

Agenda Report

August 17, 2015

TO: Honorable Mayor and City Council

THROUGH: Municipal Services Committee (August 11, 2015)

FROM: Department of Public Works

SUBJECT: ADOPT RESOLUTIONS APPROVING THE AMENDED STORMWATER AND URBAN RUNOFF POLLUTION CONTROL LEGAL AUTHORITY FOR NEW OR REDEVELOPMENT PROJECTS TO EXPAND THE EXISTING STANDARD URBAN STORMWATER MITIGATION PLAN REQUIREMENTS BY IMPOSING LOW IMPACT DEVELOPMENT STRATEGIES, AND APPROVING A GREEN STREETS POLICY FOR TRANSPORTATION CORRIDORS FOR PUBLICLY-OWNED STREET AND ROAD PROJECTS, AND REPEALING RESOLUTION NO. 8151

RECOMMENDATION:

It is recommended that the City Council:

1. Find the resolution proposed herein to be exempt under the California Environmental Quality Act (CEQA) in accordance with Title 14 Chapter 3, Class 8, Section 15308, actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment;
2. Adopt a resolution approving the amended Stormwater and Urban Runoff Pollution Control Legal Authority for New or Redevelopment Projects to expand the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by imposing Low Impact Development (LID) strategies and Green Streets policies;
3. Adopt a resolution approving a Green Streets policy for transportation corridors on publicly-owned street and road projects; and
4. Repeal Resolution No. 8151, which addressed the stormwater and urban runoff control regulations under the previous Municipal National Pollutant Discharge Elimination System (NPDES) Permit.

BACKGROUND:

Under the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program reduces water pollution by regulating the discharge of pollutants into lakes, rivers, and streams. The implementation of this permit program has resulted in significant improvement in the quality of this country's water resources since 1972.

On December 28, 2012, the Los Angeles National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit (Municipal NPDES Permit) became effective in accordance with the Clean Water Act. The Municipal NPDES Permit covers unincorporated areas of Los Angeles County, the Los Angeles County Flood Control District (LACFCD), and 84 cities within Los Angeles County. Unlike previous permits, permittees are provided with multiple compliance pathways, including the option to develop an Enhanced Watershed Management Program (EWMP). Many permittees have elected to pursue the development of an EWMP since this approach provides opportunities to collaborate with other agencies on projects that address stormwater quality while providing other benefits to the public.

As provided for under the new Municipal NPDES Permit, the City of Pasadena has joined 18 co-permittees as members of the EWMP group for the Upper Los Angeles River Watershed. The other agencies include the Cities of Alhambra, Burbank, Calabasas, Glendale, Hidden Hills, La Canada Flintridge, Los Angeles, Montebello, Monterey Park, Rosemead, San Gabriel, San Marino, South Pasadena, the County of Los Angeles, the Los Angeles County Flood Control District, San Fernando, and South El Monte. The City of Los Angeles is the lead agency for the group. Attachment A contains a map of the Upper Los Angeles River Watershed EWMP Group.

The Upper Los Angeles River Watershed EWMP group is working together in the administration and development of the EWMP and Coordinated Integrated Monitoring Program (CIMP) plans to meet the Municipal NPDES Permit requirements in a cost-effective manner. The revised CIMP and draft EWMP plans were submitted to the Regional Water Quality Control Board before June 26, 2015. The EWMP will identify multi-benefit regional projects that are capable of retaining all non-stormwater runoff and stormwater runoff from a specified "design storm" while achieving other benefits such as flood control, water supply, conservation, and recreational improvements. The CIMP will allow the Upper Los Angeles River Watershed EWMP group to address the monitoring and reporting requirements of the new MS4 Permit with a comprehensive approach for the watershed.

The Municipal NPDES Permit requires permittees participating in an EWMP group to amend existing SUSMP requirements that have been in effect since 2000. The proposed Low Impact Development (LID) Resolution requires applicable development and redevelopment projects to capture and manage the first 3/4 inches of rainwater from the first onsite storm event by implementing onsite filtration, capture and use, and bio-filtration/bio-treatment Best Management Practices (BMPs) to the maximum extent feasible.

LID consists of building and landscape features designed to retain or filter stormwater runoff. These treatment systems work to reduce pollutant levels from their associated drainage area to lessen the rate and improve the quality of the runoff. The proposed new and redevelopment projects subject to LID will be required to minimize the impervious area and capture and treat stormwater on site through infiltration or rainfall harvest strategies such as rain barrels, infiltration areas/planters, and permeable pavement. The thresholds that trigger LID requirements are shown pages 11-13 in Exhibit A of the attached resolution (Amended Storm Water and Urban Runoff Control Regulations and Repealing Resolution No. 8151) and include project types that are generally similar to those under the existing SUSMP requirements, with minor changes to the sizes of projects.

For example, the previous development categories that included housing developments of ten units or more and commercial/industrial developments of one acre or more of project area, have been replaced by developments that add 10,000 square feet or more of impervious surface area. These reduced applicability requirements will have the effect of capturing more projects that are subject to the new requirements, resulting in an increase in the number of projects requiring plan review for LID strategies. Attachment B contains a detailed comparison of current and previous Municipal NPDES Permit requirements for development projects.

If the LID requirements had been in effect in calendar year 2014, they would have impacted approximately 15 percent of Pasadena's development projects.

Green Streets

Urban transportation rights-of-way integrated with green techniques are often called "Green Streets." Coordinating green infrastructure installation with broader transportation improvements can reduce the cost of stormwater management by including it within larger infrastructure improvements. Green Streets can incorporate a wide variety of design elements including street trees, permeable pavements, bioretention, and swales, all aimed at providing source control of stormwater, limiting the transport and pollutant conveyance to the Municipal NPDES System, restoring pre-development hydrology to the maximum extent practicable, and providing environmentally enhanced transportation corridors.

The proposed Green Streets resolution will require green infrastructure for street and road projects wherever feasible within the constraints that typically exist within streets

and roadways, such as traffic, utilities, safety, and geotechnical/geologic stability. Projects consisting of the construction of new streets or the reconstruction of existing streets, which are located within the public right-of-way and which include 10,000 or more square feet of impervious surface, will be required to incorporate Green Streets strategies to the maximum extent practicable. However, projects which involve the routine maintenance of existing facilities (such as street resurfacing and slurry seal) and which maintain the original street alignment and elevations, or drainage capacity, are excluded from these requirements.

The subject resolutions, based on the current Municipal NPDES Permit, have been prepared by the Department of Public Works and City Attorney's Office, and are ready for City Council approval. In addition, it is recommended that Resolution No. 8151 be repealed, as it was adopted on September 16, 2002 to address the stormwater and urban runoff control regulations under the previous Municipal NPDES Permit.

The requirements contained in these attached resolutions will become effective 30 days after adoption by the City Council. The requirements will apply to development projects under discretionary review by the Department of Planning and Community Development which have not received approved entitlements within 90 days after adoption of the resolutions. Projects deemed complete within 90 days after adoption of these resolutions will not be subject to these requirements.

COUNCIL POLICY CONSIDERATION:

The proposed action is consistent with the City Council's goal to increase conservation and sustainability and the General Plan Land Use policy to encourage and promote the stewardship of Pasadena's natural environment, including water conservation and the protection of water quality and natural open space.

ENVIRONMENTAL ANALYSIS:

The proposed action to approve the subject resolution has been determined to be exempt from CEQA per Section 15308, actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment.

Each permittee must ensure that their EWMP has undergone the proper environmental review prior to its submittal to the Regional Board. The LACFCD prepared a Program Environmental Impact Report (PEIR) on behalf of all the EWMP groups to provide a County-wide approach that evaluates the EWMPs with a comprehensive regional perspective. The PEIR does not include specific projects for approval; the PEIR studies the regional cumulative effects of various projects and describes future goals and policies without examining the merits and impacts of individual projects. Subsequent detailed environmental analysis will be required for all proposed stormwater improvement projects under consideration through the EWMP process.

FISCAL IMPACT:

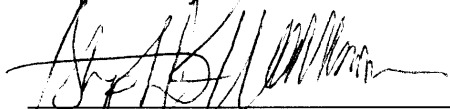
The fiscal impact to the City from adopting the proposed resolutions are unknown at this time. It is anticipated that there will be an increase in staff time needed to review the stormwater mitigation plans, including LID strategies, which will be submitted under the new requirements. However, since the costs associated with complying with these requirements would be borne by developers, City staff will monitor the impacts to the review and permitting process over the next year. In addition, it is anticipated that there will be an increase in design and construction costs of Capital Improvement Program (CIP) projects required to comply with the Green Streets policy. Revisions to the General Fee Schedule and CIP project budgets will be recommended to City Council for Fiscal Year 2017 as needed.

Respectfully submitted,



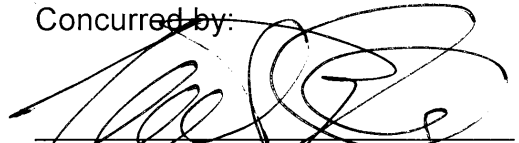
JULIE A. GUTIERREZ
Interim Director of Public Works

Prepared by:




Stephen Walker
Principal Engineer

Concurred by:



VINCENT P. BERTONI, AICP
Director of Planning & Community
Development Department

Approved by:



MICHAEL J. BECK
City Manager

Attachment A – Map of EWMP Group
Attachment B – Comparison of Current and Previous Municipal NPDES Permit
Requirements for Development Projects
Additional Attachments – Resolutions and Exhibit A