



ANTONIO R. VILLARAIGOSA
MAYOR

June 11, 2010

Honorable Members of the City Council
c/o City Clerk
Room 395, City Hall

Re: Proposed amendment to the Los Angeles Municipal Code (LAMC) to include a Low Impact Development (LID) ordinance – response to council files no. CF 09-1554 (Gruel-Reyes motion)

Dear Honorable Members:

With regard to the accompanying report of the Director of the Bureau of Sanitation, which the Board of Public Works has adopted, I am forwarding to the City Council for approval of the Proposed Draft Low Impact Development (LID) Ordinance to amend the Los Angeles Municipal Code (LAMC) Section 64.70 and 64.72 with the following changes to Section C.1.ii.

“Any entitlement application for a Development or Redevelopment filed with the Department of City Planning and deemed complete with the exception of CEQA review prior to the effective date of this ordinance. If the application is for a subdivision, the operative date for purposes of this section is the date the application is deemed complete. This exception shall no longer be valid if a Development or Redevelopment building permit has not been obtained within ~~three~~ years from the effective date of this ordinance, **except that this three-year period shall be tolled for the period of time that any City approvals of the Development or Redevelopment are subject to pending litigation in a court of competent jurisdiction.**”

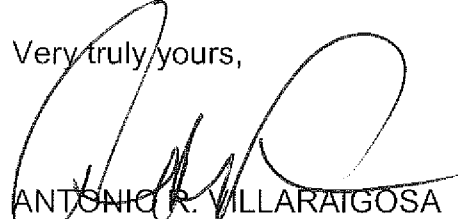
I also concur with the Board of Public Works that the adoption of this ordinance qualifies for exemption under the California Environmental Quality Act (CEQA); and also request the City Attorney, in cooperation with the Director of the Bureau of Sanitation, to prepare an ordinance amendment to the LAMC in final form, for consideration by the Mayor and City Council.

Honorable Members of the City Council
June 11, 2010
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FISCAL IMPACT

The proposed LID Ordinance will have no impact to the General Fund. The cost for performing the reviews will be recovered through the revised plan review fee discussed in the proposed Ordinance.

Very truly yours,



ANTONIO R. VILLARAIGOSA
Mayor

ARV:mm

Attachment: Board of Public Works Report

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

January 15, 2010

BOARD OF PUBLIC WORKS MEMBERS

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JAMES A. GIBSON
EXECUTIVE OFFICER

<http://www.bpw.lacity.org>

OFFICE OF THE MAYOR
RECEIVED
2010 JAN 22 PM 1:52
CITY OF LOS ANGELES

#1 SAN

Mayor Antonio R. Villaraigosa
Room No. 305
City Hall
Attn: Pamela Finley

Subject: PROPOSED AMENDMENT TO THE LOS ANGELES MUNICIPAL CODE (LAMC) TO INCLUDE A LOW IMPACT DEVELOPMENT (LID) ORDINANCE – RESPONSE TO COUNCIL FILES NO. CF 09-1554 (GRUEL-REYES MOTION)

As recommended in the accompanying report of the Director of the Bureaus of Sanitation, which this Board has adopted, the Board of Public Works requests approval and forwarding to the City Council for approval of the Proposed Draft Low Impact Development (LID) Ordinance (Transmittal 1) to amend the Los Angeles Municipal Code (LAMC) Section 64.70 and 64.72; concur that the adoption of this ordinance qualifies for exemption under the California Environmental Quality Act (CEQA) (Transmittal 2); and also request the City Attorney, in cooperation with the Director of the Bureau of Sanitation, to prepare an ordinance amendment to the Los Angeles Municipal Code (LAMC) in final form, for consideration by the Mayor and City Council.

FISCAL IMPACT

There will be no impact to the General Fund. Adoption of the proposed LID Ordinance (Transmittal 1) will incorporate a plan review process that builds on the existing plan review process for the management of the City's Standard Urban Stormwater Mitigation Plan (SUSMP). The Bureau of Sanitation currently reviews 600 plans per year under the SUSMP Program and anticipates an additional 700 plans to be reviewed per year under this Ordinance (Transmittal 4). The Bureau anticipates that 500 of these additional 700 will fall into the smaller residential categories (4 units or less). It is not anticipated that these types of projects would require a lengthy review time because applicants will simply choose from a list of prescriptive Best Management Practices (BMPs) that will not require any engineering calculations. The list of prescriptive BMPs will be identified in the LID Section of the "Development Best Management Practices Handbook". Additionally, the Bureau is currently working with the City Administrative Officer's office to authorize filling a vacant engineering position that will assist in reviewing the additional projects. The cost for performing the reviews will be recovered through the revised plan review fee discussed in the Proposed Ordinance.

Respectfully submitted,

James A. Gibson, Executive Officer
Board of Public Works

JAG:mp



AS AMENDED**
ADOPTED BY THE BOARD
PUBLIC WORKS OF THE CITY
of Los Angeles California
AND REFERRED TO THE MAYOR
JAN 15 2010
**(SEE TRANSMITTALS)

DEPARTMENT OF PUBLIC WORKS

BUREAU OF SANITATION
BOARD REPORT NO. 1
January 15, 2010


Secretary

CD: All

PROPOSED AMENDMENT TO THE LOS ANGELES MUNICIPAL CODE
(LAMC) TO INCLUDE A LOW IMPACT DEVELOPMENT (LID) ORDINANCE -
RESPONSE TO COUNCIL FILES NO. CF 09-1554 (Gruel – Reyes Motion)

RECOMMENDATIONS

Approve and forward this report, with transmittals, requesting the Mayor and Council to:

1. Approve this report and the Proposed Draft Low Impact Development (LID) Ordinance (Transmittal 1) to amend the Los Angeles Municipal Code (LAMC) Section 64.70 and 64.72;
2. Concur that the adoption of this ordinance qualifies for exemption under the California Environmental Quality Act (CEQA) (Transmittal 2); and
3. Instruct the City Attorney, in cooperation with the Director of the Bureau of Sanitation, prepare an ordinance amendment to the Los Angeles Municipal Code (LAMC) in final form, for consideration approval by the Mayor and City Council.

TRANSMITTALS

1. Draft Low Impact Development Ordinance
2. CEQA Exemption
3. Council File CF 09-1554
4. LID Ordinance Estimated Resources, Fees and Revenues
5. Offsite Runoff Mitigation Fee
6. LID Examples
7. Summary of Public Outreach & Workshops
8. Comment Letters

FISCAL IMPACT STATEMENT

There will be no impact to the General Fund. Adoption of the proposed LID Ordinance (Transmittal 1) will incorporate a plan review process that builds on the existing plan review process for the management of the City's Standard Urban Stormwater Mitigation Plan (SUSMP). The Bureau of Sanitation currently reviews 600 plans per year under the SUSMP Program and anticipates an additional 700 plans to be reviewed per year under this Ordinance (Transmittal 4).

The Bureau anticipates that 500 of these additional 700 will fall into the smaller residential categories (4 units or less). It is not anticipated that these types of projects would require a lengthy review time because applicants will simply choose from a list of prescriptive BMPs that will not require any engineering calculations. The list of prescriptive BMPs will be identified in the LID Section of the "Development Best Management Practices Handbook". Additionally, the Bureau is currently working with the CAO's office to authorize filling a vacant engineering position that will assist in reviewing the additional projects. The cost for performing the reviews will be recovered through the revised plan review fee discussed in the Proposed Ordinance.

DISCUSSION

A. Background:

At its June 23, 2009 City Council meeting, a motion was introduced and approved (CF 09-1554 (Transmittal 3) for the Bureau of Sanitation (Bureau) and the Planning Department, in conjunction with the City Attorney to report back on how to continue to reduce runoff pollution through the revamping of our current ordinances or the development of a new ordinance relative to storm water and urban runoff management. In response to this motion, the Bureau of Sanitation has led the effort in amending and expanding Chapter VI Article 4.4 Section 64.70.01 and 64.72 of the Los Angeles Municipal Code to expand the applicability of the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater Low Impact Development (LID) strategies for planning, and construction of Development and Redevelopment projects that require building permits; and amending Chapter IX Article I Section 64.72.05 of the Los Angeles Municipal Code to collect fees to recover the Bureau of Sanitation's cost of providing Best Management Practices plan check to comply with Standard Urban Stormwater Mitigation Plan, Site Specific Mitigation Plan, or Low Impact Development Plan.

Adoption of the proposed LID Ordinance builds upon the existing plan review process under City's SUSMP Program which has been in effect since 2002. The development community is fully familiar with SUSMP and its requirements. The proposed LID Ordinance is in effect an amendment to the current SUSMP Ordinance that incorporates environmental practices such as infiltration, capture and use, and biofiltration.

It is important to note that the Bureau has embraced the LID concept, well before the statewide effort to implement LID becomes mandatory. The Los Angeles Regional Water Quality Control Board recently adopted the Ventura County Stormwater Permit, in which LID became a Permit requirement for the first time. It is expected that similar LID requirements will be imposed on the City in the new Stormwater Permit for Los Angeles County as well. Additionally, LID practices and ordinances have been adopted across the country; in our region, San Diego County (Jan 2008) and Los Angeles County (Oct 2008) have implemented LID practices.

The LID concept and ordinance are key elements of many of the City's water quality improvement plans such as the Integrated Resources Plan (IRP), the LA River

Revitalization Plan, the Water Quality Compliance Master Plan, and is a major component of the Total Maximum Daily Load (TMDL) Implementation Plans.

As a result, the Bureau has conferred with representatives from Los Angeles County and consultants to San Diego County, who have implemented the LID program, to gain perspective on how to best implement LID principles in the City. In addition, the Bureau has worked with key stakeholders from the building industry and environmental groups while developing the proposed LID Ordinance. On November 13, 2009, the proposed LID Ordinance was brought before the Board of Public Works. As a result of concerns and issues brought about during the public hearing, the Board continued the matter to January 15, 2010 and directed the Bureau to work with the stakeholders to address and resolve some of their issues. In response to the Board of Public Works direction from the November 13, 2009 Board meeting, one additional evening workshop was held to inform and solicit comments from residents and neighborhood councils on the proposed LID Ordinance. Two additional meetings with both the Building Industry stakeholders and with the Environmental organizations were conducted to address issues within the proposed LID Ordinance. As a result, the Bureau has revised and incorporated many of the input into the proposed ordinance as outlined in Section "H" of this report. (Transmittal 5).

B. Urbanization and Urban Runoff:

Urbanization has lead to increased impervious surface areas, resulting in increased surface runoff and transport of pollutants to downstream receiving waters while reducing percolation to groundwater aquifers. LID is a relatively new approach to managing storm water and urban runoff while mitigating the negative impacts of development and urbanization. LID encourages site sustainability and smart growth in a manner that respects and preserves the characteristics of the City's watersheds, drainage paths, water supplies, and natural resources. LID builds on conventional design strategies by utilizing softscape and hardscape surfaces in developments to perform a beneficial hydrologic function by retaining, detaining, storing, changing the timing of, or filtering stormwater and urban runoff. A key principle of LID is to emphasize the use of small-scale, natural drainage features and to maximize infiltration and capture on site. It is a source control concept that utilizes distributed, small, cost-effective natural systems in lieu of conventional end-of-line treatment facilities. The City intends to require the use of LID standards and practices in future developments and redevelopments to encourage the use of stormwater and urban runoff on site.

Incorporating LID standards and practices for the purpose of reducing urban runoff from development/redevelopment will provide the following benefits:

- Reducing off-site runoff and providing increased groundwater recharge;
- Improving the quality of surface water runoff;
- Promoting rainwater harvesting;
- Reducing erosion and hydrologic impacts downstream; and
- Enhancing the recreational and aesthetic values in our communities.

C. LOS ANGELES MUNICIPAL CODE AMENDMENT

Chapter VI Article 4.4 Section 64.70 and 64.72 of the Los Angeles Municipal Code will be amended to expand the applicability of the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing stormwater and rainwater LID strategies for planning, and construction of development and redevelopment projects that require building permits.

Chapter IX Article I Section 64.72.05 of the Los Angeles Municipal Code will be amended to revise the fees collected to recover the Bureau of Sanitation's cost of providing Best Management Practices (BMPs) plan check to comply with Low Impact Development, Standard Urban Stormwater Mitigation, or Site Specific Mitigation plan requirements.

D. LID STANDARDS

Implementation of LID requirements shall become effective 180 days from the date of adoption of the ordinance by the City Council and the Mayor and will apply to all developments and redevelopments that require building permits within the City after the ordinance effective date with a few exceptions.

Under the City's LID ordinance the site shall be designed to capture and manage stormwater runoff (from the first $\frac{3}{4}$ - inch storm), in priority order of infiltration, evapotranspiration, capture and use, and/or treat through a high removal efficiency biofiltration/biotreatment system of all of the runoff on site to the maximum extent feasible. A LID Plan shall be prepared and submitted for the City's, Department of Public Work's Bureau of Sanitation for review and approval.

Prior to implementing the LID Ordinance, the Department of Public Work's Bureau of Sanitation will update the current "Development Best Management Practices Handbook" to incorporate an LID Section. The handbook currently provides guidance for developers required to implement SUSMP. Under the LID Section of the handbook, strategies and techniques to comply with the LID requirements for stormwater management will be

included to guide homeowners and developers. Examples of how the LID requirements will be applied are provided in Transmittal 6. In addition, the LID Section will address those instances where LID requirements can not be fully implemented onsite. If developers can not fully comply with the LID requirements onsite they may opt for offsite mitigation or an Offsite Runoff Mitigation Fee, which would be used later to assist the City in implementing a water quality improvement project within the same subwatershed.

The Board of Public Works will adopt the LID section of the "Development Best Management Practices Handbook" no later than 90 days after the adoption of this ordinance by the City Council and the Mayor.

E. Funding

The proposed ordinance amends the Best Management Practices plan check fee, imposed during the plan check. The Best Management Practices plan check fee was revised to recover the costs associated with the work activities required for the plan check.

Best Management Practices plan check fee:

Before formally accepting a set of plans and specifications for checking, the Bureau of Sanitation shall collect a Best Management Practices plan check fee as follows:

- A. The fee schedule for providing Best Management Practices plan check services for Standard Urban Stormwater Mitigation Plan (SUSMP), Site Specific Mitigation Plan (SSMP), or LID Implementation Plan is listed below:

	DEVELOPMENT CATEGORY	LID PLAN CHECK FEES
1a	Residential, 4 Units or Less (> 500 square feet) For new Development less than 1 acre including hillside Development or where Redevelopment that results in an alteration of at least fifty (50) percent or more of the impervious surfaces of an existing developed site	\$200 / Project
1b	Residential, 4 Units or Less (> 500 square feet) Where Redevelopment results in an alteration of less than fifty (50) percent of the impervious surfaces of an existing developed site	\$20 / Project
1c	Residential, 4 Units or Less (> 500 square feet) For new Development that is 1 acre and greater, or 1 acre and greater in a hillside area	\$ 700/ Project
1c	Residential, 4 Units or Less (> 500 square feet) For new Development and Redevelopment that lies within an ESA	\$ 700/ Project
2a	Residential Developments of 5 Units or More and Nonresidential Developments (> 500 square feet) For Redevelopment that results in an alteration of less than fifty (50) percent of the impervious surfaces of an existing developed site	\$ 800 / Project

b	Residential Developments of 5 Units or More and Nonresidential Developments (> 500 square feet) For new Development or where Redevelopment that results in an alteration of at least fifty (50) percent or more of the impervious surfaces of an existing developed site	\$ 1,000/ Project
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* Projects located in, adjacent to, or discharging directly to a designated Environmentally Sensitive Area (ESA)

B. At the discretion of the Bureau of Sanitation, a large scale project may be categorized as a Special Project and billed on actual cost incurred by the City.

F. Staffing

The Bureau of Sanitation currently reviews 600 plans per year under the SUSMP Program and anticipates an additional 700 plans to be reviewed per year under this Ordinance (Transmittal 4). The Bureau anticipates that 500 of these additional 700 will fall into the smaller residential categories (4 units or less). It is not anticipated that these types of projects will require a lengthy review time because developers will simply choose from a list of prescriptive BMPs that will not require any engineering calculations. The list of prescriptive BMPs will be identified in the LID Section of the "Development Best Management Practices Handbook". Additionally, the Bureau is currently working with the CAO's office to authorize filling a vacant engineering position that will assist in reviewing the additional projects. The cost for performing the reviews will be recovered through the revised plan review fee discussed in the Proposed Ordinance. There will be no impact to the General Fund.

G. Stakeholder Input

Throughout the development of the proposed LID Ordinance the Bureau of Sanitation held meetings with key stakeholders from the building and development community and environmental organizations as well as meeting routinely with the Department of Building and Safety and the Department of Planning to address any conflicting requirements of each respective agency.

Meetings and workshops with key stakeholders to discuss the proposed ordinance were held as early as July 2009. In July 2009, meetings were held with the American Institute of Architects and the American Society of Landscape Architects. In August 2009, the Watershed Council held a discussion on the LID ordinance and benefits which was attended by many stakeholders including building industry representatives. In September 2009, the Green LA Coalition held a stakeholder workshop in collaboration with Tree People to discuss the benefits of LID developments and the LID ordinance.

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with Tree People to discuss the benefits of LID developments and the LID ordinance. The workshop included a diverse group of stakeholders including builders, engineers and developers.

The Bureau hosted a series of four community workshops throughout the City in October to present the background on the proposed LID Program as it relates to storm water runoff, the draft language of the proposed LID ordinance, the regional benefits derived from the adoption of this proposed ordinance, and the anticipated time line for its adoption. Those in attendance included key stakeholders such as, the Building Industry Association of Southern California, Heal the Bay, American Institute of Architects, American Society of Landscape Architects, the GreenLA Coalition, other City Departments, neighboring municipalities, and Los Angeles neighborhood councils. A Summary of Public Outreach & Workshops (Transmittal 7) and stakeholder comment letters (Transmittal 8) have been attached.

The four workshops were held at the following locations:

Location	Date
Media Technical Center	October 1, 2009
Westchester Municipal Building	October 6, 2009
Donald C. Tillman Water Reclamation Plant	October 8, 2009
Augustus F. Hawkins Natural Park	October 14, 2009

In response to the Board of Public Works direction from the November 13, 2009 Board meeting, one additional evening workshop focusing on residents and neighborhood councils was held to inform and solicit comments on the proposed LID Ordinance. The Bureau also had two additional meetings with both Building Industry stakeholders and with Environmental organizations to address items within the proposed LID Ordinance that stakeholders felt were not reasonable or clearly addressed.

The additional workshop for Neighborhood Councils was held at the following location:

Location	Date
Media Technical Center	December 1, 2009

A copy of the proposed LID Ordinance, schedule of workshops, and updated material have been posted on the Bureau of Sanitation, Watershed Protection Divisions (WPD)'s website and was used to solicit comments from residents and other interested parties. Additionally, WPD provided periodic e-blasts to stakeholders regarding the progress of the proposed LID Ordinance, soliciting comments, and workshop notifications.

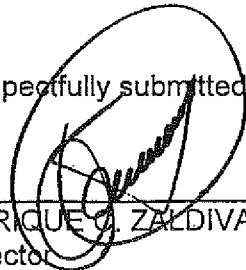
H. Proposed Ordinance Revisions and Enhancements

As a result of the additional workshop and meetings, the Bureau of Sanitation has revised the proposed LID Ordinance to what the Bureau feels is a more implementable ordinance. The following is a listing of the major enhancements made to the proposed ordinance as result of the comments received, stakeholder input, meetings with the building industry representatives and key developers, discussions with the

environmental organizations and the November 13, 2009 public hearing at the Board of Public Works:

- Provided a six month delay to the effective date of implementation upon adoption of the ordinance by the City Council and Mayor.
- Provided for a stakeholder involved process to update the "Development Best Practices Handbook" prior to the effective date of the ordinance but no more that 90 days from the adoption of the Ordinance.
- Incorporated the utilization of high removal efficiency biofiltration/biotreatment system as part of full compliance with the LID requirements. Runoff leaving the biofiltration/biotreatment system will not be subject to the Offsite Runoff mitigation Fee.
- Incorporated an appeal process.
- Provided an exemption for development and redevelopment with existing building permits and entitlements. Also, the revised ordinance provided incentives for exempted developments opting to incorporate the LID requirements.
- Provided an exemption for all development and redevelopment that is less than 500 square feet.
- Revised and lowered the Offsite Runoff Mitigation Fee to \$13 from the proposed \$20 by reducing the operation and maintenance component of the analysis in compliance with the California Mitigation Fee Act.
- Provided a reduction in the Offsite Runoff Mitigation Fee varying from 25 to 75 percent as an incentive to those developments that maximize the amount of runoff managed onsite by infiltration, evapotranspiration, and/or capture and use.
- Allowed for the flexibility of Multi-phased projects to comply with the LID requirements.
- Revised the plan review fees and minimized the increases, especially to residential properties.
- Removed the urgency clause.

Respectfully submitted,



ENRIQUE J. ZALDIVAR
Director
Bureau of Sanitation

Prepared by:
Robert Vega, WPD

Transmittal 1
Draft Stormwater Low Impact Development Ordinance

ORDINANCE NO. _____

Stormwater Low Impact Development (LID) Ordinance

An ordinance amending Chapter VI Article 4.4 Section 64.70.01 and 64.72 of the Los Angeles Municipal Code to expand the applicability of the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by providing rainwater Low Impact Development (LID) strategies for planning, and construction of Development and Redevelopment projects that require building permits; and amending Chapter IX Article I Section 64.72.05 of the Los Angeles Municipal Code to collect fees to recover the Bureau of Sanitation's cost of providing Best Management Practices plan check to comply with SUSMP, Site Specific Mitigation Plan, or LID.

WHEREAS, the City of Los Angeles is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity;

WHEREAS, the City of Los Angeles has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the state;

WHEREAS, the City of Los Angeles has applied an integrated approach to incorporate wastewater, stormwater and runoff, and recycled water management into a single strategy through its Integrated Resources Plan;

WHEREAS, in conformance with the General Plan Framework, the City of Los Angeles is committed to a stormwater management program that protects water quality and addresses water supply by employing the watershed-based approaches that balance environmental and economic considerations;

WHEREAS, the City of Los Angeles, Department of Water and Power, has adopted an ordinance requiring water efficiency requirements for new Development and renovation of existing buildings;

WHEREAS, the State of California, in an effort to conserve water has facilitated a greater reuse of gray water, by chaptering Senate Bill 1258 to incorporate new gray water standards, and the California Building Standards Commission adopted such standards as changes to the 2007 California Plumbing Code (CPC), California Code of Regulations, Title 24, Part 5, Chapter 16A, Part 1 (Gray water Standards) on August 4, 2009, to be effective August 14, 2009;

WHEREAS, the purpose of this ordinance includes but not limited to: rainwater harvesting and stormwater runoff management, water conservation, recycled water reuse and gray water use which are key elements of the City of Los Angeles "Water Supply Action Plan" and are essential in any low impact Development and complement this ordinance in providing sustainable Development;

WHEREAS, urbanization has led to increased impervious surface areas which results in increased runoff and the transport of pollutants to downstream receiving waters and less percolation to groundwater aquifers;

WHEREAS the City of Los Angeles needs to find a new approach to managing rainwater and urban runoff while mitigating the negative impacts of Development and urbanization;

WHEREAS the City of Los Angeles' Los Angeles River Revitalization Plan has identified reduction in peak stormwater runoff in the Los Angeles River as necessary to implement many of the Los Angeles River revitalization projects;

WHEREAS, LID is widely recognized as a sensible approach to stormwater management in both quantity and quality;

WHEREAS, LID standards and practices seek to maintain or restore the natural hydrologic character of the site, help reduce off-site runoff, improve water quality, and provide groundwater recharge;

WHEREAS, LID standards and practices maintain watershed characteristics, provide green features to the communities and preserve the site hydrology by incorporating multi-beneficial site design elements that may include bio-retention, bio-filtration/infiltration, downspout disconnect, limiting impervious areas, maximizing pervious surfaces, and using drought tolerant landscaping;

WHEREAS, LID is a stormwater management strategy that seeks to mitigate the impacts of increased in runoff and stormwater pollution. LID comprises a set of site design approaches and best management techniques that promote the use of natural systems for infiltration, evapotranspiration, and use of rainwater. These LID practices can effectively remove nutrients, pathogens, and metals from stormwater as they reduce the volume and intensity of stormwater flows;

WHEREAS, it is the intent of the City of Los Angeles to expand the applicability of the existing Standard Urban Stormwater Mitigation Plan requirements by providing stormwater and rainwater LID strategies for planning, and construction of Development and Redevelopment projects that require building permits;

WHEREAS, it is the intent of the City of Los Angeles to incorporate LID standards and practices for the purpose of:

- Requiring the use of LID standards and practices in future Developments and Redevelopments to encourage use of rainwater and urban runoff;
- Reducing stormwater/urban runoff while improving water quality;
- Promoting rainwater harvesting;
- Reducing off-site runoff and providing increased groundwater recharge;
- Reducing erosion and hydrologic impacts downstream;
- Enhancing the recreational and aesthetic values in our communities.

NOW THEREFORE,

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

Sec. 4. Chapter VI, Article 4.4, Section 64.70.01 of the Los Angeles Municipal Code is hereby amended to include the following definition:

(Amended by Ord. No. 175,026, Eff. 2/2/03.)

Sec. 64.70.01 Definitions and Abbreviations

- A. **Definitions.** For the purpose of this article, the following words and phrases are defined and shall be construed as set out here, unless it is apparent from the context that they have a different meaning:

“Development” means any construction, rehabilitation, Redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit Development); industrial, commercial, retail and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

“Redevelopment” means land-disturbing activities that result in the creation, addition, or replacement of 500 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

“Environmentally Sensitive Areas (ESAs)” means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and Developments (California Public Resources Code § 30107.5). Areas subject to storm water mitigation requirements are: areas designated as Significant Ecological Areas by the County of Los Angeles (Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976) and amendments); an area designated as a Significant Natural Area by the California Department of Fish and Game’s Significant Natural Areas Program, provided that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the

"Rare, Threatened, or Endangered Species (RARE)" beneficial use; and an area identified by a Permittee as environmentally sensitive.

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land use in connection with the facility or activity.

"Offsite Runoff Mitigation Fee" means fee paid to the City of Los Angeles for the management of storm water runoff generated from the 0.75-inch water quality storm in excess of the storm water runoff that is infiltrated, evapotranspired, stored for use, and/or treated through high removal efficiency biofiltration/biotreatment system onsite. The Offsite Runoff Mitigation Fee shall be used by the City to construct or apply towards the construction of an offsite mitigation project within the same sub-watershed that will achieve at least the same level of water quality protection as if all of the runoff was retained on site.

Sec. 4. Chapter VI, Article 4.4, Section 64.72 of the Los Angeles Municipal Code is hereby amended to read as follows:

SEC. 64.72 STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES

(Title and Section Amended by Ord. No. 173,494, Eff. 9/14/00.)

(A) Objective. *The provisions of this section set forth requirements for construction activities and facility operations of Development and Redevelopment projects requiring building permits for new buildings with impervious roofs, additions that expand the footprint, or use of land to:*

- i. Comply with the requirements of the Standard Urban Stormwater Mitigation Plan;*
- ii. Integrate Low Impact Development (LID) practices and standards for stormwater pollution mitigation; and**
- iii. Maximize open, green and pervious space on all Developments consistent with the City's landscape ordinance and other related requirements.**

as defined by the "Development Best Management Practices Handbook" adopted by the Board of Public Works. LID shall be inclusive of SUSMP requirements and shall apply to all Development and Redevelopment projects.

(B) Scope. *This section provides for the requirements of stormwater pollution control measures in accordance with the "Development Best Management Practices Handbook" adopted by the Board of Public Works. This section applies to Development and Redevelopment projects and authorizes the Board of Public Works to define and adopt*

stormwater pollution control measures, define and adopt LID principles and specifications, including the objectives and specifications for integration of LID strategies, collect Best Management Practices compliance plan check fees, grant waivers from the requirements of the Standard Urban Stormwater Mitigation Plan, collect funds from projects that are granted waivers, conduct inspections, cite violators for infractions, and impose fines. Except as otherwise provided herein, the Board of Public Works shall administer, implement and enforce the provisions of this section. (Amended by Ord. No. 178,132, Eff. 1/19/07.)

(C) Low Impact Development (LID) Requirements

- 1. Implementation of LID requirements shall become effective 180 days from the date of adoption of the ordinance by the City Council and the Mayor. The LID requirements shall apply to all Developments and Redevelopments in the City of Los Angeles that require building permits after the ordinance effective date except for the following:**
 - i. Any Development or Redevelopment for which plans and complete permit application are accepted by the Department of Building and Safety for plan check and appropriate fees are paid prior the effective date of this ordinance;**
 - ii. Any entitlement application for a Development or Redevelopment filed with the Department of City Planning and deemed complete with the exception of CEQA review prior to the effective date of this ordinance. If the application is for a subdivision, the operative date for purposes of this section is the date the application is deemed complete. This exception shall no longer be valid if a Development or Redevelopment building permit has not be obtained within two years from the effective date of this ordinance;**
 - iii. Any Development or Redevelopment that only creates, adds or replaces less than 500 square feet of impervious area;**
 - iv. Any Development and Redevelopment involving emergency construction activities required to immediately protect public health and safety;**
 - v. Infrastructure projects within the public right-of-way;**
 - vi. Any interior building alteration or addition that does not expand the building footprint.**
 - vii. Use of Land Permits that require no addition to or alteration of existing impervious surfaces;**
 - viii. Re-striping of permitted parking lots; or**
 - ix. Any Development or Redevelopment not requiring a building permit.**

2. Unless excluded by subsection 1 above, all Developments and Redevelopments shall comply with this Chapter as follows:

a. Residential Development of 4 Units or Less

- i. For new Development less than 1 acre, including hillside Development or where re-Development results in an alteration of at least fifty (50) percent or more of the impervious surfaces of an existing developed site, the Development shall implement at least two adequately sized LID BMP alternatives as defined and listed in the LID Section of the Development Best Management Practices Handbook; or
- ii. Where Redevelopment results in an alteration of less than fifty (50) percent of the impervious surfaces of an existing developed site, the Development shall implement one adequately sized LID BMP alternative as defined and listed in the LID Section of the Development Best Management Practices Handbook; or
- iii. For new Development that is 1 acre and greater, or 1 acre and greater in a hillside area, the Development shall comply with the standards and requirements of this ordinance and of the LID Section of the Development Best Management Practices Handbook; or
- iv. For new Development and Redevelopment that lies within an ESA, where it will create 2,500 square feet or more of impervious surface area, the Development shall comply with the standards and requirements of the ordinance and of the LID Section of the Development Best Management Practices Handbook.

b. Residential Developments of 5 Units or More and Nonresidential Developments

- i. For new Development or where Redevelopment results in an alteration of at least fifty (50) percent or more of the impervious surfaces of an existing developed site, the entire Site shall comply with the standards and requirements of this ordinance and of the LID Section of the Development Best Management Practices Handbook; or
- ii. Where the re-Development results in an alteration of less than fifty (50) percent of the impervious surfaces of an existing developed site, only such incremental Development shall comply with the standards and requirements of this ordinance and of the LID Section of the Development Best Management Practices Handbook.

3. The Site shall be designed to manage and capture stormwater runoff, in priority order of infiltration, evapotranspiration, capture and use, and/or treated through high removal efficiency biofiltration/biotreatment system of all of the runoff on site to the maximum extent feasible. The high removal efficiency biofiltration/biotreatment system shall comply with the standards and requirements of the LID Section of the Development Best Management Practices Handbook. A LID Plan shall be prepared to comply with the following:

i. Stormwater runoff will be infiltrated, evapotranspired, captured and used, and/or treated through high removal efficiency Best Management Practices, onsite, through stormwater management techniques allowed pursuant to the LID Section of the Development Best Management Practices Handbook. The onsite stormwater management techniques must be properly sized, at a minimum, to infiltrate, evapotranspire, store for use, and/or treat through high removal efficiency biofiltration/biotreatment system, without any storm water runoff leaving the site to the maximum extent feasible, for at least the volume of water produced by the quality design storm event that results from:

(a) The 85th percentile 24-hour runoff event determined as the maximized capture stormwater volume for the area using a 48 to 72-hour draw down time, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

(b) The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in the California Stormwater Best Management Practices Handbook – Industrial/Commercial, (2003); or

(c) The volume of runoff produced from a 0.75 inch storm event.

For purposes of compliance with the LID requirements, and without change the priority order of design preferences as mentioned in this section, all runoff from the water quality design storm event, as determined in section C.3.i above, that has been treated through an onsite high removal efficiency biofiltration/biotreatment system shall be credited as equivalent to 100% infiltration regardless of the runoff leaving the site from the onsite high removal efficiency biofiltration/biotreatment system and that runoff volume shall not be subject to the offsite mitigation requirement or Offsite Runoff Mitigation Fee section of this ordinance.

ii. Pollutants shall be prevented from leaving the Development Site for a water quality design storm event as defined in 3.i. above unless it has

been treated through an onsite high removal efficiency bio-filtration/bio-treatment system.

iii. Hydromodification impacts shall be minimized to natural drainage systems.

4. When the onsite LID requirements are technically infeasible, partially or fully, as defined in the LID Section of the Development Best Management Handbook, the infeasibility shall be demonstrated in the submitted LID plan, shall be consistent with other City requirements, and shall be reviewed in consultation with the Department of Building and Safety. The technical infeasibility may result from conditions, that may include, but are not limited to:

- a) Locations where seasonal high groundwater is within 10 feet of surface grade;
- b) Locations within 100 feet of a groundwater well used for drinking water;
- c) Brownfield Development sites or other locations where pollutant mobilization is a documented concern;
- d) Locations with potential geotechnical hazards;
- e) Locations with impermeable soil type as indicated in applicable soils and geotechnical reports; and
- f) Other site or implementation constraints identified in the LID Section of the Development Best Management Practices Handbook.

5. If partial or complete onsite compliance of any type is technically infeasible, the project Site and LID Plan shall be required to comply with, at a minimum, all applicable Standard Urban Stormwater Mitigation Plan (SUSMP) requirements in order to maximize onsite compliance. For the remaining runoff that cannot feasibly be managed onsite, provide one or a combination of the following:

- a) Offsite mitigation on public and private land within the same sub-watershed out of the following five sub-watersheds: Upper Los Angeles River, Lower Los Angeles River, Ballona Creek, Santa Monica Bay, Dominguez Channel. This includes construction and perpetual maintenance of projects, that will achieve at least the same level of runoff retention, infiltration and/or use, and water quality, and/or;
- b) Offsite Runoff Mitigation Fee payment to the City of Los Angeles's Stormwater Pollution Abatement Fund for offsite mitigation, as described in the LID Section of the Development Best Management Practices Handbook. The funding will be allocated to construct or apply towards the construction of an offsite mitigation project within the same sub-watershed that will achieve at least the same level of water quality protection as if all of the runoff was retained onsite. To provide an incentive for onsite management of storm water runoff, Development and Redevelopment

projects will receive the following reduction in the Offsite Runoff Mitigation Fee based on the percentages of storm water runoff that is managed on site through infiltration, evapotranspiration, and/or capture and use:

<u>% of Storm water Runoff Managed onsite</u>	<u>Fee Reduction %</u>
Between 90% and 99%	75%
Between 75% and 89%	50%
Between 50% and 74%	25%

6. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the Bureau of Sanitation to satisfy these standards and requirements for the entire Site during the first phase and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Development or Redevelopment implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and being used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.
7. The Director of the Bureau of Sanitation shall prepare, maintain, and update, as deemed necessary and appropriate, the "Development Best Management Practices Handbook" to include LID standards and practices and standards for stormwater pollution mitigation, which shall include urban and stormwater runoff quantity and quality control Development principles and technologies for achieving the LID Standards, as well as estimated costs of offsite mitigation alternatives. The "Development Best Management Practices Handbook" shall also include technical feasibility and implementation parameters, alternative compliance for technical infeasibility, as well as other rules, requirements and procedures as the Director deems necessary, for implementing the provisions of this section of the Los Angeles Municipal Code. The Board of Public Works shall adopt the LID section of the "Development Best Management Practices Handbook" no later than 90 days after the adoption of this ordinance by the City Council and the Mayor.
8. The Director of the Bureau of Sanitation shall develop as deemed necessary and appropriate, in cooperation with other City departments and stakeholders, informational bulletins, training manuals and educational materials to assist in the implementation of the LID requirements.

9. The applicant can appeal the Director of the Bureau of Sanitation's determination to the Board of Public Works within 30 days of the date of the determination.
10. Any Development or Redevelopment that is exempted from this ordinance under section C.1.i and C.1.ii has the option to voluntarily opt in and incorporate into the project the LID requirements of this ordinance. In such case, the LID plan check fee associated with the project shall be waived and all LID related plan checks processes shall be expedited.
11. Any Development and Redevelopment whose exemption from this ordinance under section C.1.i and C.1.ii is no longer valid due to expiration of the building permit or expiration of the exemption time limit, the Development or Redevelopment has the option to comply with all applicable SUSMP requirements and either:
 - a. Infiltrate, use, evapotranspire, and/or biofilter/ biotreat the stormwater runoff from the Site to the maximum extent feasible at an off Site location, as set forth in Section 5.a. above; or
 - b. Provide the appropriate Offsite Runoff Mitigation Fee as set forth in Section 5.b. above.

(D) Other Agencies of the City of Los Angeles. *All agencies of the City of Los Angeles, including, but not limited to, the Department of Public Works, Department of Building and Safety, Department of Water and Power, Los Angeles World Airports, Port of Los Angeles, Community Development Department, Community Redevelopment Agency and Los Angeles Housing Authority, shall establish administrative procedures necessary to implement the provisions of this section on their Development and Redevelopment projects and report their activities annually to the Board of Public Works.*

Sec. 5. Chapter VI, Article 4.4, Section 64.72.05 of the Los Angeles Municipal Code is hereby amended to read as follows:

SEC. 64.72.05. LID PLAN CHECK FEES.

(Added by Ord. No. 178,132, Eff. 1/19/07.)

- A. *Before formally accepting a set of plans and specifications for checking, the Bureau of Sanitation shall collect a Best Management Practices plan check fee.*
- B. *The fee schedule for providing Best Management Practices plan check services for Standard Urban Stormwater Mitigation Plan (SUSMP), Site Specific Mitigation Plan (SSMP), or LID Implementation Plan is as follows:*

	DEVELOPMENT CATEGORY	LID PLAN CHECK FEES
	Development and Redevelopment < 500 square feet	Exempt
1a	Residential, 4 Units or Less (\geq 500 square feet) For new Development (including hillside areas) less than 1 acre or where Redevelopment results in an alteration of at least fifty (50) percent or more of the impervious surfaces of an existing developed site	\$200 / Project
1b	Residential, 4 Units or Less (\geq 500 square feet) Where Redevelopment results in an alteration of less than fifty (50) percent of the impervious surfaces of an existing developed site	\$20 / Project
1c	Residential, 4 Units or Less (\geq 500 square feet) For new Development (including hillside areas) that is 1 acre and greater	\$ 700/ Project
1d	Residential, 4 Units or Less (\geq 500 square feet) For new Development and Redevelopment that lies within an ESA creating 2,500 square feet or more of impervious surface area	\$ 700/ Project
2a	Residential Developments of 5 Units or More and Nonresidential Developments (\geq 500 square feet) For Redevelopment that results in an alteration of less than fifty (50) percent of the impervious surfaces of an existing developed site	\$ 800 / Project
2b	Residential Developments of 5 Units or More and Nonresidential Developments (\geq 500 square feet) For new Development or where Redevelopment that results in an alteration of at least fifty (50) percent or more of the impervious surfaces of an existing developed site	\$ 1,000/ Project

*Projects located in, adjacent to, or discharging directly to a designated Environmentally Sensitive Area (ESA)

C. *At the discretion of the Bureau of Sanitation, a large scale project may be categorized as a Special Project and billed on actual cost incurred by the City.*

- D. Off-hour Plan Check Fee. Upon request by an applicant, the Bureau of Sanitation may, at its discretion, provide plan check at other than normal working hours upon application therefore by an applicant. In addition to the plan check fees listed in B. of this Section, an additional 50 percent premium will be collected at the time of request.*
- E. All entities, including City Departments and other public agencies, are required to pay the Best Management Practices plan check fees.*
- F. All monies collected pursuant to Section 64.72.05 of this Code shall be placed and deposited into the Stormwater Pollution Abatement Fund, **under a separate account for each sub-watershed**, established by Section 64.51.11 of the Los Angeles Municipal Code.*

Sec. 7. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

Sec. 8. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at it's meeting of _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

Carmen Trutanich, City Attorney

By _____
Christopher M. Westhoff
Assistant City Attorney

Date _____

File No. _____

**Transmittal 2
CEQA Exemption**

CITY CLERK'S USE

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 607, CITY HALL
LOS ANGELES, CALIFORNIA 90017
CALIFORNIA ENVIRONMENTAL QUALITY ACT

CITY CLERK'S USE

NOTICE OF EXEMPTION

(Article III, Section 3 - City CEQA Guidelines)

Submission of this form is optional. The form shall be filed with the county clerk, 12900 E. Imperial Highway, Newark, California 90050, pursuant to Public Resources Code Section 21152(b). Pursuant to Public Resources Code Section 21167(1), the filing of this notice starts a 30-day statute of limitations on court challenges to the approval of the project.

LEAD CITY AGENCY AND ADDRESS: Department of Public Works, Bureau of Sanitation, Watershed Protection Division 1149 South Broadway, Suite 1000, Los Angeles, CA 90015	COUNCIL DISTRICT: At
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PROJECT TITLE: Stormwater Low Impact Development Ordinance	LOG REFERENCE:
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PROJECT LOCATION: City of Los Angeles

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: Requirements

Requires the use of Low Impact Development (LID) practices and technologies to encourage use of stormwater and urban runoff in future development and redevelopments by reducing stormwater/urban runoff while improving water quality; promoting rainwater harvesting; reducing off-site runoff and providing increased groundwater recharge; reducing erosion and hydrologic impacts downstream; enhancing the recreational and aesthetic values in our communities. Section 4 Chapter VI, Article 4.4.72 and Section 5 Chapter VI, Article 4.4.72.05 of the LA Municipal Code are amended with language contained in this ordinance.

CONTACT PERSON: Ara J Kasparian	TELEPHONE NUMBER: 1213/465-5729
---	---

EXEMPT STATUS (Check One)		
<input type="checkbox"/> MINISTERIAL	CITY CEQA GUIDELINES Art III Sec. 20	STATE CEQA GUIDELINES Sec. 15268
<input type="checkbox"/> DECLARED EMERGENCY	Art III Sec. 2a(1) - 3	Sec. 15269(a)
<input type="checkbox"/> EMERGENCY PROJECT	Art III Sec. 2a(2) & (3)	Sec. 15330
<input type="checkbox"/> GENERAL EXEMPTION	Art III Sec. 1	Sec. 15061(b)(1)
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION	Section 15308	Class (Category) B of the State CEQA Guidelines
<input type="checkbox"/> OTHER (See Public Resources Code Sec. 21000 and all both state and city guidelines provisions)		

JUSTIFICATION FOR PROJECT EXEMPTION: The proposed ordinance is consistent with CEQA State Guidelines Section 15308 describing "Actions by Regulatory Agencies for Protection of the Environment." Class B of Section 15308 refers to actions taken by regulatory agencies, as authorized by the state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING:

SIGNATURE:  Ara J. Kasparian, Ph.D.	TITLE: Division Manager	DATE: 10/27/2001
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FEE: \$75.00	RECEIPT NO.:	REC'D BY:	DATE:
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Transmittal 3
Council File 09-1554

09-1554

JUN 23 2009

ENERGY & ENVIRONMENT

MOTION

Urbanization leads to increased impervious surface areas which results in increased runoff and the transport of pollutants to downstream receiving waters and less percolation to groundwater aquifers.

We need to find a new approach to managing storm water and urban runoff while mitigating the negative impacts of development and urbanization.

Currently other cities and counties are using Low Impact Design (LID) to address these issues. It is a source control concept that utilizes distributed, small, cost-effective natural systems in lieu of conventional end-of-line treatment facilities.

LID incorporates multi-beneficial site design elements that may include bio-retention and filtration/infiltration that limit impervious areas and maximize pervious surfaces. Use of LID helps reduce off-site runoff, improves water quality, and provides groundwater recharge while maintaining watershed characteristics.

LID is widely recognized as a sensible approach to storm water management. In contrast to traditional methods of managing storm water such as concrete gutters and storm drains, LID methods seek to maintain or restore the natural hydrologic character of sites. Roads, parking lots, and rooftops alter a site's natural hydrology thereby increasing runoff and decreasing infiltration. The use of LID methods mitigates these effects.

I THEREFORE MOVE that the Department of Public Work's Bureau of Sanitation and the Planning Department, in conjunction with the City Attorney, be directed to report to the Council in 30 days on how we can continue to reduce our run off pollution through the revamping of our current ordinances or the development of a new ordinance, relative to storm water and urban runoff management which include the following components:

- Requires maximum capture of storm water/urban runoff to improve water quality and recharge groundwater;
- Encourages biofiltration or infiltration of storm water and urban runoff in future developments;
- Develops a mitigation alternative for rare circumstances where infiltration is technically infeasible;
- Encourages low water use planting, such as through drought tolerant vegetation;
- Promotes rainwater harvesting;
- Reduces off-site runoff and provides groundwater recharge;
- Reduces hydrologic impacts downstream;
- Enhances the recreational and aesthetic values in a community

ORIGINAL

PRESENTED BY:

Wendy Greijel
WENDY GREIJEL
Councilwoman, 2nd District

SECONDED BY:

Ed P. King

JUN 23 2009

JK

Transmittal 4
LID Ordinance Estimated Resources, Fees and Revenues

Estimated Resources, Fees and Revenues for LID Ordinance

Category Type	Development Type	Est. # Permits	Est. Hours per permit review	Est. Hourly Cost (Fully Burdened)	Est. Cost per permit review	Fee	Total Hours needed	Equivalent FTE	Projected Revenue
0	Development and Redevelopment < 500 square feet	1,750	0	\$98	\$0	\$0	0	0.0	\$0
1	Residential, 4 Units or Less (> 500 square feet)								
1a	For new Development less than 1 acre including hillside Development or where Redevelopment that results in an alteration of at least fifty (50) percent or more of the impervious surfaces of an existing developed site	225	2	\$98	\$195	\$200	450	0.2	\$45,000
1b	Where Redevelopment results in an alteration of less than fifty (50) percent of the impervious surfaces of an existing developed site	225	0.2	\$98	\$20	\$20	45	0.0	\$4,500
1c	For new Development that is 1 acre and greater, or 1 acre and greater in a hillside area	100	7	\$98	\$683	\$700	700	0.3	\$70,000
1d	For new Development and Redevelopment that lies within an ESA	75	7	\$98	\$683	\$700	525	0.3	\$52,500
2	Residential Developments of 5 Units or More and Nonresidential Developments (> 500 square feet)								
2a	For Redevelopment that results in an alteration of less than fifty (50) percent of the impervious surfaces of an existing developed site	275	8	\$98	\$781	\$800	2,200	1.1	\$220,000
2b	For new Development or where Redevelopment that results in an alteration of at least fifty (50) percent or more of the impervious surfaces of an existing developed site	350	11	\$98	\$1,074	\$1,000	3,850	1.9	\$350,000
	All Categories	3,000					7,770	3.7	\$742,000

Note:

1. Plan review staffing at counter - 2 Full Time Equivalent (FTE) Associate III Engineers, 1 FTE Associate IV Engineer Ancillary staff - 0.45 FTE Full Engineer, 0.25 FTE Senior Engineer, 0.1 FTE Principal Engineer

2. Does not include Bureau overhead rate

Transmittal 5 Offsite Runoff Mitigation Fee

I. Overview

The Low Impact Ordinance (LID) provides developers the option to pay into an Offsite Runoff Mitigation Fee if the site can not retain 100% of the first ¾-inch storm event onsite in order to comply with the LID requirements. The option for Offsite Mitigation shall only be considered after all the stormwater management techniques allowed pursuant to the LID Section of the Development Best Management Practices Handbook (i.e., in priority order of infiltration, evapotranspiration, capture and use, and/or treated through high removal efficiency biofiltration / biotreatment system) have been exhausted.

Where all the stormwater management techniques allowed pursuant to the LID Section of the Development Best Management Practices Handbook have been exhausted and 100% of the first ¾-inch water quality design storm event cannot be kept onsite, the applicant shall be required to pay an Offsite Runoff Mitigation Fee that will provide funds for the City to construct or apply towards the construction of an offsite mitigation project within the same sub-watershed that will achieve at least the same level of water quality protection as if all of the runoff were retained onsite. For Fiscal Year 2010-2011, through June 30, 2011 the Offsite Runoff Mitigation Fee shall be \$13 per gallon of the total volume not retained on site as required by the LID Ordinance for all Projects identified under the Ordinance.

The fee is calculated to reflect City's cost for constructing a stormwater mitigation project and its ancillary costs. Considering that the City will need to design and construct the improvements for the applicant on public lands, the following components establish the amount of the Fee:

- Estimated Capital Cost to Design and Construct BMP
- Value of Public Land Utilized by BMP

The in-lieu fee does not include any operation and maintenance costs in accordance with the CA Mitigation Fee Act.

II. LID Requirements

Every applicant shall provide LID practices for Development and Redevelopment projects as required by the LID Ordinance. The option for Offsite Mitigation shall only be exercised after all the stormwater management techniques allowed pursuant to the LID Section of the Development Best Management Practices Handbook (i.e., in priority order of infiltration, evapotranspiration, capture and use, and/or treated through high removal efficiency biofiltration / biotreatment system) have been exhausted. If partial or complete onsite compliance can not be achieved, the project Site and LID Plan shall comply with, at a minimum, all applicable Standard Urban Stormwater Mitigation Plan (SUSMP) requirements in order to maximize onsite compliance.

III. Implementation

Should the applicant not be able to comply with the requirements of the LID Ordinance, the following will take place:

1. The applicant shall pay an Offsite Runoff Mitigation Fee for the excess volume, generated by the water quality design storm event that can not be retained on-site and/or not mitigated in an off-site project in compliance with the LID requirements. To maximize and provide an incentive for onsite management of storm water runoff, applicants will receive the following reduction in the Offsite Runoff Mitigation Fee based on the percentages of the water quality storm water runoff that is managed on site through infiltration, evapotranspiration, and/or capture and use per the following schedule:

% of Storm water Runoff Managed onsite	% Reduction	Applicable Fee
Between 90% and 99%	75 %	\$ 3.25
Between 75% and 89%	50 %	\$ 6.50
Between 50% and 74%	25 %	\$ 9.75
Less than 50%	0 %	\$ 13.00

2. Offsite Runoff Mitigation Fees will be deposited into the City of Los Angeles's Stormwater Pollution Abatement Fund for offsite mitigation, as described in the LID Section of the Development Best Management Practices Handbook and separated into five separate funds by sub-watershed (Figure 1) based on the location of the proposed development. The five sub-watersheds are 1) Upper Los Angeles River, 2) Lower Los Angeles River, 3) Ballona Creek, 4) Santa Monica Bay, and 5) Dominguez Channel.
3. The collected fees in a sub-watershed shall be applied towards the construction of an off-site mitigation project within the same sub-watershed that will achieve at least the same level of water quality protection as if all of the runoff was retained on site.
4. The Stormwater quality improvement projects for the sub-watersheds will be derived from the TMDL Implementation Plans, the Green Streets/Alleys program and other related projects such as LADWP Water Replenishment projects and CRA projects. Priority shall be given to City Council approved City of Los Angeles TMDL Implementation Plans.
5. The fees will be deposited into the highest priority project fund within the sub-watershed until such time the project acquires full funding from all

sources for implementation. Subsequent fees will then be allocated to the next highest priority project.

IV. Appeals

The applicant can appeal the Director of the Bureau of Sanitation's determination to the Board of Public Works within 30 days of the date of the determination.

V. Basis of Analysis

- Fourteen stormwater quality improvement projects (Table 1) developed for implementation were used to determine a per gallon unit cost for the mitigation and management of urban runoff.
- The projects vary in size and type and represent the geographical area of Los Angeles. The tributary area for each project ranges from 10 ac. to 2,500 ac. and range in cost from \$1.0 mil to \$22 mil.
- The analysis is similar to that used by the City of Santa Monica and many of the assumptions used have been taken from their analysis.
- Only capital costs were included in the fee calculations and O&M costs were ignored in accordance with the CA Mitigation Fee Act.

Offsite Runoff Mitigation Fee

An Offsite Runoff Mitigation Fee, \$13 per gallon, is equal to the median of the Total Mitigation Cost divided by the Mitigation Volume.

$$\text{In-Lieu Fee Rate (\$/gal)} = \frac{\text{Total Mitigation Cost}}{\text{Mitigation Volume}}$$

Where;

Total Mitigation Cost = Total Capital Project Cost + Land Value

Total Project Cost: includes planning, design and construction

Land Value: \$260 x Surface Area of Dry Well (ft²)

Surface Area of Dry Well: Mitigated Volume (ft³) / 4 ft

(Note: 4 ft is max depth of drywell before shoring is required)

Mitigation Volume (ft³): = Tributary Area (ft²) x ¾ inch rain event

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Table 1 – Stormwater Quality Improvement Projects

No.	Project	Total Project Cost ¹	Project Construction Cost	Tributary Area (acres)	Tributary Area (ft ²)	Mitigation Volume (ft ³)	Surface Area of Drywell (ft ²) ⁵	Mitigation Volume (gal) ⁶	Land Value ⁷	Total Mitigation Cost ⁸	\$/gal ⁹
1	Strathern Pit Multiuse Project	\$22,505,000	\$10,000,000	2407	104,848,920	6,553,058	1,638,264	49,020,271	\$425,948,738	\$448,453,738	\$9.15
2	Elmer Green Street	\$3,000,000	\$1,250,000	37	1,611,720	100,733	25,183	753,531	\$6,547,613	\$9,547,613	\$12.67
3	Riverdale Green Street	\$1,000,000	\$500,000	12	522,720	32,670	8,166	244,389	\$2,123,550	\$3,123,550	\$12.78
4	Imperial Highway Sunken Median Project	\$2,700,000	\$600,000	8	348,480	21,780	5,445	162,926	\$1,415,700	\$4,115,700	\$25.26
5	Woodman Ave Green Street	\$3,000,000	\$2,000,000	130	5,662,800	353,925	88,481	2,647,543	\$23,005,125	\$26,005,125	\$9.82
6	Oros Green Street	\$1,000,000	\$300,000	9	392,040	24,503	6,126	183,291	\$1,592,663	\$2,592,663	\$14.15
7	Hansen Dam Recreational Area Parking Lot and Wetlands Restoration Project	\$2,220,702	\$1,600,000	75	3,267,000	204,188	51,047	1,527,428	\$13,272,188	\$15,492,890	\$10.14
8	Fremont High Community Garden	\$2,604,350	\$1,500,000	49	2,134,440	133,403	33,351	997,920	\$8,671,163	\$11,275,513	\$11.30
9	South LA Wetlands Park	\$18,500,000	\$14,500,000	316	13,764,930	860,310	215,078	6,435,565	\$55,920,150	\$74,420,150	\$11.56
10	Westminster Dog Park	\$1,000,000	\$385,000	4	174,240	10,890	2,723	81,463	\$707,850	\$1,707,850	\$20.96
11	Grand Ave Tree Wells	\$1,100,000	\$500,000	6.8	296,208	18,513	4,628	138,487	\$1,203,345	\$2,303,345	\$16.63
12	Rosecrans Recreational Center Stormwater Enhancements	\$6,754,033	\$3,700,000	139	6,054,840	378,428	94,607	2,830,834	\$24,597,788	\$31,351,821	\$11.08
13	Peck Park Canyon Enhancement Project	\$8,230,000	\$5,400,000	48	2,090,880	130,680	32,670	977,554	\$8,494,200	\$16,724,200	\$17.11
14	Sun Valley Park Drain and Infiltration System	\$5,700,000	\$5,600,000	24	1,045,440	65,340	16,335	488,777	\$4,247,100	\$9,947,100	\$20.35

1. Total Project Cost: includes planning, design, construction and administrative cost
 2. Surface area of dry well: = Mitigated Vol (in cf.) / 4 ft (Note: 4 ft is max depth of drywell before shoring is required)
 3. Mitigation Volume (cf.): = Tributary Area (sq.ft.) ft² * 3/4" rain event
 4. Land Value: \$260 x surface area of dry well
 5. Total Mitigation Cost: = Project cost + Land value
 6. Average Cost (\$/gal): = Total in lieu fee/ Mitigated Vol (in gal)

Recommended Offsite Runoff Mitigation Fee = \$13 per gallon

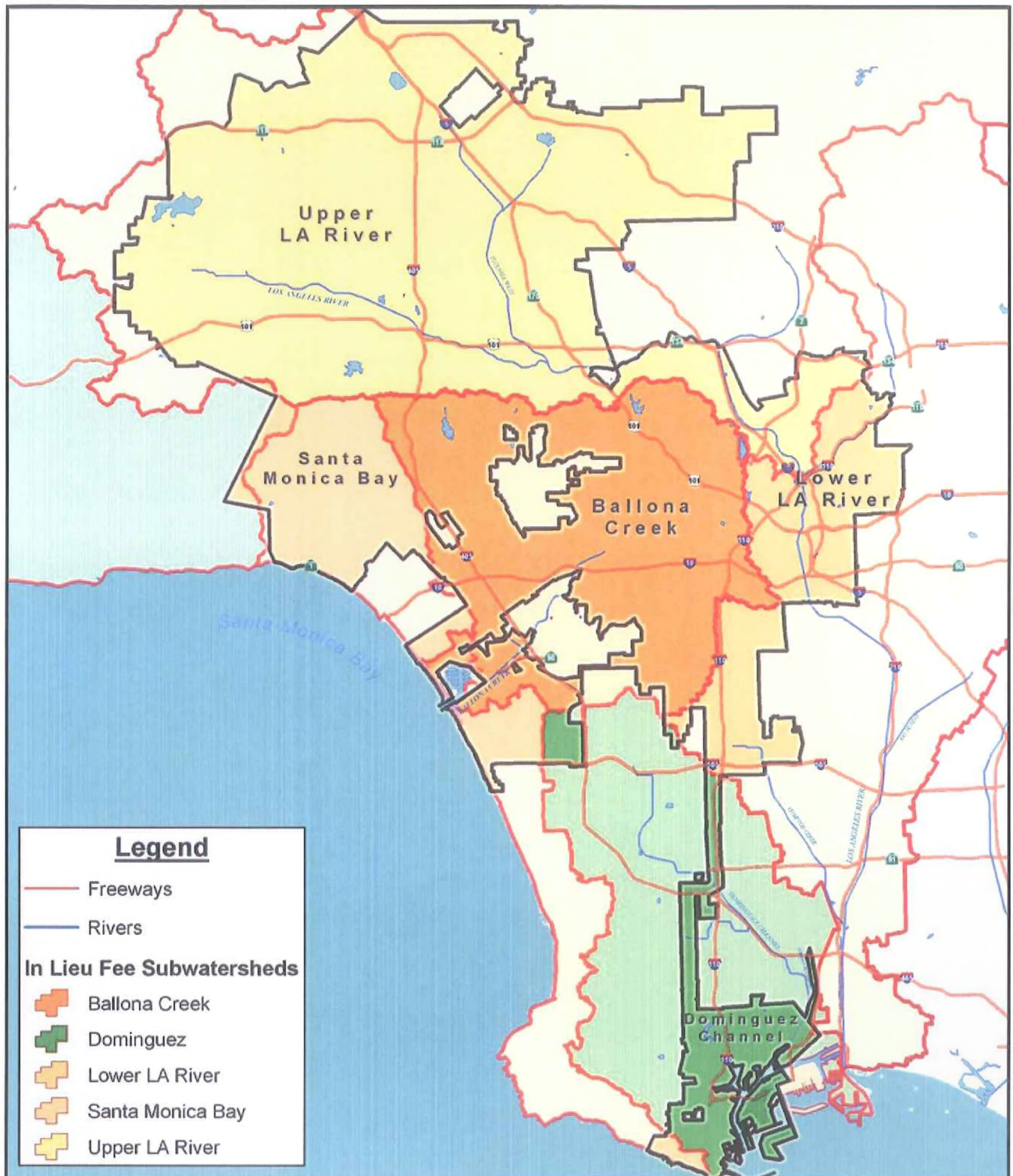
MEDIAN \$12.73

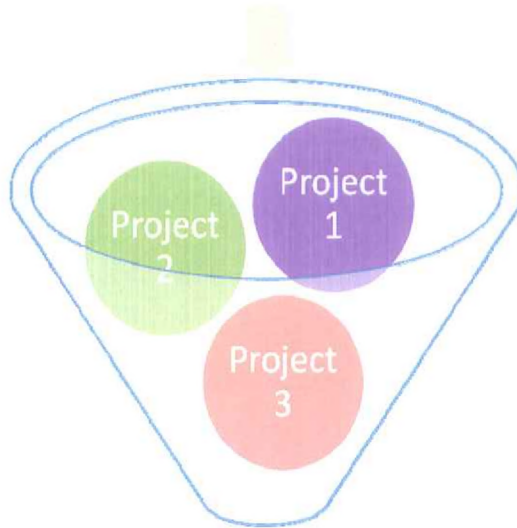
Note: In-lieu fee does not include any operation and maintenance costs in accordance with the CA Mitigation Fee Act.

Conversions
 1 cf = 7.48 gal
 1 ac = 43,560 sf

Intentionally Blank

Figure 1 – Offsite Runoff Mitigation Fee Subwatersheds





Low Impact Development (LID) Ordinance

Any Development or Re-development < 500 ft²



Existing Single Family Home
(i.e. re-development)

Lot Size 50 ft x 120 ft = 6,000 ft²

Existing living space = 2,400 ft²

Proposed addition = 300 ft²

LID Requirements: Exempt

Proposed addition



CITY OF LOS ANGELES
SANITATION
PUBLIC WORKS

Low Impact Development (LID) Ordinance

Example 1.a - Residential (<4 units):

New Development < 1 acre or
 Re-development ≥ 50% of existing impervious area
Note: Offsite Runoff Mitigation Fee Not Applicable

Lot Size 50 ft x 120 ft = 6,000 sq. ft.

Existing living space = 2,400 sq. ft.

Proposed addition = 1,300 ft² (≥50% increase)

LID Requirements:

Install min. of 2 adequately sized LID BMPs:

Examples (not limited to):

- Rain Barrel
- Rain Garden
- Porous Pavers/Pavement
- Direct Downspout to landscaping

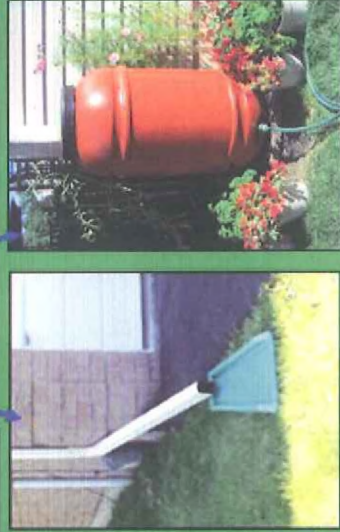
Cost

Cost to implement LID onsite ~\$1,000

LID Plan Review Fee = \$20

Cost to implement LID = \$1,020

Total Addition Cost ~ \$130,000



Low Impact Development (LID) Ordinance

Example 1.b - Residential Re-development:

Room Addition (<50% of existing impervious area)

Note: Offsite Runoff Mitigation Fee Not Applicable



Lot Size 50 ft x 120 ft = 6,000 sq. ft.

Existing living space = 2,400 sq. ft.

Proposed addition = 800 ft² (<50% increase)

LID Requirements:

Install min. of 1 adequately sized LID BMPs:

Examples (not limited to):

- Rain Barrel
- Rain Garden
- Porous Pavement
- Direct Downspout to Landscaping

Cost

Cost to implement LID onsite ~<\$500

LID Plan Review Fee = \$20

Cost to implement LID ~ \$520

Total Addition Cost ~ \$80,000



Low Impact Development (LID) Ordinance

Example 1.c - Residential New development: (1 acre or greater)

or

Example 1.d - New / Redevelopment in ESA:

Assumption: 100% Compliance (i.e., No Offsite Runoff)



Lot Size 250 ft x 200 ft = 50,000 ft² (1.15 ac)

Proposed impervious area

Driveway/Walkways = 3,000 ft²

Living Space = 7,000 ft²

TOTAL impervious area = 10,000 ft²

LID Requirements:

Capture the volume of the first 3/4" of rain over impervious area ~ 4,490 gal

* 400 ft² of planter boxes is needed (5 boxes @ 80 ft² each)

Cost

Direct roof runoff to 5 planter box BMP's @ \$6k each = \$30,000

LID Plan Review Fee = \$700

Cost to comply with LID = \$30,700

Total Project Cost ~ \$700,000

Proposed Development

* Rule of thumb: Min. of 4% of impervious area



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PUBLIC WORKS

Low Impact Development (LID) Ordinance

Example 1.c - Residential New development: (1 acre or greater)

or

Example 1.d - New / Redevelopment in ESA:

Assumption: 80% Compliance onsite, 20% Compliance offsite



Proposed Development

Lot Size 250 ft x 200 ft = 50,000 ft² (1.15 ac)

Proposed impervious area

TOTAL impervious area = 10,000 ft²

LID Requirements:

Capture the volume of the first 3/4" rain event over impervious area ~ 4,490 gal

Cost

LID Plan Review Fee = \$700

80% Compliance onsite (\$3,592 gal)

Direct roof runoff to 4 planter = \$24,000

box BMPs @ \$6k each

20% Compliance via Offsite Runoff

Mitigation Fee (\$98 gal)

898 gal x \$6.50/gal = \$5,840

Cost to comply with LID = \$30,540

Total Project Cost ~ \$700,000



Low Impact Development (LID) Ordinance

Example 2.a - Residential New Development: (≥ 5 units)

Housing Development: 195 units at 6710 Varier

Assumption: 100% Compliance (i.e., No Offsite Runoff Mitigation Fee)

Lot Area

Impervious = 2.63 Acres (115,000 ft²)

Pervious = 0.03 Acres (30,500 ft²)

LID Requirements:

Capture the volume of the first 34" rain event over impervious area ~ 49,700 gal (Equivalent to SUSMP requirement)

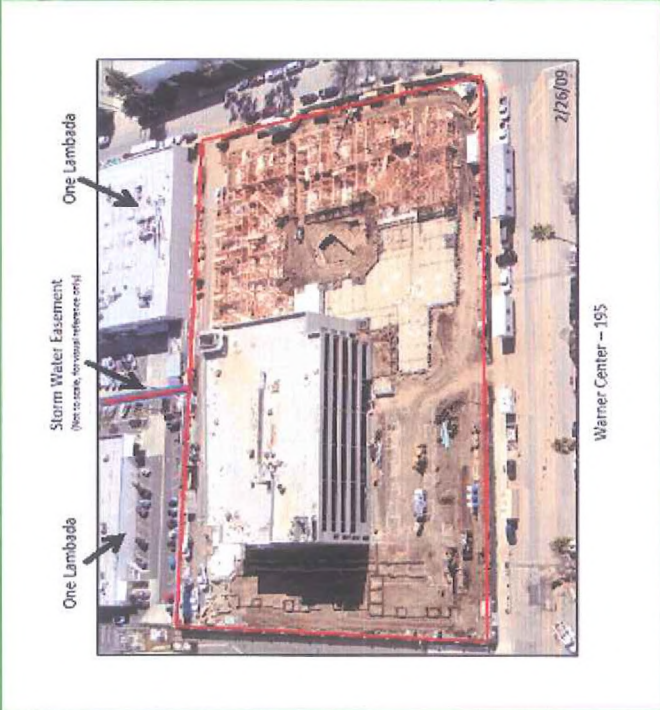
BMPs Installed:

- 1 Pre-treatment unit
- 50,000 gal cistern system for drip irrigation and 2 pumps

Cost:

LID Plan Review Fee = \$800

On Site Compliance = \$112,000



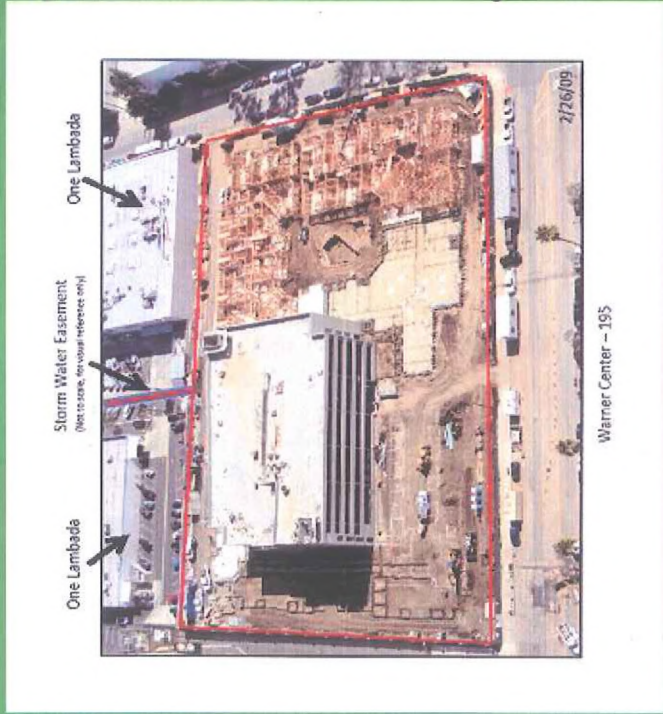
Transmittal 6 - LID Examples

Low Impact Development (LID) Ordinance

Example 2.b - Residential New development: (≥ 5 units)

Housing Development: 195 units at 6710 Variel

Assumption: 80% Compliance onsite, 20% Compliance offsite



LID Requirements:

Capture the volume of the first 2.4" rain event over impervious area ~ 49,700 gal (Equivalent to SUSMP requirement)

BMP's Installed:

- 1 Pre-treatment unit
- 37,000 gal cistern

Cost:

LID Plan Review Fee = \$800

80% Compliance onsite (29,600 gal) = \$89,600

20% Compliance via Offsite Runoff

Mitigation Fee (7,400 gal)

7,400 gal x \$6.50/gal = \$48,100



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 1015
 SANITATION
 PUBLIC WORKS

Low Impact Development (LID) Ordinance

Example 2.b - Residential New development: (≥ 5 units)

Housing Development: 106 units at 452 S. Main

Assumption: 100% Compliance (i.e., No Offsite Runoff Mitigation Fee)



Lot Area:

Impervious = 0.30 Acres (13,100 ft²)

Pervious = 0.03 Acres (1,300 ft²)

LID Requirements:

Capture the volume of the first 24" rain event over impervious area ~ 5,600 gal (Equivalent to SUSMP requirement)

BMPs installed:

- 1 Catch basin filter insert for pretreatment
- 1 Drywell designed to infiltrate 10,000 gal over 24-hr. period.

Cost:

LID Plan Review Fee = \$800

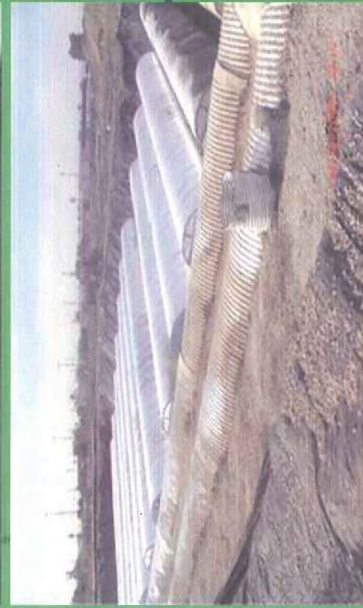
Onsite Compliance = \$25,000 - \$30,000



Low Impact Development (LID) Ordinance

Example 2.b - New development: Commercial Development

LOWE'S (13500 Paxton)



Lot Area: 11.8 acres
Impervious = 10.6 ac. (461,800 ft²)
Pervious = 1.2 ac. (52,300 ft²)

LID Requirements:

Capture the volume of the first 3/4" rain event over impervious area ~ 209,500 gal (Equivalent to SUSMP requirement)

BMPs installed:

- 2 CDS for prescreening
 - 8 catch basin filter inserts for prescreening, and
 - 2 infiltration galleries underneath the parking lot to mitigate and infiltrate 1.25 MG (166,800 ft³)
- Equivalent to 50-yr storm event

Cost:

LID Plan Check Fee = \$800
Onsite Compliance ~ \$100,000
(treating a 3/4" rain event)

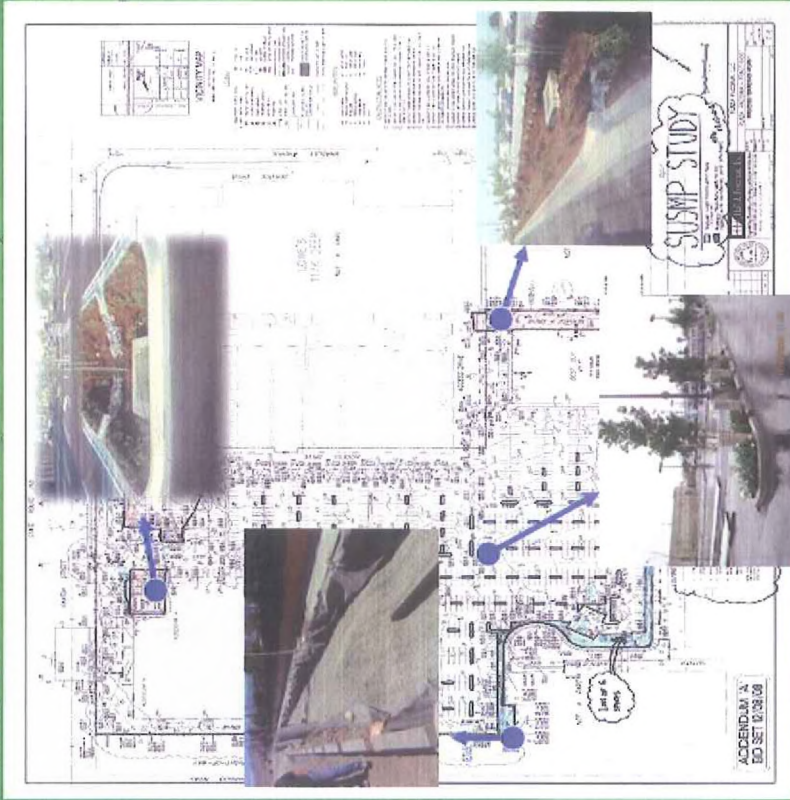


Transmittal 6 - LID Examples

Low Impact Development (LID) Ordinance

Example 2.b - New development: Commercial Development

Costco at Plaza Pacoima (13510 Paxton)



Lot area: 17.13 acres

Impervious = 16.33 ac. (711,300 sq. ft.)

Pervious = 0.8 ac. (34,850 sq. ft.)

LID Requirements:

Capture the volume of the first 3/4" rain event over impervious area ~ 319,000 gal. (Equivalent to SUSMP requirement)

BMPs installed:

- 1 Oil & Water separator for fueling area
- 91 Bio-filtration boxes (32,670 ft²) with under drain and connections to the storm drain system
- 4 catch basin filter inserts to treat runoff that does not drain onto the bio-filtration



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PUBLIC WORKS

Transmittal 7

Summary of Public Outreach and Workshops

Background

The City of Los Angeles, Department of Public Works, Bureau of Sanitation is proposing a low impact development ordinance that will require all new and re-development projects to capture and infiltrate or use the first ¾-inch of a rain event through the use of best management practices.

Key Stakeholders

Meetings and workshops with key stakeholders to discuss the proposed ordinance were held as early as July 2009. In July 2009, meetings were held with the American Institute of Architects and the American Society of Landscape Architects. In August 2009, the Watershed Council held a discussion on the LID ordinance and benefits which was attended by many stakeholders including building industry representatives. In September 2009, the Green LA Coalition held a stakeholder workshop in collaboration with Tree People to discuss the benefits of LID developments and the LID ordinance. The workshop included a diverse group of stakeholders including builders, engineers and developers.

Throughout the development of the proposed LID Ordinance the Bureau of Sanitation held meetings with key stakeholders from the building and development community and environmental organizations as well as meeting routinely with the Department of Building and Safety and the Department of Planning to address any conflicting requirements of each respective agency. The Bureau also conferred with representatives from Los Angeles County and consultants to San Diego County, who have implemented the LID program, to gain perspective on how to best implement LID principles in the City. Additionally, the Bureau provided the American Council of Engineering Companies (ACEC), Los Angeles Chapter a presentation on the City's proposed LID Ordinance. Other notable stakeholders included Heal the Bay, American Institute of Architects, American Society of Landscape Architects, the GreenLA Coalition, other City Departments, neighboring municipalities, and Los Angeles neighborhood councils.

Following the November 13, 2009 Board of Public Works hearing on the proposed LID Ordinance, the Bureau held two additional meetings with both the building and development community and environmental organizations to further address questions and concerns with the proposed LID Ordinance. The Bureau also held a fifth targeted workshop. As a result of the additional meetings and workshop, the Bureau of Sanitation has revised and incorporated comments in regards to project entitlements, options on how compliance may be met, plan check fees and partial credit for treatment when projects are subject to the Offsite Runoff Mitigation Fee.

Public Outreach Activities

To educate program stakeholders and general public about the proposed ordinance, the Bureau of Sanitation conducted a public outreach campaign that focused on community workshops, e-media, the Department of Neighborhood Empowerment and media relations to community newspapers.

Community Workshops

The Bureau of Sanitation hosted four community workshops to encourage and solicit stakeholder comments and concerns regarding the LID Ordinance. At these community workshops, Sanitation staff presented information about the proposed LID Ordinance and fielded questions from the attendees. In addition, in response to the Board of Public Works direction from the November 13, 2009 Board meeting, a fifth evening workshop focusing on residents and neighborhood councils was held to inform and solicit comments on the proposed LID Ordinance. Below is a summary of the workshops, their locations, dates and times and number of attendees.

Location	Date and Time	Number of Attendees
Media Technical Center 2714 Media Center Drive (Council District 1)	October 1, 2009 10:00 a.m. – 12 noon	18
Westchester Municipal Building 7166 W. Manchester Blvd. (Council District 11)	October 6, 2009 10:00 a.m. – 12 noon	11
D.C. Tillman Wastewater Treatment Plant 6100 Woodley Avenue (Council District 6)	October 8, 2009 10:00 a.m. – 12 noon	18
A.F. Hawkins Nature Park 5790 Compton Avenue (Council District 9)	October 14, 2009 10:00 a.m. – 12 noon	17
Media Technical Center 2714 Media Center Drive (Council District 1)	December 1, 2009 6:30 p.m. – 8:30 p.m.	22
Total Workshop Attendance		86

Representatives from neighborhood councils, neighboring cities, environmental agencies, private engineering and development firms, sister departments, chambers of commerce and private residents were among the attendees of these community workshops. (Please see Appendix A for attached listing of Attendees)

Workshop Flyers – A flyer advertising the dates, locations and times of the October workshops was developed and distributed at the SUSMP public counter and at appropriate City meetings.

E-Media Outreach

- *www.LAStormwater.org Updates and Postings* – The City's Stormwater website (www.LAStormwater.org) has a web page entitled Low Impact Development in the City of Los Angeles. This page features background information on low impact development, a draft copy of the latest version of the proposed ordinance and resources related to low impact development. This web page has been updated in a timely manner with information related to the low impact development ordinance and the workshops since its creation in summer 2009.
- *E-Blasts to Program Stakeholders* – The Watershed Protection Program has a listing of 2,753 stakeholders who receive a quarterly e-newsletter *LA Stormwater* highlighting projects and issues facing the program. The list of stakeholders includes, but is not limited to, representatives from community based organizations, environmental organizations, neighborhood councils, City Council districts, the Mayor's Office, neighboring cities, regulatory agencies and private residents. The Watershed Protection Program has e-blasted information about the LID Ordinance and the workshops on a regular basis since September 2009. The e-blasts included information about the five workshops and the continuation of the LID Ordinance from the Board of Public Works December 11, 2009 agenda to the January 15, 2010 agenda.
- *LA Stormwater Facebook Fan Page* – The Watershed Protection Program maintains a Facebook Fan page to stay connected to our stakeholders. The LA Stormwater Facebook Fan page has 358 fans. Pertinent information related to the LID Ordinance has been posted on our fan page on a regular basis since September 2009.
- *LA Team Effort Blog Postings* – At our blog (www.lastormwater.org/teameffort) the Watershed Protection Program has posted regular information about the proposed LID Ordinance. Beginning in late November, the program launched a series of educational posts regarding the LID Ordinance, providing background information about low impact development, the reasons why the City of Los Angeles is proposing this ordinance and how it will benefit neighborhoods.
- *lastormwater@lacity.org* – This e-mail address was used as the primary means for receiving comments from stakeholders regarding the low impact development ordinance. In November, the program received and responded to 80 e-mails related to the proposed LID Ordinance.

Department of Neighborhood Empowerment

- *Congress of Neighborhoods* - City staff attended the October 10 Congress of Neighborhoods at City Hall and distributed informational flyers

regarding the low impact development ordinance and related workshops to attendees.

- *Neighborhood Councils* – The City of Los Angeles' 99 Neighborhood Councils are included in the Watershed Protection Program's listing of 2,753 stakeholders who receive regular informational e-blasts about our program. Neighborhood Councils received the e-vite regarding the five community workshops through their weekly e-blast system.

Community Newspapers

- *December 1 Workshop Press Release* – On November 23, the Public Affairs Office distributed a press release regarding the low impact development ordinance and related December 1 community workshop to community newspapers.

Appendix A

Attendees to LID Ordinance Community Workshops

Name	Company/Affiliation
1. Ian Adam	Fusco Engineering
2. Jamie Adenhold	Trident Solutions
3. Shirin Ader	City of Beverly Hills
4. Sherri Akers	Mar Vista Community Council
5. Eileen Alduenda	LASGR Watershed Council
6. Vaikko Allen	Contech
7. Mary Isabel Alvarez	Trust for Public Land
8. Talal Balaa	LAUSD
9. Freya Bardell	Public Artist
10. Rhett Beavers	Practice of Rhett Beavers
11. Alan Bernstein	Alan Bernstein Architects
12. Pamela Berstler	The Green Gardens Group
13. Rosanna Aspacio-Catindig	NBC Universal
14. Joe Cadelaso	Building Industry Association
15. Tom Camarella	Culver City Democratic Club
16. Mark Capron	PODenergy
17. Joesetta Descalzo	City of Beverly Hills
18. Chris Demonbrun	City of Los Angeles, WESD
19. Bruce Dolezal	Grifols Biologicals
20. Joseph Eden	Hillside Engineering, Inc.
21. Lauren Frye	City of Los Angeles, LA River
22. Jason Gallup	City of Long Beach
23. Daniel Gehman	Thomas P. Cox Architects, Inc.
24. Alberto Gomez	Total Site Maintenance (SWPPP)
25. Larry Gray	SEC Civil Engineering
26. Mark Grey	So Cal Building Industry Association
27. Gerald Gubatan	CRA/LA
28. Sandra Hamlat	BHC
29. Nate Hayward	Los Angeles Council District 1
30. Liz Herron	Arroyo Seco Neighborhood Council
31. Paul Herzog	Surfrider Foundation
32. Marc Huffman	Playa Vista
33. Ed Hunt	Hollywood Studio District Neighborhood Council
34. Tricia Johns	KPFF Consulting Engineers
35. Michael A. Jones	City of Beverly Hills
36. Grant Kai	Mollenhauer Group
37. Saran Kirschbaum	Karen Bass Environmental Commission
38. Patrick Lantz	Rose & Kindel
39. Christine E. Lee	Korean Culture Center
40. Felix Levitas	GM Engineering
41. Max Liles	NBC Universal
42. Joe Linton	LA Creek Freak
43. Michael Lotito	Loyola Marymount University

- | | |
|------------------------------|---|
| 44. Sherwood Matsuhara | City of Vernon |
| 45. Meredith McCarthy | Heal the Bay, Green LA Coalition |
| 46. Michele McGrath | Citizen of Los Angeles |
| 47. Christopher McKinnon | Mar Vista Community Council |
| 48. Azita Motamen | City of Beverly Hills |
| 49. Paul Medel | Thomas P. Cox Architects, Inc. |
| 50. Henrik Nazarian | Hall & Foreman |
| 51. Andy Niknafs | LADWP |
| 52. Dan Pankau | City of Calabasas |
| 53. Lore Pekrul | Sierra Club |
| 54. Joseph Perez | TECS Environmental |
| 55. Mike O'Gara | Sun Valley Area Neighborhood Council |
| 56. Mark Quirez | Glassell Park Chamber of Commerce |
| 57. Sal Ramirez | TECS Environmental |
| 58. Luzmila Rapoport | SEC Civil Engineering |
| 59. Cheryl Revkin | Silverlake Green Alliance |
| 60. Larry Rich | City of Long Beach |
| 61. Augustine Rius | Citizen of Los Angeles |
| 62. Diane Rosen | Encino Neighborhood Council |
| 63. Amy Rosenstein | Ballona Creek Renaissance LDC, Inc. |
| 64. Victor Salazar | Heal the Bay |
| 65. Susie Santilena | Thomas P. Cox Architects, Inc. |
| 66. Dan Schmid | Arroyo Seco Neighborhood Council |
| 67. Jerry Schneider | Mollenhauer Group |
| 68. Jason Sheng | Camp, Dresser & McKee |
| 69. Tony Skidmore | Homeowners of Encino |
| 70. Gerald Silver | Arroyo Seco Neighborhood Council |
| 71. Paula Sirola | LA Chamber of Commerce |
| 72. David Solis | Citizen of Los Angeles |
| 73. Roxanne Stern | 84 th Place Block Club |
| 74. Camille Stewart | Latham & Watkins, LLP |
| 75. Winston Stromberg | Citizen of Los Angeles |
| 76. Dennis Suvir | TECS Environmental |
| 77. Ray Tahir | Green LA Coalition |
| 78. Stephanie Taylor | Cypress Park Neighborhood Council |
| 79. Alexia Teran | Mar Vista Community Council |
| 80. Joseph Treves | City of Los Angeles, LA River |
| 81. Lupe Vela | Sustain LA |
| 82. Leslie VanKeuren | RR |
| 83. Paulina Velasco | Neighborhood Action Network (Culver City) |
| 84. Meghan Sahli Wells | Los Angeles 32 Neighborhood Council and Sierra Club – Water Committee |
| 85. Dr. Clyde "Tom" Williams | LADWP |
| 86. Eric Yoshida | |

Transmittal 8
Comment Letters

California State Senate

SENATOR
FRAN PAVLEY
TWENTY-THIRD SENATE DISTRICT



STATE CAPITOL ROOM 4035
SACRAMENTO, CA 95814
TEL: (916) 651-4023
FAX: (916) 524-4623

DISTRICT OFFICE
3718 OCEAN PARK BLVD. STE 3088
SANTA MONICA, CA 90405
TEL: (310) 314-5214
FAX: (310) 314-5253

COMMITTEES
NATURAL RESOURCES & WATER
CHAIR
TRANSPORTATION & HOUSING
FOOD & AGRICULTURE
ENVIRONMENTAL QUALITY
BUDGET
HEALTH

December 7, 2009

The Honorable Antonio Villaraigosa
Mayor, City of Los Angeles
City Hall, 200 N. Spring St.
Los Angeles, CA 90012

Dear Mayor Villaraigosa:

I am writing to express strong support for the proposed amendment to the Los Angeles Municipal Code (LAMC) to include a Low Impact Development (LID) ordinance (Council File No. CF 09-1554).

As the author of the recently signed and soon to be enacted legislation, SB 790, creating incentives for low-impact development to promote more sustainable and beneficial uses of storm water runoff, I believe this ordinance could be a significant benefit to water supply and local sustainability for the City of Los Angeles.

Current regulations encourage managing storm water and pollution runoff by treating it and then discarding it. Given that we may be entering a fourth year of drought, this is a particularly crucial time for the City to be enacting policies that will result in the beneficial use and reuse of this water by designing developments in such a way that they perform a beneficial hydrologic function and emphasize maximum filtration and capture on-site. The LID approach results in increasing groundwater recharge, improving water quality, reducing downstream impacts, promoting rainwater harvesting, and enhancing the recreational and aesthetic values in our community.

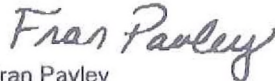
The City under your leadership has become a renowned center of environmental innovation. The proposed LID ordinance would be a significant environmental



achievement and help keep Los Angeles at the forefront of environmentally innovative cities. It would also be a major enhancement to our quality of life.

Thank you for your consideration.

Sincerely,



Fran Pavley
23rd State Senate District

cc: Los Angeles Acting Deputy Mayor Romel Pascual,
Los Angeles City Council President Eric Garcetti
Los Angeles Board of Public Works President Cynthia Ruiz
Los Angeles Board of Public Works Commissioner Paula Daniels



NATURAL RESOURCES DEFENSE COUNCIL

November 11, 2009

Via electronic mail

Shahram Kharaghani, Program Manager
Watershed Protection Division, Bureau of Sanitation
Dept. of Public Works, City of Los Angeles
1149 S. Broadway
Los Angeles, CA 90015
Shahram.Kharaghani@lacity.org

Re: Comments on City of Los Angeles Low Impact Development Ordinance

Dear Mr. Kharaghani:

On behalf of the Natural Resources Defense Council and our over 100,000 California members, we submit these comments on the Proposed City of Los Angeles Low Impact Development Ordinance ("Ordinance"). We support the City's forward thinking decision to require the use of low impact development ("LID") practices within the City, and in general, strongly support the establishment of LID practices as legal requirements for new development and redevelopment. While we believe the City must make every effort in order to ensure the proposed Ordinance will, at a minimum, comply with all relevant provisions of the Clean Water Act and the National Pollutant Discharge Elimination System program, and suggest several brief revisions in this regard, we commend the City for taking initiative to address the problems of stormwater and polluted runoff that affect the City and its surface and coastal waters.

LID can provide important benefits with respect to water quality, pollution abatement, water supply, flooding, and erosion control, while increasing available green space for urban residents. The California Ocean Protection Council ("OPC") recently found that "LID is a practicable and superior approach" to stormwater management, and that LID practices can be used to "minimize and mitigate increases in runoff and runoff pollutants and the resulting impacts on downstream uses, coastal resources and communities" over a broad range of locations and development types.¹ The OPC's findings are bolstered by the U.S. EPA, which has concluded that "[i]n the vast majority of cases . . . implementing well-chosen LID practices saves money for developers, property owners, and communities while protecting and restoring water quality."²

¹ Resolution of the California Ocean Protection Council Regarding Low Impact Development (May 15, 2008), available at http://www.sfbayjv.org/pdfs/0805COPC05_LID_Res_amended.pdf

² U.S. Environmental Protection Agency, December 2007, Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices, available at <http://www.epa.gov/owow/nps/lid/costs07/>

Mr. Shahram Kharaghani
November 11, 2009
Page 2

To this end, we commend the City for recognizing the benefits that LID will provide for the region through "commit[ing] to a stormwater management program that protects water quality and addresses water supply" needs. In particular, we are encouraged by the City's decision to propose requirements that development and redevelopment retain, without any runoff leaving the site, the volume of water resulting from the 85th percentile, 24-hour runoff event. As stated above, we encourage the City to ensure that the Ordinance fully implements the requirements of the Clean Water Act, so that there will be no need to revise the Ordinance to address these requirements in the future. In this regard, we suggest the following revisions to the Ordinance:

- Section (C)2.4.: The section states a preference for a hierarchy of LID techniques to be implemented, including infiltration, evapotranspiration, reuse, and/or "high pollutant removal treatment." Yet the Ordinance does not define the term "high pollutant removal treatment," leaving a potential loophole for development to implement non-LID, structural or conventional controls or BMPs. The Ordinance should be revised to remove this term.
- Section (C)2.4.; (C)2.4.a.: The Ordinance in these sections states that stormwater shall be managed and captured, or retained onsite in accord with the volume retention standards listed under section (C)2.4.a, "to the maximum extent feasible." This term is subjective, allowing the potential for development to undertake less than is otherwise required by the Ordinance's terms. Further, the term is superfluous, as the Ordinance creates a separate provision under section (C)5. allowing for findings of partial or full technical infeasibility for compliance. In order to make clear that development is required to retain stormwater onsite through use of LID practices or, and only with a finding of technical infeasibility, is required to implement offsite mitigation or in-lieu payment measures under section (C)6., the term "to the maximum extent feasible" should be removed from sections (C)2.4. and (C)2.4.a.

Again, we are encouraged by the City's actions toward improving water quality and increasing water supply for the City of Los Angeles. Please do not hesitate to contact us if you have any questions, and thank you for providing us with this opportunity to comment on the proposed Ordinance.

Sincerely,



Noah Garrison
Natural Resources Defense Council



Heal the Bay

1444 9th Street
Santa Monica CA 90401

ph 310 451 1550
fax 310 496 1902

info@healthebay.org
www.healthebay.org

November 11, 2009

Shahram Kharaghani
Program Manager
Watershed Protection Division Bureau of Sanitation,
Dept. of Public Works City of Los Angeles
1149 S. Broadway Los Angeles, CA 90015
Via email: Shahram.Kharaghani@lacity.org

Re: Comments on Proposed City of Los Angeles Low Impact Development Ordinance

Dear Mr. Kharaghani:

On behalf of Heal the Bay and our over 13,000 members, we submit the following comments on the Proposed City of Los Angeles Low Impact Development Ordinance ("Ordinance"). We commend the City for addressing the essential connection between future development in Los Angeles and implementation of low impact development ("LID") practices. Research has shown LID to be the most effective and cost-efficient means of managing stormwater and abating water pollution. In fact an EPA report released in December 2007 found applying LID techniques can reduce project costs and improve environmental performance "in the vast majority of cases". Many other reports and research come to the same conclusion. Since urban runoff is the single greatest contributor of pollution to waterbodies in Los Angeles and throughout the state, the widespread implementation of LID concepts is an essential element in improving our region's water quality. LID will help the City pave the way for meeting looming TMDL compliance deadlines. Also, LID can provide the sorely needed benefit of augmenting local groundwater supplies.

There are many positive provisions in the proposed Ordinance that will help to minimize water quality impacts resulting from future development in Los Angeles. Specifically, the following provisions are critical to the success of the Ordinance in improving water quality:

- The applicability to all developments and redevelopments within a certain size threshold in the City of Los Angeles. This provision ensures that water quality impacts are minimized.
- The inclusion of LID provisions in the SUSMP Ordinance. This provision will help to simplify implementation and minimize costs for the City.
- The requirement for stormwater management techniques to be sized, at a minimum, to infiltrate, store for reuse, or evapotranspire, without any runoff leaving the site the volume of water that results from the 85th percentile 24-hour runoff event. This sizing criterion is consistent with Los Angeles Regional Water Quality Control Board policies.



Heal the Bay

1444 9th Street
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www.healthebay.org

- The allowance for a demonstration of partial or full technical infeasibility and off-site mitigation or in-lieu fees as an alternate compliance option in these cases. This provision allows flexibility to the developer while still improving water quality in the City.

Again, we commend the City for taking this critical step to improving water quality in the City of Los Angeles. The City of Los Angeles cannot afford to wait any longer to address this critical water quality issue; the Regional Water Quality Control Board will likely take several years to adopt a new LA County MS4 Stormwater Permit. Further, this Ordinance implements LID principles consistent with the Ventura MS4 that was recently adopted. Thus, we urge the City to move forward the Ordinance as proposed.

If you have any questions, please contact us at 310-451-1500.

Sincerely,

Mark Gold, D. Env.
President

Kirsten James
Water Quality Director

Department of Water and Power



the City of Los Angeles

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Mayor

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S. DAVID FREEMAN
Interim General Manager
RAMAN RAJ
Chief Operating Officer

November 12, 2009

Mr. Enrique C. Zaldivar, Director
Los Angeles Department of Public Works
Bureau of Sanitation
1149 South Broadway, Ninth Floor
Los Angeles, California 90015

Dear Mr. Zaldivar:

Subject: Support for the Proposed Low-Impact Development (LID) Ordinance for
Stormwater Management

The Los Angeles Department of Water and Power (LADWP) is very supportive of your efforts to adopt a Low-Impact Development (LID) ordinance for the City of Los Angeles (City). Implementing LID within the City will provide significant benefits for the citizens of Los Angeles, LADWP, and the Los Angeles Department of Public Works, among others.

For LADWP, the water conservation and water supply components of LID will greatly assist in meeting the goals and objectives of the City's Water Supply Action Plan. As a stakeholder that has been involved in developing the proposed LID ordinance, LADWP is very excited that this issue has garnered much stakeholder support and will be heard before the Board of Public Works Commissioners on November 13, 2009.

If you have any questions, please contact me at (213) 367-1022, or Mr. Thomas M. Erb, Director of Water Resources, at (213) 367-0873.

Sincerely,

James B. McDaniel
Senior Assistant General Manager-Water System

MH:vnc

c: Ms. Cynthia M. Ruiz, President – Board of Public Works
Ms. Paula A. Daniels, Commissioner – Board of Public Works
Ms. Adel Hagekhalil, Assistant Director – Bureau of Sanitation
Mr. Thomas M. Erb
Mr. Mark Hanna

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North East Trees
Bringing Nature Back

Dr. Shahram Kharaghani,
Manager
Watershed Protection Division
Bureau of Sanitation, Dept. of Public Works
City of Los Angeles
1149 S. Broadway, Los Angeles CA 90015

Re: Proposed Low Impact Development Ordinance

Dear Dr. Kharaghani:

North East Trees is engaged in building projects to demonstrate the effectiveness of Low Impact Development techniques, believing that they provide cost-efficient strategies to both improve our water quality and help make local water supplies more reliable. We wholeheartedly encourage any initiative that will help reduce nonpoint source pollution in Los Angeles. We therefore support the Dept. of Public Works' effort to develop a strong and effective Stormwater Low Impact Development (LID) Ordinance for the City of Los Angeles.

Although the Stormwater LID Ordinance is not yet in its final form, we are very excited about the drafts that we have seen to date. By explicitly prioritizing the application of LID practices over other types of structural stormwater pollution controls or treatments, the City could potentially assist developers in reducing their overall project costs. By providing feasible solutions for managing stormwater in a simpler way, significant engineering and construction savings could be obtained as LID approaches become more common and standardized. With urban run-off the single greatest contributor of pollution to our water, the bottom line is that we must deploy multiple strategies to clean it up, from the smallest scale to that of the region.

Our organization is a member of GREEN LA, a collaboration of approximately 60 Los Angeles environmental and environmental justice organizations who have been working together for more than a year, meeting regularly with the Mayor's Office and other city officials, to help build and move forward an ambitious agenda for environmental health and sustainability for our city. The Urban Ecology Workgroup of this collaborative has made the City's passing of a strong and effective LID ordinance its highest priority, and North East Trees supports this effort.

Thank you very much for your attention.

Sincerely,

Michael D'Annuncci
Executive Director

570 W. Ave. 26, Suite 200, Los Angeles, CA 90065 Phone: (323)441-8634 Fax: (323)441-8618

North East Trees is a 501c-3 non-profit: "Restoring Nature's Services in Resource Challenged Communities"



Office of Sustainability and the Environment
200 Santa Monica Pier
Santa Monica, California 90401-3126
www.sustainablesm.org
environment@smgov.net

November 12, 2009

Mr. Enrique Zaldivar, Director
Bureau of Sanitation

Mr. Shahram Kharaghani, Program Manager
Watershed Protection Division
1149 S. Broadway
Los Angeles, CA 90015

Dear Mr. Zaldivar and Mr. Kharaghani:

The City of Santa Monica's Office of Sustainability & the Environment supports the Bureau of Sanitation's efforts to promote low impact development (LID) strategies in its watershed management efforts. Specifically, my Office supports the new LID ordinance to infuse these strategies into new construction and re-development projects. As you know, LID strategies have been used around the country for decades to promote water quality improvements and rainwater/stormwater harvesting for non-potable uses. These practices lead to improved water quality in our streams, rivers, lakes and oceans, and help government agencies meet requirements of the Clean Water Act.

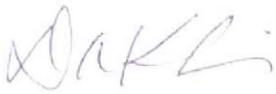
The City of Santa Monica has been promoting similar strategies through its own watershed management program since the mid-1990s. Specifically, the City's Sustainable City Plan and the Urban Runoff Pollution Mitigation ordinance promote and encourage LID strategies and practices to meet water quality standards and to supplement local water supplies in an effort to reduce potable water use, which often involves importing scarce potable water resources from watersheds hundreds of miles away. The City's program requires post-construction LID in the design of new construction and re-development projects. Moreover, the City is undergoing an update of its ordinance to make LID strategies more available and dynamic so that projects have more flexibility in meeting local and State requirements.

tel: 310-458-2213 • fax: 310-393-1279

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At a time when the State faces a serious drought, and faces potential changes in reliable precipitation and the ensuing challenges to water storage for State-wide distribution, efforts by government regulators to implement programs that can lead to more reliable local water supplies are critical. Property owners, developers, builders and government agencies need to have more design and land-use options available in meeting the rigorous requirements of the Clean Water Act and TMDLs. LID regulations when practically designed and implemented offer a toolbox of resources to meet the many challenges facing us in the years ahead.

Respectfully,

A handwritten signature in blue ink, appearing to read 'DKL', is written above the typed name.

Dean Kubani
Director, Office of Sustainability and the Environment





The RIVER PROJECT

3912 Laurel Canyon # 208
Studio City, California 91604
tel: 818-980-9660
www.TheRiverProject.org

November 11, 2009

Cynthia Ruiz
President
Board of Public Works
Los Angeles City Hall
200 North Spring Street
Los Angeles, CA 90012

RE: Low Impact Development Initiative – Support – Council File No. 09-1554

Dear Commissioner Ruiz,

The River Project strongly encourages the Board of Public Works to support the proposed Low Impact Development (LID) ordinance. This ordinance will create necessary policy and regulatory changes to harvest rainwater, and more appropriately manage urban runoff to augment our local water supply and reduce stormwater pollution.

LID best management practices are a simple, cost effective way to meet Clean Water Act requirements, augment local water supplies, improve water quality and flood protection, and protect habitat.

The City has a great opportunity to champion innovative and sustainable adaptations to the lingering drought and the ongoing effects of climate change by implementing an integrated water infrastructure that creates a more sustainable local water supply for Los Angeles. Over time, LID practices will significantly reduce both the volume and pollutant load of runoff to receiving waters. Such action will also have a statewide effect as we reduce our dependence on costly imported water supplies and help relieve pressure on the Bay-Delta. The time for baby steps has passed. The time is now to act on a new vision for the City of Los Angeles.

We applaud the City's leadership in instituting LID practices for rainwater and runoff. We would be happy to work with the Board, and the rest of the City family to ensure passage of this motion. Thank you for your time and consideration.

Sincerely,

Melanie Winter
Director

Cc:
Commissioner Paula Daniels, Commissioner Valerie Lynne Shaw, Commissioner Julie Gutman, Commissioner Andrea Alarcon, Councilmember Jan Perry, Councilmember Richard Alarcon, Councilmember Tony Cardenas, Councilmember Paul Koretz, Shahram Kharaghani



Sierra Club Angeles Chapter
3435 Wilshire Boulevard, Suite 320
Los Angeles, CA 90010-1904
213-387-4287
www.Angeles.SierraClub.org

November 6, 2009

By E-MAIL

City of Los Angeles Stormwater Program
Department of Public Works / Bureau of Sanitation
lastormwater@lacity.org

Re: Comments to Stormwater Low Impact Development Ordinance - 10/23/09 version

Angeles Chapter's Green Building Committee strongly supports the general concepts of the October 23, 2009 version of the LID Ordinance—which is the first iteration of a set of low impact design principles and practices that we hope will evolve quickly over the next several years. We believe that the City of Los Angeles has good potential to move into a role of national leadership with respect to low impact development standards.

We would also encourage the creation and posting of a map to display parcel data in GIS map format at the lastormwater.org website. A GIS display in this manner could be used to reflect the scope of LID Ordinance applications over time as well as to help convey the precise extent of improvements effected by LID provisions.

In addition, the language of the fourth “whereas” provision is truly significant in its reference to the employment of “watershed-based approaches that balance environmental and economic considerations.” The wording denotes the large-scale transformation leading us to fully include environmental considerations in the economics of any given situation.

Respectfully,

Lore Pekar, Chair, Green Building Committee
310-306-2428; Cell: 310-529-2026; Email: elpel@earthlink.net



bay restoration commission

STEWARDS OF SANTA MONICA BAY

santa monica bay restoration commission / 320 west 4th street, ste 200, los angeles, california 90013
213/576-6615 phone / 213/576-6646 fax / santamonicabay.org

November 12, 2009

Shahram Kharaghani
Program Manager
Watershed Protection Division Bureau of Sanitation
Dept. of Public Works City of Los Angeles
1149 S. Broadway Los Angeles, CA 90015
Via email: Shahram.Kharaghani@lacity.org

Re: Support for Proposed City of Los Angeles Low Impact Development Ordinance

Dear Mr. Kharaghani:

Thank you for the opportunity to provide comments on the Proposed City of Los Angeles Low Impact Development Ordinance ("Ordinance"). The City is taking a very positive and pro-active step toward attaining water quality standards in our local waterbodies by moving toward the more comprehensive and sustainable practice of integrating low-impact development into new and re-development projects. Research shows that LID is the most effective and cost-efficient means of managing stormwater and abating water pollution. Since urban runoff is the single greatest contributor of pollution to waterbodies in Los Angeles and throughout the state, the widespread implementation of LID concepts is an essential element in improving our region's water quality. LID will also augment local groundwater supplies, contributing to a more sustainable water future for the City.

I support the proposed Ordinance based on the following points:

- The timing of the proposed Ordinance is especially appropriate. The Municipal Separate Storm Sewer System (MS4) that regulates urban runoff in the City of LA is scheduled to be renewed next year. The proposed Ordinance implements LID principles consistent with the Ventura County MS4 permit that was recently adopted by the LA Regional Water Quality Control Board, and that is likely to be the model for the next LA County MS4 permit. Therefore the Ordinance will further assist the City in meeting the requirements of the new permit when it is adopted.
- The proposed Ordinance applies to all developments and redevelopments within a certain size threshold in the City of Los Angeles. This is important in order to minimize water quality impacts from all types of development rather than only certain types of development.

our mission: to restore and enhance the santa monica bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, and protect the bay's benefits and values





bay restoration commission

STEWARDS OF SANTA MONICA BAY

santa monica bay restoration commission / 320 west 4th street, ste 200, los angeles, california 90013
213/576-6615 phone / 213/576-6646 fax / santamonicabay.org

- The proposed Ordinance places the LID provisions in the SUSMP Ordinance. This will help to simplify implementation and minimize costs for the City.
- The sizing criterion in the proposed Ordinance is consistent with Los Angeles Regional Water Quality Control Board policies. Specifically, BMPs will be sized, at a minimum, to infiltrate, store for reuse, or evapotranspire, without any runoff leaving the site the volume of water that results from the 85th percentile 24-hour runoff event. This is a "zero-runoff" requirement for what is considered the "average" storm. Larger storms would be permitted to produce runoff.
- The ability to apply off-site mitigation or in-lieu fees as an alternate compliance option in the case of demonstrated partial or full technical infeasibility. This provision allows flexibility to the developer while still improving water quality in the City.

The City should act now by taking this critical step toward improving water quality. The Regional Water Quality Control Board will likely take several years to adopt a new LA County MS4 Stormwater Permit, as they have for past MS4 permits. However the public and environmental health risks of polluted stormwater, and the public loss of wasted rainwater that is not infiltrated or stored and used beneficially, should be dealt with immediately and this is the best way for the City to do that.

I urge the City to move forward the Ordinance as proposed.

Sincerely,

Shelley Luce, D.Env.
Executive Director

our mission: to restore and enhance the santa monica bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, and protect the bay's benefits and values



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November 12, 2009

Ms. Cynthia Ruiz
President
Board of Public Works
Los Angeles City Hall
200 North Spring Street
Los Angeles, CA 90012

RE: THE CITY OF LOS ANGELES DRAFT STORMWATER LOW IMPACT DEVELOPMENT ORDINANCE – SUPPORT

Ms. Cynthia Ruiz,

The Planning and Conservation League (the League) is in strong support of the city of Los Angeles mandating the Draft Stormwater Low Impact Development (LID) Ordinance. The League sees the LID Ordinance as a natural progression from the existing Standard Urban Stormwater Mitigation Plan Ordinance, which requires water use efficiency for new developments and renovations of existing buildings by the inclusion of stormwater and rainwater capture. The implementation of the LID Ordinance is essential in promoting regional self-sufficiency by augmenting local water resources, improving drought preparedness via groundwater recharge, providing added flood control measures and increasing local water quality.

The Draft Stormwater Low Impact Development Ordinance outlines LID best management practices that promote regionally self-sufficient solutions which reduce reliance on imported and transferred water; thus reducing the cost and energy implications incurred from conveying and treating the water. In addition the cost and energy savings, the LID best management practices advocates sustainable land use planning that has the myriad benefits already outlined above. Research has proven LID to be the most viable and cost-efficient solution for stormwater management and the mitigation water pollution. Since urban runoff is the single greatest contributor of pollution to water bodies in Los Angeles and throughout the state, the widespread implementation of LID concepts is an essential element in improving water quality. The League urges the city of Los Angeles to implement LID requirements for public and private development. Such action will bring the City in line with similar policies adopted by Los Angeles County and Ventura County, resulting in regional consistency in sustainable development practices.



1107 9th Street, Suite 360, Sacramento, CA 95814 Phone: 916-444-8726 Fax: 916-448-1789
Website: www.pcl.org Email: pclmail@pcl.org

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The Planning and Conservation League thanks you for the opportunity to provide comments of support. The League commends the city of Los Angeles for addressing the essential connection between land use decisions to accommodate growth and the implementation of Low Impact Developments. The Draft Stormwater Low Impact Development Ordinance is a regionally based water management strategy that saves money, saves energy and reduces the negative effects of urbanization. The League strongly supports the LID Ordinance and looks forward to its implementation.

Thank you,



Evon Parvaneh Chambers
Water Policy & Planning Analyst
Planning and Conservation League
Sacramento, CA 95814
echambers@pcl.org
916.313.4509

cc: Mr. Shahram Kharaghani, LA City Department of Public Works



Cynthia Ruiz
President
City of Los Angeles Board of Public Works
City Hall, Room 350
200 N. Spring St.
Los Angeles, CA 90012

RE: Low Impact Development Initiative – Support – Council File No. 09-1554

Dear Commissioner Ruiz:

TreePeople commends the City of Los Angeles for developing a Low Impact Development Ordinance and strongly supports the Board of Public Works approving this Ordinance. TreePeople submitted some clarifying edits to the Ordinance; however, these can be incorporated into the final version.

Low Impact Development (LID) in the City of Los Angeles has the proven ability to improve the water quality of our rivers and ocean, and increase our local water supply through the integration of infiltration and rainwater harvesting techniques. These techniques have not only been shown to be the most cost-effective solutions to stormwater management, but their wide adoption will prove to have multiple benefits for the City.

LID benefits the livability of Angelenos as it promotes increased green space and tree canopy, and also provides enhanced flood control as less stormwater flows downstream impacting communities and ultimately carrying pollutants to the ocean. This Ordinance, in concert with the Green Building Ordinance, Model Landscape Ordinance, and the City's adoption of a Green Streets and Green Alleys program marks another step in moving the City of Los Angeles towards more sustainable design. Integrating LID into City and private development projects will also help the City meet other goals and mandates such as the Water Quality Compliance Master Plan for Urban Runoff, Federal water quality regulations, the City's Integrated Resources Plan, the Integrated Regional Water Management Plan, and the Los Angeles River Revitalization Plan.

Low Impact Development is a flexible and adaptable system of stormwater management tools and techniques that can fit the myriad of development sites. As re-development and infill play a greater role in urban planning throughout Los Angeles, it is essential to configure our urban areas to demonstrate sustainable solutions rather than use traditional disintegrated systems which place extra burdens on our infrastructure. For example, storage of rainwater may prove to be more feasible than infiltration in certain situations, and the integration of LID with the City's Rainwater Harvesting program will show a concerted effort to reduce our imported water needs.

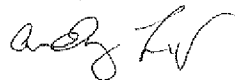
The use of LID techniques in development and redevelopment does not add significant cost to projects. As demonstrated in an EPA report issued in December 2007, implementing LID strategies can reduce project costs and improve environmental performance in the vast majority of cases. Furthermore, Low Impact Development buffers homes and other buildings from extreme drought and wet conditions. It also reduces energy costs as designing with the landscape in mind improves heating and cooling of buildings. These savings are not only reflected in the construction costs, but also in the long-term lifecycle of buildings and landscapes which can also increase property value.

This ordinance is necessary for an urbanized area like Los Angeles for a number of reasons. As the region has disconnected itself from its natural hydrologic functions, LID seeks to reconnect us with our watershed. It also strives to return ecosystem function to the watershed. Utilizing the concepts of Low Impact Development throughout Los Angeles will put our city on the map for green design. The LA region will attract more eco-tourism, conferences, and research potential which will all trickle into the local economy. Furthermore these strategies will also boost the creation of new green jobs for the design, local production, installation, and maintenance of best management practices.

We have great potential in showing the world innovative and sustainable solutions to the California water crisis, the viability of urban centers in semi-arid climates, and developing an integrative water infrastructure that leads to a more equitable, sustainable, and local water supply for Los Angeles. Given the lingering drought and water crisis throughout the state of California, the implementation of a Low Impact Development Ordinance in the City of Los Angeles will mark a transition from our costly importation of water and polluted rivers and ocean, to a more sustainable city that reengages itself with our landscape. This is the right time to begin this process; not to wait for future initiatives and permitting processes, but to act on a new vision for the City of Los Angeles. Together with the development community, the City and its partners can lead the way to a sustainable and ecologically designed future.

We hope that the Board takes these multiple benefits into consideration in its approval of the Low Impact Development Ordinance.

Sincerely,



Andy Lipkis
President and Founder of TreePeople

November 12, 2009

Commissioners of the City of Los Angeles Board of Public Works
Cynthia M. Ruiz, President
Julie B. Gutman, Vice President
Paula A. Daniels
Andrea A. Alarcón
Valerie Lynne Shaw

Re: LA City Low Impact Development (LID) Ordinance Agenda Item # 6, November 13

Dear President Ruiz and Public Work Commissioners,

Thank you and Commissioner Daniels for the opportunity to participate in the crafting and comments on the first draft of LA City's Low Impact Development (LID) ordinance.

Working with a subgroup of the Los Angeles Chapter of the American Institute of Architects and the Southern California Chapter of the American Society of Landscape Architects we were asked to comment and assist in crafting a LID ordinance for the City of LA. During four evening meetings our committee suggested revisions and compromises and staff and Commissioner Daniels worked with us to modify or revise the ordinance into the proposed draft.

Although the Municipal Separate Storm Sewer System (MS4) permit that the LARWQCB issues to LA City is due to be renewed next year, we should not wait for another agency's mandate to implement storm water management within the City. With the denuding of the San Gabriel Mountains by the Station Fire, and the unknown impact on the LA River to handle this year's storm events, it is even more imperative that the City act responsibly and follow in the footsteps of LA County Public Works and implement a LID ordinance.

The issue of low impact development has been around for years and has been tested and formulated in numerous other cities and counties. It is time for the City of Los Angeles to adopt a Low Impact Development Ordinance.

Within the meetings held by our two professional organizations, we discussed many concerns, soils, fees and in lieu fees, and yet it was agreed that the time for adoption of this ordinance is now. Please do not hesitate to contact me if you have any questions, and I encourage your vote for adoption and thank you for your service.

Sincerely,



Stephanie V. Landregan, ASLA, LEED AP
Director
UCLA Extension Landscape Architecture Program

Cc: Shahram Kharaghani



LOS ANGELES

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Los Angeles, CA 90015

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Lance A. Williams, Ph. D.

December 2, 2009

Mr. Enrique C. Zaldivar, Director
Los Angeles Department of Public Works
Bureau of Sanitation
1149 South Broadway, Ninth Floor
Los Angeles, California 90015

RE: L. A. City Low Impact Development (LID) Ordinance

Dear Mr. Zaldivar:

USGBC-LA strongly supports the City of Los Angeles in its efforts to adopt a Low Impact Development Ordinance. Water conservation has been a long-term, paramount concern that will affect the future of sustainable living in southern California. We are running out of time to implement solutions that demonstrate that we have the best interests of our citizens and their families in mind.

The City of Los Angeles is a demonstrated leader in its groundbreaking efforts to address the variety of environmental challenges that we all face daily. In reviewing the proposed ordinance, it is a good beginning step in a larger campaign to save fresh water for the highest uses possible while acknowledging that gray water use is an effective alternative resource where applicable.

We support the City's forward-thinking approach with the Water Supply Action Plan and we see this ordinance as an important linchpin in the larger vision for sustainable living hereabouts. A similar ordinance was adopted in 2008 by the County of Los Angeles.

Low Impact Development has been utilized in numerous other cities and counties around the country. It has also been tested and successfully implemented in a wide variety of jurisdictions internationally.

Sincerely,

Lance A. Williams

Lance A. Williams, Ph. D.
LEED Accredited Professional
Executive Director

CC:Commissioners of the City of Los Angeles Board of Public Works
Cynthia M. Ruiz, President
Julie B. Gutman, Vice President
Paula A. Daniels
Andrea A. Alarcon
Valerie Lynn Shaw

GALE ANNE HURD
3201 CAHUENGA BLVD W
LOS ANGELES, CA, 90068

January 6, 2010

Cynthia Ruiz, President
Board of Public Works
City Hall
200 N. Spring St., Los Angeles, CA 90015

Re: Comments on Proposed City of Los Angeles Low Impact Development Ordinance

Dear President Ruiz:

I would like to express my support for the proposed City of Los Angeles Low Impact Development Ordinance ("Ordinance") that is approaching its January 15th vote date with the Los Angeles Board of Public Works. I commend the City for addressing the essential connection between future development in Los Angeles and implementation of low impact development ("LID") practices. Research has shown LID to be the most efficient and cost-effective means in managing storm-water and abating water pollution. Urban runoff is the single greatest contributor of pollution to water bodies in Los Angeles and throughout the state, and the widespread implementation of LID concepts is an essential element in improving our region's water quality. LID will help Los Angeles pave the way for meeting the looming water quality compliance deadlines, as well as provide the benefit of augmenting local groundwater supplies and reducing flood risk.

There are many positive provisions in the proposed Ordinance that will help to minimize water quality impacts resulting from future development in Los Angeles. Specifically, the following provisions are critical to the success of the Ordinance in improving water quality:

- 1) The applicability to all developments and redevelopments within a certain size threshold in the City of Los Angeles ensures that water quality impacts are minimized.
- 2) The inclusion of LID provisions in the existing water quality code helps to simplify implementation and minimize costs for the City.
- 3) The requirement for storm-water management techniques to be sized, at a minimum, in accordance with Los Angeles Regional Water Quality Control Board policies maintains consistency.
- 4) The allowance for a demonstration of partial or full technical infeasibility and off-site mitigation or in-lieu fees as an alternate compliance option in these cases allows flexibility to the developer while still improving water quality in the City.

Again, we commend the City for taking this critical step to improving water quality in the City of Los Angeles. The City of Los Angeles cannot afford to wait any longer to address this critical water quality issue. Thus, we urge the City to move forward the Ordinance as proposed.

Sincerely,

Gale Anne Hurd

>>> "Sherri Akers" <sherriakers@ca.rr.com> 12/2/2009 8:27 AM >>>
Shahram and Adel,

Thank you so much for the workshop on LID last night. I am personally thrilled to support this ordinance and look forward to bringing the information from last night to our MVCC Green Committee and Board. Please know that we are here to support your efforts with community outreach. We have a weekly guest at our booth at the Farmers Market and would be happy to host someone to bring information to our community when the program is launched. As you saw with the rain barrel program, we have a very enthusiastic audience on eco issues. We have a great many homes that have taken steps like those you will have in the handbook on their own. We would happily play a part in developing the handbook or provide you with examples of best practices. Use us as a case study perhaps - by profiling the high number of homes that are already in compliance in our community, it would demonstrate that this is not such a big deal. Please let us know what we can do to help.

I thought I would share the posting that I put up on our blog after our first fall rain - when you see what the first flush water looks like, it is easy to get enthused about LID!

<http://marvistagreengardenshowcase.blogspot.com/2009/10/our-barrels-run-neth-over.html>

Thank you for your efforts!

Best regards,

Sherri Akers
<<http://www.marvistagreengardenshowcase.com/>>

Sherri Akers

Co-Chair - MVCC Green Committee

NAIOP

COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION
SoCal CHAPTER

November 6, 2009

Shahram Kharaghani
LA City Department of Public Works
Bureau of Sanitation, Watershed Protection Division
201 N. Figueroa Street
Los Angeles, CA 90012

Re: LA City Low Impact Development Ordinance (LID)

Dear Mr. Kharaghani:

NAIOP SoCal is submitting this correspondence to provide some initial formal comments on the proposed LID ordinance. Unfortunately, due to the limited time provided for these comments, we are unable to provide many details and reserve the right to provide additional thoughts should this proposal continue to be discussed, which it should not.

By way of introduction, NAIOP is the nation's leading trade association of developers, owners, investors, and other professionals involved in industrial, office and mixed-use commercial real estate. NAIOP provides educational programs, research on trends and innovations, and strong legislative representation. NAIOP SoCal serves nearly 1,000 members and is the leading commercial real estate association in Southern California.

NAIOP SoCal and its members have for many years been promoting efforts to design, construct and maintain buildings, infrastructure and their accompanying grounds in a manner that promotes environmental protection. In fact, the industrial and office development industry has voluntarily made great strides in using proven environmental strategies. These efforts have provided us with a vast experience in what truly can work in light of the realities we all face. Clearly, to be successful, any program needs to focus on addressing the realities of the region.

One overriding reality and challenge we all face is the fact that Los Angeles is already heavily urbanized with residential, commercial and industrial developments. Additionally, the State of California is creating more mandates and programs, such as SB 375, which are designed to drive development into already developed/impervious areas. This means any future development needed to meet the projected population and

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Cynthia G. Fusco, Executive Director
Vickie Talley, Director of Legislative Affairs

Page 2

business growth will be redevelopment/infill projects, not in pervious open spaces.

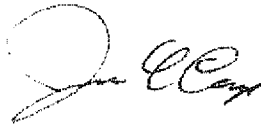
Thus, this creates significant problems when a LID program, such as the current proposal, essentially solely focuses on infiltration and evapotranspiration. The true effect of the draft proposal is a zero discharge standard, which is completely unrealistic, even though a delta volume methodology has been used successfully in many locations. Paragraph C.4 specifically says nothing can leave the site except in an extremely limited situation. Treatment would not even be an option. To make the situation even more unrealistic, the "technical infeasibility" provisions so limit offsite mitigation to undercut regional solutions. Regional solutions have been used and proven to be an effective tool in clean water protection efforts. Any proposal should not micro-manage the sites that can be used for regional solutions.

The proposal is also very vague, which further inhibits any potential ability to truly achieve cleaner water. The proposal seems to try and create numeric performance criteria, but no pollutants are specified. There are only references to supposed high performing BMPs. Then there are vague terms such as "high pollutant removal treatment of all runoff" and to "highly treat" pollutants that have no foundation or understanding within known design standards or criteria. How could anyone comply?

It is also imperative not to create a program which conflicts with other clean environment efforts that are ongoing. This LID proposal seems destined to do just that. The LA Regional Water Quality Control Board (LARWQCB) stormwater permit (MS4) is to be renewed next year. Under the Clean Water Act and the Porter-Cologne Act, the LARWQCB provides the regulations governing stormwater runoff. Thus, the City of Los Angeles should not move forward with the proposed LID program until the LARWQCB has acted. The only result that could arise from the City moving forward now is confusion, which would impair any economic recovery.

Based upon the above, and other reasons, it is respectfully requested the City of Los Angeles not move forward with this proposal. The new MS4 permit renewals that will be issued by the LARWQCB should be evaluated by the City before any consideration is given to the need for any type of LID stormwater proposal. As mentioned, the NAIOP SoCal members have a vast amount of practical experience and have created innovative ways to achieve our common goal of cleaner water. Please utilize us as a resource in any future considerations.

Sincerely,



James V. Camp
Chair, Legislative Affairs Committee
Board Member



November 6, 2009

Shahram Kharaghani
LA City Department of Public Works
Bureau of Sanitation, Watershed Protection Division
201 N. Figueroa Street
Los Angeles, CA 90012

Re: LA City Low Impact Development (LID) Ordinance

Dear Mr. Kharaghani,

On behalf of Los Angeles business leaders and their member companies, thank you for the opportunity comment on the first draft of LA City's Low Impact Development (LID) ordinance.

Aside from the components of the draft ordinance that appear to have severe cost and feasibility issues, we're absolutely convinced that the City of LA's desire to adopt a LID ordinance at this time is unjustified after our company members attended the LID workshops earlier this month.

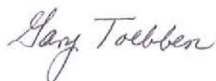
As you are surely aware, the type of stormwater runoff that is detailed in the draft ordinance is regulated by the LA Regional Water Quality Control Board (LARWQCB) under the Clean Water Act and state Porter-Cologne Act. The Municipal Separate Storm Sewer System (MS4) permit that the LARWQCB issues to LA City is due to be renewed next year. **Therefore, LA City should not act until the new MS4 permit is adopted.** By rushing through a LID ordinance now, the city effectively changes the rules for development, which will then change again when the LARWQCB issues the new permit. The proposed changes without a doubt will cause great confusion among those that will be forced to abide by the multiple rule changes.

Moving forward with an ordinance of this type is a highly inefficient use of the City's precious resources, given that the city will need to update this ordinance after the new permit is issued.

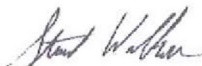
The issue of low impact development can be highly technical, and the draft ordinance is problematic in numerous ways. The City is rushing this ordinance through, without sufficient time for vetting and comment by the engineering and development community. As an example, the notice of comments for the draft ordinance allowed less than two weeks for industry experts to submit comment.

Our organizations remain available as a resource for the city, as we have a wealth of expertise on stormwater and LID policies among our member companies. Please do not hesitate to contact us if you have any questions.

Sincerely,




Gary Toebben
President and CEO
LA Area Chamber of Commerce



Stuart Waldman
President, VICA



Holly Schroeder
CEO
BIA LA/Ventura



James Clarke
Executive Director
Apartment Association of Greater Los Angeles



Michele Dennis
President
BOMA of Greater Los Angeles



Carol Schatz
President and CEO
Central City Association of Los Angeles



Jim Camp
Chair Legislative Affairs Committee
NAIOP



James Litz
Government Affairs Director
Beverly Hills/Greater LA Association of Realtors

Construction Industry Coalition on Water Quality

November 6, 2009

Shahram Kharaghani, Program Manager
Watershed Protection Division
Bureau of Sanitation, Dept. of Public Works
City of Los Angeles
1149 S. Broadway
Los Angeles, CA 90015

RE: City of Los Angeles Low Impact Development Ordinance

Dear Mr. Kharaghani:

On behalf of the more than 3,000 member companies of the Construction Industry Coalition on Water Quality (CICWQ), we would like to thank the City of Los Angeles (the City) for an opportunity to offer public comment on the Draft Low Impact Development Ordinance (Draft Ordinance). Our comments herein are informed by years of working with local agencies on stormwater management regulations governing new and redevelopment projects and a highly evolved effort over the past three years to incorporate Low Impact Development (LID) principles into municipal separate storm sewer system permit renewals. To summarize our comments herein, we are opposed to the adoption of an ordinance by the City mandating LID principles into new and redevelopment projects because it overlaps and is inconsistent with an established ordinance in Los Angeles County. In addition, the forthcoming renewal of the Los Angeles County municipal separate storm sewer system (MS4) permit will include LID requirements and developing an ordinance at this time will only lead to confusion and duplicity of effort. As a technical matter, the Draft Ordinance includes best practices selection and performance requirements which are controversial and poorly incorporated into a technical design standard governing LID implementation.

I. Introduction

CICWQ is comprised of the four major construction and building industry trade associations in Southern California: the Associated General Contractors of California (AGC),

Shahram Kharaghani
November 6, 2009
Page 2 of 4

the Building Industry Association of Southern California (BIA/SC), the Engineering Contractors Association (ECA) and the Southern California Contractors Association (SCCA). The membership of CICWQ is comprised of construction contractors, labor unions, landowners, developers, and homebuilders working throughout the region and state.

These organizations work collectively to advance the ability of our members to fulfill the region's infrastructure, development, and residential needs. Members of all of the above-referenced organizations are affected by the Draft ordinance, as are thousands of construction employees and builders who work to meet the demand for modern infrastructure and housing in Los Angeles. Our organizations support reasonable efforts to improve water quality in a cost effective manner. Our membership has invested substantial resources into developing sound engineering approaches for Low Impact Development (LID) stormwater management techniques and for hydromodification control, facilitating the appropriate application of these valuable approaches to water quality management. Our comments reflect this commitment to sound engineering practices and consideration of site-specific feasibility considerations.

II. Comments on Draft Ordinance

The Draft Ordinance is unnecessary and its further consideration should be stopped. First, Los Angeles County has adopted a LID ordinance for use within Los Angeles County that, upon its adoption, was supported by a wide range of stakeholders including the building industry and non- governmental environmental organizations. This ordinance is comprehensive and well founded in sound engineering principles, including the requirement for clear site design performance measures. We urge the City to enforce this ordinance as the basis for incorporating LID standards into design considerations for new and redevelopment projects within the City of Los Angeles. Second, the Los Angeles Regional Water Quality Control Board will be reissuing the Los Angeles County MS4 permit in 2010 if not sooner. We must question why the City would pursue an ordinance when the Regional Board will be promulgating regulations shortly reflecting the latest advancements in storm water control such as LID. The effort you are undertaking is duplicative and unnecessary.

Shahram Kharaghani
November 6, 2009
Page 3 of 4

From a technical standpoint, the Draft Ordinance suffers from a continuing reliance on a zero discharge engineering design standard as the baseline for best practices implementation and actually goes farther than any existing LID requirements in MS4 permits by specifying some unknown level of bmp treatment performance. Concerning the design storm capture volume, we prefer the delta volume approach as established in the LA County LID ordinance.

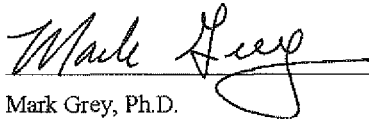
The Draft Ordinance engineering design standard for implementing LID best practices attempts to create numeric performance criteria for LID best practices to achieve some level of pollutant removal—no pollutants are specified, only vague terms for so called “high performing” BMPs. What is needed instead for LID BMP design are clear engineering design standards for all types of LID BMPs, with an emphasis on treatment of priority pollutants of concern. The Draft Ordinance introduces vague and indeterminate terms like “high pollutant removal treatment of all runoff” and “highly treat” that have no connection to established engineering design standards or design criteria. We are in favor of requiring the City or lead agency to develop design criteria for treatment control BMP performance and include these criteria along with other key unit-based process design criteria in guidance documentation. These criteria would include design principles such as the amount of runoff to be captured (design storm), expected forms and concentrations of influent pollutants of concern, BMP length to width ratio, drawdown time, and other important design principles. To simply introduce “high performance” as a design standard is unacceptable and the Draft Ordinance language would appear to delay the establishment of design standards to a later process with no certainty of balanced consideration by all stakeholders.

III. Summary

CICWQ continues to be an active participant working with the City and other stakeholders moving forward. If you have any questions or want to discuss the content of our comment letter, please feel free to contact me at (909) 396-9993, ext. 252, (909) 525-0623, cell phone, or mgrey@biasc.org.

Shahram Kharaghani
November 6, 2009
Page 4 of 4

Respectfully,

A handwritten signature in black ink that reads "Mark Grey". The signature is written in a cursive style and is positioned above a horizontal line.

Mark Grey, Ph.D.
Technical Director
Construction Industry Coalition on Water Quality

6. OFFSITE RUNOFF MITIGATION FEE (SECTION C.5 OF THE DRAFT ORDINANCE).

We understand that the proposed Offsite Runoff Mitigation Fee has been reduced to \$13 per gallon (down from an earlier estimate of \$20 per gallon) for all the runoff from a design storm event that is not retained onsite (and cannot alternatively be managed at an off-site location). While we appreciate this reduction, we believe that the City has not completed a proper nexus study under the Mitigation Fee Act to justify this cost. We believe that the City needs to complete such a study to justify its rationale for charging yet another fee on new development and make this study available to the public for comment.

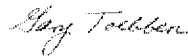
We also note that the County's LID ordinance does not have any provisions requiring payment of a mitigation fee. Is this fee really necessary? We believe that it will only discourage new development in the City.

7. PLAN CHECK FEES.

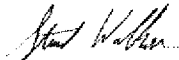
We also understand that the proposed Plan Check Fees have been reduced from the amounts proposed in November. We appreciate these reductions, but we still have questions about the methodology for deriving these reduced fees, since the level of staff effort (nearly 4 FTE) remains virtually the same. We respectfully request that a complete workload analysis be included in the staff report to explain how the fee levels have been calculated.

Again, we want to express our appreciation that staff from the Bureau of Sanitation have listened thoughtfully to our concerns and we believe the changes made to date have improved the ordinance. We offer these comments in the spirit of continued collaboration, and look forward to working with you further prior to adoption of the LID ordinance.

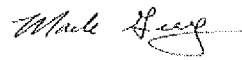
Sincerely,



Gary Toebben
President and CEO
LA Area Chamber of Commerce



Stuart Waldman
President
VICA



Mark Grey
Technical Director
CICWQ



Holly Schroeder
CEO
BIA LA/Ventura



Jim Camp
Chair Legislative Affairs Committee
NAIOP



Michele Dennis
President
BOMA of Greater Los Angeles



Carol Schatz
President and CEO
Central City Association of Los Angeles

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January 8, 2010

Board of Public Works
Los Angeles City Hall, Room 350
200 N Spring St
Los Angeles, CA 90012

Dear President Ruiz and Members of the Commission:

On behalf of Los Angeles business leaders and their member companies, thank you for the opportunity comment on the latest draft of LA City's Low Impact Development (LID) ordinance.

First of all, we want to thank President Ruiz for assisting to facilitate discussions with staff from the Bureau of Sanitation and appreciate the time they have spent since the Public Works Hearing in November to meet with members of the business community to discuss our concerns and comments on the proposed ordinance. We want to further express our appreciation that several of the concepts we discussed, such as a delayed effective date to provide time to work out the details of the LID portion of the Development Best Management Practices Handbook, the inclusion of definitions, incentives for voluntary compliance, and considerations for phasing and appeals, have been incorporated into the December 14, 2009 draft of the ordinance.

While much progress has been made, we do, however, have some remaining concerns that we think need to be addressed by the Board of Public Works. These changes will make the ordinance clearer, and will facilitate successful implementation.

1. DEFINITION OF "SITE."

We appreciate the addition of definitions to the ordinance as we believe that certain key terms need to be well defined. For instance, a well-drafted and comprehensive definition of "Site" is vital to the ordinance because it will provide an overall framework for complying with LID standards and thus clarity to developers. Those who are subject to the LID ordinance's requirements need to know both where compliance needs to occur and what portion of the property needs to comply. The definition of "Site" proposed in the current draft of the LID ordinance was borrowed from the current Los Angeles County NPDES MS4 permit, which does not contain LID standards that require retention of stormwater runoff on or near the site.

Our concern with the definition of "Site" in the proposed ordinance is that it is too vague. The definition does not specify whether it refers to the entire property where development occurs or a specific lot on which development occurs and which is part of a larger property. Moreover, the

current definition of "Site" introduces the terms "facility" and "activity" without defining them, furthering the potential for conflicting interpretations.

In addition, by limiting the definition to include "adjacent land," it is unclear whether other property not adjacent to the development can be used to comply with LID standards. If non-adjacent land cannot be used to comply with LID standards, then the City will not be fully promoting the use of riparian corridors, constructed wetlands and freshwater marshes, and other similar stormwater management techniques that are essential should Los Angeles want to be seen as the greenest city in the United States.

A more thorough definition of "Site" that has been proposed is:

"Site" means any tract, lot, or parcel of real property, or combination of such tracts, lots, or parcels on which Development is planned. If such tracts, lots, or parcels are part of any larger unit, subdivision, project or master plan development or redevelopment, the term "Site" includes such additional real property, whether Developed or not, associated with or functionally connected to such Development, or under common ownership or control with such tracts, lots, or parcels, including any land and water area designed and being used to store, treat or manage stormwater runoff in connection with such unit, subdivision, project, or master plan.

We appreciate your consideration of this proposed definition.

2. DEFINITION OF "REDEVELOPMENT."

In addition, the proposed definition of "Redevelopment" is extremely broad. The current Los Angeles County NPDES MS4 permit that the City must comply with defines redevelopment as "land-disturbing activities that result in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site." We think that 5,000 square feet is a reasonable floor, and so did the Regional Board when it adopted the MS4 permit.

However, the proposed ordinance reduces this floor to 500 square feet. This could have a disproportionate impact on older areas of the City, where lots are smaller and the respective communities may be less affluent. This could also have a disproportionate impact on small business in general. We are not aware of the justification for lowering the threshold ten-fold from 5,000 square feet to 500 square feet, so we wonder why such a reduction is necessary or warranted. We ask that the threshold be brought into line with the MS4 Permit's 5,000 square foot number.

3. GRANDFATHERING (SECTION C.III. OF THE DRAFT ORDINANCE).

There has been substantial progress made to come up with a reasonable grandfathering provision to recognize the fact that it would be unfair and unreasonable to impose new rules on projects that have reached a point where substantial design and other costs have been made in furtherance of the development. However, we still have two major concerns with this section.

First, for subdivision applications, we believe that the operative date of exemption should be the date a tentative or parcel map application is deemed complete, not the date the tentative or parcel map is approved. By tying the exemption to approval of the map, the ordinance potentially runs afoul of the Subdivision Map Act's protection of vested rights for vesting tentative tract maps.

Second, this section of the proposed ordinance, which also exempts entitlement applications which are complete, phases out if a project does not obtain building permits within two years from the effective date of the ordinance. This two-year phase out of the exemption is unreasonable, given that projects often need two years to even undergo CEQA review and obtain entitlements, much less obtain building permits. The provision as drafted could require project redesign on the eve of project approval. We do not believe this is a fair or just result, as it could result in unnecessary additional costs. Furthermore, the County's LID ordinance does not contain such a phase-out. Especially during this severe economic downturn in the real estate industry, we ask that the City craft a grandfathering clause that does not hamper the progress of projects that the City has worked hard to approve.

If, however, the City includes such a phase-out, we ask that a longer phase out period be considered and that a tolling provision be included in the event that a lawsuit challenging a project's entitlements is filed.

4. LID STANDARDS. (SECTION C.3 OF THE DRAFT ORDINANCE).

We believe that the County's LID ordinance uses a much more reasonable standard to determine the amount of on-site retention of stormwater. The County's ordinance requires the "excess volume" to be retained on-site, rather than the entire volume from a design storm event. Under the County's approach, "excess volume" is determined by subtracting the runoff volume associated with a design storm event assuming undeveloped site conditions ("undeveloped runoff volume") from the runoff volume associated with the proposed development ("developed runoff volume").

In essence, the County ordinance looks at pre-development and post-development conditions and takes into account the fact that there is usually some runoff under pre-development conditions. The recitals of the proposed City ordinance state that "LID standards and practices seek to maintain or restore the natural hydrologic character of the site. . . maintain watershed characteristics . . . and preserve the site hydrology." However, the County's "excess volume" standard does a more effective job of meeting these goals than the City's "entire volume" concept.

Retaining the entire volume can be costly both in design and if the project must mitigate uncaptured runoff by paying a mitigation fee. In addition, requiring development to retain the "entire volume" rather than the "excess volume" would mean that the mitigation fee provisions would kick in sooner, making development even more expensive.

Moreover, we believe that the language "high removal efficiency," which apparently describes the level of pollutant removal that biofiltration techniques must achieve, is undefined and vague and invites conflicting interpretations. We respectfully ask that this language be removed from the ordinance.

5. TECHNICAL INFEASIBILITY. (SECTION C.4 OF THE DRAFT ORDINANCE).

We also suggest that "design infeasibility" be included as a specific standard that satisfies the definition of "technical infeasibility" at sites where a necessary component of the design would make on-site retention impractical and impossible, such as infill development where parking is provided underground.

6. OFFSITE RUNOFF MITIGATION FEE (SECTION C.5 OF THE DRAFT ORDINANCE).

We understand that the proposed Offsite Runoff Mitigation Fee has been reduced to \$13 per gallon (down from an earlier estimate of \$20 per gallon) for all the runoff from a design storm event that is not retained onsite (and cannot alternatively be managed at an off-site location). While we appreciate this reduction, we believe that the City has not completed a proper nexus study under the Mitigation Fee Act to justify this cost. We believe that the City needs to complete such a study to justify its rationale for charging yet another fee on new development and make this study available to the public for comment.

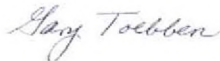
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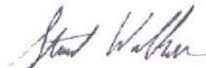
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Again, we want to express our appreciation that staff from the Bureau of Sanitation have listened thoughtfully to our concerns and we believe the changes made to date have improved the ordinance. We offer these comments in the spirit of continued collaboration, and look forward to working with you further prior to adoption of the LID ordinance.


Sincerely,



Gary Toebben
President and CEO
LA Area Chamber of Commerce



Stuart Waldman
President
VICA



Mark Grey
Technical Director
CICWQ



Holly Schroeder
CEO
BIA LA/Ventura



Jim Camp
Chair Legislative Affairs Committee
NAIOP



Michele Dennis
President
BOMA of Greater Los Angeles



Carol Schatz
President and CEO
Central City Association of Los Angeles

To: Board of Commissioners,
Board of Public Works,
City of Los Angeles.

From: Ida Talalla *IT*
Founder-Coordinator
Echo Park TAP (trash Abatement Project)
P.O.Box 26110,
Los Angeles, CA 90026.

Agenda
Item # 6
Pa PW - Commission
01/15/10.

Date: January 15, 2010

Re: LID/ Runoff

I am submitting photographs I took on December 18, 2009 of storm drains & curbs in the Echo Park area. I have been doing this since 2006. What this local observation has taught me is that unless something is done at the pavement/curbside & hillside, the issue of improving water quality ^{in a} meaningful manner is lost.

The areas I mention, curbside, pavement, driveway, parkway is ones first line of defense or the storm drains will carry away runoff ^{either from rain or watering} with the speed of lightening. Orphan trash and orphan pollutants are lethal to the marine ^{water quality this issue} environment and need to be addressed meaningfully!

Please take this matter as one of grave concern. ^{support the proposed ordinance} It should also be imbedded into the City's Hillside Ordinance.

Thank you.

IT Talalla

12 photos attached.

AIA Los Angeles

January 10, 2010

A Chapter of the American Institute of Architects



Cynthia Ruiz
President - Board of Public Works
City Hall, Suite 361
200 N. Spring St.
Los Angeles, CA 90012

RE: Low Impact Development (LID) Ordinance

Dear President Ruiz:

The Los Angeles Chapter of the American Institute of Architects (AIA/LA) supports the goals and principles of the proposed Low Impact Development (LID) Ordinance and look forward to lending our support to the ordinance when information regarding the specific methods of implementation are defined, reviewed and coordinated.

Stewardship of our built environment including water quality and conservation is important to our city and our Chapter. AIA/LA supported Mayor Villaraigosa's 2008 initiative, "Securing L.A.'s Water Supply," and for the past several years have advocated for public policy that will protect our region's diminishing water supply. The proposed LID ordinance is an example of such public policy and we believe can help improve water quality, promote water conservation, and increase water supply for the City of Los Angeles by encouraging rainwater harvesting and groundwater recharge.

AIA/LA asks that the specific requirements for LID compliance be brought forward for public review and comment. AIA/LA also asks that these requirements be coordinated with those of other agencies, such as the Department of Building and Safety to ensure that no regulatory contradictions arise that might compromise the successful and timely implementation of the goals of all parties involved, before the ordinance is passed.

Additionally, AIA/LA encourages the City of Los Angeles to consider LID practices on public projects, including public-right-of-ways, streets and sidewalks and to also acquire new open space sites for collective groundwater recharge. These open spaces would support the goals of the LID initiative and add to the quality and economic competitiveness of our city. In light of the fact that some development sites will not possess suitable conditions for onsite infiltration, these sites could provide the opportunity to meet offsite mitigation requirements and contribute to many of the goals of the City in an integrated way.

Lastly, AIA/LA urges that the LID ordinance be balanced and coordinated with other environmental and economic sustainability objectives, such as Transit-Oriented-Development (TOD). Various strategies must be utilized to build a sustainable city and the environmental protections afforded by one should augment and not hinder the environmental and economical benefits afforded by another.

The AIA/LA looks forward to serving as a resource to the City and the Board of Public Works as we work together to promote public policy that will ensure a more environmentally and economically sustainable City. If you have any questions, or would like further elaboration on our additional considerations, please do not hesitate to contact myself or Will Wright, Director of Government and Public Affairs for AIA Los Angeles.

Yours Truly,

Paul Danna, AIA
President
AIA Los Angeles

CC. Paula Daniels - Commissioner, Board of Public Works
Enrique C. Zaldivar - Director, Bureau of Sanitation

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January 14, 2010

Cynthia Ruiz
President Board of Public Works
Los Angeles City Hall
200 North Spring Street
Los Angeles, CA 90012

RE: Low Impact Development Initiative – Support – Council File No. 09-1554

Dear Commissioner Ruiz,

The undersigned members of the Green LA Coalition urge the Board of Public Works to support the proposed Low Impact Development (LID) ordinance. This ordinance will create necessary policy and regulatory changes to better manage storm water and urban runoff to augment our local water supply and and reduce water pollution.

LID best management practices are proven to be a cost effective way to manage runoff and protect the environment. Included among the range of important community benefits, LID practices will help the City of Los Angeles meet Clean Water Act requirements, augment local water supplies, improve water quality and flood control, and protect habitat.

The City has a great opportunity to highlight innovative and sustainable solutions to the California water crisis, the viability of urban centers in semi-arid climates, and an integrative water infrastructure that leads a more equitable, sustainable, and local water supply for Los Angeles. Given the lingering drought and water crisis throughout the state of California, the implementation of a Low Impact Development Ordinance in the City of Los Angeles will mark a transition from our costly importation of water and polluted rivers and ocean, to a more sustainable city that reengages itself with our landscape. This is the right time to begin this process; not to wait for future initiatives and permitting processes, but to act on a new vision for the City of Los Angeles. Together with the development community, the City and its partners can lead the way to a sustainable and ecologically designed future.

In closing, we applaud the City's leadership in instituting LID practices to manage storm water and urban runoff. We are eager to work with the Board, and the rest of the City family to ensure passage of this motion and the resulting LID best management practices. Thank you for your time and consideration.

Sincerely,

Andy Lipkis
President and Founder, TreePeople

Mark Gold
President, Heal the Bay

Jason Elias
Lead Worksite Organizer, SEIU Local 721

Miguel Luna
Executive Director, Urban Semillas

Conner Everts
Executive Director
Southern California Watershed Alliance

Viviana Franco
Executive Director, From Lot to Spot

Melanie Winter
Founder & Director, The River Project

Joe Geever
California Policy Coordinator
Surfrider Foundation

Ron Silverman
Sierra Club Los Angeles Chapter

Cc:

Councilmember Jan Perry
Councilmember Richard Alarcon
Councilmember Tony Cardenas
Councilmember Paul Koretz

Public Works Commissioner Paula Daniels
Public Works Commissioner Julie Gutman
Public Works Commissioner Andrea Alarcon
Public Works Commissioner Valerie Shaw

Revised: January 14, 2009

LID – Low Impact Development

Terms bolded/underlined require specific and quantified definitions and consistent usage.

Comments in italics are given for the provided phrase or sentence from within the draft ordinance.

p.2 WHEREAS the City of Los Angeles' Los Angeles River Revitalization Plan has identified reduction in peak stormwater runoff in the **Los Angeles River** as necessary to implement many of the Los Angeles River revitalization projects;
Ordinance covers more than Los Angeles River – add Ballona Creek and Dominguez Channel. Clarify and revise as appropriate.

p.3 WHEREAS, LID is **widely** recognized as a **sensible approach** to stormwater management in both quantity and quality;
Definitions are not provided for “widely”, “sensible”, or “approach” compared to other terms used in the ordinance. Clarify and revise as appropriate.

WHEREAS, LID **standards and practices** seek to
maintain or restore the natural hydrologic character of the site,
help reduce off-site runoff,
improve water quality, and
provide groundwater recharge;

As supporting information has not defined nor characterized the natural hydrologic character of any site, area, or watershed, maintenance and restoration of the natural hydrologic character cannot be sought or achieved. Provide “natural hydrologic character” or delete remark. Clarify and revise as appropriate

As supporting information has not defined nor characterized the groundwater recharge characteristics of any site, area, or watershed, use of LID for recharge appears very limited and could lead to adverse water-logging of soils and those subject to liquefaction. Provide “evidence of suitability for recharge in order to demonstrate sensible, practical application of LID within the City or Los Angeles. Clarify and revise as appropriate.

WHEREAS, LID standards and practices: **maintain watershed characteristics,**
provide green features to the communities and
preserve the site hydrology by
incorporating multibeneficial site design elements
that may include bio-retention,
bio-filtration/infiltration,
downspout disconnect,
limiting impervious areas,
maximizing pervious surfaces, and
using drought tolerant landscaping;

As support has not defined nor characterized the watershed characteristics of any site, area, or watershed, maintenance of the watershed characteristics cannot be sought or achieved. Provide “watershed characteristics”. Clarify and revise as appropriate.

As the purpose of the ordinance is to reduce peak levels of hydrographs, LID does not “preserve site hydrology” but will significantly alter the current site hydrology if adequately developed to control runoff. Maintenance or preservation of the existing or past hydrographs or watershed

characteristics is not involved in the implementation of the ordinance. The "standards and practice should reduce not preserve current sites' runoff flows and associated watershed characteristics. Clarify and revise as appropriate.

WHEREAS, LID is a stormwater management **strategy** that seeks to mitigate the impacts of increases in runoff and stormwater pollution.

LID comprises a set of site design approaches and best management **techniques** that **promote** the use of natural systems for infiltration, evapotranspiration, and use of rainwater.

These LID practices can **effectively** remove nutrients, pathogens, and metals from stormwater as they reduce the **volume and intensity** of stormwater flows;...

Clarify differences and applicability if any between "standards", requirements", "practices", "strategy[ies]", and "techniques". In an urban environment, most if not all systems are contrived or artificial rather than natural, an imposition of rain barrels and diverting rain runoff from artificial structures can not be considered as "natural". Revise phrasing to more engineering intent and clarify/revise as appropriate.

WHEREAS, it is the intent of the City of Los Angeles to expand the applicability of the existing **Standard Urban Stormwater Mitigation Plan** requirements by providing stormwater and rainwater LID **strategies** for planning, and construction of Development and Redevelopment projects that require **building permits**;

As currently used and defined LID includes all aspects of the SUSMP and adds to the current requirements.

Clarify differences and applicability if any between "standards and practices", "strategies", "strategy", and "techniques" and revise and use consistently.

Does LID and SUSMP apply only to Building Permits or do they also apply to "Land Permits" and "Grading Permits"? Please clarify and revise.

WHEREAS, it is the intent of the City of Los Angeles to incorporate LID standards and practices for the purpose of:

- Requiring the use of LID standards and practices in future Developments and Redevelopments to encourage use of stormwater and urban runoff;
- Reducing stormwater/urban runoff while improving water quality;
- Promoting rainwater harvesting;
- Reducing off-site runoff and providing increased groundwater recharge;
- **Reducing erosion and hydrologic impacts downstream;**
- Enhancing the recreational and aesthetic values in our communities.

In definitions, "Development" includes Re-Development or Redevelopment.

Actually LID is specifically applied to impact the downstream hydrologic characteristics and hydrograph. Clarify, revise, and provide consistent terminology and usage.

No estimates of the degree of "reducing" has been provided and the significance of such reductions for the watersheds; therefore the practical effect of the onsite applications of the ordinance have not been shown to be "practical", "sensible", or "effective".

Clarify and demonstrate practicality, revise, and provide consistent requirements.

p.3 NOW THEREFORE, THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Sec. 4. Chapter VI, Article 4.4, Section 64.70.01 of the Los Angeles Municipal Code is hereby amended to include the following definition:

(Amended by Ord. No. 175,026, Eff. 2/2/03.)

Sec. 64.70.01 Definitions and Abbreviations

A. Definitions. For the purpose of this article, the following words and phrases are defined and shall be construed as set out here, unless it is apparent from the context that they have a different meaning:

“Development” means –

any construction, rehabilitation, Redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit Development); industrial, commercial, retail and other non-residential projects, including public agency projects; OR

Are “Public” non-residential projects included in the definition or not?

mass grading for future construction.

Are “mass gradings” or any grading permit activities or projects included in the definition or not?

It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

Define immediately and revise as appropriate.

“Redevelopment” means –

land-disturbing activities that result in the creation, addition, or replacement of 500 square feet or more of impervious surface area on an already developed site.

Why separately quantify for this subset of Development without providing for similar quantification in Development? Revise as appropriate.

Redevelopment includes, but is not limited to:

the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and

land disturbing activities related to structural or impervious surfaces.

Why separately refer to “Redevelopment” when it is included in Development?

Does this apply to cut&fill activities where impervious fill surface is created?

Modify as appropriately.

“Environmentally Sensitive Areas (ESAs)”... Areas subject to storm water mitigation requirements are: areas designated as Significant Ecological Areas by the County of Los Angeles (Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976) and amendments); an area designated as a Significant Natural Area by the California p.4 Department of Fish and Game’s Significant Natural Areas Program, provided that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the “Rare, Threatened, or Endangered Species (RARE)” beneficial use; and an area identified by a Permittee as environmentally sensitive.

Are designated wildlife corridors included in ESA? Modify as appropriate.

"Offsite Runoff Mitigation Fee" means fee paid to the City of Los Angeles for the storm water runoff from the 0.75-inch water quality storm...The Offsite Runoff Mitigation Fee shall be used by the City to construct or apply towards the construction of an offsite mitigation project within the same sub-watershed that will achieve at least the same level of water quality protection as if all of the runoff was retained on site.

Define a "water quality storm". Modify as appropriate and apply consistently.

Define "same sub-watershed". Modify as appropriate and apply consistently.

Define "same level of water quality protection" as required for a site. Modify as appropriate and apply consistently.

Provide appropriate definitions and quantifications and consistently apply throughout ordinance.

re-Development

Mass Grading

Building Permits

Grading Permits

Land Permits

Stakeholders

Alteration of at least fifty (50) percent or more

single development

50% vs 500sq ft

Partial or complete compliance

Technically infeasible, partially or fully

Implementation parameters,

Alternative compliance for technical infeasibility

Onsite high removal efficiency

High removal efficiency...system onsite

Mass grading -

Impervious surface area – *Does term include well-compacted fills with silt-clay exceeding 10%?*

Existing impervious surfaces - *Does term include well-compacted fills with silt-clay exceeding 10%?*

Impervious area - *Does the term include well-compacted fills with silt-clay exceeding 10%?*

Landscape Ordinance – *Provide citation.*

Seasonal high groundwater with and without (including perched groundwater)

Impermeable soil type *Provide physical characteristics or permeability parameters/criteria.*

Potential geotechnical hazards – *Define and list*

Watershed

Sub-watershed

Same sub-watershed

LID approach(es)

LID principles

LID technologies

LID specifications

LID standards

LID requirements

LID strategy(ies)

LID practices

Adequately sized LID BMP alternatives

Objectives for integration of LID strategies

Specifications for integration of LID strategies

Principles for achieving LID Standards

Technologies for achieving LID Standards

Other rules, requirements and procedures

Concern

Effectively

Sensible

Maximize

Consistent

Perpetual maintenance

Infrastructure projects

Within the public right-of-way

Maximum extent feasible

High removal efficiency

**Impacts...minimized
Expedited
Option**

Many terms are not defined, and definitions appear to not be applied consistently and in a definitive manner. Clarify and revise as appropriate.

Sec. 4. Chapter VI, Article 4.4, Section 64.72 of the Los Angeles Municipal Code is hereby amended to read as follows:

SEC. 64.72 STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES (Title and Section Amended by Ord. No. 173,494, Eff. 9/14/00.)

*(A) Objective. The provisions of this section set forth requirements for construction activities and facility operations of Development and Redevelopment projects **requiring building permits for new buildings with impervious roofs, additions that expand the footprint, or use of land to:** Is grading included or not? Are grading permits included or not?*

i. Comply with the requirements of the Standard Urban Stormwater Mitigation Plan;

ii. Integrate Low Impact Development (LID) practices and standards for stormwater pollution mitigation; AND

iii. Maximize open, green and pervious space on all Developments consistent with the City's landscape ordinance and other related requirements.

As the definition of LID Cite the relevant ordinance and clarify the applicability of "other related requirements". Revise as appropriate and apply consistently.

*"...as defined by the "Development Best Management Practices Handbook" adopted by the Board of Public Works. **LID shall be inclusive of SUSMP requirements and shall apply to all Development and Redevelopment projects.**"*

*(B) Scope. This section provides for the requirements of stormwater pollution control measures in accordance with the "Development Best Management Practices Handbook" p.5 adopted by the Board of Public Works. This section applies to Development and Redevelopment projects and authorizes the Board of Public Works to define and adopt stormwater pollution control measures, **define and adopt LID principles and specifications, including the objectives and specifications** for integration of LID strategies,...Clarify definitions of terms and provide consistent usage and revise as appropriate.*

(C) Low Impact Development (LID) Requirements

1. Implementation of LID requirements shall become effective 180 days from the date of adoption of the ordinance by the City Council and the Mayor.

As LID requirements also include SUSMP, are the current SUSMP requirements without LID applied for the 180 days from adoption? Clarify and revise as appropriate.

The LID requirements shall apply to all Developments and Redevelopments in the City of Los Angeles that require building permits within the City after the ordinance effective date except for the following:

Development include Redevelopment or Re-Development. Does LID requirements apply to "land permits" and grading permits? Clarify and revise as appropriate.

EXCEPTIONS

- i. Any Development or Redevelopment for which plans and complete permit application are **accepted** by the Department of Building and Safety for plan check **AND** the appropriate fee is paid prior the effective date of this ordinance;

Clarify "accepted". If Fee has not been paid, but application is accepted, is the application subject to LID or not? Revise as appropriate.

- ii. Any entitlement application for a Development or Redevelopment **filed** with the Department of City Planning **AND deemed complete** with the **exception** of CEQA review prior to the effective date of this ordinance.

If the application is for a subdivision, the operative date for purposes of this section is the approval date of the tract or parcel map. This exception shall no longer be valid if a building permit has not be obtained within two years from the effective date of this ordinance;

Clarify "filed" and "deemed complete". If "filed", but not "deemed complete", is the application subject to LID or not? Revise as appropriate.

If CEQA review has started but not completed nor circulated, is the application subject to LID or not? Revise as appropriate.

- iii. Any Development or Redevelopment that only creates, adds or replaces less than 500 square feet of impervious area;

In definitions no limit of 500 sq ft was applied. Does 500 sq ft apply to both Developments other than redevelopments? Clarify and revise as appropriate.

- ...iv. Any Development and Redevelopment involving emergency construction activities required to **immediately** protect public health and safety;

Define "immediately". Clarify and revise as appropriate.

- v. ***Infrastructure projects within the public right-of-way;***

Given definitions and other exceptions, roads and concrete surfaces created by the City should not be exempt and should include "green street" measures. Clarify and revise as appropriate.

- vi. Any interior building alteration or addition that does not expand the building footprint.

- vii. Use of Land Permits that require **no addition to OR alteration of existing impervious surfaces;**

surface area, the Development [or Redevelopment????] shall comply with the standards and requirements of the ordinance and of the LID Section of the Development Best Management Practices Handbook.

In definitions no limit of 2500 sq ft or 50% was applied to Development. Use of 2500 sq ft compared to 500 sq ft appears erroneous or unacceptable within an ESA compared to 500sq ft outside an ESA. Unclear as to whether the create applies to total or new or additional. Reference to other documents without limits appears arbitrary and unverifiable. Clarify and revise as appropriate.

b. Residential Developments of 5 Units or More and Nonresidential Developments

- i. For new Development OR <<where Redevelopment results in an alteration of at least fifty (50) percent or more of the impervious surfaces of an existing developed site,>> the entire site shall comply with the standards and requirements of this ordinance and of the LID Section of the Development Best Management Practices Handbook; or**

In definitions Development includes redevelopment or re-development. Reference to other documents without limits appears arbitrary and unverifiable. Clarify and revise as appropriate.

3. The Site shall be designed to manage and capture stormwater runoff, in priority order of infiltration, evapotranspiration, capture and use, and/or treated through high removal efficiency biofiltration/biotreatment system of all of the runoff on site to the maximum extent feasible. The high removal efficiency biofiltration/biotreatment system shall comply with the standards and requirements of the LID Section of the Development Best Management Practices Handbook.

No definitions are provided as to "maximum extent feasible" or "feasible" and thereby arbitrary and unverifiable and generally unenforceable. Reference to other documents without limits appears arbitrary and unverifiable. Clarify and revise as appropriate.

A LID Plan shall be prepared to comply with the following:

- i. Stormwater runoff will be infiltrated, evapotranspired, captured and used, and/or treated through high removal efficiency Best Management Practices, onsite, through stormwater management techniques allowed pursuant to the LID Section of the Development Best Management Practices Handbook.**

This section does not include "maximum extent feasible" or "feasible" and thereby arbitrary compared to the previous limits. Reference to other documents without limits appears arbitrary and unverifiable, especially as they refer to "techniques" rather than standards and requirements. Clarify and revise as appropriate.

The onsite stormwater management techniques must be properly sized, at a minimum, to infiltrate, evapotranspire, store for use, and/or treat through high removal efficiency biofiltration/biotreatment system, without ANY storm water

runoff leaving the site to the maximum extent feasible, at least the volume of water that results from:

No definition is provided as to “properly sized” or “at a minimum” or “ANY” runoff, or “maximum extent feasible” thereby paragraph appears arbitrary and unverifiable and generally unenforceable. Reference to other documents without limits appears arbitrary and unverifiable. Clarify and revise as appropriate.

(a) The 85th percentile 24-hour runoff event determined as the **maximized capture stormwater volume** for the area using a 48 to 72-hour **draw down time**, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); OR

(b) The volume of **annual runoff** based on unit basin storage water **quality volume**, to achieve 80 percent or more volume treatment by the method recommended in the California Stormwater Best Management Practices Handbook – Industrial/Commercial, (2003); OR

(c) The volume of runoff produced from a 0.75 inch storm event.

No definition is provided as to “maximized” or “annual runoff” or “quality volume”, or “maximum extent feasible” thereby paragraph appears arbitrary and unverifiable and generally unenforceable. Given three different calculation methods without support of the potential differences appears arbitrary and unverifiable. Reference to other documents without limits appears arbitrary and unverifiable. Require selection of the worst-case calculated scenario to be used. Clarify and revise as appropriate.

For purposes of compliance with the LID requirements, and without change the priority order of design preferences as mentioned in this section, all runoff from the water quality storm event, as determined in section C.3.i above, that has been treated through an **onsite high removal efficiency** biofiltration/biotreatment system shall be credited as equivalent to 100% infiltration regardless of the runoff leaving the site from the onsite high removal efficiency biofiltration/biotreatment system and that runoff volume shall not p.8 be subject to:

the **offsite mitigation requirement** OR

Offsite Runoff Mitigation Fee section of this ordinance.

No definition is provided as to “High” or “removal efficiency” thereby paragraph appears arbitrary and unverifiable and generally unenforceable. This section also does not recognize the impact of the flow on downstream stormwater treatment requirements unless the water quality parameters are very close to the “limits” and addition of diluting clean flow can dilute pollutant concentrations below the limit levels. Clarify and revise as appropriate.

[AND]

- ii. Pollutants shall be prevented from leaving the Development [or Redevelopment] Site for a water quality design storm event as defined in 3.i. above unless it has been treated through an onsite high removal efficiency bio-filtration treatment system.

Define "it" vs "they". Revise to runoff flow. Clarify and revise as appropriate.

[AND]

iii. Hydromodification impacts shall be minimized to natural drainage systems. *Given the other elements of Item 3. allow for increased flows, the additional requirement of "minimized" "hydromodification" [undefined] impacts appears contradictory or arbitrary. Clarify and revise as appropriate.*

4. When the onsite LID requirements are technically infeasible, partially or fully, as defined in the LID Section of the Development Best Management Handbook, the infeasibility shall be demonstrated in the submitted LID plan, shall be consistent with other City requirements, and shall be reviewed in consultation with the Department of Building and Safety.

No definition is provided as to "technically infeasible", "infeasibility", "partially" or "fully" and requires reference without limits to another document; thereby paragraph appears arbitrary and unverifiable and generally unenforceable. Reference to "consistent with other City requirements" suggests that other activities related herein are NOT consistent with City requirement. Clarify and revise as appropriate.

The technical infeasibility may result from conditions, that may include, but are not limited to:

- a) Locations where seasonal high groundwater is within 10 feet of surface grade; [SILT, CLAY, OR SHALE BEDROCK = PERCHED IN SOIL]
- b) Locations within 100 feet of a groundwater well used for drinking water;
- c) Brownfield Development sites or other locations where pollutant mobilization is a documented concern;
- d) Locations with potential geotechnical hazards;
- e) Locations with impermeable soil type as indicated in applicable soils and geotechnical reports; and
- f) Other site or implementation constraints identified in the LID Section of the Development Best Management Practices Handbook.

No definition is provided as to

"seasonal high groundwater table" for one day, week, month, or quarter

"concern

"potential geotechnical hazards"

"impermeable soil" (flow/sec) or

"Other...constraints" proper citation is required,

and thereby the paragraph appears arbitrary and generally unenforceable.

Clarify and revise as appropriate.

5. If partial or complete onsite compliance of any type is technically infeasible, the project Site and LID Plan shall be required to comply with, at a minimum, all applicable Standard Urban Stormwater Mitigation Plan (SUSMP) requirements in order to maximize onsite compliance. For the remaining runoff that cannot feasibly be managed onsite, provide one or a combination of the following:

- a) Offsite mitigation on public and private land within the same subwatershed...This includes construction and perpetual maintenance, that will achieve at least the same level of runoff retention, infiltration and/or use, and water quality, AND/OR;
- b) Offsite Runoff Mitigation Fee payment to the City of Los Angeles’s Stormwater Pollution Abatement Fund for offsite mitigation, as described in the LID Section of the Development Best Management Practices Handbook.

No definition is provided as to “technically infeasible”, “infeasibility”, “partially” or “complete” / “fully” and requires reference without limits to another document; thereby paragraph appears arbitrary and unverifiable and generally unenforceable. Allowances of “And/Or” should be changed to AND only as no downstream system could fully compensate for the onsite unless it is stipulated that the sub-watershed projects shall be within 500ft of the site. Clarify and revise as appropriate.

The funding will be allocated to construct or apply towards the construction of an offsite mitigation project within the same sub-watershed that will achieve at least the same level of water quality protection as if all [=90-99%??] of the runoff was retained onsite.

No definition is provided as to “offsite”, “same sub-watershed”, “all”, and “retained”; thereby paragraph appears arbitrary and unverifiable and generally unenforceable. Clarify and revise as appropriate.

To provide an incentive for onsite management of storm water runoff, Development and Redevelopment projects will receive the following reduction in the Offsite Runoff Mitigation Fee based on the percentages of storm water runoff that is managed on site through infiltration, evapotranspiration, and/or capture and use:

% of Storm water Runoff Managed onsite	Reduction %
Between 90% and 99%	75%
Between 75% and 89%	50%
Between 50% and 74%	25%

The incentive does not include treatment before discharge which appears to conflict with other sections; thereby paragraph appears arbitrary and unverifiable and generally unenforceable. Use of such minimal compliance to achieve reduction of fees appears to be a mechanism subject to considerable arbitrary application and should be raised above 75% along with treatment for remainders. Clarify and revise as appropriate.

6. For Development or Redevelopment on a Site that occurs in multiple phases where [FULL or ALL] compliance with the standards and requirements of this section are implemented for the entire Site during the first phase according to an approved plan, the requirement of this section will be satisfied for all remaining phases of the Development or Redevelopment.

No definition is provided as to "phases", "first phase", "multiple phases" or "fully", "entire" and "all"; thereby paragraph appears arbitrary and unverifiable and generally unenforceable. Clarify and revise as appropriate.

7. The Director of the Bureau of Sanitation shall prepare, maintain, and update, as deemed necessary and appropriate, the "Development Best Management Practices Handbook" to include LID standards and practices and standards for stormwater pollution mitigation, which shall include urban and stormwater runoff quantity and quality control Development [AND Redevelopment] principles and technologies for achieving the LID Standards, as well as estimated costs of offsite mitigation alternatives.

No definition is provided as to "principles", "technologies", "achieving" or "ID Standards [vs standards and practices]". Director's assignment of preparation, updating and modifications of a document referenced without limits within the ordinance without review and confirmation by the Board and thereby the City as whole allows this paragraph to permit the Director to arbitrarily and without verification and concurrence to make and enforce changes without review. Clarify and revise as appropriate.

The "Development Best Management Practices Handbook" shall also include technical feasibility and implementation parameters, alternative compliance for technical infeasibility, as well as other rules, requirements and procedures as the Director deems necessary, for implementing the provisions of this section of the Los Angeles Municipal Code. The Board of Public Works shall adopt the LID section of the "Development Best Management Practices Handbook" no later than 90 days after the adoption of this ordinance by the City Council and the Mayor.

No definition is provided as to "technical feasibility", "implementation parameters", "infeasibility" or "other rules, requirements, and procedures". Director's assignment of preparation, updating and modifications of a document referenced without limits within the ordinance without review and confirmation by the Board, once the Board has approved the initial documents and this ordinance. Thereby the City as whole and the Board effectively through this paragraph permit the Director to arbitrarily and without verification and concurrence to make and enforce changes without review. Clarify and revise as appropriate.

8. The Director of the Bureau of Sanitation shall develop as deemed necessary and appropriate, in cooperation with other City departments and p.10 stakeholders, informational bulletins, training manuals and educational materials to assist in the implementation of the LID requirements.

No definition is provided as to "stakeholders". As the Ordinance has been developed based on a restricted participation and that stakeholders has not included the "PUBLIC" this paragraph requires further modifications to initiate and dominate the review, development, and future modifications through an expanded public participation and outreach program rather than the selective

“stakeholder” system which has been used in the past. Clarify and revise as appropriate.

11. Any Development and Redevelopment whose exemption from this ordinance under section C.1.i and C.1.ii is no longer valid due to expiration of the building permit or expiration of the exemption time limit, the Development or Redevelopment has the option to comply with all applicable SUSMP requirements AND either:

- a. Infiltrate, use, evapotranspire, and/or biofilter/biotreat the stormwater runoff from the Site to the maximum extent feasible at an off Site location, as set forth in Section 5.a. above; OR
- b. Provide the appropriate Offsite Runoff Mitigation Fee as set forth in Section 5.b. above.

No definition is provided as to “maximum extent feasible,” and requires reference without limits to another document; thereby paragraph appears arbitrary and unverifiable and generally unenforceable. Clarify and revise as appropriate.

NO COMMENTS REGARDING

**(D) Other Agencies of the City of Los Angeles. All agencies of the City of Los Angeles...
Sec. 5. Chapter VI, Article 4.4, Section 64.72.05 of the Los Angeles Municipal Code...
SEC. 64.72.05. LID PLAN CHECK FEES. p.11 (Added by Ord. No. 178,132, Eff. 1/19/07.)...**