



DISCUSSION CALENDAR

Agenda Item # 10

AGENDA REPORT SUMMARY

Meeting Date: September 25, 2018

Subject: Ordinance No. 2018-452: Stormwater Pollution Prevention

Prepared by: Aida Fairman, Senior Engineer

Reviewed by: Susanna Chan, Public Works Director

Approved by: Chris Jordan, City Manager

Attachment:

1. Ordinance No. 2018-452 with tracked changes

Initiated by:

Staff; NPDES Stormwater Permit requirements

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

None

Summary:

- Update references to NPDES Permit Order Number. (Replace R2-2009-0074 with R2-2015-0049)
- Revise section 10.16.030.C.2.f.i and remove sections 10.16.030.C.2.f.ii and 10.16.030.C.2.f.iii to reflect acceptable LID stormwater treatment measures per current NPDES permit requirements
- Update references to dates that have already passed in sections 10.16.030 and 10.16.036

Staff Recommendation:

Introduce and waive further reading of Ordinance No. 2018-452 amending Los Altos Municipal Code Chapter 10.16 Stormwater Pollution Prevention Measures to reflect current stormwater pollution prevention requirements for land development projects mandated by the Regional Water Quality Control Board



Subject: Ordinance No. 2018-452: Stormwater Pollution Prevention

Purpose

Update references to the National Pollutant Discharge Elimination System (NPDES) Permit Order Number (replace R2-2009-0074 with R2-2015-0049) and revise text in section C.2.f to reflect acceptable methods of Low Impact Development (LID) treatment per current NPDES permit requirements.

Background

Beginning in 2001, the San Francisco Bay Regional Water Quality Control Board (Water Board) identified land development activity as a significant potential pollutant source in the region, threatening the water quality in local creeks and the San Francisco Bay. Accordingly, National Pollutant Discharge Elimination System (NPDES) stormwater permits issued since that time have included a set of pollution prevention requirements imposed upon land development and redevelopment projects.

In November 2015, the Water Board issued a new regional NPDES permit to the City of Los Altos and 76 other Bay Area entities for discharge of municipal stormwater to local creeks and the San Francisco Bay. This Municipal Regional Permit (MRP) specifies programs and measures to be conducted by local agencies to minimize stormwater pollution over the next five (5) years.

Discussion/Analysis

Ordinance No. 2018-452 modifies the City's existing stormwater pollution prevention regulations (LAMC Chapter 10.16) to comply with the current provisions of the MRP. The primary regulatory change in the MRP is the removal of the requirement that a "biotreatment system may be considered only if it is infeasible to implement harvesting and re-use, infiltration, or evapotranspiration at a project site." Biotreatment systems that are properly engineered and maintained are now considered to be an acceptable Permanent Stormwater Pollution Prevention Measure (PSPPM). This change is reflected in section 10.16.030.C.2.f.i and in the removal of sections 10.16.030.C.2.f.ii and 10.16.030.C.2.f.iii. Other requirements modified in the permit do not necessitate revisions to the municipal code, but are reflected in the City's annual permit submission to the RWQCB.

Options

- 1) Move to introduce and waive further reading of Ordinance No. 2018-452 amending Los Altos Municipal Code Chapter 10.16 Stormwater Pollution Prevention Measures to reflect current stormwater pollution prevention requirements for land development projects mandated by the Regional Water Quality Control Board

Advantages: Updates the City Municipal Code to reference the updated MRP

Disadvantages: None



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- 2) Do not move to introduce and waive further reading of Ordinance No. 2018-452 amending Los Altos Municipal Code Chapter 10.16 Stormwater Pollution Prevention Measures

Advantages: None

Disadvantages: Chapter 10.16 does not reference the updated MRP

Recommendation

The staff recommends Option 1.

ORDINANCE NO. 2018-452

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LOS ALTOS AMENDING SECTIONS 10.16.020, 10.16.030, AND
10.16.031 OF CHAPTER 10.16 STORMWATER POLLUTION
PREVENTION MEASURES OF THE LOS ALTOS MUNICIPAL
CODE TO REFLECT CURRENT REGIONAL WATER QUALITY
CONTROL BOARD PERMIT REQUIREMENTS**

WHEREAS, the City of Los Altos is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (Program), which consists of fifteen public agencies in Santa Clara County; and

WHEREAS, the California Regional Water Quality Control Board, San Francisco Bay Region (Board), administers the National Pollutant Discharge Elimination System (NPDES) permit program under the Federal Water Pollution Control Act; and

WHEREAS, on November 19, 2015, the Board adopted Order No. R2-2015-0049 under NPDES Permit No. CAS029718 (collectively, the Permit), which replaced and amended the 2009 NPDES Permit requirements; and

WHEREAS, it is necessary to partially amend certain sections of the Los Altos Municipal Code Chapter 10.16 to reflect the current Permit requirements; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE. A portion of Section 10.16.020, Definitions of Chapter 10.16 Stormwater Pollution Prevention Measures, Title 10 Public Services of the Los Altos Municipal Code is hereby partially amended as follows:

"Low impact development (LID) measures" means an approved combination of source control measures, site design measures, and/or stormwater treatment measures that reduce runoff and mimic a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source. LID measures embody principles such as preservation and recreation of natural landscape features and minimization of imperviousness to create functional and appealing site drainage that treats stormwater as a resource, rather than a waste product. LID measures include rain barrels and cisterns, green roofs, permeable pavement, preservation of undeveloped open space, and biotreatment through rain gardens, bioretention units, bioswales and planter/tree boxes. The design and implementation of the LID measures must be in accordance with the guidelines and technical specifications provided by the city or

other city-approved authority and the requirements of Order No. R2-2015-0049 ~~R2-2009-0074~~ and any subsequent orders.

"Permanent stormwater pollution prevention measures" or "PSPPM" means an approved combination of source control measures, site design measures, and/or stormwater treatment measures that reduce stormwater pollution to the maximum extent practicable as required by Order No. R2-2015-0049 ~~R2-2009-0074~~ under NPDES Permit No. CAS612008 issued by the water board, as it may be amended from time to time. The design and implementation of the PSPPM must be in accordance with the guidelines and technical specifications provided by the city or other city-approved authority and the requirements of Order No. R2-2015-0049 ~~R2-2009-0074~~ and any subsequent orders.

SECTION 2. AMENDMENT OF CODE. Subdivisions A, C, and C.2.f of Section 10.16.030, Permanent Stormwater Pollution Prevention Measures Required of Chapter 10.16 Stormwater Pollution Prevention Measures, Title 10 Public Services of the Los Altos Municipal Code are hereby partially amended as follows:

- A. Permanent stormwater pollution prevention measures shall be incorporated into the following projects (collectively referred to sometimes in this chapter as "regulated projects"):
 - 1. All development projects;
 - 2. All significant redevelopment projects;
 - 3. All road projects;
 - 4. ~~Effective December 1, 2011, a~~All high impact projects;
 - 5. ~~Effective December 1, 2011, a~~All trail projects; and
 - 6. ~~Effective December 1, 2011, a~~All street widening projects.

- C. ~~Effective December 1, 2011, u~~Unless the project is exempt as a special project pursuant to administrative guidelines adopted by the city engineer and approved by the water board, all permanent stormwater pollution prevention measures shall include the following low impact development (LID) measures or other alternative measures to be approved by the city engineer:
 - f. Treatment of one hundred (100) percent of the amount of runoff identified in subsection d. below for the regulated project's drainage area with LID treatment measures onsite or with LID treatment measures at a joint stormwater treatment facility.
 - i. LID treatment measures are harvesting and re-use, infiltration, evapotranspiration, and ~~or~~ biotreatment.
 - ii. ~~A properly engineered and maintained biotreatment system may be considered only if it is infeasible to implement harvesting and re-use, infiltration, or evapotranspiration at a project site.~~
 - iii. ~~Infeasibility to implement harvesting and re-use, infiltration, or evapotranspiration at a project site shall be determined in accordance with criteria approved by the water board and the city engineer.~~

~~ii. iv.~~ Biotreatment systems shall be designed to have a surface area no smaller than what is required to accommodate a five (5) inches/hour stormwater runoff surface loading rate. The planting and soil media for biotreatment systems shall be designed to sustain plant growth and maximize stormwater runoff retention and pollutant removal, and shall conform to material specifications approved by the water board and the city engineer.

~~iii. v.~~ Green roofs may be considered biotreatment systems for treatment of roof runoff only if they conform to specifications approved by the water board and the city engineer.

SECTION 3. AMENDMENT OF CODE. Subsections A.2 and B of Section 10.16.031, Hydromodification management measures required of Chapter 10.16 Stormwater Pollution Prevention Measures, Title 10 Public Services of the Los Altos Municipal Code are hereby partially amended as follows:

- A.
 - 2. Projects located in areas designated as exempt from hydromodification management requirements on the hydromodification management plan applicability map contained in Attachment ~~FC~~ of Order No. ~~R2-2015-0049~~ ~~R2-2009-0074~~ under NPDES Permit No. CAS612008 issued by the water board, as it may be amended from time to time.
- B. Hydromodification management measures shall be designed and implemented in accordance with guidelines and technical specifications provided by the city or other city-approved authority, the requirements of Order No. ~~R2-2015-0049~~ ~~R2-2009-0074~~ under NPDES Permit No. CAS612008 issued by the Water Board, as it may be amended from time to time, and the provisions of the hydromodification management plan for the Santa Clara Valley Urban Runoff Pollution Prevention Program as approved by the water board.

SECTION 4. AMENDMENT OF CODE. Section 10.16.036, Required site design measures for small projects and detached single-family home projects, is hereby partially amended as follows:

- A. ~~Effective December 1, 2012, a~~Any private or public project under the planning and building authority of the city which creates and/or replaces between two thousand five hundred (2,500) square feet and ten thousand (10,000) square feet of impervious surface, and detached single-family home projects which are not part of a larger plan of development which create and/or replace two thousand five hundred (2,500) square feet or more of impervious surface, shall install one or more of the following site design measures:

SECTION 5. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 6. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 7. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____ and was thereafter, at a regular meeting held on _____ passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK