



City of Carson

Report to Mayor and City Council

December 3, 2013
New Business Discussion

SUBJECT: CONSIDERATION OF RESOLUTION NO. 13-115 AUTHORIZING THE COMMITMENT TO THE IMPLEMENTATION OF LOW IMPACT DEVELOPMENT AND THE GREEN STREETS POLICY

Submitted by Massoud Ghiam, P.E.
Acting Director of Public Works/City Engineer

Approved by Jacquelyn Acosta
Acting City Manager

I. SUMMARY

The Los Angeles Regional Water Quality Control Board (Regional Board) requires municipalities in Los Angeles County to adopt a Low Impact Development (LID) ordinance and a "Green Streets" Policy.

Resolution No. 13-115 is intended to demonstrate to the Regional Board that the City already possesses the legal authority to compel compliance with LID requirements and proposes to establish a Green Streets Policy (Exhibit No. 1).

II. RECOMMENDATION

WAIVE further reading and ADOPT Resolution No. 13-115, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AFFIRMING ITS COMMITMENT TO THE IMPLEMENTATION OF LOW IMPACT DEVELOPMENT CONTROLS AFFECTING NEW DEVELOPMENTS AND A GREEN STREETS POLICY IN ACCORDANCE WITH THE LOS ANGELES COUNTY MUNICIPAL STORM WATER PERMIT."

III. ALTERNATIVES

1. DO NOT ADOPT Resolution No. 13-115.
2. TAKE another action the City Council deems appropriate.

IV. BACKGROUND

On November 8, 2012, the Regional Board adopted Order No. R4-2012-0175, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS 004001, and the stormwater discharge from Municipal Separate Storm Sewer System Permit for Los Angeles County (MS4 Permit). The MS4 Permit, among other things, requires municipalities in Los Angeles County to adopt a LID ordinance and a Green Streets Policy.

Low Impact Development Ordinance

LID requirements involve infiltration controls to reduce pollution from completed development projects including, but not limited to, restaurants, automotive repair facilities, industrial and commercial facilities, and parking areas of 5,000 square feet or more. According to Regional Board staff, the City must demonstrate that it has a LID ordinance by December 15, 2013.

The MS4 Permit also requires that a LID guideline be developed by the City to facilitate the specific types of LID controls for certain new developments by June 28, 2014.

The City already possesses adequate legal authority, though the Municipal Code, to compel compliance with LID requirements for project categories specified in the MS4 Permit.

Green Streets Policy

The MS4 Permit also requires a Green Streets Policy; a LID-related component that requires infiltration of street water runoff that would otherwise enter into the river; and eventually, into the ocean. Any public or private street in excess of 10,000 square feet must infiltrate water runoff from newly created surfaces. There are several LID techniques that can be employed to accomplish this requirement, such as “Bottom-less” catch basins and gutter strips made of porous concrete.

Resolution No. 13-115 demonstrates that the City has legal authority, and has been implementing the requirements of the MS4 Permit, and proposes to establish a Green Streets Policy that will be implemented as LID controls through the City’s current stormwater management program.

V. FISCAL IMPACT

There is no immediate fiscal impact to the City. Nevertheless, establishing the legal authority for compelling compliance with new low impact development standards for certain development/redevelopment projects and establishing a Green Streets Policy are requirements mandated under the current Los Angeles County MS4 Permit. Failing to comply with such requirements would expose the City to enforcement action from the Regional Board that could impose fines on the City of \$10,000.00 per day, or more, for each day of non-compliance. It could also subject the City to third-party litigation from non-governmental agencies.

VI. EXHIBITS

1. Resolution No. 13-115. (pgs. 4-11)

Prepared by: Julio Gonzalez, Senior Engineering Technician

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TO: Rev10-14-2013

Reviewed by:

| | |
|-------------------------|--------------------|
| City Clerk | City Treasurer |
| Administrative Services | Public Works |
| Community Development | Community Services |

Action taken by City Council

Date _____ Action _____

RESOLUTION NO. 13-115

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AFFIRMING ITS COMMITMENT TO THE IMPLEMENTATION OF LOW IMPACT DEVELOPMENT CONTROLS AFFECTING NEW DEVELOPMENTS AND A GREEN STREETS POLICY IN ACCORDANCE WITH THE LOS ANGELES COUNTY MUNICIPAL STORM WATER PERMIT

WHEREAS, on November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region (hereinafter "Regional Board") adopted Order No. R4-2012-0175 (hereinafter "Order"), National Pollutant Discharge Elimination System Permit No. CAS 004001, the Municipal Separate Storm Sewer Systems Permit for Los Angeles County (hereinafter "MS4 Permit");

WHEREAS, among other things, the MS4 Permit requires the City of Carson (hereinafter "City") and other subject MS4 permittees to: (1) adopt an ordinance establishing legal authority to require low impact development (hereinafter "LID") controls applicable to certain development projects as a means of reducing pollutant discharges to receiving waters into which the City discharges (viz., the Los Angeles River); and (2) establish a "Green Streets" Policy to reduce stormwater runoff discharges from municipal streets to receiving waters;

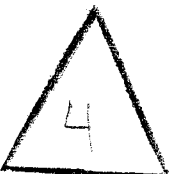
WHEREAS, the City has been requiring LID controls since 2006, which emphasize infiltration to treat runoff from completed development projects, under the Development Planning / Standard Urban Stormwater Management Program (hereinafter "SUSMP") -- a requirement under the previous MS4 Permit that is still in effect;

WHEREAS, Chapter 8, Storm Water and Urban Runoff Pollution Control, Section 5809 of the Carson Municipal Code, provides the City with legal authority to compel compliance with LID controls as is illustrated in Attachment 1;

WHEREAS, the City has met, since the adoption of the current Los Angeles County MS4 Permit, LID requirements by conditioning subject projects to post-construction runoff pollution controls including but not limited to bio-swales (landscape elements designed to remove silt and pollution from surface runoff water); bio-retention controls; porous pavers and pervious concrete (but with an emphasis on vegetative controls using native plants to absorb stormwater runoff wherever possible); and diverting roof top runoff to planters or other vegetative controls and/or rain barrels for irrigation reuse, to the extent practicable;

WHEREAS, the City supports LID not only because of its positive impact on stormwater quality and the receiving waters into which it discharges, but also because it facilitates watershed conservation and aesthetically enhances the community;

EXHIBIT NO. 01



WHEREAS, the City intends to continue to use LID guidance documents developed by the County of Los Angeles, the City of Los Angeles, the California Association of Stormwater Quality Agencies, and the United States Environmental Protection Agency (USEPA) to facilitate the preparation of an updated list of acceptable LID control techniques and strategies that are to be prescribed by the City and applied to subject projects at its discretion, taking into consideration such factors including but not limited to soil conditions, previous project use, control performance, aesthetics, and cost;

WHEREAS, the City intends to prepare updated LID fact sheets to inform developers and contractors of LID requirements which shall be prescribed by the City engineering staff prior to the preparation of grading plans;

WHEREAS, LID requirements shall be prescribed in addition to other requirements associated with the development planning / SUSMP program based on project category and may be required for other projects at the City's discretion;

WHEREAS, impacted City planning and engineering staff will be trained to identify appropriate LID controls for certain project categories;

WHEREAS, by this resolution, the City intends to implement a Green Streets program in accordance with the USEPA and other applicable guidelines through: (1) its current development planning / SUSMP program and subsequent land use development program (which is intended to replace the former when the City obtains approval from the Regional Board for its watershed management program), that will require infiltration controls for private developments calling for the construction of new streets 10,000 square feet or more; and (2) its public agency program for public street projects that exceed this threshold;

WHEREAS, Green Streets LID techniques shall be incorporated into the City's development planning program and triggered by residential, commercial, or industrial developments that include streets 10,000 square feet or more;

WHEREAS, Green Streets LID techniques shall also apply to the construction of any new public street or roadway, as a capital improvement project, triggered by the 10,000 square foot threshold and a capital cost exceeding \$500,000.00;

WHEREAS, the City's selection of LID techniques shall generally include but not be limited to bio-swales, bio-retention curb extensions and sidewalk planters, and permeable unit pavers -- the selection of which shall depend on project location, soil conditions, average daily traffic, and cost;

WHEREAS, impacted City staff shall be trained in Green Streets LID techniques by June 28, 2014 and shall have available, by this time, guidance materials based on the USEPA's "Managing Wet Weather with Green Structure, Municipal Handbook, Green Streets"; and



WHEREAS, "green" controls for streets and roadways shall be designed to infiltrate, or treat if infiltration is infeasible, the volume of runoff resulting from 85th percentile 24-hour storm event, to the maximum extent practicable.

NOW, THEREFORE, be it determined by the City Council of the City of Carson, California, that:

Section 1. LID requirements specified in the Order shall be authorized under the City's current municipal code and shall be implemented through the City's development planning program and subsequently through the Planning and Land Development Program.

Section 2. The Green Streets Policy required by the Order shall be implemented through the City's development planning / SUSMP program effective upon the adoption of this resolution and shall be included as part of its Watershed Management Program submittal.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

Mayor Jim Dear

ATTEST:

City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney



Attachment #1: City of Carson Municipal Code
Chapter 8 - Storm Water and Urban Runoff Pollution Control

Section 5809, Standard Urban Storm Water Mitigation Plan (SUSMP) Requirements for New Development and Redevelopment Projects.

(a) Projects Requiring an SUSMP. The following projects for new development and redevelopment, if subject to discretionary project approval in the Zoning Ordinance of the City, shall require a Storm Water Mitigation Plan which complies with the most recent SUSMP and the current Municipal NPDES Permit:

- (1) Ten (10) or more unit homes (includes developments of single-family homes, condominiums and apartments);
- (2) One hundred thousand (100,000) or more square feet of impervious surface area industrial/commercial development;
- (3) Automotive service facilities;
- (4) Retail gasoline outlets;
- (5) Restaurants;
- (6) Parking lots five thousand (5,000) square feet or more of surface area or with twenty-five (25) or more parking spaces;
- (7) Redevelopment projects in subject categories that meet redevelopment thresholds;
- (8) Any new development or redevelopment project located in or directly adjacent to or discharging directly into an ESA, where the development will:
 - (i) Discharge storm water and urban runoff that is likely to impact a sensitive biological species or habitat; and
 - (ii) Create two thousand five hundred (2,500) square feet or more of impervious surface area.

(b) Incorporation of SUSMP into Project Plans.

(1) An applicant for a new development or a redevelopment project identified in subsection (a) of this Section shall incorporate into the applicant's project plans a Storm Water Mitigation Plan ("SWMP"), which includes those Best Management Practices necessary to control storm water pollution from construction activities and facility operations, as set forth in the SUSMP applicable to the applicant's project. Structural or treatment control BMPs (including, as applicable, post-construction treatment control BMPs) set forth in project plans shall meet the design standards set forth in the SUSMP and the current Municipal NPDES Permit.

(2) If a project applicant has included or is required to include structural or treatment control BMPs in project plans, the applicant shall provide verification of



Attachment #1: City of Carson Municipal Code
Chapter 8 - Storm Water and Urban Runoff Pollution Control

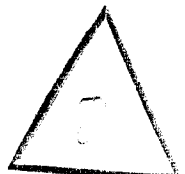
maintenance provisions. The verification shall include the applicant's signed statement, as part of its project application, accepting responsibility for all structural and treatment control BMP maintenance until such time, if any, the property is transferred.

(3) A new single-family hillside home development shall include mitigation measures to:

- (i) Conserve natural areas;
- (ii) Protect slopes and channels;
- (iii) Provide storm drain system stenciling and signage;
- (iv) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
- (v) Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

(4) The following categories of planning priority projects (as defined herein) shall be designed to implement post-construction treatment controls that meet the standards set forth in the SUSMP and the current Municipal NPDES Permit, to mitigate storm water pollution:

- (i) New single-family hillside residential development of one (1) acre or more of surface area;
- (ii) Housing developments (including single-family homes, multifamily homes, condominiums, and apartments) of ten (10) units or more;
- (iii) One hundred thousand (100,000) square feet or more of impervious surface area industrial/commercial development;
- (iv) Automotive service facilities of five thousand (5,000) square feet or more of impervious surface area;
- (v) Retail gasoline outlets of five thousand (5,000) square feet or more of impervious surface area and with projected average daily traffic (ADT) of one hundred (100) or more vehicles. [Subsurface treatment control BMPs which may endanger public safety (i.e., create an explosive environment) are considered not appropriate];
- (vi) Restaurants of five thousand (5,000) square feet or more of surface area;
- (vii) Parking lots of five thousand (5,000) square feet or more of impervious surface area or with twenty-five (25) or more parking spaces;



Attachment #1: City of Carson Municipal Code
Chapter 8 - Storm Water and Urban Runoff Pollution Control

(viii) Projects located in, adjacent to or discharging directly to an ESA that meet threshold conditions identified in subsection (a)(8) of this Section;
and

(ix) Redevelopment projects in subject categories that meet redevelopment thresholds.

(5) The following categories of Projects which otherwise do not require a SUSMP, but which may potentially have adverse impacts on post-development storm water quality, shall be designed to include post-construction treatment controls to mitigate storm water pollution and the implementation of a site-specific plan to mitigate post-development storm water for new development and redevelopment where one or more of the following project characteristics exist:

(i) Vehicle or equipment fueling areas;

(ii) Vehicle or equipment maintenance areas, including washing and repair;

(iii) Commercial or industrial waste handling or storage;

(iv) Outdoor handling or storage of hazardous materials;

(v) Outdoor manufacturing areas;

(vi) Outdoor food handling or processing;

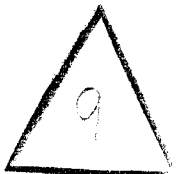
(vii) Outdoor animal care, confinement, or slaughter; or

(viii) Outdoor horticulture activities.

(6) A SUSMP, or site-specific requirements, including post-construction storm water mitigation, shall be required for all planning priority projects (as defined herein) that undergo significant redevelopment in their respective categories.

(7) Existing single-family structures are exempt from the redevelopment requirements set forth in this Chapter.

(c) Issuance of Discretionary Permits. No discretionary permit may be issued for any new development or redevelopment project identified in subsection (a) of this Section until the authorized enforcement officer confirms that either (1) the project plans comply with the applicable SUSMP requirements, or (2) compliance with the applicable SUSMP requirements is impractical for one (1) or more of the reasons set forth in subsection (e) of this Section regarding issuance of waivers. Where redevelopment results in an alteration to more than fifty (50) percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-development storm water quality control requirements, the entire project must be mitigated. Where redevelopment results in an alteration to less than fifty (50) percent of impervious surfaces of a previously existing development, and the existing development was not



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subject to post-development storm water quality control requirements, only the alteration must be mitigated, and not the entire development.

(d) Issuance of Certificates of Occupancy. As a condition for issuing a Certificate of Occupancy for new development or redevelopment project identified in subsection (a) of this Section, the authorized enforcement officer shall require facility operators and/or owners to build all the storm water pollution control Best Management Practices and structural or treatment control BMPs that are shown on the approved project plans and to submit a signed certification statement stating that the site and all structural or treatment control BMPs will be maintained in compliance with the SUSMP and other applicable regulatory requirements.

(e) Granting of Waiver. The authorized enforcement officer shall have the authority to grant a waiver to a development or redevelopment project from the requirements of the SUSMP, if impracticality for a specific property can be established by the project applicant. A waiver of impracticality may be granted only when all structural or treatment control BMPs have been considered and rejected as infeasible. Recognized situations of impracticality are limited to the following, unless approved by the Regional Board:

- (1) Extreme limitations of space for treatment on a redevelopment project;
- (2) Unfavorable or unstable soil conditions at a site to attempt infiltration; and
- (3) Risk of ground water contamination because a known unconfined aquifer lies beneath the land surface or an existing or potential underground source of drinking water is less than ten (10) feet from the soil surface.

(f) Transfer of Properties Subject to Requirement for Maintenance of Structural and Treatment Control BMPs.

(1) The transfer or lease of a property subject to a requirement for maintenance of structural and treatment control BMPs shall include conditions requiring the transferee and its successors and assigns to either (i) assume responsibility for maintenance of any existing structural or treatment control BMP, or (ii) to replace existing structural or treatment control BMPs with new control measures or BMPs meeting the then current standards of the City and the SUSMP. Such requirement shall be included in any sale or lease agreement or deed for such property. The condition of transfer shall include a provision that the successor property owner or lessee conduct maintenance inspections of all structural or treatment control BMPs at least once a year and retain proof of inspection.

(2) For residential properties where the structural or treatment control BMPs are located within a common area which will be maintained by a homeowner's association, language regarding the responsibility for maintenance shall be included in the project's conditions, covenants and restrictions (CC&Rs). Printed educational material will be required to accompany the first deed transfer to highlight the existence of the requirement and to provide information on what storm water management facilities are present, signs that maintenance is



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needed, and how the necessary maintenance can be performed. The transfer of this information shall also be required with any subsequent sale of the property.

(3) If structural or treatment control BMPs are located within an area proposed for dedication to a public agency, they will be the responsibility of the developer until the dedication is accepted.

(g) CEQA. Provisions of this Section shall be complementary to, and shall not replace, any applicable requirements for storm water mitigation required under the California Environmental Quality Act.



ORDINANCES

SECOND READING/RECOMMENDATIONS

Description of Vote:

Maker/Second Ayes/Noes/Abstain/Absent

Legend:

JD: Dear

ES: Santarina

DH: Davis-Holmes

MG: Gipson

AR: Robles

| ITEM NO. | ORD. NO. | TITLE | DISPOSITION |
|----------|----------|--|--|
| 20 | 13-1531 | AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA APPROVING ZONE CHANGE CASE NO. 169-13 CHANGING THE ZONING DESIGNATION FROM RS TO ML-D, FOR PROPERTY LOCATED AT 716 E. ALONDRA BOULEVARD | Introduced: 11/19/13 Item No. 13 MG/ES 5/0 |