REPORT RE:

DRAFT OF ORDINANCE AMENDING LOS ANGELES MUNICIPAL CODE SECTIONS 12.03, 12.07, 12.07.01, 12.07.1, 12.08, 16.10 AND 16.11 TO SUNSET, MODIFY AND/OR TRANSFER OVERSIGHT OF FOUR GREEN BUILDING RELATED PROGRAMS IN ORDER TO STREAMLINE CASE PROCESSING IN LIGHT OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE TAKING EFFECT ON JANUARY 1, 2011

The Honorable City Council of the City of Los Angeles Room 395, City Hall 200 North Spring Street Los Angeles, California 90012

Council File 10-0735 CPC No. 2010-2158-CA

Honorable Members:

We are transmitting to you for your consideration, approved as to form and legality, a draft ordinance amending Sections 12.03, 12.07, 12.07.01, 12.07.1, 12.08, 16.10 and 16.11 of the Los Angeles Municipal Code. The amendments to these sections sunset, modify and/or transfer oversight of four green building related programs in order to streamline case processing in light of the California Green Building Standards Code (CALGreen Code) taking effect on January 1, 2011.

Summary of Ordinance Provisions

On August 3, 2010, the City Council (Council File No. 10-0735), the Department of Building and Safety (DBS), with assistance from the Department of City Planning and City Attorney, to draft an ordinance consistent with the CALGreen Code that is at least
as effective as the City's current Green Building Program, and for DBS to assess and report back on staffing and training needs and fee requirements relevant to the implementation of the anticipated ordinance.

The proposed ordinance accomplishes three main things. First, it creates a consistent reference to only one green building standard, enabling a streamlined process, which provides predictability for the applicant and efficiencies for the City. Second, DBS will physically inspect a project for compliance prior to building permit issuance rather than the current practice of checking project plans, resulting in stricter enforcement of green building requirements. Third, it modifies the Green Team to move oversight of green building code review to DBS.

The proposed ordinance sunsets the Standard of Sustainability on December 31, 2010. The Standard of Sustainability requires that non-residential buildings over 50,000 square feet and residential buildings over 50,000 square feet with at least 50 units meet the intent of "Leadership in Environmental and Energy Design" (LEED®) at the Certified level. As of May 2010, 28 projects have been filed that must meet this requirement.

As mentioned above, DBS has been instructed by City Council to develop the LA Green Code in a manner that is at least as effective as our current requirements. Therefore, the intent and effectiveness of the Standard of Sustainability will not be lost.

The proposed ordinance prevents redundant case processing efforts, avoids additional case processing time, and creates a consistent reference to only one green building standard. The proposed ordinance does not change the intent or function of how the green building related programs operate today. It merely modifies the manner in which they operate, by either modifying which green building standard applies and/or changing the department overseeing particular functions.

CEQA Determination

We recommend that, prior to adoption of this ordinance, you determine that your action is exempt from the California Environmental Quality Act ("CEQA") under State CEQA Guidelines sections 15060(c)(2) and (3) because it will not result in a direct, or reasonably foreseeable in direct physical change in the environment. In addition, Council may determine that adoption of the ordinance is exempt from CEQA under City CEQA Guidelines Article II, Section 1 (General Exemption) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

If the Council concurs with the above, it may comply with CEQA by making one or all of these determinations prior to or concurrent with its action on the ordinance. It is
also recommended that you direct Staff to cause the filing of a Notice of Exemption in accordance with CEQA Guidelines Section 15062.

**Council Rule 38 Referral**

The draft ordinance was sent, pursuant to Council Rule 38, to the Planning Department and DBS.

If you have any questions regarding this matter, please contact Deputy City Attorney Kim Rodgers Westhoff at (213) 978-8242. She or another member of this Office will be present to answer any questions you may have when you consider this matter.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE/KRW:mrc
Transmittal
ORDINANCE NO. ________________

A proposed ordinance amending Sections 12.03, 12.07, 12.07.01, 12.07.1, 12.08, 16.10 and 16.11 of the Los Angeles Municipal Code to sunset, modify and/or transfer oversight of green building-related programs in order to streamline case processing in light of the California Green Building Standards Code anticipated to take effect on January 1, 2011.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. Subdivision 5 of Subsection C of Section 12.07 of the Los Angeles Municipal Code is amended to add parentheses around paragraph letters a, b and c.

Sec. 2. Paragraph (c) of Subdivision 5 of Subsection C of Section 12.07 of the Los Angeles Municipal Code is amended by adding a new Subparagraph (5) to read as follows:

(5) Termination and Replacement. The reference to the U.S. Green Building Council’s (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program and requirement to obtain an authorization from the Department of Planning for a plan check described in Paragraph (c) shall no longer apply to projects filed on or after January 1, 2011. Projects filed on or after January 1, 2011, must satisfy LA Green Building Code, as defined in Los Angeles Municipal Code Section 99.01.101.1, Tier 1 or higher in order to obtain additional floor area as described in Subdivision 5.

Sec. 3. Subdivision 5 of Subsection C of Section 12.07.01 of the Los Angeles Municipal Code is amended to add parentheses around paragraph letters a, b and c.

Sec. 4. Paragraph (c) of Subdivision 5 of Subsection C of Section 12.07.01 of the Los Angeles Municipal Code is amended by adding a new Subparagraph (5) to read as follows:

(5) Termination and Replacement. The reference to the U.S. Green Building Council’s (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program and requirement to obtain an authorization from the Department of Planning for a plan check described in Paragraph (c) shall no longer apply to projects filed on or after January 1, 2011. Projects filed on or after January 1, 2011, must satisfy LA Green Building Code, as defined in Los Angeles Municipal Code Section
99.01.101.1, Tier 1 or higher in order to obtain additional floor area as described in Subdivision 5.

Sec. 5. Subdivision 5 of Subsection C of Section 12.07.1 of the Los Angeles Municipal Code is amended to add parentheses around paragraph letters a, b and c.

Sec. 6. Paragraph (c) of Subdivision 5 of Subsection C of Section 12.07.1 of the Los Angeles Municipal Code is amended by adding a new Subparagraph (5) to read as follows:

(5) Termination and Replacement. The reference to the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program and requirement to obtain an authorization from the Department of Planning for a plan check described in Paragraph (c) shall no longer apply to projects filed on or after January 1, 2011. Projects filed on or after January 1, 2011, must satisfy LA Green Building Code, as defined in Los Angeles Municipal Code Section 99.01.101.1, Tier 1 or higher in order to obtain additional floor area as described in Subdivision 5.

Sec. 7. Subdivision 5 of Subsection C of Section 12.08 of the Los Angeles Municipal Code is amended to add parentheses around paragraph letters a, b and c.

Sec. 8. Paragraph (c) of Subdivision 5 of Subsection C of Section 12.08 of the Los Angeles Municipal Code is amended by adding a new Subparagraph (5) to read as follows:

(5) Termination and Replacement. The reference to the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program and requirement to obtain an authorization from the Department of Planning for a plan check described in Paragraph (c) shall no longer apply to projects filed on or after January 1, 2011. Projects filed on or after January 1, 2011, must satisfy LA Green Building Code, as defined in Los Angeles Municipal Code Section 99.01.101.1, Tier 1 or higher in order to obtain additional floor area as described in Subdivision 5.

Sec. 9. Subsection D of Section 16.10 of the Los Angeles Municipal Code is amended by adding a new Subdivision 3 to read as follows:

3. Termination. The provisions of Subsections A, B, C and D shall be repealed and terminate on December 31, 2010.
Sec. 10. Subsection E of Section 16.10 of the Los Angeles Municipal Code is amended by adding a new Subdivision 3 to read as follows:

3. **Termination and Replacement.** The reference to the U.S. Green Building Council’s (USGBC) Leadership in Energy and Environmental Design (LEED®) Certification at the Silver level or higher described in Subsection E shall no longer apply to projects filed on or after January 1, 2011. Projects filed on or after January 1, 2011, must satisfy LA Green Building Code, as defined in Los Angeles Municipal Code Section 99.01.101.1, Tier 1 or higher in order to obtain expedited processing as described in Subsection 5.

Sec. 11. Subsection F of Section 16.10 of the Los Angeles Municipal Code is amended by adding a new Subdivision 6 to read as follows:

6. **Termination.** The provisions of Section 16.10 shall be repealed and terminate on December 31, 2010.

Sec. 12. Section 16.11 of the Los Angeles Municipal Code is amended by adding a new Subsection D to read as follows:

D. **Termination.** The provisions of Subsection F shall be repealed and terminate on December 31, 2010.

Sec. 13. **Urgency Clause.** The City Council finds and declares that this Ordinance is required for the immediate protection of the public peace, health and safety for the following reason: In order for the City of Los Angeles to facilitate a seamless transition of green building requirements and maintain predictability and streamlined case processing for the benefit of economic development during distressed times, it is necessary to immediately modify the existing green building requirements, incentives and related Green Team. The Council, therefore, with the Mayor’s concurrence, adopts this ordinance to become effective upon publication pursuant to Los Angeles City Charter Section 253.
Sec. 14. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, by a vote of not less than three-fourths of all of its members, at its meeting of _______________________.

JUNE LAGMAY, City Clerk

By ________________________  Deputy

Approved ______________________

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By ________________________  Deputy City Attorney

Date: December 29, 2010

File No(s). CF 10-0735; CPC 2010-2158-CA