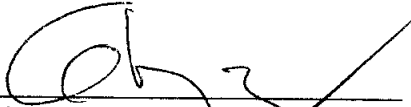


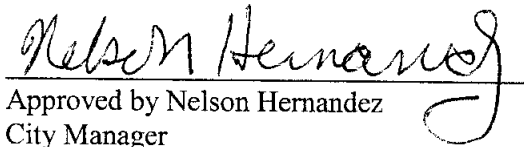


City of Carson Report to Mayor and City Council

May 20, 2014
Special Orders of the Day

**SUBJECT: CONSIDER INTRODUCTION AND FIRST READING OF ORDINANCE NO. 14-1537
AMENDING SECTION 5809 OF THE CARSON MUNICIPAL CODE TO UPDATE
STORMWATER REGULATIONS FOR THE "LOW IMPACT DEVELOPMENT AND
GREEN STREETS POLICY"**


Submitted by Gilbert Marquez, P.E.
Acting Director of Public Works/City Engineer


Approved by Nelson Hernandez
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.

On December 3, 2013, City Council adopted Resolution No.13-115 recommending approval to demonstrate to the Regional Board that the City possesses the legal authority to compel compliance with LID requirements and proposes to establish a Green Streets Policy (Exhibit No. 1).

Ordinance No. 14-1537 (Exhibit No. 2) is being presented to the City Council for introduction and first reading. This ordinance amends section 5809 of the Carson Municipal Code to update stormwater regulations for LID and Green Streets.

II. RECOMMENDATION

TAKE the following actions:

1. OPEN the Public Hearing, TAKE public testimony, and CLOSE the Public Hearing.
2. WAIVE further reading and INTRODUCE for first reading Ordinance No. 14-1537, "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 5809 OF THE CARSON MUNICIPAL CODE TO UPDATE STORMWATER REGULATIONS FOR LOW IMPACT DEVELOPMENT AND THE GREEN STREETS POLICY IN ACCORDANCE WITH THE LOS ANGELES COUNTY MUNICIPAL STORM WATER PERMIT."

III. ALTERNATIVES

1. DO NOT introduce Ordinance No. 14-1537.
2. TAKE another action the City Council deems appropriate consistent with the requirements of the law.

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 the 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.

On December 3, 2013, the City Council adopted Resolution No. 13-115 recommending approval to demonstrate to the Regional Board that the City possesses the legal authority to compel compliance with LID requirements and proposes to establish a Green Streets Policy (Exhibit No. 3).

Current section 5809 of the Carson Municipal Code do not contain all of the technical specifications set forth in the LA County MS4 Permit, and therefore needs to be amended.

The proposed ordinance amendment includes the following standards:

A. Low Impact Development Ordinance

Ordinance No. 14-1537 requirements involve infiltration controls effectively to a reduced impervious area for a project site and promotes the use of infiltration and other controls that reduce runoff. The new rules apply to: restaurants, automotive repair facilities, industrial and commercial facilities, single-family hillside homes, and parking areas of 5,000 square feet or more.

Ordinance No. 14-1537 possesses adequate legal authority, through the Carson Municipal Code, to compel compliance with LID requirements for project categories specified in the MS4 Permit.

B. Green Streets Policy

The MS4 Permit also requires a Green Streets Policy, which is a LID-related component that requires infiltration of street water runoff that would otherwise enter into storm drains, 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 stormwater filtration systems and gutter strips made of porous concrete.

Ordinance No. 14-1537 demonstrates that the City has legal authority, and has been implementing the requirements of the MS4 Permit, and has established a Green Streets Policy that will be implemented as LID controls through the City's current stormwater management program.

V. FISCAL IMPACT

The fiscal impact cannot be determined by staff. The fiscal impact would include the effect on CIP projects and other Public Works projects. However, at this time it is not possible to provide a reasonable estimate of what the effect will be. However, 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 entities.

VI. EXHIBITS

1. Minutes, December 3, 2013, Item No. 19. (pg. 5)
2. Ordinance No. 14-1537. (pgs. 6-15)
2. Resolution No. 13-115. (pgs. 16-22)

Prepared by: Julio Gonzalez, Acting Storm Water Quality Program Manager

\\Carson_nas\devsvrs\ENGINEERING SERVICES DIVISION\Agenda1\2014\05-20-14 CC Adopt LID Ordinance No. 14-1537B.docx

TO: Rev05-07-2014

Reviewed by:

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

Action taken by City Council	
Date_____	Action_____

**ITEM NO. (19) CONSIDERATION OF RESOLUTION NO. 13-115 AUTHORIZING THE
COMMITMENT TO THE IMPLEMENTATION OF LOW IMPACT
DEVELOPMENT AND THE GREEN STREETS POLICY (PUBLIC WORKS)**

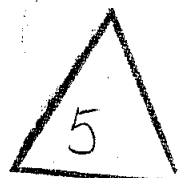
Item No. 19 was heard after Item No. 18 at 11:21 P.M.

RECOMMENDATION for the City Council:

1. 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."

ACTION: WITH FURTHER READING WAIVED, Resolution No. 13-115 was PASSED, APPROVED and ADOPTED, as read by title only, on motion of Robles, seconded by Santarina and unanimously carried by the following vote:

Ayes:	Mayor/Agency Chairman/Authority Chairman Dear, Mayor Pro Tem/Agency Vice Chairman/Authority Vice Chairman Santarina, Council Member/Agency Member/Authority Commissioner Davis-Holmes, Council Member/Agency Member/Authority Commissioner Gipson, and Council Member/Agency Member/Authority Commissioner Robles
Noes:	None
Abstain:	None
Absent:	None



ORDINANCE NO. 14-1537

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA,
AMENDING SECTION 5809 OF THE CARSON MUNICIPAL
CODE TO UPDATE STORMWATER REGULATIONS FOR
LOW IMPACT DEVELOPMENT AND THE GREEN STREETS
POLICY IN ACCORDANCE WITH THE LOS ANGELES
COUNTY MUNICIPAL STORM WATER PERMIT

WHEREAS, the City is authorized by Article XI, Section 5 and Section 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; and

WHEREAS, the federal Clean Water Act establishes regional water quality control boards in order to prohibit the discharge of pollutants in stormwater runoff to waters of the United States; and

WHEREAS, the City is a Permittee under the California Regional Water Quality Control Board (Regional Board), Los Angeles Region Order No. R4-2012-0175, issued on November 8, 2012, which establishes waste discharge requirements for Municipal Separate Storm Sewer Systems (MS4) discharges within the coastal watersheds of Los Angeles county, except those discharges originating from the City of Long Beach MS4; and

WHEREAS, Order No. R4-2012-0175 contains requirements for municipalities to establish a Low Impact Development (LID) ordinance and a "Green Streets" Policy in order to participate in a watershed management program; and

WHEREAS, the Regional Board has adopted total maximum daily loads (TMDLs) for pollutants, which are numerical limits that must be achieved effectively through LID implementation; and

WHEREAS, the City has the authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions, and limitations with respect to any activity that might degrade waters of the state; and

WHEREAS, the City is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental and economic considerations; and

WHEREAS, urbanization has led to increased impervious surface areas resulting in increased water runoff and less percolation to groundwater aquifers causing the transport of pollutants to downstream receiving waters; and

WHEREAS, the City intends to expand the applicability of the existing LID requirements by providing stormwater LID strategies for development and redevelopment projects, as defined herein.

[MORE]

EXHIBIT NO. 02



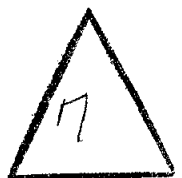
NOW, THEREFORE, the City Council of the City of Carson, California, does hereby ordain as follows:

Section 1. Section 5809 of the Carson Municipal Code is hereby repealed and replaced with a new Section 5809 to read, in its entirety, as follows:

“5809 Stormwater Pollution Control Measures for New Development and Redevelopment Projects.

- (a) Low Impact Development. The Planning and Land Development Program is a compliance component under Municipal NPDES Permit. Subject new development and redevelopment projects are required to comply with the following conditions: (1) low impact development (LID) structural and non-structural best management practices (BMPs); (2) source control BMPs; and (3) structural and non-structural BMPs for specific types of uses. LID controls effectively a reduced area of impervious area for a project site and promotes the use of infiltration and other controls that reduce runoff. Source control BMPs prevent runoff contact with pollutant materials that would otherwise be discharged to the MS4. Specific controls are also required to address pollutant discharges from certain uses including but not limited to housing developments, retail gasoline outlets, automotive-related facilities, restaurants, and industrial and commercial facilities where pollutant materials are disposed, stored, or handled.
- (b) Stormwater Management / Watershed Management Program. The City’s stormwater management program (SWMP) or watershed management program (WMP), whichever is in effect at the time of review, is hereby incorporated by reference and shall contain specific conditions and procedures for meeting Planning and Land Development Program. The program plans shall reference guidance documents to facilitate compliance, including, but not limited to, an updated Los Angeles County BMP guidebook, Los Angeles County Low Impact Development manual, and USEPA’s Green Street guidance manual. These guidebooks and manuals shall be made available for review by the public in the Public Works Department office.
- (c) Applicability. The following development and redevelopment projects, termed “Planning Priority Projects,” shall comply with the requirements of this section and the Municipal NPDES Permit:

[MORE]



- (1) All development projects equal to one (1) acre or greater of disturbed area and adding more than ten thousand (10,000) square feet of impervious surface area;
- (2) Industrial parks ten thousand (10,000) square feet or more of impervious surface area;
- (3) Commercial malls ten thousand (10,000) square feet or more of impervious surface area;
- (4) Retail gasoline outlets five thousand (5,000) square feet or more of impervious surface area;
- (5) Restaurants (Standard Industrial Classification (“SIC”) 5812) five thousand (5,000) square feet or more of impervious surface area;
- (6) Parking lots five thousand (5,000) square feet or more of impervious surface area, or with twenty-five (25) or more parking spaces;
- (7) Street and road construction of ten thousand (10,000) square feet or more of impervious surface area;
- (8) Automotive service facilities (SIC 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) five thousand (5,000) square feet or more of surface area;
- (9) Redevelopment projects in subject categories that meet redevelopment thresholds identified in sub-section (d) below;
- (10) Projects located in or directly adjacent to, or discharging directly to a Significant Ecological Area (SEA), where the development will:
 - (i) Discharge stormwater 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;
- (11) Single-family hillside homes;

[MORE]



(12) Redevelopment projects;

- (i) Land-disturbing activity that results in the creation or addition or replacement of five thousand (5,000) square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
- (ii) 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-construction stormwater quality control requirements, the entire project must be mitigated.
- (iii) Where redevelopment results in an alteration of less than fifty (50) percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
- (iv) Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
- (v) Existing single-family dwelling and accessory structures are exempt from the redevelopment requirements unless such projects create, add, or replace ten thousand (10,000) square feet of impervious surface area.

(13) Any other project as deemed appropriate by the City.

[MORE]



(d) Stormwater Pollution Control Requirements. The site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

(1) 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.

(2) Street and road construction of ten thousand (10,000) square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.

(3) The remainder of Planning Priority Projects shall prepare a LID plan subject to City review and approval to comply with the following:

(i) Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDV) defined as the runoff from:

(A) The eighty-fifth (85th) percentile twenty-four (24) hour runoff event as determined from the Los Angeles county eighty-fifth (85th) percentile precipitation isohyetal map;
or

(B) The volume of runoff produced from a three-quarter (0.75) inch, twenty-four (24) hour rain event, whichever is greater.

[MORE]



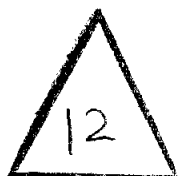
- (ii) Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit. Hydromodification requirements are further specified in the Low Impact Development design manual.
- (iii) When, as determined by the City, one hundred (100) percent onsite retention of the SWQDv is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID plan. The technical infeasibility may result from conditions that may include, but are not limited to:
 - (A) The infiltration rate of saturated in-situ soils is less than three-tenths (0.3) inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv onsite;
 - (B) Locations where seasonal high groundwater is within five (5) to ten (10) feet of surface grade;
 - (C) Locations within one hundred (100) feet of a groundwater well used for drinking water;
 - (D) Brownfield development sites or other locations where pollutant mobilization is a documented concern;
 - (E) Locations with potential geotechnical hazards;
 - (F) Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
- (iv) If partial or complete onsite retention is technically infeasible, the project site may biofiltrate one and one-half (1.5) times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.

[MORE]



- (A) Additional alternative compliance options such as offsite infiltration may be available to the project site. The project site should contact the City to determine eligibility. Alternative compliance options are further specified in the LID impact design manual.
- (v) The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
 - (A) Two-tenths (0.2) inches per hour; or
 - (B) The one year, one hour rainfall intensity as determined from the most recent Los Angeles county isohyetal map, whichever is greater.
- (vi) A "Multi-Phased Project" may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the City to satisfy these standards and requirements for the entire site during the first phase, and (b) implementing these standards and requirements for each phase of development or redevelopment of the site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the development or redevelopment, including any tracts, lots, or parcels of real property, whether developed or not, associated with, functionally connected to, or under common ownership or control with such development or redevelopment.
- (e) Issuance of Discretionary Permits. No discretionary permit may be issued for any new development or redevelopment project identified in subsection (c) of this section until the authorized enforcement officer confirms that either project plans must comply with the applicable LID requirements.

[MORE]



(f) Issuance of Certificates of Occupancy. As a condition for issuing a Certificate of Occupancy for a new development or redevelopment project identified in subsection (c) of this section, the authorized enforcement officer shall require facility operators and/or owners to build all the stormwater 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 LID and other applicable regulatory requirements.

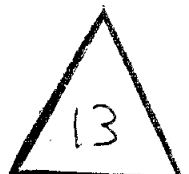
(g) Transfer of Properties Subject to Requirement for Maintenance of Structural and Treatment Control BMPs.

(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. 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 stormwater management facilities are present, signs that maintenance is 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.

[MORE]



- (i) CEQA. Provisions of this section shall be complementary to, and shall not replace, any applicable requirements for stormwater mitigation required under the California Environmental Quality Act.

Section 2. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this ordinance may have a significant effect on the environment. The ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this section, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this section, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 4. The City Clerk shall cause this ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code, and shall certify to the adoption of this ordinance.

[MORE]



Section 5. This Ordinance shall be in full force and effect 30 days after its second reading and adoption.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this _____ day of _____, 2014.

Mayor Jim Dear

ATTEST:

Donesia L. Gause, CMC
City Clerk

APPROVED AS TO FORM:

City Attorney





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;

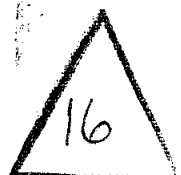
WHEREAS, the City has been requiring LID controls since 2006, which emphasize infiltration to treat runoff from completed development projects, under the Development Planning / Standard Urban Stormwater Management Program (hereinafter "SUSMP") -- a requirement under the previous MS4 Permit that is still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

[MORE]

EXHIBIT NO. 03



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;

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;

[MORE]



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

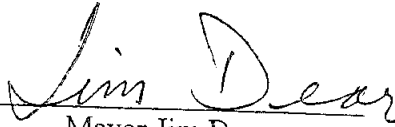
WHEREAS, "green" controls for streets and roadways shall be designed to infiltrate, or treat if infiltration is infeasible, the volume of runoff resulting from 85th percentile 24-hour storm event, to the maximum extent practicable.

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.

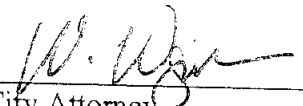
PASSED, APPROVED and ADOPTED this 3rd day of December, 2013.

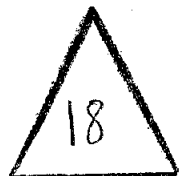

Mayor Jim Dear

ATTEST:


City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:


City Attorney



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;



(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

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



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.

