

COMMUNICATION

File No. 09-1554

TO: THE COUNCIL OF THE CITY OF LOS ANGELES

**FROM: COUNCILMEMBER JAN PERRY, CHAIR
ENERGY AND ENVIRONMENT COMMITTEE**

COMMUNICATION FROM CHAIR, ENERGY AND ENVIRONMENT COMMITTEE relative to proposed amendments to Los Angeles Municipal Code (LAMC) Sections 64.70 and 64.72 to include a Low-Impact Development (LID) Ordinance.

Recommendation for Council action, as initiated by Motion (Greuel - Reyes):

1. REQUEST the City Attorney to PREPARE and PRESENT an ORDINANCE (aka LID Ordinance) to amend LAMC Sections 64.70 and 64.72 to expand the applicability of the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements as detailed in the Joint City Administrative Officer (CAO)/Chief Legislative Analyst (CLA) report that was presented in Committee on December 14, 2010 and is attached to the Committee report.
2. INSTRUCT the Bureau of Sanitation (BOS) to prepare a final LID section for its Development Best Management Practices Handbook and to present said section to Council at the time that the City Attorney prepares and presents the final Ordinance as described above in Recommendation No. 1.
3. REQUEST the City Attorney to further incorporate in the Ordinance, as described above in Recommendation No. 1, the amendments as detailed in the communications from Paramount Studios and Central City Association (CCA) and attached to the Committee report.

Fiscal Impact Statement: The CAO/CLA report that adoption of the proposed LID Ordinance will integrate project compliance review into the existing SUSMP plan review process. The BOS currently reviews 600 plans per year under the SUSMP Program and anticipates an additional 700 plans to be reviewed per year under the LID Ordinance. It is anticipated that 500 of these additions will fall into the smaller residential categories (4 units or less). As compliance with the LID for these applicants will require them to choose from a list of prescriptive Best Management Practices (BMP) and does not require any engineering calculations, the BOS does not anticipate intensive reviews of these projects. The cost for performing the reviews will be recovered through the revised plan review fee.

The LID Ordinance does not require any additional staff in the BOS, City Planning Department (Planning) or the Department of Building and Safety (Building and Safety). Planning's review is currently conducted as part of the entitlement process and currently reviews projects for many issues; the cost of reviews are collected from fees for that purpose. Building and Safety will refer the review for compliance to Sanitation's counter staff for approval. Inspection of construction and grading is done as a normal part of their inspection process and is covered through existing construction and grading permit fees.

The BOS's LID work load will be absorbed into its existing SUSMP staffing for the Stormwater Program. The cost of these positions is approximately \$500,000. Total revenue from SUSMP and

LID, fees will fully cover these costs. This excludes any peripheral support of the program such as industrial waste inspections. The proposed amendment also requires that all City Departments provide support as part of any off-site mitigation. Those costs cannot be determined at this time but efforts will be made to reimburse any General Fund expenditures.

SUSMP fees are currently only covering about \$200,000 of these costs. The additional revenue from LID fees will be phased in as work materializes and is estimated at up to \$500,000 annually. In compliance with City financial and budget policies, the fee will be reviewed annually to maintain fees in line with applicable charges

Community Impact Statement: None Submitted

Summary:

On June 23, 2009, Council initiated a motion (Greuel - Reyes) directing the BOS and City Planning Department, in conjunction with the City Attorney, to report to Council in 30 days on how the City can continue to reduce runoff pollution through the revamping of current ordinances or the development of a new ordinance, relative to storm water and urban runoff management which would include the following components:

- a. Require maximum capture of storm water/urban runoff to improve water quality and recharge groundwater.
- b. Encourage of biofiltration or infiltration of storm water and urban runoff in future developments.
- c. Develop of a mitigation alternative for rare circumstances where infiltration is technically Infeasible.
- d. Encourage low water use planting, such as through drought tolerant vegetation.
- e. Promotes rainwater harvesting.
- f. Reduce off-site runoff and provides groundwater recharge.
- g. Reduce hydrologic impacts downstream.
- h. Enhances the recreational and aesthetic values in the community.

Subsequently, on December 7, 2010, your Committee considered a June 11, 2010 Communication from the Mayor and a December 2, 2010 BOS report in response to the above Motion. According to the BOS, on January 15, 2010, after lengthy and comprehensive public outreach and extensive revision to address the public's input, the Board of Public Works (Board) adopted the BOS's recommendation to amend LAMC Sections 64.70 and 64.72 by including new provisions for LID, referred to as LID Ordinance.

Subsequent to the Board's action, several meetings took place with the business and development community and the environmental Non Governmental Organizations (NGOs) to further discuss and address issues with the proposed LID Ordinance. Specifically, some of the NGOs raised the following three issues with the LID Ordinance:

- a. Elimination of the Offsite Runoff Mitigation Fee.

- b. Addressing the issue of developments that have a completed application in prior to the LID implementation and is delayed beyond the tolling period.
- c. Directing City Departments to provide support as part of the implementation of any off-site mitigation.

In response, the BOS has prepared a series recommendations to amend the proposed LID Ordinance and these are included in the BOS's December 2, 2010 report and attached to the Council file. After further consideration and having provided an opportunity for public comment, the Committee moved to continue this matter pending further report-backs from the CAO, CLA, Los Angeles Department of Water and Power (LADWP) and other relevant agencies in regard to the impacts of the proposed LID Ordinance.

On December 14, 2010, the Committee Chair considered a December 14, 2010 BOS report and a Joint CAO/CLA report presented in Committee on that date in response to the Committee's request for further information. After consideration and having provided an opportunity for public comment, the Committee Chair moved to recommend approval of the recommendations as contained in the Joint CAO/CLA's report of December 14, 2010 and detailed above in Recommendation Nos. 1 and 2. Additionally, the Committee Chair recommended amending the Joint CAO/CLA's recommendations in response to communications from Paramount Studios and the CCA as detailed above in Recommendation No. 3. This matter is now submitted to Council for its consideration.

Respectfully submitted,

COUNCILMEMBER JAN PERRY, CHAIR
ENERGY AND ENVIRONMENT COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
PERRY:	YES
CÁRDENAS:	ABSENT
ALARCÓN:	ABSENT
KORETZ:	ABSENT
KREKORIAN:	ABSENT

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ATTACHMENTS

- Not Official Until Council Acts -