ORDINANCE NO. 2465

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AMENDING REDWOOD CITY CODE CHAPTER 18, ARTICLE XIV (LOCAL DEVELOPMENT STANDARDS) AND CHAPTER 27A, ARTICLE II (STORMWATER TREATMENT MEASURES AND MAINTENANCE PROGRAM) TO UPDATE DEFINITIONS, TERMINOLOGY, AND IMPLEMENT THE CITY’S GREEN INFRASTRUCTURE PLAN

WHEREAS, the proposed amendments to Redwood City Code Chapter 18, Article XIV (Local Development Standards) and Chapter 27A, Article II (Stormwater Treatment Measures and Maintenance Program) set forth herein (“Ordinance Amendments”) would update definitions in the City Code and correct some of the terminology used to correspond with current practices; and

WHEREAS, the Ordinance Amendments would implement Redwood City’s (“City”) Green Infrastructure Plan, as required to regulate pollutants in stormwater runoff per the San Francisco Bay Regional Water Quality Control Board’s San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (“MRP”). The City’s Green Infrastructure Plan is scheduled to be adopted by the City Council on June 24, 2019; and

WHEREAS, as part of the MRP Provision C.3.j requirements, the City must develop a Green Infrastructure Plan for stormwater that demonstrates a shift from traditional “gray” storm drain infrastructure, which channels polluted runoff directly into San Francisco Bay without treatment, to a more resilient and sustainable storm drain system comprised of “green” infrastructure.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDWOOD CITY DOES ORDAIN AS FOLLOWS:

Section 1. The recitals set forth above are true and correct, and are hereby incorporated herein by this reference as if fully set forth in their entirety.

Section 2. The proposed Ordinance Amendments have been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.). The Ordinance Amendments are categorically exempt pursuant to CEQA Guidelines Section 15308. Class 8 categorical exemptions consist 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.
Section 3. If any section, subsection, clause or phrase of these Ordinance Amendments are for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance Amendments. The City Council of the City of Redwood City hereby declares that it would have adopted the Ordinance Amendments and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4. The City Council of the City of Redwood City adopts the amendments to Redwood City Code Chapter 18, Article XIV (Local Development Standards) and Chapter 27A, Article II (Stormwater Treatment Measures and Maintenance Program) by adding the text shown in underline (example) and deleting the text shown in strikeout (example), as provided in Exhibits A and B, respectively. Wording in brackets ([example]) is informational only and is not to be included in the published ordinance.

Section 5. This Ordinance shall go into effect 30 days following its adoption.

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EXHIBIT A  
(CHapter 18 Amendments)

CHAPTER 18 - LOCAL IMPROVEMENTS AND PLANNING

ARTICLE XIV. - LOCAL DEVELOPMENT STANDARDS

Sec. 18.235. - DEFINITIONS:

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

[The following definition is added to the list of definitions]

GREEN INFRASTRUCTURE: Means the construction and retrofit of storm drainage to reduce runoff volumes, disperse runoff to vegetated areas, harvest and use runoff where feasible, promote infiltration and evapotranspiration, and use bio-retention and other natural systems to detain and treat runoff before it reaches our creeks and Bay. Green Infrastructure facilities include, but are not limited to, pervious pavement, infiltration basins, bio-retention facilities or “raingardens”, green roofs, and rainwater harvesting systems. Green Infrastructure can be incorporated into construction on new and previously developed parcels, as well as new and rebuilt streets, roads, and other infrastructure within the public right-of-way.

[The remainder of this Section is unchanged]

[The following section is added to Chapter 18, Article XIV]

Sec. 18.236.1 - UTILITY IMPROVEMENTS - STORMWATER:

Stormwater improvement requirements must comply with Article II - Stormwater Management and Discharge Control Program - in Chapter 27A of the City Code. Upon the construction of a new building (residential or commercial) or upon the performance of substantial commercial remodeling, Green Infrastructure improvements must be implemented per Section 27A.37.
EXHIBIT B
(CHAPTER 27 AMENDMENTS)

CHAPTER 27A - STORMWATER MANAGEMENT AND DISCHARGE CONTROL PROGRAM

ARTICLE II. - STORMWATER TREATMENT MEASURES AND MAINTENANCE PROGRAM

Sec. 27A.35. - PURPOSE AND INTENT:

This article is necessary to protect the health, safety and general welfare of the people of Redwood City and the surrounding region from water quality degradation caused by stormwater run-off. This article has been enacted and shall be implemented in a manner consistent with the requirements of the SWRCB California Regional Water Quality Control Board (RWQCB) applicable to the City of Redwood City. This article shall be supplemental to the requirements of Article I, of Chapter 27A, of the Redwood City Municipal Code, with respect to stormwater.

Sec. 27A.36. - DEFINITIONS:

The following words and phrases, whenever used in this article, shall be as set forth below:

GREEN INFRASTRUCTURE: Means the construction and retrofit of storm drainage to reduce runoff volumes, disperse runoff to vegetated areas, harvest and use runoff where feasible, promote infiltration and evapotranspiration, and use bio-retention and other natural systems to detain and treat runoff before it reaches our creeks and Bay. Green Infrastructure facilities include, but are not limited to, pervious pavement, infiltration basins, bio-retention facilities or “raingardens”, green roofs, and rainwater harvesting systems. Green Infrastructure can be incorporated into construction on new and previously developed parcels, as well as new and rebuilt streets, roads, and other infrastructure within the public right-of-way.

GROUP 1 C.3 REGULATED PROJECT: Shall mean any private or public project which falls under the planning and building authority of the City that results in the creation of one acre (43,560 square feet) or more, in aggregate, of impervious surface over the entire project site, including but not limited to parking lots, roof area, streets, and sidewalks, or as hereafter amended by Order No. R2-2003-0023, development projects as defined by Provision C.3.b.ii of the Municipal Regional Stormwater NPDES Permit (MRP), Order No. R2-2015-0049, NPDES Permit No. CAS612008. This includes public and private projects that create and/or replace 10,000 square feet or more of impervious surface, and restaurants, retail gasoline outlets, auto service facilities, and uncovered parking lots (stand-alone or part of another use) that create and/or replace 5,000 square feet or more of impervious surface.
IMPERVIOUS SURFACE: Shall mean land that has been modified by the action of persons to reduce the land's natural ability to absorb and hold rainfall. This includes any hard-surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions pre-existent to development, and/or a hard-surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions pre-existent to development. Impervious surfaces include, but are not limited to, rooftops; pavement; sidewalks; walkways; patios; driveways; and parking lots where such surfaces are not constructed with pervious materials and/or are not designed to have zero stormwater discharge. A surface covering or pavement of a developed parcel of land that prevents the land's natural ability to absorb and infiltrate rainfall/stormwater. Impervious surfaces include, but are not limited to: roof tops; walkways; patios; driveways; parking lots; storage areas; impervious concrete and asphalt; and any other continuous watertight pavement or covering. Landscaped soil and pervious pavement, including pavers with pervious openings and seams, underlain with pervious soil or pervious storage material, such as a gravel layer sufficient to hold at least the volume of rainfall runoff, as defined in Provision C.3.d of the MRP, are not impervious surfaces. Open, uncovered retention/detention facilities are not considered impervious surfaces for purposes of determining whether a project is a C.3 Regulated Project as defined under Provisions C.3.b and C.3.g of the MRP. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling and meeting the hydromodification standard as defined in Provision C.3.g.ii of the MRP.

PERMANENT STORMWATER POLLUTION PREVENTION MEASURES (PSPPM): Shall mean any source control measures, site design measures, and/or stormwater treatment measures, or combinations thereof that reduce stormwater pollution to the maximum extent practicable as required by Order R2-2003-0023-2015-0049 in NPDES Permit No. CAS029924-CAS612008 issued by the SRWCB-RWQCB, San Francisco Bay Region, as it may be amended from time to time. The design and implementation of the PSPPM must be in accordance with the guidelines and technical specifications provided by the City or other City-approved authority and the requirements of Order No. R2-2003-0023 2015-0049. The design and implementation of the PSPPM must also incorporate Green Infrastructure designed to limit contributions of urban runoff pollutants to San Francisco Bay per the MRP.

SIGNIFICANT REDEVELOPMENT PROJECT: Shall mean any private or public project which falls under the planning and building jurisdiction of the City on a previously developed site that results in addition or replacement of one acre (43,560 square feet) or more, in aggregate, of impervious surface area over the entire project site including, but not limited to, roof area; parking lots, streets and sidewalks, but not including single family homes which are not part of a larger common plan of development, repair or maintenance and re- construction of streets, roads and other similar maintenance projects, interior remodels nor routine maintenance or repairs such as roof or exterior surface replacement and repaving.
SITE DESIGN MEASURES: Shall mean any project design features that reduce stormwater pollution by decreasing or slowing stormwater runoff or intercepting the flow of runoff across a series of contiguous impervious surfaces. Site planning techniques to conserve natural spaces and/or limit the amount of impervious surface at new development and significant redevelopment projects in order to minimize runoff and the transport of pollutants in runoff.

SOURCE CONTROL MEASURES: Shall mean any project design features that aim to prevent stormwater pollution by eliminating or reducing the potential for contamination at the source of pollution. Any schedules of activities, structural devices, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent stormwater pollution by reducing the potential for pollution at its source.

STORMWATER TREATMENT MEASURES: Shall mean any engineered system designed to remove pollutants from stormwater by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

Sec. 27A.37. - PERMANENT STORMWATER POLLUTION PREVENTION MEASURES REQUIRED:

A. All Group 1 pC.3 Regulated Projects shall include permanent stormwater pollution prevention measures in order to reduce water quality impacts of stormwater runoff from the entire site for the life of the project.

B. Significant redevelopment projects shall include permanent stormwater pollution prevention measures in order to reduce water quality impacts of stormwater runoff.

1. Significant redevelopment pC.3 Regulated Projects that result in an increase of, or replacement of, more than fifty percent (50%) of the impervious surface of a previously existing development shall include permanent stormwater pollution prevention measures sufficient to reduce water quality impacts of stormwater runoff from the entire site for the life of the project.

2. Significant redevelopment pC.3 Regulated Projects that result in an increase of, or replacement of, fifty percent (50%) or less of the impervious surface of a previously existing development shall include permanent stormwater pollution prevention measures sufficient to reduce water quality impacts of stormwater runoff from the increased or replaced portion of the site for the life of the project.

C. Stormwater treatment measure proposed as part of a project's permanent stormwater pollution prevention measures shall be designed in accordance with the following hydraulic sizing criteria to treat stormwater runoff.

1. Volume Hydraulic Design Basis: Stormwater treatment measures that detain stormwater for a certain period and treat primarily through sedimentation and infiltration, whose primary mode of action depends on volume capacity, such as
E. No final building or occupancy permit shall be issued without the written certification of the City Engineer that the requirements of this Chapter have been satisfied. Such certification shall be in the form prescribed by the City Engineer and shall not be issued without payment of all applicable fees which may be imposed for administration of this Chapter.

Sec. 27A.38. - STORMWATER TREATMENT MEASURES MAINTENANCE AGREEMENTS:

A. The property owner(s), its administrators, successors, or any other persons, including any homeowners association, of a Group 1C.3 Regulated Project project or significant redevelopment project shall take all necessary actions to ensure that the permanent stormwater pollution prevention measures (“PSPPM”) are properly maintained so that they continue to operate as originally designed and approved. The maintenance of the control measures shall be in accordance with the terms and conditions of a maintenance agreement and shall be in the form of a covenant running with the land, environmental mitigation measures, a use permit, enforceable conditions of approval, or other legal agreement. The agreement shall provide access to the extent allowable by law for representatives or agents of City for the purpose of verification of property operation and maintenance of the specific PSPPM. The agreement must be signed by the City Engineer Clerk and shall be recorded in the office of the County Recorder, shall remain in force until ownership of the developed property has been transferred, and upon transfer, shall be binding on the new owner(s).

B. Any property owner that has been required by this Chapter to construct or install and maintain PSPPM shall upon transferring ownership of such property provide the new owners with a current copy of this Chapter, and shall inform the new owners in writing of their obligation to properly operate and maintain such PSPPM.

C. It shall be unlawful to alter, modify or change any components of the PSPPM without first obtaining the written certification of the City Engineer that the requirements of this Chapter have been satisfied.

Sec. 27A.39. - MONITORING AND REPORTING:

A. As a condition of approval, the City Engineer may require the owner of a Group 1C.3 Regulated Project to establish a self-monitoring and reporting program to ensure all PSPPM are in compliance with the provisions of this Chapter. The self-monitoring report must be in accordance with the guidelines published by the Community Development Services Department—San Mateo Countywide Water Pollution Prevention Program.

B. The City Engineer, or his or her authorized representatives, may conduct all inspection, surveillance, and monitoring procedures necessary to assure compliance with applicable sections of this Chapter or with state regulations.
C. Representatives of the City Engineer shall be authorized to enter, without unreasonable delay, any premises of any project subject to the requirements of this Chapter to carry out inspections and monitoring to assure compliance with this Chapter and applicable State of California regulations. Records shall be available to City personnel for inspection and copying.

D. In addition to any other remedy available to the City, City Inspectors may issue compliance directives at the time of the inspection to require the owner to implement actions that will correct violations of this Chapter.
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At a Joint City Council/Successor Agency Board/Public Financing Authority Meeting thereof held on the 26th day of August, 2019 by the following votes:

AYES, and in favor of the passage and adoption of the foregoing ordinance:

AYES:    Aguirre, Borgens, Hale, Howard, Masur, Reddy and Mayor Bain
NOES:    None
RECUSED: None
ABSENT:  None

[Signature]

Ian Alan Bain
Mayor of the City of Redwood City

Attest:

[Signature]
Pamela Aguilar, CMC
City Clerk of Redwood City

I hereby approve the foregoing Ordinance this 27th day of August, 2019

[Signature]

Ian Alan Bain
Mayor of the City of Redwood City