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December 14, 2010

The Honorable Jan Perry  
Chair, Energy & Environment Committee  
City of Los Angeles  
200 North Spring Street, Room 420  
Los Angeles, CA 90012

Date: 12/14/10  
Submitted in E&E Committee  
Council File No: 09-1554  
Item No.: 2  
Deputy: Adam R. Lid

Re: **Proposed Low Impact Development Ordinance – Grandfathering Clause**  
**CF #09-1554**

Dear Councilmember Perry:

On behalf of the Central City Association's (CCA) 450 member companies, thank you for the opportunity to comment on the latest draft of the City's low impact development ordinance. We sincerely appreciate the Bureau of Sanitation's efforts to reach out to the business community, and we look forward to furthering this collaborative relationship. As a result of many extended discussions with staff, a number of important concepts have been incorporated into the draft ordinance, making it more balanced, clear, and functional. Much progress has been made thus far; however, the need for a workable grandfathering clause is paramount.

This ordinance may have far-reaching economic implications, and the current grandfathering clause - as drafted - is insufficient to protect the long-term economic interests of the City. Hundreds of projects are currently in a holding pattern, anxiously awaiting financing in a fragile commercial lending market. The City Council recently extended the life of subdivision map approvals and associated entitlements to protect a project's economic viability; therefore it seems incongruous not to extend similar protections in this instance. We believe the City should adopt a bright line rule, exempting developments - that are already subject to the City's Standard Urban Stormwater Mitigation Plan requirements (SUSMP) - with complete discretionary and non-discretionary permit applications filed before the effective date of the ordinance. Low impact development best managements have been incorporated into SUSMP; therefore the City's water quality goals will not be compromised.

We respectfully request that the following language be incorporated into the draft ordinance:

**Section C.1.ii.**

- 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 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. In those cases with projects deemed complete before the effective date of the ordinance, and to which the tolling period described above applies, if in addition the City's approval process has delayed the project beyond the three-year period, the developer can appeal to the Board of Public Works for an extension of the tolling period. The appeal will be required to explain in detail the causes of the delay and must demonstrate that complying with the requirements of this ordinance will cause undue hardship.~~

**Section C.11**

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~~ shall comply with all applicable SUSMP requirements and either, for the remaining runoff that cannot feasibly be managed onsite:

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 above.~~

The addition of the proposed language will result in an ordinance that is in line with CCA's goal of building a more business-friendly Los Angeles where jobs and investment can grow. We thank you for your consideration and offer these comments in the spirit of continued collaboration. Please feel free to contact our office for further discussion.

Sincerely,



Carol E. Schatz  
President & CEO  
Central City Association of Los Angeles

Cc: The Honorable Tony Cardenas  
The Honorable Paul Koretz  
The Honorable Paul Krekorian  
The Honorable Richard Alarcon