ANALYSIS

An ordinance amending Title 21 – Subdivisions and Title 22 – Planning and Zoning of the Los Angeles County Code, relating to the repeal of drought tolerant landscaping and green building requirements found in those titles because such requirements are now found in Title 31 – Green Building Standards Code, and to establish tree planting requirements for new projects to provide environmental benefits.

MARY C. WICKHAM
County Counsel

By

JILL M. JONES
Senior Deputy County Counsel
Property Division

JMJ:ph

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ORDINANCE NO. 2016-0016

An ordinance amending Title 21 – Subdivisions and Title 22 – Planning and Zoning of the Los Angeles County Code, relating to the repeal of drought tolerant landscaping and green building requirements found in those titles because such requirements are now found in Title 31 – Green Building Standards Code, and to establish tree planting requirements for new projects to provide environmental benefits.

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

SECTION 1. Section 21.24.430 is hereby deleted in its entirety.

~~**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. Section 21.24.440 is hereby deleted in its entirety.

~~**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 3. Section 22.08.030 is hereby amended to read as follows:

22.08.030 C.

. . .

— "Condition of use" means a development standard determined to be necessary to permit harmonious classification of a use as listed in a zone and therefore a prerequisite to place, or for application to place, such use as classified. A condition of

use shall be subject to the provisions of Part 2 of Chapter 22.56, but shall be deemed a mandatory requirement except as provided therein.

— "Cool pavement" means paving materials that reflect the sun and/or increase water evaporation to provide cooler ground surfaces than traditional paving materials.

. . .

SECTION 4. Section 22.08.190 is hereby amended to read as follows:

22.08.190 S.

. . .

— "Sensitive environmental resource area" means:

. . .

— "Shade plan" means a landscape plan that depicts and quantifies the amount of tree shade for a project site as set forth in Section 22.52.2130.B.

. . .

SECTION 5. Section 22.08.200 is hereby amended to read as follows:

22.08.200 T.

. . .

— "Travel trailer park" means any area or tract of land or a separate designated section within a mobilehome park where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles used for travel or recreational purposes.

— "Tree species list" means the list of tree species prepared and maintained pursuant to Section 22.52.2120.B.

SECTION 6. Section 22.08.210 is hereby amended to read as follows:

22.08.210 U.

— "Uncovered parking area" means, for the purpose of implementing Part 20 of Chapter 22.52 - Tree Planting Requirements, the uncovered impervious surface areas of a parking lot that includes parking stalls, pedestrian loading areas, driveways within the property line, areas for vehicular maneuvering, and walkways within the parking lot, but excludes areas covered by solar panels or truck loading areas, and display, sales, service and vehicle storage areas associated with uses such as automobile dealerships.

— "Utility-scale solar energy facility, ground-mounted" means a device or devices affixed to the ground, and any accessory equipment or structures, which converts solar energy into electrical or thermal energy primarily for off-site use. Such facility shall not use concentrated solar thermal collectors, which use lenses or mirrors to focus or reflect a large area of sunlight onto a small area.

— "Use" means and includes construction, establishment, maintenance, alteration, moving onto, enlargement, and occupation. Wherever this title prohibits the "use" of any premises for any purposes, such premises and any building, structure, or improvement on such premises shall not be used, occupied, altered, or improved for such purpose, and no building, structure, or improvement on such premises shall be erected, constructed, established, maintained, allowed to remain, altered, moved onto,

or enlarged which is designed, arranged, or intended to be occupied or used for such purpose.

SECTION 7. Part 20 of Chapter 22.52 is hereby deleted in its entirety.

~~**Part 20 GREEN BUILDING**~~

~~**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 GreenTM" 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 RatedTM, a green building rating system for residentialconstruction, developed and administered by Build It GreenTM.~~

~~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. "LEEDTM" 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.~~

SECTION 8. 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 Tree Requirements.

22.52.2130 Site Plan Requirements.

22.52.2140 Modification of Development Standards.

22.52.2100 Purpose.

The purpose of this Part 20 is to establish a project's tree planting requirements to provide environmental benefits. Trees planted pursuant to this Part 20 will reduce greenhouse gasses by absorbing carbon dioxide, reduce water pollution by retaining

storm water onsite, and reduce the urban heat island effect by shading impervious surfaces.

22.52.2110 Applicability.

A. This Part 20 shall apply to any project that includes:

1. A new primary use building;

2. Additions to buildings, where the addition adds a cumulative floor area of at least 50 percent of the total existing building floor area on the subject property, within any 12-month period; or

3. New uncovered surface parking lots with a minimum of 15 parking spaces and/or existing uncovered surface parking lots expanded to have 15 or more parking spaces.

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

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

2. Utility-scale solar energy facilities, ground-mounted.

C. Trees required by this Part 20 are the minimum requirement for a project, but may also contribute to fulfilling other landscaping requirements in this Title 22, including any such requirements in a Community Standards District.

22.52.2120 Tree Requirements.

A. Amount of Trees.

1. Except for residential subdivision projects that are otherwise subject to Section 21.32.195, projects that fall within a category described in

Sections 22.52.2110.A.1 and 22.52.2110.A.2 shall comply with the following requirements:

a. For projects that are primarily residential with three or fewer units per lot, a minimum of two trees shall be planted on each lot;

b. For projects that are primarily residential with four or more units per lot, a minimum of one tree shall be planted for every 5,000 square feet of building footprint per lot; and

c. For projects that are non-residential or mixed-use, a minimum of three trees shall be planted for every 10,000 square feet of developed lot area.

2. Any existing tree located on the project site with a minimum trunk diameter of .75 inches, as measured six inches above the soil line, may count towards meeting the requirement above at Section 22.52.2120.A.1.

3. For projects described in Section 22.52.2110.A.3, a shade plan meeting the specifications set forth in the Tree Planting Guide, to be maintained by the Director, is required. For those projects, the amount of trees required on that shade plan shall anticipate a minimum of 50 percent shade coverage of the uncovered parking area within 15 years of planting the required trees. Trees required by this subsection may also count towards the requirements of Sections 22.52.2120.A.1.b and 22.52.2120.A.1.c.

B. Species. The tree species planted pursuant to this Part shall be those that provide adequate shade, are not invasive, are resistant to local pests and diseases, are

adaptable to the local climate, and are appropriate for the planting location. The Director shall prepare and maintain the Tree Species List, which shall contain a list of tree species which the Director has determined to satisfy the first three criteria set forth in this subsection.

C. Size. Required trees shall be a minimum size of 15 gallons and shall have a trunk diameter of .75 to 1.5 inches as measured six inches above the soil line at the time of planting.

D. Location.

1. Trees shall be planted in locations that maintain the required lines of sight for safe pedestrian and vehicular movement and will not cause root damage to the sidewalk or other public infrastructure, to the satisfaction of the Department of Public Works; and

2. Trees planted near buildings or fire lanes shall be placed in locations that do not adversely impact Fire Department operations or response times, to the satisfaction of the Fire Department.

E. Maintenance.

1. Trees shall be supported with staking and ties that are made of soft and mold resistant material (such as rubber), until the trees are able to support themselves;

2. Trees for projects addressed in Sections 22.52.2120.A.1.b, 22.52.2120.A.1.c, and 22.52.2110.A.3 and not planted in turf shall require an irrigation system; and

3. Trees failing to survive shall be replaced.

22.52.2130 Site Plan Requirements.

A. For projects described in Sections 22.52.2110.A.1 and 22.52.2110.A.2, required trees shall be depicted on a site plan and the tree species shall be labeled.

B. For projects located in a designated Fire Hazard Severity Zone, required site and/or shade plans shall be routed to the Fire Department's Fuel Modification Unit for review and approval to ensure proposed tree locations comply with Title 32 of the County Fire Code.

22.52.2140 Modification of Development Standards.

The requirements of Section 22.52.2120.A may be modified by the Director during the application process, without additional fees where:

A. The applicant documents in a notarized letter by a certified arborist, submitted to the Director, that the required trees will not survive on the site due to the soil type thereon;

B. The requirement would conflict with other provisions set forth in the Los Angeles County Code. When, pursuant to this section, the Director reduces the required shade area for a project described in Section 22.52.2120.A.3 because there is not enough square footage for both the required shade area and the required parking, so long as the parking requirements are met, the Director may replace the tree requirements intended to create the shade area with a cool pavement requirement, preferably permeable, to be used in uncovered parking areas as defined in Section 22.08.210; or

C. The parking lot described in Section 22.52.2110.A.3 is retrofitted with solar panels.

SECTION 9. Part 21 of Chapter 22.52 is hereby deleted in its entirety:

~~**Part 21 DROUGHT-TOLERANT LANDSCAPING**~~

~~**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.~~

~~**SECTION 22.** Section 22.52.2260 is hereby amended to read as follows:~~

~~**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;~~

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

~~5. Community 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.~~

~~3. Trees used to shade outdoor public and/or private pedestrian and bicycle pathways or facilities such as sidewalks, bicycle lanes, bicycle paths, or bicycle parking, provided the County biologist determines that the overall drought-tolerant landscaping for the involved project furthers the intent of this Part 21.~~

~~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.~~

[2124430JJCC]

SECTION 10. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.

Hilda L. Solis
Chair

ATTEST:

Lori Glasgow

Lori Glasgow
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of March 29, 2016 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	Hilda Solis	Supervisors	None
	Mark Ridley-Thomas		
	Sheila Kuehl		
	Don Knabe		
	Michael D. Antonovich		

Effective Date: April 28, 2016

~~Operative Date:~~

Lori Glasgow

Lori Glasgow
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.

LORI GLASGOW
Executive Officer
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By _____
Lester J. Tolnai
Acting Chief Deputy County Counsel

S:\Ordinances\County Counsel\2016\2016-0016