

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA  
APPROVING THE AMENDED STORMWATER AND URBAN RUNOFF POLLUTION  
CONTROL REGULATIONS AND REPEALING RESOLUTION NO. 8151.**

WHEREAS, the City of Pasadena 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, and

WHEREAS, the City of Pasadena 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, and

WHEREAS, the City of Pasadena is a permittee under the “Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4,” issued by the California Regional Water Quality Control Board Los Angeles Region,” (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (“Municipal NPDES Permit”),

WHEREAS, the Municipal NPDES permit requires permittees to expand the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by imposing Low Impact Development (LID) strategies on new or redevelopment projects that require building permits and/or encroachment permits, and

WHEREAS, the City of Pasadena is committed to an Enhanced Watershed Management Program (EWMP) to protect water quality and water supply by employing watershed-based approaches that balance environmental, social, and economic considerations.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena as follows:

1. The amended Stormwater and Urban Runoff Pollution Control Regulations of the City of Pasadena, as evidenced within the attached Exhibit "A," are hereby established and approved; and
2. Resolution No. 8151 is hereby repealed.

Adopted at the \_\_\_\_\_ meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

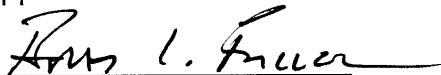
ABSENT:

ABSTAIN:

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MARK JOMSKY, City Clerk

Approved as to form:

  
Brad L. Fuller  
Assistant City Attorney

## EXHIBIT "A"

### **FOR AMENDED STORMWATER AND URBAN RUNOFF POLLUTION CONTROL REGULATIONS AND LEGAL AUTHORITY FOR NEW OR REDEVELOPMENT PROJECTS**

#### **SECTION I – PURPOSE**

The purpose of this Resolution No. \_\_\_\_\_ (hereinafter referred to as Resolution) is to ensure the future health, safety and general welfare of the citizens of the City of Pasadena and the water quality of natural drainage systems, receiving waters, and other water bodies by:

- (A) Reducing pollutant loadings in stormwater and urban runoff to the maximum extent practicable
- (B) Prohibiting and eliminating illicit connections and illicit discharges to the municipal storm drain system
- (C) Reducing non-stormwater discharges to the municipal storm drain system to the maximum extent practicable
- (D) Minimizing pollutant loadings from impervious surfaces by requiring certain new development, redevelopment, and other projects as further defined herein, to incorporate properly designed, technically appropriate Best Management Practices (BMPs) and other Low Impact Development (LID) strategies. It is the intent of the City of Pasadena to expand the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by imposing LID strategies.

The intent of this Resolution is to protect and enhance the quality of watercourses, waterbodies, and wetlands within the City in a manner consistent with the Clean Water Act and Municipal National Pollutant Discharge Elimination System (NPDES) Permit.

This Resolution is also intended to provide the City with the legal authority necessary to control discharges to and from those portions of the municipal stormwater system over which it has jurisdiction as required by the Municipal NPDES Permit, and to hold dischargers to the municipal storm water system accountable for their contributions of pollutants and flows.

#### **SECTION II - DEFINITIONS**

Except as specifically provided herein, any term used in this Resolution shall be defined as that term in the current Municipal NPDES Permit, or if it is not specifically defined in either the Municipal NPDES Permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition

of any term contained in this Resolution conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES Permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

“Automotive Service Facility” means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes 5013, 5014, 5511, 5541, 7532-7534, or 7536-7539. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater.

“Basin Plan” means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments.

“Best Management Practice (BMP)” means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water.

“Biofiltration” means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term “biofiltration” as used in this Resolution is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain, subject to approval by the Regional Board’s Executive Officer. Biofiltration BMPs include bioretention systems with an underdrain and bioswales.

“City” means the City of Pasadena.

“City Manager” means the City Manager of the City or the City Manager’s designee.

“Commercial Development” means any development on private land that is not heavy industrial or residential. This category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutional, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, strip malls, other retail complexes, shopping malls or shopping centers, hotels, office buildings, public warehouses, and other light industrial complexes.

“Construction Activity” means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect

public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "Routine Maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan.

"Development" means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"Directly Adjacent" means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

"Director" means the Director of Public Works of the City or the Director's designee.

"Discharge" means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

"Discharge of a Pollutant" means: any addition of any pollutant or combination of pollutants to waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term discharge includes additions of pollutants into waters of the United States from surface runoff which is collected or channeled by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

"Disturbed Area" means an area that is altered as a result of clearing, grading, and/or excavation.

"Environmentally Sensitive Areas (ESAs)" means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code § 30107.5). Areas subject to stormwater mitigation requirements are:

areas designated as Significant Ecological Areas by the County of Los Angeles (*Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976)* and amendments); an area designated as a Significant Natural Area by the California Department of Fish and Game's Significant Natural Areas Program, provided that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the "Rare, Threatened, or Endangered Species (RARE)" beneficial use; and an area identified by the City as environmentally sensitive.

"Flow-through BMPs" means modular, vault type high flow biotreatment devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain.

"General Construction Activities Storm Water Permit (GCASP)" means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

"General Industrial Activities Storm Water Permit (GIASP)" means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

"Green Roof" means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain.

"Hazardous Material" means any material defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

"Hillside" means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is twenty-five (25) percent or greater and where grading contemplates cut or fill slopes.

"Hydromodification" means the alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources. Hydromodification can cause excessive erosion and/or sedimentation rates, causing excessive turbidity, channel aggradation and/or degradation.

"Illicit connection" means any man-made conveyance that is connected to the storm drain system without a permit, excluding roof-drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or

outlets that are connected directly to the storm drain system.

"Illicit discharge" means any discharge into the MS4 or from the MS4 into a receiving water that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes any non-storm water discharge, except authorized non-storm water discharges; conditionally exempt non-storm water discharges; and non-storm water discharges resulting from natural flows specifically identified in the Municipal NPDES Permit.

"Impervious Surface" means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

"Industrial/Commercial Facility" means any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facilities includes, but is not limited to, any facility defined by either the Standard Industrial Classifications (SIC) or the North American Industry Classification System (NAICS). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

"Industrial Park" means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry.

"Infiltration BMP" means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement.

"Inspection" means entry and the conduct of an on-site review of a facility and its operations, at reasonable times, to determine compliance with specific municipal or other legal requirements. The steps involved in performing an inspection, include, but are not limited to:

1. Pre-inspection documentation research
2. Request for entry
3. Interview of facility personnel
4. Facility walk-through
5. Visual observation of the condition of facility premises
6. Examination and copying of records as required

7. Sample collection (if necessary or required)
8. Exit conference (to discuss preliminary evaluation)
9. Report preparation, and if appropriate, recommendations for coming into compliance

“Local SWPPP” means the Storm Water Pollution Prevention Plan required by the local agency for a project that disturbs one or more acres of land.

“Low Impact Development (LID)” means building and landscape features designed to retain or filter stormwater runoff.

“Maximum Extent Practicable (MEP)” means the standard for implementation of stormwater management programs to reduce pollutants in stormwater, considering the effectiveness of pollutant removal, regulatory compliance, public acceptance, cost, and technical feasibility under the Municipal NPDES Permit.

“Municipal Separate Storm Sewer System (MS4)” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, City, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2. (40 CFR § 122.26(b)(8))

“National Pollutant Discharge Elimination System (NPDES)” means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405.

“New Development” means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

“Non-Stormwater Discharge” means any discharge to a municipal storm drain system that is not composed entirely of stormwater.



"NPDES Permit" means a permit issued by the California Regional Water Quality Control Board - Los Angeles Region, or the State Water Resources Control Board.

"Parking Lot" means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity.

"Planning Priority Projects" means development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s).

"Pollutant" means any "pollutant" defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge)
- (2) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and non-metals such as phosphorus and arsenic)
- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease)
- (4) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State
- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities)
- (6) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

"Receiving Water" means "water of the United States" into which waste and/or pollutants are or may be discharged.

"Redevelopment" means land-disturbing activity which results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already

developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

“Regional Board” means the California Regional Water Quality Control Board, Los Angeles Region.

“Restaurant” means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812).

“Retail Gasoline Outlet” means any facility engaged in selling gasoline and lubricating oils.

“Routine Maintenance” projects include, but are not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities
3. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts
4. Update existing lines and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity. Update existing lines includes replacing existing lines with new materials or pipes
5. Repair leaks.

Routine maintenance does not include construction of new lines or facilities resulting from compliance with applicable codes, standards and regulations. New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

“Significant Ecological Areas (SEAs)” means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis

3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community
6. Areas important as game species habitat or as fisheries
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County
8. Special areas

“Runoff” means any runoff including storm water and dry weather flows from a drainage area that reaches a receiving water body or subsurface. During dry weather it is typically comprised of base flow either contaminated with pollutants or uncontaminated, and nuisance flows.

“Source Control BMP” means any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent storm water pollution by reducing the potential for contamination at the source of pollution.

“Standard Urban Stormwater Mitigation Plan (SUSMP)” was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices that must be used in specified categories of development projects.

“Storm Drain System” means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the City of Pasadena.

“Storm Water or Stormwater” means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces.

“Stormwater Runoff” means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

“Urban Runoff” means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

### **SECTION III – REQUIREMENTS FOR ALL CONSTRUCTION ACTIVITIES**

- A. Each industrial discharger, discharger associated with construction activity, or other discharger described in any general stormwater permit addressing such discharges, as may be granted by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board shall comply with all requirements of such permit. Each discharger identified in an NPDES Permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such permit may be required in a form acceptable to the Director of the Department of Public Works, or duly authorized representative, prior to the issuance of any grading, building or occupancy permits, or any other type of permit or license issued by the City.
- B. Stormwater runoff containing sediment, construction materials or other pollutant from the construction site and any adjacent staging, storage or parking areas shall be reduced to the maximum extent practicable. The following shall apply to all construction projects within the City and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy:
1. Sediment, construction wastes, trash and other pollutants from construction activities shall be reduced to the maximum extent practicable
  2. Structural controls such as sediment barriers, plastic sheeting, detention ponds, filters, berms, and similar controls shall be utilized to the maximum extent practicable in order to minimize the escape of sediment and other pollutants from the site
  3. All excavated soil shall be located on the site in a manner that minimizes the amount of sediment running onto the street, drainage facilities or adjacent properties. Soil piles shall be bermed or covered with plastic or similar materials until the soil is either used or removed from the site
  4. No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction vehicles or equipment on the construction site is permitted to run off the construction site and enter the municipal stormwater system
  5. Trash receptacles must be situated at convenient locations on construction sites and must be maintained in such a manner that trash and litter does not accumulate on the site nor migrate off site

6. Erosion from slopes and channels must be controlled through the effective combination of Best Management Practices.
- C. The owner or authorized representative of the owner must certify in a form acceptable to the Director or duly authorized representative that Best Management Practices to control runoff from construction activity at all construction sites will be implemented prior to the issuance of any Building or Grading permit.
- D. An Erosion and Sediment Control Plan for construction activities one acre or greater shall be required by the City Manager or duly authorized representative thereof consistent with the Municipal NPDES Permit. Such plans must be submitted to the City for review and approval prior to the issuance of building or grading permits.

**SECTION IV – STORMWATER POLLUTION CONTROL MEASURES FOR PLANNING, NEW DEVELOPMENT, REDEVELOPMENT, AND CONSTRUCTION ACTIVITIES**

- A. Objective. This Section contains requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current “Municipal NPDES Permit,” lessen the water quality impacts of development by using smart growth practices, and expanding the existing SUSMP requirements by imposing LID strategies to mimic predevelopment hydrology through infiltration, evapotranspiration, and rainfall harvest and use.
- B. Scope. This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City to further define and adopt stormwater pollution control measures, to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, and to consider alternate compliance as allowed by the Municipal NPDES Permit and collect fees from projects granted exceptions. Except as otherwise provided herein, the City shall administer, implement and enforce the provisions of this Section. Guidance documents supporting implementation of requirements in this Resolution are hereby incorporated by reference.
- C. Applicability. The following Development and Redevelopment projects, termed “Planning Priority Projects,” shall comply with these requirements:
  - (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area

- (2) Industrial parks 10,000 square feet or more of surface area
- (3) Commercial malls 10,000 square feet or more of surface area
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area
- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area
- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area
- (9) Projects located in or directly adjacent to, or discharging directly to an Significant Ecological Area (SEA), where the development will:
  - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
  - b. Create 2,500 square feet or more of impervious surface area.
- (10) Single-family hillside homes
- (11) Redevelopment Projects:
  - a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories
  - b. Where Redevelopment results in an alteration to more than fifty percent (50%) 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
  - c. Where Redevelopment results in an alteration of less than fifty percent (50%) 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

- d. 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
- e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

(12) Any other project as deemed appropriate by the City Manager, or duly authorized representative

D. Effective Date. The requirements contained in this Resolution shall become effective 30 days from the adoption of this Resolution. This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days after adoption of the Resolution. Projects that have been deemed complete within 90 days after adoption of this Resolution are not subject to these requirements.

E. 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:

- a. Conserve natural areas
- b. Protect slopes and channels
- c. Provide storm drain system stenciling and signage
- d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability

- e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.
- (2) Street and road construction of 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 to comply with the following:
- a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDv) defined as the runoff from:
    - i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
    - ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
  - b. Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit.
  - c. When, as determined by the City, 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:
    - i. The infiltration rate of saturated in-situ soils is less than 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
    - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade
    - iii. Locations within 100 feet of a groundwater well used for drinking water
    - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern
    - v. Locations with potential geotechnical hazards



- vi. 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.
  - d. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 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.
    - i. Additional alternative compliance options, such as offsite infiltration, may be available to the project site, and can be discussed further with the City to determine eligibility.
  - e. 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:
    - i. 0.2 inches per hour, or
    - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.
  - f. 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.
- F. The Director of Public Works or their designee shall prepare and maintain as deemed necessary, a Low Impact Development (LID) Standards Manual to provide technical and other standards for implementation of this Resolution. The Director may also utilize the latest edition of the *County of Los Angeles Department of Public Works Low Impact Development Standards Manual*.

- G. City of Pasadena. All City departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Resolution on their Development and Redevelopment projects and report their activities annually to the Department of Public Works.
- H. Severability. This Resolution is adopted under the authority of the Charter of the City of Pasadena and California State Law. If any section, subsection, clause or phrase is declared invalid or otherwise void by a court of competent jurisdiction, it shall not affect any remaining provision herein. In this regard the Pasadena City Council declares that it would have adopted this measure notwithstanding any partial invalidity herein.
- I. Incorporation of LID and Standard Urban Stormwater Mitigation Plans. An applicant for a new development or a redevelopment project identified in SECTION IV shall incorporate into the applicant's project plans a stormwater mitigation plan which includes those BMPs necessary to control stormwater pollution from post-construction activities and facility operations, as set forth in the LID or standard urban stormwater mitigation plan applicable to the applicant's project. Structural or treatment control BMPs set forth in project plans shall meet the design standards set forth in the LID, the standard urban stormwater mitigation plan, and applicable numerical design criteria. 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 maintenance provisions pursuant to the Maintenance Agreement and Transfer provisions of the Municipal NPDES Permit. 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.
- J. Issuance of Permits. No permit may be issued for any new development or redevelopment project identified in SECTION IV until the City Manager or duly authorized representative confirms that the project plans comply with the applicable stormwater mitigation plans and numerical design criteria requirements.
- K. Issuance of Certificates of Occupancy. As a condition for issuing a Certificate of Occupancy for a project subject to this Resolution, the City Manager or duly authorized representative shall require facility operators and/or owners to build all the stormwater pollution control BMPs 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.

L. 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: (a) assume responsibility for maintenance of any existing structural or treatment control BMP, or (b) to replace an existing structural or treatment control BMP with new control measures or BMPs meeting the then current standards of the City and the LID. 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 conducts 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&R's). Printed educational materials 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.

M. California Environmental Quality Act (CEQA). Provisions of this Resolution shall be complimentary to, and shall not replace, any applicable requirements for stormwater mitigation required under CEQA.

## **SECTION V – ENFORCEMENT**

A. Violations Deemed a Public Nuisance

1. Any condition caused or permitted to exist in violation of:
  - a. Any of the provisions of this Resolution
  - b. Any failure to comply with any applicable requirement

of either the LID or an approved stormwater mitigation plan with respect to a property

- c. Any false certification or verification, or any failure to comply with a certification or verification provided by a project applicant or the applicant's successor in interest
  - d. Any failure to properly operate and maintain any structural or treatment control BMP on a property in accordance with an approved LID or stormwater mitigation plan, is determined to be a threat to the public health, safety and welfare, is declared and deemed a public nuisance, and may be abated or restored by any authorized enforcement officer, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought by the City Attorney.
- B. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property, as provided by law or ordinance for the recovery of nuisance abatement costs.
- C. If any violation of this Resolution constitutes a seasonal and recurrent nuisance, the City Manager or duly authorized representative thereof shall so declare. The failure of any person to take appropriate annual precautions to prevent stormwater pollution after written notice of a determination under this paragraph shall constitute a public nuisance and a violation of this Resolution.

## **SECTION VI – INSPECTIONS**

- A. The City Manager or duly authorized representative thereof may enter and inspect any private premises during any reasonable time for the purpose of verifying compliance with the terms and conditions of this Resolution. Such inspections may include but are not limited to:
- 1. Inspecting efficiency or adequacy of construction or post construction BMPs
  - 2. Inspection, sampling and testing any area runoff, soils in areas subject to runoff, and or treatment system discharges
  - 3. Inspection of the integrity of all storm drain and sanitary sewer

systems, including the use of smoke and dye tests and video survey of such pipes and conveyance systems

4. Inspection of all records of the owner, contractor, developer or occupant of public or private property relating to BMP inspections conducted by the owner, contractor, developer or occupant and obtaining copies of such records as necessary
5. Identifying points of stormwater discharge from the premises whether surface or subsurface and locating any illicit connection or discharge.

B. Concealment. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Resolution shall constitute a violation of such provision.

C. Administrative Enforcement Powers. In addition to the other enforcement powers and remedies established by this Resolution, any authorized enforcement officer has the authority to utilize the following administrative remedies:

1. Cease and Desist Orders. When an authorized enforcement officer finds that a discharge has taken place or is likely to take place in violation of this Resolution, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (a) comply with the requirement, (b) comply with a time schedule for compliance, and (c) take appropriate remedial or preventive action to prevent the violation from recurring
2. Notice to Clean. Whenever an authorized enforcement officer finds any oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in pollutants entering the municipal storm drain system or a non-stormwater discharge to the storm drain system, he or she may give notice to the owner or occupant of the adjacent property to remove such oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice.

D. Penalties. Violation of this Resolution shall be punishable subject to the

penalties and procedures set forth in the Pasadena Municipal Code. Each day that a violation continues shall constitute a separate offense.

- E. Permit Revocation. To the extent the City makes a provision of this Resolution or any identified BMP a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in the Pasadena Municipal Code.
- F. Remedies. Remedies under this Resolution are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.