DATE: August 26, 2019

SUBJECT

Adoption of ordinance amendments to City Code Chapter 18 and Chapter 27A for the inclusion of Green Infrastructure, and adoption of a resolution approving the Green Infrastructure Plan Development Standards

RECOMMENDATION

1. Waive the second reading and adopt Ordinance amendments to City Code Chapter 18 Article XIV (Local Development Standards) and Chapter 27A Article II (Stormwater Treatment Measures and Maintenance Program) to Implement the City’s Green Infrastructure Plan.
2. Adopt a resolution approving Green Infrastructure Plan Development Standards.

STRATEGIC INITIATIVE

Government Operations

BACKGROUND

On April 22, 2019, the City Council received a report discussing the progress of the Green Infrastructure (GI) Plan intended to reduce pollution in stormwater flowing to San Francisco Bay. The report provided the history of the California Regional Water Quality Control Board (RWQCB) related to the recent version of the Municipal Regional Permit (MRP) requiring the implementation of the GI Plan. The staff report also described different ways that the City could meet the goals of the MRP and outlined staff’s analysis of several potential policy decisions that could be implemented including a regional project at Red Morton Park that would meet the majority of the City’s goals. The other policy considerations included the requirement to have large developments install GI element improvements at the public frontage, where there are opportunities to do so. The staff report also included a policy discussion for changing the
thresholds outlined in the MRP to include onsite stormwater treatment on a wider range of projects such as all new buildings, and substantial commercial remodels (50% or more remodel of a building).

On June 24, 2019, City Council adopted the GI Plan and introduced an Ordinance amending City Code Chapter 18 Article XIV (Local Development Standards) and Chapter 27A Article II (Stormwater Treatment Measures and Maintenance Program) to implement the City’s Green Infrastructure Plan. Staff made presentations to several of the City’s commissions and committees, and to business groups within the City, to discuss the City’s GI Plan strategy:

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<thead>
<tr>
<th>Group</th>
<th>Date</th>
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<tbody>
<tr>
<td>Chamber of Commerce – Economic Development Committee</td>
<td>May 7, 2019</td>
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<tr>
<td>Downtown Business Group</td>
<td>May 8, 2019</td>
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<tr>
<td>Redwood City Improvement Association – Board of Directors</td>
<td>May 8, 2019</td>
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<tr>
<td>Chamber of Commerce - Transportation and Housing Committee</td>
<td>May 9, 2019</td>
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<td>Transportation Advisory Committee</td>
<td>May 13, 2019</td>
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<tr>
<td>Parks and Recreation Commission</td>
<td>May 22, 2019</td>
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<tr>
<td>Chamber of Commerce Board of Directors</td>
<td>May 23, 2019</td>
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During those outreach efforts, stakeholders expressed concern that the policy recommendation for substantial commercial remodels would be difficult to achieve for certain projects with site constraints, such as placement of buildings on the lot adjacent to property lines. Staff had anticipated these concerns and as part of the presentations identified that some exclusions were being considered. These exclusions included “zero lot line projects” where the property did not have the physical space to install the treatment facilities due to placement of buildings immediately adjacent to lot lines, 100% affordable housing projects, and smaller commercial remodel projects so as to not adversely affect the viability of retail and similar small businesses. For the small business exclusion, there was some discussion about where to set the threshold so that smaller projects would be exempt from the GI requirements. Given the feedback received, staff proposes that remodels of 10,000 square feet or more would trigger the need for onsite stormwater treatment, as this should only impact remodel projects on the larger sites.

**ANALYSIS**

The attached resolution approving the Green Infrastructure Plan Development Standards (Attachment A) describes when onsite stormwater treatment is required and for what types of projects. Specifically, the GI Plan Development Standards apply to all new buildings (residential or commercial) and substantial commercial remodeling of existing buildings. If adopted by the City Council, any developer or property owner constructing new buildings or performing substantial commercial remodels would need to comply with the GI Plan Development Standards set forth in the attached resolution. Having specific policy guidelines and implementation details in this resolution will give staff the ability to closely monitor the progress of the implementation and return to City Council as needed with suggested policy changes to ensure compliance with the goals of the MRP. Since the GI Plan goals are projected through fiscal year 2040, it is expected that the GI Plan Development Standards will need to be adjusted from time to time to make sure that GI Plan implementation is in line with City goals and initiatives in addition to the MRP goals.
In addition to the GI Plan Development Standards, staff is recommending adoption of ordinance amendments to Chapter 18 – Local Development Standards and Chapter 27A – Stormwater Treatment Measures and Maintenance Program (Attachment B). The changes include new definitions for GI and revisions to language to include GI. Chapter 18 is being revised to identify that GI improvements are required for new buildings and substantial commercial remodels as identified in Chapter 27A. Chapter 27A is being revised to clarify that required stormwater improvements reference the GI Plan Development Standards, and also include updates to reference the most current MRP information.

**FISCAL IMPACT**

While there is no immediate fiscal impact to the City as a result of this action, ultimately, implementing the GI Plan will require ongoing funding for administrative, capital, and maintenance activities.

**ENVIRONMENTAL REVIEW**

This activity is categorically exempt pursuant to CEQA Guidelines Section 15308 (Class 8). This categorical exemption consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The proposed GI plan and ordinance amendments would reduce pollutants in stormwater runoff as required by the MRP, as explained in more detail above.

**PUBLIC NOTICE**

In addition to the outreach to the City Council, business groups, and City commissions, and committees as described above, public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

**ALTERNATIVES**

The City Council may choose to recommend modifications to the GI Plan Development Standards or the ordinance.

**ATTACHMENTS**

Attachment A: Resolution Approving the Green Infrastructure Plan Development Standards

Attachment B: Ordinance amending City Code Chapter 18 Article XIV (Local Development Standards) and Chapter 27A Article II (Stormwater Treatment Measures and Maintenance Program) to implement the City’s Green Infrastructure Plan
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