

Agenda Report

TO: City Council

DATE: December 4, 2000

FROM: City Manager

SUBJECT: Standard Urban Storm Water Mitigation Plan

RECOMMENDATION:

It is recommended that the City Council adopt a Resolution approving amended storm water and urban runoff control regulations and repealing Resolution No. 7908.

BACKGROUND:

On September 11, 2000, the City Council adopted a resolution and conducted the first reading of an ordinance to establish storm water and runoff control regulations for new construction as required by the Standard Urban Storm Water Mitigation Plan (SUSMP) adopted by the Regional Water Quality Control Board (Regional Board). At the second reading on September 18, the City Council requested that staff respond to a request to make the requirements for construction projects in hillside areas more restrictive by imposing the regulations on housing developments of three or more units rather than ten or more units as required by the Regional Board.

Several cities appealed to the State Water Quality Control Board (State Board) for relief of the SUSMP requirements imposed on cities by the Regional Board. On October 5, 2000, the State Board made its findings regarding the appeal and amended the SUSMP requirements. None of the changes affected the requirements for hillside developments. However, the City can impose more restrictive requirements. Under the State Board's action, the City has until January 15, 2001 to revise the storm water and runoff control regulations and until February 15, 2001 to implement these requirements.

The storm water and runoff control regulations adopted by the City Council in September already includes a category entitled "Single Family Hillside Residences". Therefore, it is not necessary to change the subdivision category by reducing the minimum number of units from ten to three.

Public Works and Transportation staff recently met with Planning and Permitting staff and the City's storm water consultant to evaluate whether the approved regulations adequately address the concerns of the residents in the hillside areas of Linda Vista. There could be certain developments, residential and non-residential, that would not have to conform to the approved regulations such as:

New residential development of less than ten units on slopes of less than 25 per cent

Residential redevelopment of less than 5,000 square feet

Non-residential development or redevelopment of less than 100,000 square feet

As a result, the following changes to the regulations previously approved are being proposed to make construction in hillside areas more restrictive:

1. Replace the "Single Family Hillside Residences" category with a new category entitled "Hillside New Development/Redevelopment"
2. Reduce the redevelopment square footage threshold from 5,000 square feet to 1000 square feet
3. Redefine "Hillside" as simply any natural slope that is fifteen percent or greater to conform with the definition of hillside in the City's Hillside Ordinance
4. Include non-discretionary projects in hillside areas only

The original regulations plus the changes listed above impose severe limitations on development or redevelopment in hillside areas. For example, the following types of projects on any natural slope of fifteen percent or greater would be subject to the City's regulations:

1. Any activity that disturbs the surface of the land
2. Any structural development, residential or non-residential, including construction or installation of a building or structure
3. Creation of impervious surfaces
4. Land subdivision, with or without development or construction

Because changes in the SUSMP requirements established by the Regional Board are anticipated from time to time, the City's storm water and runoff regulations were adopted by a resolution rather than by the ordinance. Therefore, it is recommended that a resolution be adopted amending the City's storm water and runoff regulations for new construction to make the requirements for construction projects in hillside areas more restrictive as discussed above.


FISCAL IMPACT:

As stated in September, the direct fiscal impacts to the City for the implementation of the new regulations and these revisions are unknown at this time. Staff will monitor the costs for this work for the remainder of FY 2001 with recommended changes in the existing plan check and inspection fees. Staff will evaluate the impact of this additional work and, if necessary to provide full cost recovery, present any recommended changes to the City Council as part of the General Fee Schedule revision for FY 2002.


Respectfully submitted,


CYNTHIA J. KURTZ
City Manager

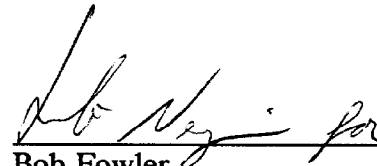
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