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July 15, 2019

Director Linda Tatum  
City of Long Beach City Hall  
Development Services Department  
333 W. Ocean Blvd., 3rd Floor  
Long Beach, CA 90802

### **Re: Long Beach City “Climate Action & Adaptation Plan” – BIA-LAV COMMENT LETTER**

Dear Director Tatum,

The Los Angeles/Ventura Chapter of the Building Industry Association of Southern California, Inc. (BIA-LAV), is a non-profit trade association of 1,000 companies employing over 100,000 people all affiliated with building and development. On behalf of our membership, we would like to submit a comment letter based on the most recent draft of the Long Beach City “Climate Action & Adaptation Plan” (CAAP). We hope that our comments are evaluated and considered for implementation as staff works toward a final draft. Our comments throughout this letter are focused on creating a healthy balance between climate adaption practices and encouraging housing production to respond to the housing crisis.

#### **Considerations**

BIA-LAV is an ardent supporter of sustainability, resiliency, and equity goals, however before the City moves forward with adopting the CAAP, there should be a serious assessment of how to achieve these goals while balancing and considering the more eminent crisis facing our region – Housing. We need to make sure that the CAAP does not redirect us from increasing home ownership attainability and housing affordability, stopping rising homelessness, and decreasing the poverty rate by attracting higher paying jobs. As the City develops the CAAP, we hope California’s Housing Accountability Act (HAA) is front and center. The HAA was passed to address the lack of housing that threatens the economic, environmental, and social quality of life in California. It states that the excessive cost of California’s housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require



that high fees and exactions be paid by producers of housing. A CAAP should ensure that the production of housing is not further hindered through unintended policies or mandates.

Additionally, many of the goals enumerated within the CAAP target new development. There should be more acknowledgement that new development is already positioning itself towards many of the State and County's sustainability goals. Several estimates approximate that new development accounts for less than one percent of the overall housing stock; the overwhelming majority of CAAP opportunity is found in existing housing. The recommendations being proposed in this plan should be better evaluated in order to produce the types of impacts it hopes to achieve. These observations have largely been left out of the CAAP documents. If we ever hope to truly advance equity, we need to start with ensuring tangible sustainability and resiliency in housing.

We would like to provide the following comments on the four documents making up the CAAP draft plan. Each of our comments and concerns are divided into three categories and lists the relevant actions or strategy descriptions we would like to discuss and the page which they're located on; 1. CAAP Introduction Document and Greenhouse Gas (GHG) Emissions, Forecasts and Targets Document, 2. CAAP Mitigation Actions Document & Additional CAAP Mitigation Actions (non-priority) Document, and 3. CAAP Adaptation Actions Document.

#### **1. CAAP Introduction (CI) Document and Greenhouse Gas (GHG) Emissions, Forecasts and Targets (GEFT) Document**

- Page 3, CI: The CAAP has been included as a mitigation measure to the General Plan Land Use Element update, and the CAAP will be used as the basis for future assessments of consistency with this plan in lieu of project-specific GHG CEQA analysis to entitle future projects.
- Page 3, CI: A project-specific environmental document that relies on this plan for its cumulative impacts analysis would identify specific reduction measures applicable to the project and how the project incorporates the measures. If the measures are not otherwise binding and enforceable, they must be incorporated as mitigation measures, project conditions of approval, or some other mechanism to ensure implementation.
- Page 4, CI: Incorporating the CAAP into the General Plan is important because the City Council and Planning Commission use the goals and policies of the general plan as a basis upon which to make decisions, determine long-term objectives, generate and evaluate budgets, plan capital improvements, and prioritize tasks.

The CAAP's prominence as part of the City's General Plan and project approval process is somewhat concerning. We agree that the General Plan is used by the Council to make decisions to determine significant policies and priorities for the City, as the premise for these decisions has the potential to have long lasting effects. For this reason, it should be stated that a CAAP plan ought to assess its impacts on housing production and evaluate



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any negative, duplicative, or overly burdensome, or costly impact to housing – particularly during a housing crisis. A CAAP should be nimble enough to adjust to market fluctuations, such as a housing emergency.

- Page 4, CI: Collaborate with internal (City departments) and external stakeholders (community members, business community, neighborhood associations, scientific community, etc.).
- Page 8, CI: Stakeholder Working Groups: Business Working Group was convened twice to provide input on their climate-related concerns, existing actions and future opportunities. The group included approximately 30 attendees from 24 businesses including architecture, engineering, utilities, sustainability consultants, and various other local businesses. Firms represented included firms large and small, global and local, and consultation with business association leaders and the Chamber of Commerce.

We strongly suggest that the comment period and the public outreach be continued to allow for more thorough review and the inclusion of housing-industry specific outreach. The inclusion of grass roots-based organizations and environmental stakeholders are important, and as an effort to create the most equitable plan a balance of business, building, and development entities should be considered as well – especially when these industries will be carrying out the suggestions in the draft plan. Many of the suggestions and recommendations found in the draft plan require private financial investment and rely on unidentified funding. Also, in the past our members have expressed concern that sustainability and climate plans are being created without an economic feasibility study or consideration of the housing production and affordability impacts, which appears to be the case with this CAAP, as well.

- Page 16, CI: The City also carried out a Climate Vulnerability Assessment, which explored how climate stressors predicted for Long Beach will impact different types of city assets. The study assessed vulnerability based on the following categories: - Public Health - Housing and Neighborhoods.
- Page 25, CI: Building efficiency, building decarbonization, and increasing electricity generation from renewable sources will also improve local air quality
- Page 1, GEFT: To provide a robust understanding of its GHG profile, the City analyzed emissions through three different lenses. The primary emissions analysis was through development of a production-based inventory that represents emissions occurring from local activities, like vehicle travel, home energy use, and waste disposal.
- Page 14, GEFT: Establishing local GHG targets in Long Beach can also help to achieve the following objectives



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- Illustrate the relationship between the City's reduction target and the State's own reduction goals for compliance with state mandates for cities related to greenhouse gas reduction, and
- Demonstrate a level of GHG emissions below which the City would have less than cumulatively considerable GHG impacts for future environmental review projects.

California has already adopted aggressive greenhouse gas emission reduction targets, including returning to 1990 levels by 2020, 40% below 1990 by 2030, and carbon neutrality by 2045. Ensuring that there is not duplicity or conflicting goals at the federal, state and national level to reach these actions should be considered. Buildings already have to be in compliance with a decarbonization reach code found in the CALGreen building code. Additionally, making sure that the assumptions used for mitigation recommendations are congruent with those used by other City assessments would help in predicting similar outcomes so there aren't conflicting results and recommendations.

## **2. CAAP Mitigation Actions & Additional CAAP Mitigation Actions (non-priority)**

This portion of the CAAP is important because it has the most tangible impact on the production of housing by setting the City of Long Beach GHG emission reduction actions. As mentioned, California, and Los Angeles County specifically, have some of the highest environmental standards in the nation. CALGreen is the first-in-the-nation mandatory green building standards code. The Building Energy Efficiency Standards, Title 24, Part 6 & Part 11 update (Energy Standards) was recently adopted and will take effect in January 2020. According to the California Energy Commission, the Energy Standards are a unique California asset that have placed the State on the forefront of energy efficiency, sustainability, energy independence, and climate change issues, and have provided a template for national standards within the United States, as well as for other countries around the globe. As noted in the draft CAAP, "Long Beach has already taken several steps to significantly strengthen green and sustainable approaches towards climate resiliency. The City has also focused on creating sustainable land use and transportation systems; The City's General Plan Land Use Element update supports this progress by promoting land use patterns that concentrate intensity around transit and promote active transportation through the proper mix of uses and careful urban design." Ensuring that there is not duplicative or conflicting climate policies is extremely important. Read more about BIA-LAV's suggestions to reduce duplicity among government regulations in the CEQA Relief for Housing page [here](#).

As the State and local governments move to address updated energy, climate and sustainability targets, builders need clarity and certainty when new regulations are changed or introduced, especially when existing investments and current projects are impacted. The adoption of a CAAP, if implemented without a light touch, will add another regulatory hurdle that homebuilders will have to move their projects through as they try to stay in compliance with local, state and federal regulations. Ensuring that the CAAP is consistent with the Housing Accountability Act, and that



regulations are not duplicative in costs and regulatory efforts, are not in conflict with one another, and don't contradict similar laws and goals is imperative when finalizing this CAAP.

- Page 8-9, T-2: Increase employment and residential development along primary transit corridors.
- Page 20-21, T-8: Increase density and mixing of land uses.
  - Include offsets and incentives for TOD development as part of the implementation strategies section.
- Page 44: Affordability requirements in new development.
  - Explore additional affordability requirements in new developments to ensure that high-propensity transit rider households can live near transit.

When developing a residential transit-oriented development policy it should be noted that an incentive-based approach generates the best results. An example of this is found in the City of Los Angeles, through their Transit Oriented Communities (TOC) measure. This is a voluntary component of larger piece of legislation and is faring far better than the rest of mandatory components. There are tiered incentives and offsets based on the types of housing that is produced, related to affordability requirements. Additionally, there would need to be a cost reduction in another part of the City's building process to achieve affordability requirements. It would have to offset the cost of providing below market-rate housing by reducing overall costs. An offset program should have flexible incentives to negate the increase of providing inclusionary units, ensuring that projects are financially feasible. Read more about BIA-LAV's Inclusionary Zoning suggestions [here](#).

- Page 16-17, T-6: Develop an Electric Vehicle Infrastructure Master Plan.
- Page 18-19, T-7: Transportation Demand Management Ordinance.
  - The City will define requirements for a TDM ordinance update that addresses carpool/vanpool parking, bicycle parking and shower facilities/locker rooms, trip reduction plans, and transit-supportive infrastructure development. The ordinance would apply to new non-residential development that exceeds an established size threshold (e.g., 25,000 gross square feet) and new large multi-family development (e.g., 50+ units).
- Page 22-23, T-9: Integrate SB 743 planning with CAAP process.
- Page 36-37, W-1: Ensure Compliance with State Law Requirements for Multi-Family Residential and Commercial Property Recycling Programs.
  - Develop and adopt mandatory commercial and multi-family recycling ordinance.
- Page 38-39, W-2: Develop a residential organic waste collection program.
  - Establish and adopt city-wide goals for residential organic waste reduction



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- Page 40-41, W-3: Ensure Compliance with State Law Requirements for Commercial and Multi-Family Residential Organic Waste Diversion.
  - Develop and adopt mandatory commercial organic waste recycling ordinance.

Many of these goals are already being met through State legislation and regulatory requirements, such as Senate Bill 1383, passed in 2016. SB 1383 mandates a 50 percent reduction in the landfilling of organic waste by 2022. By 2025, that reduction target is 75 percent. Builders need a certain amount of flexibility to provide these services. We ask the City work with stakeholders when producing these ordinances to ensure costs do not negatively affect building. Considerations for implementation through an incentive-based approach that provides offsets to encourage a particular policy to move forward by making the effort an attractive investment to those being affected by it – is a much more supportable policy tactic.

- Page 28-29, BE-2: Develop a home energy assessment program.
- Page 45: Drive decarbonization of natural gas end users.
  - Develop building retrofit program to replace natural gas appliances with electric options that can be powered by clean electricity. Adopt stricter building energy efficiency requirements to guide new construction toward electric equipment options.
- Increase construction of zero-net emissions buildings.
  - Mandate or incentivize new buildings to achieve net-zero emission standards, in which building energy emissions are reduced through on-site renewable energy systems or through offsets, such as community solar programs. This action would aim to deliver net-zero emission buildings in advance of the State's requirements (e.g., zero-net energy building requirements- 2020 for residential, 2030 for commercial).
- Page 45: Exceed state building code requirements
  - Adopt CalGreen Tier 1 voluntary measures as requirements for new residential and nonresidential construction and renovation projects in the city, to increase energy and water efficiency, reduce construction-based waste, and support active transportation options and electric vehicle use.
- Page 45: Require solar panels on new construction
  - Require solar panels on all new construction not already required by state law. As of 2020 new residential construction will require solar panels with limited exemptions. The City would explore options to require solar panels on exempted residential and non-residential construction.
- Page 46: Increase diversion of debris from construction and demolition.
  - Revise the City's existing Construction & Demolition Management Plan to require a minimum diversion of 75% for wood/lumber debris.



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Our comments in the first paragraph of this section mention in detail how our State and regional Energy Standards have placed California on the forefront of energy efficiency, sustainability, and climate change issues; providing a template for national standards and beyond. The action strategies listed above and particularly from Page 45 are very concerning. These recommendations are unnecessary and go above already deemed very ambitious and challenging energy goals. These recommendations can be costly, and the technology to exceed certain standards may not yet be available. As an example, the solar panel recommendation is also puzzling, based on the fact the California is already years and years ahead of any other territory in solar adoption, in fact the first of its kind in the nation after the passage of mandated solar on all new construction by 2020. The exemptions were well vetted and warranted. A positive example on ways to help exceed current standards and decrease energy use in this CAAP is found on Page 30-31, BE-3: Provide access to energy efficiency financing, rebates, and incentives for building owners. Working alongside stakeholders to achieve goals formulated by the City is a more realistic and equitable way to reach the goals illustrated throughout this CAAP.

### 3. CAAP Adaptation Actions

- Page 5-6, EH-01: Increase presence of cool roofs and cool walls.
  - Determine parameters for proposed amendments to the building code.
  - Update the building code to mandate the installation of cool roofs on all new and retrofitted roofs.

Often times, local governments jump to use a stick rather than a carrot approach to integrate policies; unfortunately, this normally comes in the form of costly implementation standards. When mandates and recommendations, like the ones listed under this category, are introduced we urge government entities to incorporate an incentive-based system of compliance. An example of an incentive-based suggestion is found on Page 7-8, EH-02: “Increase presence of reflective and shade canopies. Identify and complete City code changes to incentivize or require the use of cool pavement on projects.”

- Page 18-19, AQ-01 Incentivize installation of photocatalytic roofing tiles.
  - Contingent on initial success, explore code changes to require or incentivize photocatalytic tiles in impacted communities.

While we appreciate the incentive language we want to be sure this recommendation considers the fact that the California Energy Commission passed a measure, last year, mandating that all new homes in California must incorporate solar power starting in 2020. This was an update to the state’s 2019 Title 24, Part 6, Building Energy Efficiency Standards.

- Page 29-30, DRT-01 Implement additional water conservation programs.



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- Establish and adopt city-wide goals for residential water use reduction that match the 2018 legislation and options to achieve them.
- Utilize pricing to encourage high-water users such as large lot homeowners to reduce water consumption.

New water standards for new construction would not have as strong of an impact when considering that new buildings are twice as efficient in water-conservation than much of the current housing stock. Additionally, in recent years, drought restrictions and water conservation efforts have changed water use dramatically. Water standards should be a streamlined, incentive program, or be provides tax incentives or rebates.

## Conclusion

BIA-LAV believes that these considerations will provide balance to the City's CAAP draft. We cannot lose sight that we are in a housing emergency and we must continue to prioritize the development and construction of housing as a priority in order to address the symptoms related to a diminishing housing supply, such as housing affordability and homelessness. In order to properly address these afflictions, we want to ensure that CAAP does not make housing more expensive and does not create more or duplicative regulatory hurdles. We believe that the comments and concerns provided by our membership will enhance the overall mission of the CAAP.

We ask that the final draft plan be written with our requested adjustments, so we can reasonably achieve the City's goals. Thank you for your consideration of these suggestions and comments. Should you have any questions, please contact BIA-LAV Director of Government Affairs, Diana Coronado, at (213) 797-5965 or at [dcoronado@bialav.org](mailto:dcoronado@bialav.org).

Sincerely,

Tim Piasky  
Chief Executive Officer  
BIA-Los Angeles/Ventura

CC:

Council Offices; District 1, District 2, District 3, District 4, District 5, District 6, District 7, District 8, and District 9

Sent via e-mail