than 10 percent of the total existing building area on the subject property.

3. The construction of new or resurfacing of an uncovered surface parking lot, except parking lots for commercial vehicle storage.

B. The following projects are exempt from the requirements of this Part 20:

1. Any project where a complete application was filed with the Department prior to the effective date of this ordinance;

2. Accessory structures and buildings;

3. Solar electric generating plant;

4. Storage buildings without existing or proposed sidewalks on the property;

5. Registered historic sites.

C. The provisions of this Part 20 shall be construed to augment any County, State or federal ordinance, statute, regulation, or other requirement governing the same or related matter. Where a conflict exists between a provision in this Part 20 and such other ordinance, statute, regulation or requirement, the stricter provision shall apply to the extent permitted by law as determined by the Director.

22.52.2120 Development Standards.

A. Quantity, location and spacing.

1. For projects subject to Section 22.52.2110.A.1, one tree shall be planted on-site for each 25 feet of lot frontage. If the project site has less than 25 feet of lot frontage, one tree shall be planted. Any existing mature tree located anywhere on the project site may count towards this requirement. Trees planted pursuant to this Section shall comply with either of the following location requirements:

a. Trees shall be planted adjacent to the public right-of-away to provide shade for pedestrians while maintaining the required lines of sight for safe pedestrian and vehicular movement.

b. Trees shall be planted in locations that shade a building, with preference given to planting on the south side, followed by the west side and then the east side of the building.

2. For projects subject to Section 22.52.2110.A.2, the following requirements shall apply:

a. One tree shall be planted for every six parking spaces located in a double aisle configuration.

b. One tree shall be planted for every three parking spaces located in a single aisle configuration.

3. Trees shall not be planted in a manner that causes root damage to public infrastructure.

4. Trees shall be evenly spaced to provide shade coverage and to allow adequate room between trees for canopy growth.

B. Species. The species of trees planted pursuant to this Section shall be of types that reach a minimum shade canopy of 25 feet in diameter at the canopy's widest point, and grow to have at least seven feet between the bottom of the canopy and the base of the trees at expected maturity. The species of trees planted shall be subject to review and approval of the Director.

C. Size. All required trees shall be a minimum size of five gallons and shall have a minimum height of 10 feet at the time of planting.

D. Maintenance.

1. Trees shall be supported with staking and guy wires until the trees are able to support themselves.

2. Trees shall be maintained in a healthful condition, including proper pruning, fertilizing and replacement of trees when necessary.

22.52.2130 Site Plan Review.

A. Trees shall be depicted on the site plan and/or landscape plan.

B. If a project is located in a Fire Hazard Severity Zone, the required site plan and/or landscape plan shall be routed to the Fire Department's Fuel Modification Unit for review and approval in order to ensure proposed tree locations are in compliance with Title 32 (Fire Code) of the County Code.

22.52.2140 Modification of Development Standards.

A. The requirements of Section 22.52.2120.A regarding the location of planted trees may be modified by the Director when the requirement is physically impractical because of legally existing development, regulatory restrictions or topographic conditions.

B. The requirements of Sections 22.52.2120.A and B regarding the number and species of trees to be planted may be modified by the Director when the project site is located in a desert area with water availability issues such as Agua Dulce, Acton and the Antelope Valley. For these areas, the species of trees may have a minimum shade canopy of

less than 25 feet in diameter at maturity. To compensate for the reduced canopy size, more trees may be required to achieve adequate shade coverage.

C. No additional fees shall be charged for modification of development standards pursuant to this Subsection 22.52.2140.

SECTION 5. Part 21 of Chapter 22.52 is hereby repealed in its entirety.

Dean Edwards

From: Dean Edwards
Sent: Friday, May 16, 2014 9:36 AM
To: 'Georgia'
Cc: 'Phillips, Craig'; Carmen Sainz; Dean Edwards
Subject: RE: Stakeholder Update: Green Building Program / Tree Planting Requirements Project

Ms. Goldfarb,

Only the outdated green building and drought tolerant requirements are being repealed. Updated requirements that comply with State law will remain. Details will be available in the staff report. Please see my email below regarding report availability..

I believe that you are referring to roof-top solar panels. The shading of panels was not an issue that was brought up during the drafting of the ordinance, although it certainly is a valid concern. The ordinance requires planting near the right of way or near the building. If trees near the building would shade solar panels, then hopefully planting near the right of way would be a suitable alternative. I'm copying the Los Angeles County Department of Public Works' Building & Safety Division on this email so that they can contact me should this issue require further analysis.

I believe cool roofs are required by the State building code. The building code, where updated green building requirements now reside, is administered by DPW. The project lead at DPW for green building is Craig Phillips. I am copying him so that he may provide you with more information about cool roof requirements.

I hope this adequately addresses your questions.

Dean Edwards

Los Angeles County Department of Regional Planning
320 West Temple Street, Room 1354
Los Angeles, CA 90012
(213) 974-6425 ComLine 261

From: Georgia [mailto:georgia.goldfarb@healthequality.net]
Sent: Thursday, May 15, 2014 5:14 PM
To: Dean Edwards
Subject: RE: Stakeholder Update: Green Building Program / Tree Planting Requirements Project

Dear Mr. Edwards,

I don't understand why the green building and drought tolerate plant requirements are being repealed. Can you tell me or point me to a site where I can find an explanation of just what is being repealed and what the rationale is for that? Tree planting is positive, but is there any consideration for shading of solar panels? Are cool roofs being promoted? Thanks for your help,
Georgia Goldfarb

From: Dean Edwards [mailto:dedwards@planning.lacounty.gov]
Sent: Thursday, May 15, 2014 5:00 PM
To: 'abaharlo@larwincompany.com'; Ana E. Rosales; 'ahou@lacsdc.org'; 'aibrahim@dpw.lacounty.gov'; 'algonzalez@dph.lacounty.gov'; 'ana.mascarenas@gmail.com'; 'angela@reliablegraphics.com'; Andrew Lopez; 'apalomar@ladpw.org'; 'avbia@earthlink.net'; 'bbarclay@gaiafoundation.us'; 'bcooke@sgvcog.org'; 'bj@atkinsenvironmental.com'; 'brian.talbot@lacdc.org'; 'brooks@dslextreme.com'; 'bruiz@lacounty-parks.gov'; 'bsaltsman@bos.lacounty.gov'; 'camandjerry@netzero.net'; 'candjcleven@yahoo.com'; Changmii Bae; 'ccrabtree@earthlink.net'; 'cdeal@gogreen-california.com'; 'cgavina@semprautilities.com'; 'charpole@newhall.com';