

Stormwater Low Impact Development Ordinance

An ordinance amending Chapter VI Article 4.4 Section 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.

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 incorporating 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 by facilitating greater reuse of gray water, has chaptered 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 is 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 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;

WHEREAS the City of Los Angeles needs to find a new approach to managing stormwater 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 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;

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 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.

NOW THEREFORE,

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

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

*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 upon the adoption of the ordinance by the City Council and the Mayor and 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:

1. Any development or redevelopment for which a building permit application and plans were submitted to the City of Los Angeles' Department of Building and Safety prior to the effective date of the ordinance;
 2. Any development involving emergency construction activities required to immediately protect public health and safety;
 3. Infrastructure projects within the public right-of-way;
 4. Any building alteration or addition that does not expand the building footprint.
 5. Use of Land Permits that require no addition to or alteration of existing impervious surfaces;
 6. Re-striping of permitted parking lots; or
 7. Any development or redevelopment not requiring a building permit.
2. Unless excluded by subsection 1 above, all development and redevelopments shall comply with this Chapter as follows:
1. Residential Development of 4 Units or Less
 - i. For new development (1 acre or less) 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 LID BMP alternatives listed in the LID Section of the Development Best Management Practices Handbook; or
 - ii. Where re-development results in an alteration of less than fifty (50) percent of the impervious surfaces of an existing developed site, the development shall implement one LID BMP alternative listed in the LID Section of the Development Best Management Practices Handbook; or
 - iii. For new development (1 acre and greater or in an Environmentally Sensitive Area (ESA)) the development shall comply with the standards and requirements of this ordinance. Where re-development lies within an ESA, the re-development shall comply with the standards and requirements of the

ordinance and of the LID Section of the Development Best Management Practices Handbook.

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

- i. For new 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 entire site shall comply with the standards and requirements of the 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. Unless excluded by subsection 1 above, any new developments or redevelopment with impervious roofs, additions that expand the footprint, or use of land and that require building permits shall comply with this Chapter.

4. The site shall be designed to manage and capture stormwater runoff, in order of preference for infiltration, evapotranspiration, capture and use, and/or treated through high removal efficiency treatment of all of the runoff on site to the maximum extent feasible. 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 highly 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, evapotranspired, store for use, and/or treat through high removal efficiency treatment, without any runoff leaving the site to the maximum extent feasible, at least the volume of water 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.

ii. Pollutants of concern shall be prevented from leaving the development site for a water quality design storm event as defined in 4a above.

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

5. 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 include, but are not limited to:

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

6. If partial or complete on-site 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 can not feasibly be managed onsite, provide one or a combination of the following:

- 1. Offsite mitigation within the same sub-watershed, including construction and perpetual maintenance, that will achieve at least the same level of runoff retention, infiltration and/or use, and water quality, and/or;**

2. **Mitigation funds 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, 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.**

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.**

(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 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	Fees
1	Residential, 4 Units or Less - New development less than 1 acre - Redevelopment	\$ 200 / Project
2	Residential, 4 Units or Less - New Development 1 acre or greater or ESA* - Redevelopment in ESA*	\$1,300 / Project
3	Other Types of Developments - Redevelopment less than 50% alteration	\$1,500 / Project
4	Other Types of Developments - New development - Redevelopment greater than 50% alteration	\$2,000 / 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 under separate account for each sub-watershed as part of the Stormwater Pollution Abatement Fund established by Section 64.51.11 of the Los Angeles Municipal Code.

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Sec. 6. The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety in accordance with the mandates as set forth by the Los Angeles Regional Water Quality Control Board to implement LID requirements. Therefore, this Ordinance shall become effective upon publication pursuant to Section 281 of the Los Angeles Charter.

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. _____