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June 30, 2020

Chief Sustainability Officer Gary Gero
County of Los Angeles
Office of Sustainability
Kenneth Hahn Hall of Administration
500 W. Temple St., Room 358
Los Angeles, CA 90012

Re: BIA-LAV “OurCounty” Sustainability Plan First Annual Progress Report – COMMENT LETTER

Dear Mr. Gero,

The Los Angeles/Ventura Chapter of the Building Industry Association of Southern California, Inc. (BIA-LAV), is a non-profit trade association focused on building housing for all. On behalf of our membership, we are submitting this comment letter based on the County’s [Draft 2020 “OurCounty” First Annual Progress Report](#). We are requesting that staff provide more time for public input; two weeks is an insufficient amount of time to review the impacts of the 12 goals and over 22 action items outlined in the report. In this short timeframe we have done our best to provide feedback through the suggestions and concerns listed in this letter. It is our hope that the County takes action on the provided information. Adopting equitable and diversified feedback from *all* County partners including, community, non-profit and business organizations is crucial to meeting the County’s goals, as mentioned in the report.

Considerations

The goals and actions that have manifested from the OurCounty sustainability plan are broad in scope and go beyond simply addressing the ecological health of the environment. As such, an evaluation of how the plan’s actions are impacting housing creation and production should be reviewed. We have shared this concern in our last two letters (the [OurCounty Final Draft](#), and the [Draft List of Near-Term Priorities](#)). This continues to be critical because the County and State are still facing a severe housing crisis, which has now been exacerbated by COVID-19 realities. Unfortunately, some of the goals and actions in the progress report serve as obstacles and hurdles to housing production.



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When the OurCounty plan was prepared the actions suggested did not consider the fallout that COVID-19 would have on the conditions of the environment, the job sector or the economy. It is important for the County to pivot their actions and adjust course to more actively respond to these crises; these circumstances should be factored into future planning processes.

With the above considerations in mind, below are listed comments for the County to incorporate when moving forward with the OurCounty plan, based on what was presented in the first annual progress report:

1. Goal 2: Buildings and infrastructure that support human health and resilience

Actions 28A and 28B: Conduct a countywide climate vulnerability assessment that addresses social vulnerability and use it to guide priorities for investments in public health preparedness, emergency preparedness and response planning, and community resiliency. Conduct a countywide climate vulnerability assessment that addresses physical infrastructure vulnerability and use it to guide priorities for investments in building upgrades, infrastructure improvements, and zoning and code changes.

The general theme in Goal 2 has been a longtime concern of the County's and was addressed through the Healthy Design Ordinance (HDO). According to the County, this ordinance was passed in 2013 to effectively promote physical activity and to improve public health through changes in the built environment. The HDO updated existing zoning and subdivision regulations to increase levels of physical activity by providing safe, convenient and pleasant places for pedestrians and bicyclists. The County is already implementing policies to achieve this measure.

Related to private building, it should be noted that emergency preparedness, building upgrades and improvements are regularly assessed through the building code and fire code update processes. This is done at both the State and County level. Locally, Los Angeles County Regional Planning and the Los Angeles County Fire Department handle these regulatory updates with input from stakeholders. The action item for a climate vulnerability assessment may be duplicative or even conflict with goals at the federal, state and local levels. These existing mechanisms should be considered when evaluating the goals in actions 28A and 28B. Also, BIA would urge that any zoning or code changes increase housing opportunities through incentives and not reduce or limit production.

Action 29: Develop a comprehensive heat island mitigation strategy and implementation plan that addresses cool pavements and roofs, pavement reduction, and urban greening.



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The County is already addressing this goal through a Cool Roofs Ordinance. Another point to consider is the recently passed Countywide Measure W tax and how its constraints would affect impermeable cool pavements. There should be an exemption for cool impermeable surfaces as a part of Measure W if its proven that the surface is being used as a mitigation effort as a part of this OurCounty compliance effort. In regard to urban greening see our concerns, below, in Action 43.

Action 43: Create and implement a community-informed Urban Forest Management Plan that incorporates equitable urban forest practices, identifies County funding sources, and prioritizes: (1) Tree- and park-poor communities; (2) Climate and watershed-appropriate and drought/pest-resistant vegetation; (3) Appropriate watering, maintenance, and disposal practices; (4) Shading; and (5) Biodiversity.

In addressing the Urban Forest Management Plan (UFMP), BIA is encouraged to see this point identifying County funding sources through grants. However, as the UFMP is developed BIA is concerned by the potential duplication in how these plans will be carried out. The County has already introduced a native tree permit process for developments under the Significant Ecological Areas Ordinance and introduced a Tree Planting Ordinance in 2015. Additionally, there are tree requirements already existing in Title 21.

2. Goal 3: Equitable and sustainable land use and development without displacement.

Action 49: Expand the number and extent of transit-oriented communities while ensuring that vital public amenities, such as parks and active transportation infrastructure, are included.

Action 52: Promote walkability through various tools, including zoning that enables a mix of uses, and pedestrian enhancements.

Generally, BIA is pleased to see an emphasis on more transit-oriented community (TOC) models and the work to implement a Transit Oriented District (TOD) Toolkit. BIA emphasizes the need for stakeholder involvement in the creation of these plans, including our organization and our members.

The vision to more efficiently use parking resources and support programs that can reduce parking demand, as stated in the report, is also a helpful action. Another positive point in the report is the reprogramming of industrial uses near residences and schools to higher density residential. The report states that this is to provide new housing, affordable to all income levels. However, these goals should be enacted through a tiered, voluntary-based, incentive system similar to the City of Los Angeles' TOC program. This encourages development of



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mixed income levels with concessions to offset subsidized cost for the production of affordable housing units.

3. Goal 4: A prosperous Los Angeles County that provides opportunities for all residents and businesses and supports the transition to a green economy.

Action 65: Promote the development and growth of community land trusts, housing cooperatives, and other models for the provision of permanently affordable rental and ownership housing, including by identifying appropriate public land.

BIA is particularly concerned with everything expressed in the Goal 4, Action 65 description. As explained in the report, the Department of Regional Planning drafted an Inclusionary Housing Ordinance (IHO) allowing developers to create any required affordable housing units off-site from the development project itself if the affordable project is a community land trust. BIA has provided numerous comments and correspondence on the IHO and is not supportive of the ordinance as presented.

Currently, in a for-sale project with set-aside units, there is no specific set-aside time frame; and the initial sale is restricted to eligible buyers and requires an equity-sharing agreement with the County. BIA is unclear on how the County is eligible to claim any rights to equity (lest a “taking” occur); unless it were donating land, participating in the financing or providing some other investment. Moreover, this would be an insurmountable financial challenge for homebuilders, would make land acquisition difficult and financing infeasible. Finally, we are unaware of any successful precedent for such a highly unusual provision in any inclusionary policy across the State. In any case, the equity-share provision should be removed, and BIA has made the argument that for-sale housing should be exempted from the Inclusionary Ordinance. The various regulatory concessions and incentives that are provided for inclusionary housing projects are generally not practicably useful in for-sale housing projects and do not help to offset the added expense to providing subsidized units. For this reason, both the cities of Glendale and Long Beach chose to exempt for-sale housing or eliminate the applicability of its affordability requirements in parts of their respective cities’ IHOs. Read BIA’s complete list of IHO concerns [here](#).

4. Goal 5: Thriving ecosystems, habitats, and biodiversity

Action 70: Increase coordination among, and expand training of, County and affiliated personnel with regard to promoting native and climate-resilient species selection, biodiversity, habitat quality, and connectivity.



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According to the report, this action is essential for protecting and enhancing the biodiversity of our urban ecosystems in the face of a changing climate. The report goes on to describe that the County seeks to create an education and training curriculum that will teach internal and external County stakeholders and promote sustainability for open spaces, natural areas, and significant ecological areas. BIA would be concerned if this curriculum or updated biodiversity goals and strategies affected, added or duplicated actions already found in the County's current Significant Ecological Areas (SEA) Ordinance and the Draft Green Zones Program.

5. Goal 7: A fossil-fuel free Los Angeles County

Goal 3, Action 59: Collaborate with the City of Los Angeles and others to develop a “Just Transition” Plan and task force that examines the impact of the transition to a cleaner economy on disadvantaged workers, identifies strategies for supporting displaced workers, and develops recommendations for ensuring inclusive employment practices within growth sectors of the economy.

Action 85: Collaborate with the City of Los Angeles, Santa Monica, and other members of the Building Decarbonization Coalition to develop building energy and emissions performance standards that put the County on a path toward building decarbonization.

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 took 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. California has already adopted aggressive greenhouse gas emission reduction targets. This includes returning to 1990 levels by 2020, 40% below 1990 by 2030, and carbon neutrality by 2045. Buildings already have to be in compliance with a decarbonization reach code found in the CALGreen building code. Trying to move above and beyond these standards without the readiness of technology or infrastructure would be unproductive.

Conclusion

As concluded in BIA's [OurCounty](#) letter, California ranks top in the United States for poverty and homelessness – both of which are largely attributable to the housing supply shortage and sky-high housing prices that are nearly three times above the national average. Balancing the need to address sustainability efforts should not negatively impact housing when achieving this goal.



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For these reasons, we are requesting that staff provide more time for public input and that the County takes action on the information that we have provided in this letter. Thank you for your consideration of these suggestions and comments. Should you have any questions, please contact BIA-LAV Vice President, Diana Coronado at dcoronado@bialav.org.

Sincerely,

Diana Victoria Coronado
Vice President
BIA-Los Angeles/Ventura

CC:

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