ANALYSIS

This ordinance amends Title 12 - Environmental Protection, Title 21 - Subdivisions, and Title 22 - Planning and Zoning of the Los Angeles County Code to establish low impact development standards for developments constructed after January 1, 2009. The low impact development standards are intended to distribute stormwater and urban runoff across development sites to help reduce adverse water quality impacts and help replenish groundwater supplies. The ordinance creates low impact development standards which are to be reflected in development site plans and in separate low impact development plans.

RAYMOND G. FORTNER, JR.
County Counsel

By
LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Property Division

LLH:sh

10/09/08 (requested)

11/12/08 (revised)

563934_2

ORDINANCE NO. 2008-0063

An ordinance amending Title 12 - Environmental Protection, Title 21 - Subdivisions, and Title 22 - Planning and Zoning of the Los Angeles County Code to establish low impact development standards for developments constructed after January 1, 2009.

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

SECTION 1. Chapter 12.84 is hereby added to Title 12 to read as follows:

CHAPTER 12.84

LOW IMPACT DEVELOPMENT STANDARDS

Sections:

12.84.410 Purpose.

12.84.420 Definitions.

12.84.430 Applicability.

12.84.440 Low Impact Development Standards.

12.84.450 Site Plan/LID Plan Review.

12.84.460 Additional Requirements.

12.84.410 Purpose.

The purpose of this chapter is:

A. To require the use of low impact development ("LID") standards in developments. 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 a 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 the development and provides the benefits of:

1. Replenishing groundwater supplies;
2. Improving the quality of surface water runoff;
3. Stabilizing natural stream characteristics;
4. Preserving natural site characteristics; and
5. Minimizing downstream impacts.

B. The provisions in this Chapter 12.84 shall be construed to augment any county, state, or federal ordinance, statute, regulation, or other requirement governing the same or related matter, and where a conflict exists between a provision in this Chapter 12.84 and such other ordinance, statute, regulation, or requirement, the stricter provision shall apply to the extent permitted by law.

12.84.420 Definitions.

The following definitions shall apply to this chapter:

A. "Beneficial Use" means the existing or potential use of receiving waters as designated by the Los Angeles or Lahontan Regional Water Quality Control Boards in their respective basin plans for the County.

B. "Best management practices (BMPs)" are the methods, measures, and/or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges, including stormwater.

C. "County" means the County of Los Angeles.

D. "Development" means activity requiring discretionary or non-discretionary land use or construction approval from the County that results in the creation, addition,

modification, or replacement of impervious surface area, which replacement is not part of routine maintenance activity. Development includes, but is not limited to, land subdivisions; the construction, installation, addition, or replacement of a building or structure; expansion of a building footprint; and land-disturbing activities related to structural or impervious surfaces. Development shall not include routine maintenance of original lines and grades and/or hydraulic capacity.

E. "Director" means the Director of Public Works.

F. "Drainage system" means a conveyance or system of conveyances, including paths, drives, roads, streets, alleys, catch basins, curbs, gutters, ditches, man-made channels, or storm drains designed or used to collect or convey urban runoff and stormwater.

G. "Excess Volume" means the additional volume of stormwater caused by development; excess volume is determined by calculating the difference in the volume of runoff under undeveloped and post-developed conditions, using the water quality design storm event.

H. "Hardscape" means any durable pervious or impervious surface material, including paving for pedestrians and vehicles.

I. "Hydromodification" means the alteration of a natural drainage system through a change in the system's flow characteristics.

J. "Low impact development ("LID")" means technologies and practices that are part of a sustainable stormwater management strategy that controls stormwater and urban runoff on site.

K. "Natural drainage system" means any unlined or unimproved (not engineered) creek, stream, river, or similar waterway.

L. "Pollutants of concern" means chemical, physical, or biological components of stormwater that impair the beneficial uses of receiving waters, including those defined in the federal Clean Water Act Section 502(6) (33 United States Code Section 1362(6)), and incorporated by reference into California Water Code Section 13373.

M. "Public Works" means the Los Angeles County Department of Public Works.

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

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

P. "Urban runoff" means dry weather surface flows emanating from urban development.

Q. "Water quality design storm event" means any of the volumetric or flow rate based design storm events for water quality BMPs identified in the National Pollutant Discharge Elimination System Municipal Stormwater Permit for the County of Los Angeles.

12.84.430 Applicability.

A. This chapter shall become effective on January 1, 2009, and shall apply to all development within the unincorporated areas of the County after that date except for the following:

1. Any development where a complete discretionary or non-discretionary permit application was filed with the Los Angeles County Department of Regional Planning, Public Works, or any County-controlled design control board, prior to January 1, 2009;

2. Any development involving emergency construction activities required to immediately protect public health and safety; or

3. Public road and flood control infrastructure developments, which shall be subject to Public Works' design standards that incorporate LID principles.

B. Unless excluded by subsection A above, any development that alters an existing impervious surface area shall comply with this Chapter 12.84 as follows:

1. Where the development results in an alteration of at least fifty (50) percent of the impervious surfaces of an existing developed site, the entire site shall be brought into compliance with the standards and requirements of this Chapter; and

2. Where the development results in an alteration of less than fifty (50) percent of the impervious surfaces of an existing developed site, only such incremental development shall meet the standards and requirements of this Chapter; and

3. Where a development results in an alteration of less than fifty (50) percent of the impervious surfaces of an existing developed site consisting of four (4) or fewer residential units, the development shall be exempt from this Chapter.

12.84.440 Low Impact Development Standards.

A. The LID standards of this Chapter are:

1. Mimic undeveloped stormwater and urban runoff rates and volumes in any storm event up to and including the "50-year capital design storm event," as defined by Public Works;

2. Prevent pollutants of concern from leaving the development site in stormwater as the result of storms, up to and including a water quality design storm event; and

3. Minimize hydromodification impacts to natural drainage systems.

B. The Director shall prepare, maintain, and update, as deemed necessary and appropriate, a manual ("LID Standards Manual"), which shall include urban and stormwater runoff quantity and quality control development principles and technologies for achieving the LID Standards described in subsection A of this Section. The LID Standards Manual shall also include technical feasibility and implementation parameters, as well as other rules, requirements and procedures as the Director deems necessary, for implementing the provisions of this Chapter 12.84.

C. To meet the standards described in subsection A of this Section, developments shall install and maintain minimum site design features as follows:

1. A development consisting of four (4) or fewer residential units shall implement at least two LID BMP alternatives listed in the LID Standards Manual, which alternatives include, but are not limited to, disconnecting impervious surfaces, using porous pavement, downspout routing, a dry well, landscaping and irrigation requirements, and a green roof.

2. A development consisting of five (5) or more residential units, or a nonresidential development, shall comply with the following requirements:

a. The excess volume from each lot upon which such development is occurring shall be infiltrated at the lot level, or in the alternative, the excess volume from the entire development site, including streets and public right-of-way, shall be infiltrated in sub-regional facilities. The tributary area of a sub-regional facility shall be limited to five (5) acres, but may be exceeded with approval of the

Director. When infiltration of all excess volume is not technically feasible, on-site storage, reuse, or other water conservation uses of the excess volume is required and shall be implemented as authorized by the Director in accordance with the requirements and provisions in the LID Standards Manual.

b. The runoff from the water quality design storm event associated with the developed site hydrology must be treated to the satisfaction of the Director before discharge.

12.84.450 Site Plan/LID Plan Review.

Compliance with the LID standards of this Chapter 12.84 shall be shown through a site plan review described in subsection A, below, and a LID plan review described in subsection B, below.

A. Site plan review.

1. The County Department of Regional Planning shall conduct a site plan review in accordance with Title 22 of the Los Angeles County Code to determine compliance with this Chapter 12.84. The site plan submitted for the development shall clearly depict any and all LID standards that will be incorporated into the development. Regional Planning shall approve compliance with these standards in concept only, subject to the setback and development standards in Title 22. Final approval of such compliance shall be made by Public Works in conjunction with its review and approval of the LID plan described in subsection B.

2. The same site plan shall be used to show compliance with this Chapter 12.84, the green building requirements of Part 20, Chapter 22.52, and the drought-tolerant landscaping requirements of Part 21, Chapter 22.52, to the extent these other requirements apply to the development.

3. In any case where a site plan for a development has been or will be concurrently filed with an application for a permit, variance, zone change, development agreement, or other discretionary approval under Title 22, or with an application for a subdivision under Title 21, the site plan procedure set forth in this Section 12.84.450 shall not apply and instead, the Exhibit "A," tentative map, or other site plan required for such other approval shall be used to show compliance with this Chapter 12.84.

B. LID plan review.

In addition to the site plan required by subsection A of this Section, the applicant shall also submit a LID plan to the Director for review and approval that provides a comprehensive, technical discussion of how the development will comply with this Chapter 12.84 and the LID Standards Manual. A deposit and fee to recover the costs associated with LID plan review shall be required. The time for obtaining LID plan approval shall be as follows:

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

2. For any development requiring a conditional use permit ("CUP") or other entitlement required under Title 22 of the Los Angeles County Code, the LID plan shall be approved prior to the issuance of any such CUP or other entitlement; and

3. For all other development, the LID plan shall be approved prior to issuance of a grading permit for such development, and when no grading permit is required, prior to the issuance of a building permit for such development.

12.84.460 Additional Requirements.

Compliance with this Chapter 12.84 shall also require a development to satisfy the following:

A. All grading and/or site drainage plans for the development shall incorporate the features of the approved LID plan described in subsection B of Section 12.84.450.

B. The development's LID features shall be maintained and shall remain operable at all times and shall not be removed from the development unless and until such features have been replaced with other LID features in accordance with this Chapter 12.84. A covenant or agreement shall be recorded in the office of the Los Angeles County Registrar-Recorder/County Clerk indicating that the owner of the subject development is aware and agrees to the requirements in this subsection B. The covenant or agreement shall also include a diagram of the site indicating the location and type of each LID feature incorporated into the development. The time to record such covenant or agreement shall be as follows:

1. For any subdivision, prior to final map approval; and

2. For any other development, prior to issuance of a grading permit for the development, and when no grading permit is required, prior to the issuance of a building permit for the development.

SECTION 2. Section 21.24.420 of Title 21 of the Los Angeles County Code is hereby added to read as follows:

21.24.420 Low Impact Development.

All subdivisions shall comply with the low impact development requirements of Chapter 12.84 of Title 12 of the Los Angeles County Code, subject to the applicability provisions of said Chapter.

SECTION 3. Part 22 of Chapter 22.52 is hereby added to read as follows:

Part 22

LOW IMPACT DEVELOPMENT

22.52.2310 Applicability.

All development, as defined in Chapter 12.84 of Title 12 of the Los Angeles County Code, shall comply with the low impact development requirements of said Chapter, subject to the applicability provisions of said Chapter.

[LOWIMPACTDEVLHCC]

SECTION 4. This ordinance shall be published in The Metropolitan News a newspaper printed and published in the County of Los Angeles.

Yvonne B. Burke
Chair

ATTEST:

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of November 18, 2008 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

	Ayes		Noes
Supervisors	Zev Yaroslavsky	Supervisors	None
	Don Knabe		
	Michael D. Antonovich		
	Yvonne B. Burke		

Effective Date: December 18, 2008

Operative Date: January 1, 2009

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By _____ Deputy

APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

By _____
Leela Kapur
Chief Deputy County Counsel

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ANALYSIS

This ordinance amends 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. The drought-tolerant landscaping standards are intended to help conserve water resources by requiring landscaping that is appropriate to the region's climate, and to the nature of a project's use. The ordinance creates drought-tolerant landscaping standards which are to be reflected in a project's site plans.

RAYMOND G. FORTNER, JR.
County Counsel

BY
LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Property Division

LLH:gl

10/09/08 (requested)

11/13/08 (revised)

ORDINANCE NO. 2008-0064

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.

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

SECTION 1. Section 21.24.430 of Title 21 is hereby added to read as follows:

21.24.430 Drought-tolerant landscaping.

All projects, as defined therein, including their common areas, shall comply with the drought-tolerant landscaping requirements of Part 21 of Chapter 22.52 of Title 22.

SECTION 2. Part 21 of Chapter 22.52 of Title 22 is hereby added to read as follows:

Part 21

DROUGHT-TOLERANT LANDSCAPING

Sections:

22.52.2200 Purpose.

22.52.2210 Definitions.

22.55.2220 Applicability.

22.52.2230 Drought-tolerant landscaping requirements.

22.52.2240 Site plan review.

22.52.2250 Additional requirements.

22.52.2260 Exemptions.

22.52.2270 Modification of landscaping requirements.

22.52.2200 Purpose.

A. The purpose of this 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 help conserve water resources by requiring landscaping that is appropriate to the region's climate and to the nature of a project's use.

B. The provisions of this Part 21 shall be construed to augment the regulations of any retail or wholesale water provider, and any county, state, or federal ordinance, statute, regulation, or other requirement governing the same or related matter, including a supplemental district, community standards district, or transit-oriented district established under this Title 22, and also including Chapter 71 of Title 26 of the Los Angeles County Code (Water Efficient Landscaping), and where a conflict exists between a provision in this Part 21 and such other ordinance, statute, regulation, or other requirement, the stricter provision shall apply to the extent permitted by law.

22.52.2210 Definitions.

For purposes of this Part 21, the following definitions shall apply:

A. "Department" shall mean the Los Angeles County Department of Regional Planning.

B. "Drought-tolerant plant" shall mean a native or non-native plant that requires minimal use of water, and that is appropriate to the region's climate and the nature of a project's use.

C. "Drought-tolerant plant list" shall mean a list of native and non-native plant species, approved by the Director and maintained by the Department, which list is organized by ecological zones for use in landscaped areas within all projects.

D. "Ecological zone" shall mean a geographic area where plants are indigenous or otherwise appropriate.

E. "Green building technical manual" is a manual prepared by the Department that includes the most recent third-party standards and rating systems accepted by the commission for inclusion in the manual, as required by Section 22.52.2130.E in Part 20 of Chapter 22.52, as well as other pertinent information, to assist applicants to comply with the requirements of this Part 21. The green building technical manual includes the drought-tolerant plant list.

F. "Hydrozone" shall mean a portion of a landscaped area that has plants with similar water and sun needs and that are served by an irrigation valve or set of valves operating on the same schedule.

G. "Landscaped area" shall mean any area planted with turf, shrubbery, flowers, or trees.

H. "Mature tree" shall mean any tree rooted on a lot or parcel of land, the trunk of which is at least six (6) inches in diameter, measured four and one-half feet above mean natural grade.

I. "Project" shall have the same meaning as set forth in Section 22.52.2110.P of Part 20 of Chapter 22.52, and shall include any construction

described in said Section that requires discretionary or non-discretionary land use approval from the County.

J. "Public recreational lawn" shall mean an area planted with turf or other mowed ground cover that is maintained for recreation or enjoyment by the public, including athletic fields that are available for use by the public or membership associations.

K. "Public Works" shall mean the Los Angeles County Department of Public Works.

L. "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.

M. "Third-party standards and rating systems" are the three independent green building standards and rating systems, CGB, GPR, and LEED™, as those standards and rating systems are defined in Part 20 of Chapter 22.52, and as may be updated from time to time.

N. "Total landscaped area" is the cumulative landscaped area of a lot or parcel of land, or portion thereof as determined by the Director, but shall not include the area in which any tree required by Part 20 of Section 22.52 or any mature tree on the site is situated. For single-family residences, the total landscaped area shall be any area measured from the front property line to the front of the residence.

O. "Turf" shall mean grass maintained by mowing and watering.

22.52.2220 Applicability.

This Part 21 shall become effective on January 1, 2009, and shall apply to all projects within unincorporated areas of the County after that date except for the following:

A. Any project where a complete building permit application was filed with the County Department of Public Works prior to January 1, 2009.

B. Any project involving construction of single-family residences on lots created by a parcel map which created four or fewer residential lots, or any project involving a building permit for the construction of one single-family residence on a legal lot, in both cases where a complete building permit application was filed with Public Works prior to April 1, 2009.

C. Any project involving construction on a lot with an existing single-family residence not involving the complete replacement of that residence.

22.52.2230 Drought-Tolerant Landscaping Requirements.

All projects shall comply with the drought-tolerant landscaping requirements of this Section 22.52.2230.

A. The total landscaped area of a lot or parcel of land on which a project is situated shall satisfy the following:

1. A minimum of seventy-five (75) percent of such total landscaped area shall contain plants from the drought-tolerant plant list;

2. A maximum of twenty-five (25) percent of such total landscaped area shall consist of turf, however, in no event shall turf be planted in strips that are less than five (5) feet wide, and in no event shall the total landscaped area contain more than five thousand (5,000) square feet of turf;

3. All turf in such total landscaped area shall be water-efficient. The green building technical manual shall contain a list of turf that meets this requirement; and

4. The plants in such total landscaped area shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun, and light), and maintenance requirements.

B. For single-family residences, in addition to the landscaping requirements of subsection A of this Section 22.52.2240, in calculating the maximum square footage of turf used, the turf in the residence's rear and side yards shall be included in the measurement of the turf used for the total landscaped area.

22.52.2240 Site Plan Review.

Compliance with the drought-tolerant landscaping requirements of this Part 21 shall be shown through a site plan review in accordance with this Title 22 and as further described in this Section.

A. The site plan for the project shall depict or list any drought-tolerant and non-drought-tolerant landscaping that will be incorporated into the project. In addition, the site plan shall outline the areas of the project to be landscaped with drought-tolerant plants and/or turf, and calculations shall be provided on the site plan showing the

percent of landscaped area devoted to each. Upon installation of the landscaping, plants other than as originally shown on the site plan may be installed without additional approval from the Department as long as the same relative percentage of drought-tolerant plants to turf as originally designed is maintained. The site plan shall also depict the location of the trees planted, as required by Section 22.52.2130.C.5 of Part 20 of Chapter 22.52.

B. The same site plan shall be used to show compliance with this Part 21, the green building requirements of Part 20, Chapter 22.52, and the low-impact development standards of Chapter 12.84, to the extent these other requirements apply to the project.

C. In any case where a site plan for a project has been or will be concurrently filed with an application for a permit, variance, zone change, development agreement, or other discretionary approval under Title 22, or with an application for a subdivision under Title 21, the site plan procedure set forth in this Section shall not apply and instead, the Exhibit "A," tentative map, or other site plan required for such other approval shall be used to show compliance with this Part 21. In addition, in any case where the project requires a discretionary land use approval from the County, full landscape plans for the project shall be submitted to the Department to show compliance with this Part 21, and those landscape plans shall be fully reviewed by the Department as part of such approval process.

22.52.2250 Additional Requirements.

Compliance with this Part 21 shall also require the following:

A. A covenant shall be recorded in the office of the Los Angeles County Registrar-Recorder/County Clerk indicating that the owner of the subject project is aware of the drought-tolerant landscaping requirements of this Part 21 and is also aware of how said requirements apply to the owner's project.

B Any and all planting restrictions placed on the project by the County Fire Department shall apply to the project, including, but not limited to the restrictions under said Department's fuel modification plan guidelines.

22.52.2260 Exemptions.

A. The following shall be exempt from the provisions of this Part 21:

1. Registered historical sites;

2. Public recreational lawns;

3. Any new and/or renovation project for a park; and

4. Any area of a project dedicated solely and permanently to edible plants, such as orchards and vegetable gardens.

B. The following may be exempt from the provisions of this Part 21:

1. Landscaping for a manufactured cut or fill slope equal to or exceeding a gradient of 3:1, when Public Works makes a determination that such exemption is necessary to comply with the requirements of the building code regulating engineered grading.

2. Landscaped areas required for low impact development ("LID"), as described in Chapter 12.84 of Title 12 of the Los Angeles County Code, water quality facilities such as vegetated swales, rain gardens, detention ponds or basins, areas of the project used to contain pollutants, or areas irrigated by reclaimed water, when Public Works makes a determination that such exemption is necessary for compliance with the LID standards established in Chapter 12.84.

22.52.2270 Modification of Landscaping Requirements.

A. The Director of the Department, without notice or a hearing, may grant a modification to the landscaping requirements of this Part 21 under the following circumstances:

1. When a project's topographic features, lot size, or other conditions make it unreasonable, impractical, or otherwise creates an unnecessary hardship to require compliance with these landscaping requirements; or

2. When the nature of a large scale or multi-lot project necessitates flexibility in the project design that impacts the landscaping for the project.

B. Any request for a modification to the landscaping requirements of this Part 21 that is not filed concurrently with an application for a permit, variance, or other discretionary entitlement under Title 22, or with an application for a subdivision under Title 21, shall be processed as a yard modification in accordance with Section 22.48.180.

C. Any decision by the Director on a modification request pursuant to this Section 22.52.2260 may be appealed to the commission; and any decision by the commission on such appeal may be appealed to the Board of Supervisors. All such appeals shall be governed by Part 5 of Chapter 22.60.

[DROUGHTTOLERANTLHCC]

SECTION 3. This ordinance shall be published in The Metropolitan News a newspaper printed and published in the County of Los Angeles.

Yvonne B. Burke
Chair

ATTEST:

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of November 18, 2008 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

	Ayes		Noes
Supervisors	Zev Yaroslavsky	Supervisors	None
	Don Knabe		
	Michael D. Antonovich		
	Yvonne B. Burke		

Effective Date: December 18, 2008

Operative Date: January 1, 2009

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

By _____
Leela Kapur
Chief Deputy County Counsel

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ANALYSIS

This ordinance amends 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 standards relate to energy conservation, outdoor and indoor water conservation, resource conservation, and tree planting. Compliance shall be achieved through adherence to County green building standards, or standards created by recognized third-party green building organizations.

RAYMOND G. FORTNER, JR.
County Counsel

BY

LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Property Division

LLH:sh

10/09/08 (requested)

11/12/08 (revised)

558903_4

ORDINANCE NO. 2008-0065

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

SECTION 1. Section 21.24.440 is hereby added to read as follows:

21.24.440 Green Building.

All projects, as defined therein, shall comply with the green building requirements of Part 20 of Chapter 22.52, subject to the applicability provisions of said Part 20.

SECTION 2. Part 20 of Chapter 22.52 is hereby added to read as follows:

Part 20

GREEN BUILDING

Sections:

22.52.2100 Purpose.

22.52.2110 Definitions.

22.52.2120 Applicability.

22.52.2130 General Provisions.

22.52.2140 Site Plan Review.

22.52.2150 Waiver or Modification of Requirements.

22.52.2160 Exemptions.

22.52.2100 Purpose.

A. The purpose of this Part 20 is to establish green building development standards for new projects. Green building practices are intended to:

a. Conserve water;

b. Conserve energy;

c. Conserve natural resources;

d. Divert waste from landfills;

e. Minimize impacts to existing infrastructure; and

f. Promote a healthier environment.

B. 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, including a supplemental district, community standards district, or transit-oriented district established under this Title 22, and 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.

22.52.2110 Definitions.

For purposes of this Part 20, the following definitions shall apply:

A. "Agricultural accessory structure" shall mean a structure used to shelter animals or agricultural equipment, hay, feed, and/or other agricultural supplies. Examples include a barn, a greenhouse, a coop, a corral, and a pen.

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

C. "California energy efficiency standards" are the energy efficiency standards for residential and non-residential buildings established in Title 24, Part 6 (California Energy Code) of the California Code of Regulations, as these standards may be updated from time to time.

D. "County green building standards" are the minimum green building development requirements for all projects in the unincorporated areas of the County, as set forth in Sections 22.52.2130.C.1 through 22.52.2130.C.5.

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

F. "Department" shall mean the Los Angeles County Department of Regional Planning.

G. "Drought-tolerant plant list" shall mean a list of native and non-native plant species, approved by the Director and maintained by the Department, which list is organized by ecological zones for use in landscaped areas within all projects.

H. "First-time tenant improvement" is the initial improvement of the interior of a building or portion thereof, where the work requires a building, electrical, plumbing, and/or mechanical permit.

I. "GPR" means Green Point Rated™, a green building rating system for residential construction, developed and administered by Build It Green™.

J. "Green building technical manual" is a manual prepared by the Department that includes the most recent third-party standards and rating systems accepted by the commission for inclusion in the manual, as required by Section 22.52.2130.E, as well as other pertinent information, to assist applicants to comply with the requirements of this Part 20. The green building technical manual includes the drought-tolerant plant list.

K. "Landscaped area" shall mean the cumulative landscaped area of a lot or parcel of land, but shall not include the area in which any tree required by this Part 20 or any mature tree is situated. For single-family residences, the landscaped area shall be any area measured from the front property line to the front of the residence.

L. "LEED™" shall mean Leadership in Energy and Environmental Design Green Building Rating System™, an independent certification system of green building point categories and guidelines established by the United States Green Building Council as a means to verify the sustainable qualities of differing building types. LEED™ certification has four ratings from lowest to highest, respectively, in terms of sustainable qualities: certified, silver, gold, and platinum.

M. "LEED™ accredited professional" shall mean an accredited professional from the building industry with a demonstrated knowledge and understanding of green building practices and principles, as well as a familiarity with LEED™ requirements, resources, and processes, all as described by LEED™.

N. "Lodging house" shall mean any building or portion thereof containing five or fewer guest rooms designed, used, intended to be used, or hired out to guests for purposes of lodging.

O. "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.

P. "Project" shall mean the construction of any building, as defined in Title 22, or first-time tenant improvement, but shall exclude the remodel or addition to an existing building. If a site contains one or more separate buildings, each separate building shall comply with this Title 20.

Q. "Public Works" shall mean the Los Angeles County Department of Public Works.

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.

S. "Smart irrigation controller" is a watering device that uses sensors and weather information to automatically adjust watering times and frequency in response to weather changes.

T. "Third-party standards and rating systems" are the three independent green building standards and rating systems, CGB, GPR, and LEED™, as those standards and rating systems may be updated from time to time.

U. "United States Green Building Council (USGBC)" is a non-profit organization whose mission is to promote the development of buildings and structures that are environmentally responsible, profitable, and healthy places to live and work.

22.52.2120 Applicability.

A. This Part 20 shall become effective on January 1, 2009, and shall apply to all projects within the unincorporated areas of the County after that date except for the following:

1. Any project where a complete building permit application was filed with Public Works prior to January 1, 2009, except as provided in subsection 3;

2. Any project where a building permit was obtained prior to January 1, 2009, and expired prior to its use, where Public Works determines that the use of the building permit was delayed because of third-party litigation against the County related to the County's approval of the project. This exemption shall not apply if

Public Works determines that material changes to the scope of the building permit are required as a result of the litigation;

3. Any project involving construction of single-family residences on lots created by a parcel map which created four or fewer residential lots, or any project involving a building permit for the construction of one single-family residence on a legal lot, in both cases where a complete building permit application was filed with Public Works prior to April 1, 2009; and

4. Any project that is exempt from the provisions of this Part 20 pursuant to Section 22.52.2160.

B. Where a project involves a subdivision map with single-family lots and the map was approved after the effective date of this Part 20, the total number of single-family lots on the originally approved map shall be deemed to be the number of dwelling units in the project for purposes of determining the project's appropriate green building requirements under Table 22.52.2130-1.

22.52.2130 General Provisions.

A. Table 22.52.2130-1 summarizes the general green building requirements for a project, which requirements shall be based on the building permit application filing date for the project.

B. If a project falls within more than one project description in Table 22.52.2130-1, the project description with the more stringent green building requirements shall apply.

TABLE 22.52.2130-1 GREEN BUILDING REQUIREMENTS FOR PROJECTS			
	Project Description	**Building Permit Application Filed on or after January 1, 2009, but before January 1, 2010**	**Building Permit Application Filed on or after January 1, 2010**
1	Residential projects with < 5 dwelling units	County Green Building Standards	County Green Building Standards
2	Residential projects with ≥ 5 dwelling units	County Green Building Standards	County Green Building Standards & (GPR or CGB or LEED Certified)
3	Hotels/motels, lodging houses, non-residential, and mixed-use buildings, with a gross floor area of < 10,000 square feet	County Green Building Standards	County Green Building Standards
4	Hotels/motels, lodging houses, non-residential, and mixed-use buildings, and first-time tenant improvements, with a gross floor area of ≥ 10,000 square feet and < 25,000	County Green Building Standards	County Green Building Standards & LEED™ Certified
5	Hotels/motels, lodging houses, non-residential, and mixed-use buildings, and first-time tenant improvements, with a gross floor area of ≥ 25,000 square feet	County Green Building Standards	County Green Building Standards & LEED™ Silver
6	High-rise buildings > 75 feet in height	County Green Building Standards	County Green Building Standards & LEED™ Silver

C. County Green Building Standards.

1. Energy Conservation. All projects shall be designed to consume at least fifteen (15) percent less energy than allowed under the 2005 Update to the California Energy Efficiency Standards, except that projects exempt from energy compliance under these 2005 standards shall also be exempt from this requirement.

Energy usage for purposes of this subsection shall be determined by the Time Dependent Valuation Method described in Title 24, Part 6 (California Energy Code) of the California Code of Regulations.

2. Outdoor Water Conservation.

a. A smart irrigation controller shall be installed for any area of a lot that is landscaped or designated for future landscaping.

b. All landscaped areas shall meet the drought-tolerant requirements set forth in Part 21 of Chapter 22.52.

3. Indoor Water Conservation.

All tank-type toilets installed in residential projects containing five or more dwelling units regardless of gross floor area, or in hotels/motels, lodging houses, non-residential, and mixed-use buildings with a gross floor area of at least 10,000 square feet shall be high-efficiency toilets (maximum 1.28 gallons/flush).

4. Resource Conservation.

a. A minimum of 50 percent of non-hazardous construction and demolition debris by weight from all residential projects containing less than five dwelling units regardless of gross floor area, or from hotels/motels, lodging houses, non-residential, and mixed-use buildings with a gross floor area of less than 10,000 square feet shall be recycled and/or salvaged for reuse.

b. A minimum of 65 percent of non-hazardous construction and demolition debris by weight from all residential projects containing at least five dwelling units regardless of gross floor area, or from hotels/motels, lodging houses, non-residential, and mixed-use buildings with a gross floor area of at least 10,000 square feet shall be recycled and/or salvaged for reuse.

c. Compliance with this subsection C.4 shall be governed by the methods and procedures set forth in Chapter 20.87 of the County Code.

5. Tree Planting.

a. For each lot containing a single-family residence, a minimum of two 15-gallon trees shall be planted and maintained, at least one of which shall be from the drought-tolerant plant list. The satisfaction of this requirement may be used to fulfill other tree-planting requirements of this Title 22.

b. For each lot containing a multi-family building, a minimum of one 15-gallon tree shall be planted and maintained for every 5,000 square feet of developed area, at least fifty (50) percent of which shall be from the drought-tolerant plant list. The satisfaction of this requirement may be used to fulfill other tree-planting requirements of this Title 22.

c. For each lot containing a hotel/motel, lodging houses, and non-residential buildings, a minimum of three 15-gallon trees shall be planted and maintained for every 10,000 square feet of developed area, at least sixty-five (65) percent of which shall be from the drought-tolerant plant list. The satisfaction of this requirement may be used to fulfill other tree-planting requirements of this Title 22.

d. Exceptions to tree-planting requirements.

i. If the lot size or other site condition makes the planting of the required trees pursuant to this subsection C.5 impractical in the opinion of the Director, the Director may approve the planting of the required trees off-site at twice the ratio than would otherwise be required by this subsection C.5. The procedures for planting trees off-site shall be set forth in the Green Building Technical Manual and proof that such trees have been planted off-site shall be submitted to the Department.

ii. Any existing mature tree on the involved lot shall count towards the tree planting requirements of this subsection C.5 regardless of whether such tree is listed on the drought-tolerant plant list. Such existing mature tree shall be shown on the site plan submitted to the Department.

D. Additional Green Building Requirements for Certain Projects After January 1, 2010. In addition to the green building requirements set forth in subsections C.1 through C.5, this subsection sets forth green building requirements for certain projects, described below, where the building permit application for such project is filed on or after January 1, 2010.

1. For a residential project containing five (5) or more dwelling units, the project shall achieve GPR, CGB, or LEED™ certification or, at the option of the applicant, shall achieve the equivalency of any such certification, as determined by Public Works.

2. For a hotel/motel, lodging house, non-residential or mixed-use building, or first-time tenant improvement, with a gross floor area of at least 10,000 square feet but less than 25,000 square feet, the project applicant shall retain a LEED™ accredited professional or other green building professional, approved by the Director and the Director of Public Works, to be part of the project design team. In addition, the project shall achieve the equivalency of LEED™ certification, either through USGBC certification or through an equivalency determination by Public Works. The building design submitted to Public Works shall show all of the building elements that will be used to achieve such certification or such equivalency determination.

3. For a hotel/motel, lodging house, non-residential or mixed-use building, or first-time tenant improvement project, with a gross floor area greater than 25,000 square feet or for a high-rise building greater than seventy-five (75) feet in

height, the project applicant shall retain a LEED™ accredited professional or other green building professional, approved by the Director and the Director of Public Works, to be part of the project design team. In addition, the project shall achieve the equivalency of a LEED™ silver certification, either through USGBC certification or through an equivalency determination by Public Works. The building design submitted to Public Works shall show all of the building elements that will be used to achieve such certification or such equivalency determination.

4. For purposes of this subsection D, the determination of whether a project achieves the equivalency of LEED™ certification shall be based on the project's use of a defined subset of menu options set forth in the green building technical manual.

E. Updates to the Green Building Technical Manual. The green building technical manual shall be updated with revised third-party standards and rating systems as provided in this subsection E.

1. The green building taskforce established by the Board of Supervisors shall annually review all updates to the third-party standards and rating systems, or more frequently as deemed necessary by the taskforce, to determine whether, in its opinion, the inclusion of such updates in the green building technical manual is appropriate. Any such determination by the green building taskforce shall be submitted to the commission in the form of a recommendation.

2. The commission shall hold a public hearing pursuant to Part 4 of Chapter 22.60 to consider any and all recommendations by the green building taskforce described in subsection E.1. No update to the third-party standards and rating systems may be included in the green building technical manual, or relied upon for compliance with this Part 20, until such update is approved for inclusion in the manual by the commission. Any decision by the commission regarding such inclusion shall be

appealable to the Board of Supervisors and, if appealed, shall not be included in the manual or relied upon for compliance with this Part 20 until final action by the Board of Supervisors on such appeal.

3. Any approved update to the green building technical manual pursuant to this subsection E shall be effective six months after the commission, or, where applicable, the Board of Supervisors, takes final action to approve such update, except that updates related to the California energy efficiency standards shall be effective in accordance with state law.

22.52.2140 Site Plan Review.

A. Compliance with the green building requirements of this Part 20 shall be shown through a site plan review under this Title 22, where the site plan required by Part 12 of Chapter 22.56 shall clearly depict or list any green building elements that will be incorporated into the project. In addition, all building plans and specifications required by Public Works for the project shall also clearly depict or list such green building elements. The Department shall approve compliance with these requirements in concept only. Final approval of such compliance shall be made by Public Works.

B. The same site plan shall be used to show compliance with this Part 20, the drought-tolerant landscaping requirements of Part 21, Chapter 22.52, and the low-impact development standards of Chapter 12.84, to the extent these other requirements apply to the project.

C. In any case where a site plan for a project has been or will be concurrently filed with an application for a permit, variance, zone change, development agreement, or other discretionary entitlement under Title 22, or with an application for a subdivision under Title 21, the site plan procedure set forth above in this section shall not apply and

instead, the exhibit "A," tentative map, or other site plan required for such other approval shall be used to show compliance with this Part 20.

22.52.2150 Waiver or Modification of Requirements.

The Director of Public Works may grant a waiver or modification to the requirements of this Part 20 for a project whenever said Director determines there are practical difficulties involved in carrying out the provisions of this Part 20, provided that said Director finds that a special individual reason makes the strict letter of this Part 20 impractical, that the waiver or modification is in conformity with the spirit and purpose of this Part 20, and that such modification does not lessen any fire-protection or other life-safety-related requirements or any degree of structural integrity. The details of any such action by the Director of Public Works granting a waiver or modification to the requirements of this Part 20 shall be memorialized in writing and maintained in the files of the Department and Public Works.

22.52.2160 Exemptions.

A. The following projects shall be exempt from the provisions of this Part 20:

1. Agricultural accessory structures;

2. Registered historic sites; and

3. First-time tenant improvements with a gross floor area of less than 10,000 square feet.

B. Areas of a project that include warehouse/distribution buildings, refrigerated warehouses, and industrial/manufacturing buildings shall be exempt from the energy conservation requirements in Section 22.52.2130.C.1 and the third-party standards and rating system requirements in Section 22.52.2130.D. Any office space, non-refrigerated, non-warehouse, and non-industrial/manufacturing areas of a building

that are physically separated from the exempted area of the building just described, as determined by the Director, shall comply with all of the requirements of this Part 20.

[GREENBLDGLHCC]

SECTION 3. This ordinance shall be published in The Metropolitan News a newspaper printed and published in the County of Los Angeles.

Yvonne B. Burke
Chair

ATTEST:

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of November 18, 2008 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

	Ayes		Noes
Supervisors	Zev Yaroslavsky	Supervisors	None
	Don Knabe		
	Michael D. Antonovich		
	Yvonne B. Burke		

Effective Date: December 18, 2008

Operative Date: January 1, 2009

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By _____ Deputy

APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

By _____
Leela Kapur
Chief Deputy County Counsel

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