

ORDINANCE NO. _____

An ordinance amending Chapter I of the Los Angeles Municipal Code by adding new Sections 16.10 and 16.11 to establish the Green Building Program and amending Section 19.01.

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

Section 1. Article 6.1 of Chapter I of the Los Angeles Municipal Code is amended by adding a new Section 16.10 to read:

Sec. 16.10. GREEN BUILDING PROGRAM.

A. Establishment of Program and Purpose. There is established a Green Building Program, which shall be administered by the Green Building Team pursuant to the provisions of Section 16.11 of this Code. The purpose of the Green Building Program is to reduce the use of natural resources, create healthier living environments and minimize the negative impacts of development on local, regional, and global ecosystems. The program consists of a Standard of Sustainability and Standard of Sustainable Excellence. The program addresses five key areas:

1. Site: location, site planning, landscaping, stormwater management, construction and demolition recycling;
2. Water Efficiency: efficient fixtures, wastewater reuse, and efficient irrigation;
3. Energy & Atmosphere: energy efficiency, and clean/renewable energy;
4. Materials & Resources: materials reuse, efficient building systems, and use of recycled and rapidly renewable materials; and
5. Indoor Environmental Quality: improved indoor air quality, increased natural lighting, and improved thermal comfort/control.

B. Building Permit Review. No building permit shall be issued for the following categories of Projects unless the Project meets the intent of the criteria for certification pursuant to Subsections D or E of this section as determined by the Department of City Planning.

1. A new non-residential building, or structure of 50,000 gross square feet or more of floor area; or
2. A new mixed use or residential building of 50,000 gross square feet or more of floor area in excess of six stories; or

3. A new mixed use, or residential building of six or fewer stories consisting of at least 50 dwelling units in a building, which has at least 50,000 gross square feet of floor area, and in which at least 80 percent of the building's floor area is dedicated to residential uses; or

4. The alteration or rehabilitation of 50,000 gross square feet or more of floor area in an existing building for which construction costs exceed a valuation of 50 percent of the replacement cost of the existing building; or

5. The alteration of at least 50 dwelling units in an existing building, which has at least 50,000 gross square feet of floor area, for which construction costs exceed a valuation of 50 percent of the replacement cost of the existing building.

C. **Definitions.** For the purpose of this section, the following words and phrases are defined as follows:

1. **Historic Resource.** A building, structure or site that is any of the following: a City Historic-Cultural Monument; listed in or formally determined eligible for the National Register of Historic Places or California Register of Historical Resources; a Contributing Element to a Historic Preservation Overlay Zone (HPOZ); or identified in an adopted historic resources survey as eligible for designation.

2. **LEED®.** Leadership in Energy and Environmental Design.

3. **LEED®-AP.** A person who has been designated a LEED® Accredited Professional by the Green Building Certification Institute (GBCI).

4. **LEED® Design Review.** The review of eligible credits by the USGBC using the project's 100 percent construction documents, which are sufficient for a complete plan check by the Department of Building and Safety. The USGBC will review and mark each credit including credits for "Innovation and Design" as either Credit Achievement Anticipated or Credit Denied.

5. **Project.** The construction of, addition to, or alteration of any building or structure that requires a building permit and meets the criteria established in Subsection B of this section.

6. **USGBC.** The U.S. Green Building Council.

D. **Standard of Sustainability.**

1. **Rating System.** The applicant shall demonstrate that the Project meets the intent of the criteria for certification at the LEED® certified level. The Project may be submitted for compliance in whichever LEED® rating system the

applicant deems most suitable to the Project type: LEED®-NC (New Construction), EB (Existing Buildings), CI (Commercial Interiors), Core & Shell, or Homes. The Project shall use the version of the rating system in effect on the date that plans sufficient for a complete plan check are accepted by the Department of Building and Safety and a fee is paid, unless the applicant has elected to register the Project with the USGBC, in which case the Project may use the rating system's version which was in effect at the time the Project registered. Formal certification by the USGBC is not required.

2. **Procedures.** The Department shall have the authority to issue a clearance for all Projects subject to the provisions of this subsection for LEED® compliance. The review shall be based on Guidelines established by the Director and revised as necessary. In order to obtain this clearance, the applicant shall provide:

- a. A LEED® checklist, including points allocated to the "Innovation and Design" category, which demonstrates that the Project meets the selected LEED® Rating System at the "Certified" level or higher;
- b. A signed declaration from the LEED®-AP stating that the plans and plan details have been reviewed, and that the Project meets the intent of the criteria for certification of the selected LEED® Rating System at the "Certified" level or higher;
- c. A complete set of plans stamped and signed by a licensed architect or engineer that includes a copy of the preliminary checklist and signed declaration identified in Paragraphs (a) and (b) of this subdivision and identifies the measures being provided for LEED® compliance. Each plan sheet must also be signed by a LEED®-AP verifying that the plans are consistent with the submitted checklist; and
- d. The fee set forth in Section 19.01 Y. A Project may be exempt from paying the fee if the following additional information is provided:
 - (1) Documentation that the Project has registered with the USGBC's LEED® program and that the required fees have been paid to USGBC; and
 - (2) Documentation that the Project has successfully completed the USGBC's LEED® Design Review process.

E. Standard of Sustainable Excellence. Projects that voluntarily commit to LEED® Certification at the Silver Level or higher shall receive expedited processing from the Department.

1. Procedures for Expedited Processing. An applicant seeking to obtain expedited processing of discretionary entitlements from the Department shall provide:

- a. A signed declaration from the property owner, owner in escrow, or a legally authorized agent as well as the LEED®-AP;
- b. Documentation that the Project has registered with the USGBC and that the required fees have been paid to USGBC;
- c. The Project's preliminary LEED® checklist that demonstrates that the number of points that the project intends to pursue will make it eligible to obtain LEED® Silver Certification.

2. Procedures for Building Permit Review. The Department of City Planning shall have the authority to issue a clearance for all Projects that have received expedited services specified in Subdivision 1 above. The review shall be based on Guidelines established by the Director and revised as necessary. In order to obtain this clearance, the applicant shall provide:

- a. A LEED® checklist, including points allocated to the "Innovation and Design" category, from a USGBC LEED®-AP, which demonstrates that the Project meets the selected LEED® Rating System at the "Silver" level or higher;
- b. A signed declaration from the LEED®-AP stating that the plans and plan details have been reviewed, and that the Project meets the intent of the criteria for certification of the selected LEED® Rating System at the "Silver" level or higher;
- c. A complete set of plans stamped and signed by a licensed architect or engineer that includes a copy of the preliminary checklist and signed declaration identified in Paragraphs (a) and (b) of this subdivision and identifies the measures being provided for LEED® Silver or higher Certification. Each plan sheet must also be signed by a LEED®-AP verifying that the plans are consistent with the submitted checklist; and
- d. The fee set forth in Section 19.01 Y. A Project may be exempt from paying the fee if documentation is provided that the Project has successfully completed the USGBC's LEED® Design Review process.

F. Exemptions. The provisions of this section shall not apply to any of the following Projects:

- 1. A Historic Resource, if the Department finds that full LEED® compliance would require alterations that conflict with the Secretary of the

Interior's Standards for the Treatment of Historic Properties. In those cases, a LEED®-AP shall assert in writing that the Project has incorporated all other reasonable measures to achieve LEED® compliance, while avoiding adverse impacts to the Historic Resource's character-defining features.

2. Any Project where plans were accepted by the Department of Building and Safety for plan check and the appropriate fee is paid prior to November 1, 2008, provided no changes were made to the Project that would increase the floor area by more than five percent. This exception shall no longer be valid if construction is not commenced within one year of the date of issuance of the permit.

3. Any entitlement application filed and deemed complete with the exception of CEQA review prior to November 1, 2008, provided no changes are made to the application that would increase the floor area by more than five percent.

4. Any residential Project of six or fewer stories where plans were accepted by the Department of Building and Safety for plan check and the appropriate fee is paid prior to May 1, 2009, provided no changes were made to the Project which increase the floor area by more than five percent. This exception shall no longer be valid if construction is not commenced within one year of the date of issuance of the permit.

5. Any entitlement application for a residential Project of six or fewer stories filed and deemed complete with the exception of CEQA review prior to May 1, 2009, provided no changes are made to the application that would increase the floor area by more than five percent.

Sec. 2. Article 6.1 of Chapter 1 of the Los Angeles Municipal Code is amended by adding a new Section 16.11 to read:

Sec. 16.11. Green Building Team. The Green Building Team's mission is to encourage innovation, to remove obstacles to green building, and to facilitate the City's sustainable green building objectives.

A. **Composition.** The Green Building Team shall be composed of the following officers of the City or their duly authorized representatives:

The Mayor's Office, as Chairperson;

City Council President, as co-chairperson;

Chairperson, Energy and Environment Committee of the City Council, as co-chairperson;

Chairperson, Planning and Land Use Management Committee of the City Council, as co-chairperson;

Chief Legislative Analyst;

The Director of Planning;

The City Engineer;

The Superintendent of Building;

The Chief Engineer of the Department of Fire;

The Chief Executive Officer and General Manager of the Department of Water and Power;

The General Manager of the Environmental Affairs Department;

The General Manager of the Housing Department;

The Director of the Bureau of Sanitation of the Department of Public Works; and

The Chief Executive Officer of the Community Redevelopment Agency of the City of Los Angeles.

Officers or their authorized representatives from additional departments shall participate as needed and may include:

The City Attorney;

The General Manager of the Department of Transportation;

The Director of the Bureau of Street Services of the Department of Public Works;

The Director of the Division of Urban Forestry of the Bureau of Street Services of the Department of Public Works;

The General Manager of the Harbor; and

The General Manager of the Los Angeles World Airport.

B. Relationship with Other Agencies. The Team shall invite representatives of the County of Los Angeles, the Metropolitan Transit Authority, Los Angeles

Community Colleges, Los Angeles Unified School District, the Southern California Gas Company, and other agencies to participate as issues warrant.

C. Responsibilities.

1. **Meetings.** The Green Building Team shall hold regular public meetings on a monthly basis.

2. **Reports.** The Team shall provide an annual report to the City Council as to the issues and innovations that have been brought to the Team's attention and shall further outline proposed steps to remediate any concerns and obstacles to green building development and/or innovations. The Team shall establish a process for identifying and tracking all LEED® certified developments in the City. Prior to April 22nd of each year, the Team shall issue a Green Building Report Card, which recognizes green building developments the Team determines to be of significance.

3. **Legislative Recommendations.** The Team shall review and suggest modifications to the City's Codes on an on-going basis, to promote green building construction, and to facilitate the City's sustainable green building objectives.

4. **Recommendations for Standard of Sustainability.** The Team shall review in alternate years, the thresholds and corresponding green building standard(s) by which projects are required to comply with the Standard of Sustainability. The Team shall recommend any necessary adjustments to the Department of City Planning for preparation of appropriate code amendment(s).

5. **Standard of Sustainable Excellence.** The Team shall review annually the incentives and their effectiveness in encouraging projects to pursue the Standard of Sustainable Excellence. The Team shall make recommendations to the appropriate board or commission should alternative incentives be advised.

6. **Staff Education.** The Team shall record the educational efforts achieved by each department on an annual basis and report this information to the City Council.

7. **Public Outreach.** The Team and, in particular, the Chairperson and Co-Chairpersons, shall be the City's public spokespersons in regards to any and all issues relative to private sector green building. The Team shall develop and maintain a public outreach program for, but not limited to, architects, engineers, developers, land use attorneys, contractors, builders, employers, and City residents.

Sec. 3. Section 19.01 of the Los Angeles Municipal Code is amended by adding a new Subsection Y to read:

Y. GREEN BUILDING APPROVAL FEE.

Type of Application	Fee
Application for the Standard of Sustainability or the Standard of Sustainable Excellence, pursuant to Section 16.01	\$268.00