



Date: **February 2023**

To: **BIA-LAV Board of Directors**

Re: **Government Affairs Report**

CITY OF LOS ANGELES

LA CITY TASK FORCE: BIA LAV continues to schedule regular meetings with senior planning staff to discuss industry best-recommended practices. Next meeting with Lisa M. Webber, Deputy Director for the Los Angeles City Planning Department is currently being planned. If you are interested in participating in these meetings, please email De'Andre Valencia @ dvalencia@bialav.org.

LA CITY DECARBONATION ORDINANCE MOTION: Councilwoman Nithya Raman, representing the 4th district, passed a motion, seconded by Councilmember Bob Blumenfield, representing the 3rd district that instructs the Department of Building and Safety (DBS) and the Climate Emergency Mobilization Office (CEMO) to report back within 180 days with a plan for the implementation of an ordinance and regulatory framework, effective on or before January 1, 2023, that will require all new residential and commercial buildings in Los Angeles to be built so that they will achieve zero-carbon emission. The report back should include a recommended timeline for the implementation of the ordinance and regulatory framework by building type; an analysis of any negative impacts to construction costs and timelines for publicly funded residential buildings and recommendations for mitigating measures; and strategies to mitigate and offset any potential impacts to construction jobs through programs and policies. Throughout this process BIA-LAV continually voice our concerns of opposition and offered recommendations. On 12/7/22 this ordinance was past which requires all electric buildings as defined: A building that contains no combustion equipment, plumbing for combustion equipment, gas piping, or fuel gas serving any use including, but not limited to, space heating (including fireplaces), water heating (including pools and spas), cooking appliances (including barbeques), and clothes drying, within the building or building property lines, and instead uses electricity as the sole source of energy for all lighting, appliances and/or equipment, including, but not limited to, space heating, water heating, cooking appliances, and drying appliances. View final ordinance [here](#).

PROCESSES AND PROCEDURES ORDINANCE: The City of Los Angeles is in the process of making zoning regulations more user-friendly, transparent, and predictable, the proposed ordinance would systematically reorganize the administrative provisions of the Zoning Code. The Processes and Procedures Ordinance is currently undergoing form and legality review by the City Attorney, as instructed by the City Council on June 22, 2021. BIA continues to track this ordinance.

WILDLIFE DISTRICT ORDINANCE: A proposed ordinance to amend the Los Angeles Municipal Code (LAMC) in order to create a Wildlife Ordinance District that establishes regulations restricting location, size, fencing,

landscaping and design requirements of new development within the Wildlife Ordinance District. Staff has prepared a proposed ordinance and will consider public comment. BIA continue submitted a comment letter and has testified at the planning commission. Read letter [here](#). View presentation [here](#). This ordinance was passed the Planning Commission and headed to the Planning, Use & Management Committee (PLUM). Date TBD

LOS ANGELES COUNTY

EQUITABLE DECARBONIZATION ORDINANCE MOTION: Supervisor Sheila Kuehl, representing the 3rd district, made a motion, seconded by Holly Mitchell, representing the 2nd district to report back to the Board within 120 days on potential policies and programs, including funding sources, to reduce or eliminate the use of fossil fuels in existing residential and commercial buildings. The report back should also include plans to initiate and/or participate in ongoing stakeholder engagement processes, such as those led by the City of Los Angeles; engage with state and federal agencies, electric utilities, advocates, academics, and others to determine the extent to which the increased electric demand resulting from efforts to decarbonize buildings can be met with existing and planned new clean energy resources; proactively advocate for and seek state and federal funding; and Zero Net Energy developments recommendations for an ordinance or building code changes that would phase out the use of natural gas equipment and appliances in all new residential and commercial construction and substantial renovations starting in 2023. BIA-LAV testified in opposition at the Board Supervisors meeting on March 15th and continues to meet with key staff members as they produce the report back.

NET ZERO ENERGY MOTION: On February 8, 2022 Supervisor Kathryn Barger representing the 5th district, made a motion, seconded by by Janice Hahn, representing the 2nd district, to report back in 120 days the feasibility of establishing Zero Net Energy (ZNE) standards standards for major development projects and other large-scale development in unincorporated Los Angeles County. As part of the study, the Director of Public Works should consult with relevant public agencies as well as private sector partners including the Building Industry Association, the Los Angeles and Orange County Building Trades, among others; and integrate the strategies identified in the Board of Supervisors' Motion regarding "Streamlining and expediting the County's permitting and development processes to support small businesses and the development of new housing" to incorporate ZNE standards into existing efforts. BIA continues to monitor the County progress. BIA has met with County staff to express concerns.

INCLUSIONARY ZONING ORDINANCE: In August 2020, the County adopted an inclusionary zoning ordinance. At the time the ordinance was adopted by the Board, certain aspects of the ordinance were not applicable in three sub regions of the County due to financial feasibility issues addressed in an economic analysis prepared for the County. That analysis determined that market-rate multifamily rental development in the Los Angeles/Gateway, South Los Angeles and Antelope Valley sub regions were unable to support inclusionary housing requirements. It also found that for-sale multifamily (condos and townhomes) development in the South Los Angeles and Antelope Valley sub regions could not support an inclusionary housing requirement.

A motion was introduced by Solis and adopted with the inclusionary housing ordinance which asked for an updated economic feasibility analysis on the submarkets and related exclusions with an eye toward amending the ordinance to fully include these sub areas. The motion also requested a report on ordinance amendments to the likelihood of off-site construction of affordable units" and "achieve deeper affordability for both rental and home ownership projects.

The County's consultant HR&A released an short report called "Update of Market Concisions re: Inclusionary Housing Feasibility" that concluded "changes over the past two years lead HR&A to recommend that the financial feasibility analysis of inclusionary housing requirements for both rental in the ELA/G, SLA and AV submarkets and condominiums in the SLA and AV submarkets should now be re-analyzed." This report is a precursor to reopening the inclusionary housing ordinance to make it more onerous.

SAFETY ELEMENT: According to the County of Los Angeles, the Safety Element, a chapter of the General Plan, contains goals and policies to reduce the potential short and long-term risk of death, injuries, property damage, economic damage, and social dislocation from earthquakes, floods, and fire in the County's unincorporated areas. Examples of Safety Element policies include discouraging building on earthquake faults, in flood and very high fire risk areas, and maintaining essential public facilities during natural disasters. BIA-LAV submitted [a letter](#) and continues to urge policymakers to adopt a balanced approach that does not exacerbate the housing crisis. For more information, [click here](#).

CLIMATE ACTION PLAN (CAP): BIA-LAV submitted the attached comment letter on January 31 regarding the environmental impact report (EIR) for the County's CAP. BIA continues to advocate for a thorough study of the impacts the Climate Action Plan will have on (i) population and housing, (ii) land use and planning, and (iii) all other potential environmental impacts (direct, indirect, and cumulative). [Click to view letter](#). [Click here to learn more](#). The Draft 2045 CAP can be viewed or downloaded from the project website. BIA submitted a letter on July 8th. Read the letter [here](#).

PUBLIC WORKS LID COST OF COMPLIANCE SURVEY: BIA-LAV members are encouraged to complete a survey to assist with the County's effort to gather information on the cost of complying with the Low Impact Development (LID) Standards that are defined in the LID Ordinance and outlined in the Los Angeles County Public Works (LACPW) LID Standards Manual. LACPW is embarking on an effort to develop a Fee-in-Lieu alternative to the existing compliance options. They believe that a Fee-in-Lieu alternative compliance measure has the potential to provide flexibility to the development community and beneficial results to the public. The goal is to base the Fee-in-Lieu compliance alternative on actual cost data from the development and design communities. To that end, LACPW is requesting assistance from developers that conduct work regularly in unincorporated areas of Los Angeles County to provide estimated costs of compliance with the LID Standards. As it can be difficult to separate out the cost of stormwater management from overall project development costs, we are hoping to collect a variety of cost data to allow for estimates when direct costs are not available. This data may include overall increases in Civil Engineering or Landscape Architecture costs since the LID Ordinance, BMP design costs, costs related to LID Plan submittal, BMP construction costs, or any other direct BMP-related costs that can be extracted from overall budgets, construction bids, or engineer cost estimates. If you choose to participate, please [click here](#) to follow the link below to a short online questionnaire for the LA County Public Works LID Standards – Cost of Compliance Survey.

LA COUNTY PARKING REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT: LA County staff has requested BIA member input on how minimum parking requirements affect housing development. The County is embarking on a study to better understand how parking requirements affect affordable, market-rate multi-family, and mixed-use developments. The goal of the study is to determine if parking requirements should be recalibrated to meet housing needs. [Click here](#) to find more information about the study and a list of questions.

FIRE CODE UPDATE: On January 10, 2023 LA County Board of Supervisor adopted a motion to amend Title 32, the fire code to meet CAL Fire standards as well as increasing and implanting new fees. The motion is set to be adopted on January 31st. BIA is in communication with the County and Board of Supervisors to express our concerns. A meeting has been set for January 26th for more dialogue with our members. Some concerns are but not limited to: 1) Continued expansion in the number and amount of fees. Many of these fees are being

increased 15% with this code update. 2)The new brush clearance inspection fee will be instituted this year (\$50) and it will affect homeowners. This 'inspection' could be as brief as a drive-by by the local engine company or at most a 10-15 minute in-person walk around the owner's property. This fee will increase to \$100 in 2023, and then increase to \$151 in 2024 (page 250 QQ 103.3). 3) Department plans to increase the number of homes inspected in the County from its current 40,000 to nearly 120,000. Simple math will show that this will pencil out to millions of dollars in new revenue for the fire district and slow down the process. 4) The oak tree inspection fee, currently the fee is \$100 - however, the new fee will be \$376 (page 254 QQ103.1(2)). View the draft ordinance [here](#).

JOSHUA TREE CONSERVATION: In the third quarter of 2022 the CA Fish and Wildlife Department begun efforts to list the Joshua Tree as an endangered species under the Endangers Species Act, even though a report by their own department stated that the tree was abundant was not threatened. BIA working with the LA County Board of Supervisors advocated and both testified in opposition of the listing. The process is ongoing and CBIA is working on a legislative fix if the tree is listed. Locally, on January 24th the LA County Board of Supervisors have adopted a motion to instruct the Director of Regional Planning to report back to the Board in writing in 60 days on existing County efforts and ordinances that protect the western Joshua tree; the feasibility of partnering with existing, or creating new mitigation banks, to further protect and create additional space for the long-term protection of western Joshua trees; and the feasibility of seeking delegated authority from the California Department of Fish and Wildlife to develop a local conservation program specific to the western Joshua tree that would include mitigation for potential development impacts, including a timeline and cost for developing such a program. BIA continues to be active in the process on both the state and local level.

PARKS AND NEEDS ASSESSMENT PLUS: In 2022, DPR completed the Parks Needs Assessment Plus (PNA+) which complements and offers new information not previously included in the 2016 PNA. Specifically, PNA+ includes data about access to regional parks, open space, trails, beaches and lakes, and local parks in rural areas, as well as mapping and analyses related to population vulnerability, environmental benefits, environmental burdens, and priority areas for environmental conservation, environmental restoration, regional recreation, and rural recreation. The County is currently working on a implementation plan and BIA continues to work with County staff to ensure our concerns are met. Click [here](#) to read our comment letter. Click [here](#) to review the County Presentation.

WILDFIRE ORDINANCE: The Los Angeles County (County) Department of Regional Planning is in the process of developing the Community Wildfire Protection (CWP) Ordinance. The CWP Ordinance was formerly named, and referenced in the General Plan, as the Reduce Damage From Wildfire Ordinance. The CWP Ordinance is being drafted in response to the [February 11, 2020 motion](#) by the Los Angeles County Board of Supervisors. The CWP Ordinance will amend the Los Angeles County Code Title 21 (Subdivisions Code) and Title 22 (Planning and Zoning Code) to address adequate evacuation egress during wildfire events, to improve public safety, and to reduce risks to development located within Very High Fire Hazard Severity Zones (VHFSHSZ). BIA is continually working with the County to express our concerns. You can read our comment letter [here](#). View presentation [here](#). On February 1, 2023, the County released an updated version set to be heard at the Regional Planning Committee on March 1, 2023. BIA is reviewing the document and preparing comments.

CITY OF PASADENA

PASADENA ELECTRIFICATION ORDINANCE: The City is in the process of preparing a building electrification ordinance. Staff will present to the City Council on April 4, 2022, their building electrification proposed requirements and exceptions with the expectation of directing staff to create an ordinance within 60 days. BIA-LAV previously submitted a [letter](#) to the City of Pasadena in opposition and successfully ensured that new and

existing single-family homes were exempt from this ordinance. This ordinance would apply to new multi-family buildings greater than three units; new mixed-use buildings; new commercial buildings; new additions to existing commercial buildings where the addition adds 50 percent or more of the existing square foot area. In such cases, the entire building must convert to complete electrification. BIA-LAV met with the City of Pasadena Planning Department on March 10th to discuss BIA-LAV concerns and testified at the April 4th City Council Meeting. City staff has been directed to draft an ordinance. Ordinance passed in August of 2022.

VENTURA COUNTY

FARMWORKER HOUSING STUDY AND ACTION PLAN: The County of Ventura, in coordination with the nonprofit House Farm Workers, has commenced a Countywide Farmworker Housing Study and Action Plan, aimed at identifying needs for farmworkers in the County and formulating the manner in which much-needed farmworker housing may be accommodated throughout the County.

The Study and Action Plan will be utilized by the incorporated cities and the county to develop targeted programs and strategies to address the identified housing needs of farmworkers, and to support agricultural businesses with a stable and healthy workforce.

Additional information about the Farmworker Housing Study and Action Plan can be found on this site and will be updated as additional project milestones are achieved. BIA is currently tracking this issue.

CITY OF VENTURA

CLIMATE ACTION PLAN: The City of Ventura is currently working on a Climate Action and Resilience Plan that is going to look at greenhouse gas reduction efforts in the City to address climate change. The plan is going to focus on what new and existing commercial and residential development can do to move the needle on this topic. The City understands this is going to affect the building industry, so they have reach our to BIA LAV to have an open discussion on this issue. BIA has meet with City staff to discuss our concerns. BIA is tracking the issues and sharing information.