

ATTACHMENT I.3:

CITY OF SIGNAL HILL DRAFT LID ORDINANCE



CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, CA 90755-3799

June 18, 2013

AGENDA ITEM

TO: HONORABLE MAYOR
AND MEMBERS OF THE CITY COUNCIL

FROM: STEVE MYRTER, P.E.
DIRECTOR OF PUBLIC WORKS

SUBJECT: PUBLIC HEARING - INTRODUCTION OF AN ORDINANCE AMENDING
SIGNAL HILL MUNICIPAL CODE TITLE 12 BY ADDING TO CHAPTER
12.16: LOW IMPACT DEVELOPMENT ORDINANCE

Summary:

Storm water and dry-weather urban runoff from the City of Signal Hill are subject to Waste Discharge Requirements issued by the Los Angeles Regional Water Quality Control Board (RWQCB). The current Municipal Separate Storm Sewer System (MS4) permit recently adopted by the RWQCB requires changes to Chapter 12.16 of the Signal Hill Municipal Code including incorporation of low impact development strategies to meet the more stringent permit requirements. The Public Hearing was opened on June 4, 2013, and continued to June 18, 2013.

Recommendation:

Waive further reading and introduce the following ordinance, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, AMENDING SIGNAL HILL MUNICIPAL CODE CHAPTER 12.16 ENTITLED STORM WATER/URBAN RUNOFF, TO EXPAND THE APPLICABILITY OF THE EXISTING POLLUTANT SOURCE REDUCTION REQUIREMENTS BY IMPOSING RAINWATER LOW IMPACT DEVELOPMENT (LID) STRATEGIES ON CERTAIN PROJECTS THAT REQUIRE BUILDING, GRADING AND ENCROACHMENT PERMITS

Fiscal Impact:

No immediate fiscal impact from the adoption of this ordinance is anticipated. However, future City capital improvement projects may be impacted from time to time as a result of the additional costs that would be required to construct storm water treatment systems.

Background:

SEPARATE STORM SEWER SYSTEM (MS4) PERMIT

Storm water and dry-weather urban runoff from the City of Signal Hill are subject to Waste Discharge Requirements issued by the Los Angeles Regional Water Quality Control Board (RWQCB). These requirements include numerical effluent limits for pollutants that have been established by Total Maximum Daily Loads (TMDLs) and the Regional Board's Basin Plan. The Municipal Separate Storm Sewer System (MS4) permit that was approved by the Los Angeles Regional Quality Control Board (RWQCB) on November 8, 2012, requires changes to Chapter 12.16 of the Signal Hill Municipal Code. These changes, in general, expand the number and types of new and redevelopment projects that will now be required to install storm water runoff treatment systems. In addition, the numerical effluent limits are not likely to be achievable without the installation of storm water treatment systems that will cumulatively receive drainage from a large portion of the City. The amendments to Chapter 12.16 of the Signal Hill Municipal Code establishes requirements and standards for the installation of small scale treatment systems on individual parcels with a minimum of 500 square feet or more of new or remodeled impervious surfaces.

The proposed changes to Chapter 12 also remove requirements that are no longer applicable with the adoption of the new MS4 Permit. For example, under the old MS4 Permit (and currently in the Municipal Code) construction projects over 5 acres are required to prepare a Local Storm Water Pollution Prevention Plan (LSWPPP) and submit to the City for review and approval. The 5 acre threshold was lowered to 1 acre by the State in 2003; and subsequently, the LSWPPP requirement was completely eliminated in the new MS4 Permit. The proposed amendment eliminates references to the LSWPPP, and updates and restructures many other aspects of the Municipal Code to bring it into line with the Development Planning section of the new MS4 Permit.

LOW IMPACT DEVELOPMENT OVERVIEW

Low Impact Development is a strategy for improving the quality of runoff by requiring that development projects direct runoff to storm water treatment systems consisting of vegetation and soil. Since 2007, the City has been requiring Low Impact Development for high priority projects, such as parking lots that are over 5,000 square feet, and housing developments that have 10 or more dwelling units. The new NPDES (MS4)

permit increased the number and type of high priority (large) projects. For example, under the old permit, industrial and commercial projects disturbing one acre (43,560 square-feet) or more of soil would have to install storm water runoff treatment systems. The new MS4 Permit lowers this threshold to 10,000 square feet. However, this new lower threshold still leaves many small scale projects (projects that impact between 500 and 10,000 square-feet of soil) without treatment.

The new MS4 Permit's establishment and enforceability of Total Maximum Daily Loads (TMDLs), a regulatory numerical effluent discharge measurement for targeted storm water pollutants including metals, bacteria, and nutrients to name a few, necessitates that both high priority and small scale projects now incorporate storm water treatment systems. As stated above, the new TMDL requirements will not be achievable without extensive Low Impact Development. In order to minimize cost impacts and address unique individual project constraints, the number of treatment system alternatives has been increased. These treatment systems, depending upon design, can reduce pollutant levels by as much as 50 to 90 percent from their associated draining area. The installation of these treatment systems can be low-cost and generally require low-maintenance, often being incorporated into the parcels' landscape design.

Analysis:

An increased number of development projects will now be required to submit plans and obtain approval for the proposed low impact development measures being incorporated prior to permit issuance. The review process for high priority projects that was in effect under the old permit is not anticipated to change significantly. The Low Impact Development (for small sites) Technical Guidance Manual was presented to the Sustainability Committee at the June 26, 2012, meeting for consideration and comment. At this meeting, comments regarding cost/benefit, vector control, and enforcement were made and revisions have been incorporated into the guidance manual. A copy of the completed Low Impact Development for small sites Technical Guidance Manual to be used by the property owner and/or developer is attached as Attachment "A".

The goals of Low Impact Development include: (1) reducing the amounts of pollutants in storm water and urban runoff, (2) development of specifications for low cost treatment systems that are easy for the property owner to install, and (3) encouraging property owners to select treatment systems that are easy to maintain thus minimizing the need for City enforcement. Specific elements include:

- Projects under 500 square feet will be exempted from this program.

- Residential development for 1-4 units will be able to put City specifications on plans and provide simple calculations showing the treatment surface area is 4 percent of the new impervious area.
- Residential development involving 5 or more dwelling units and those for commercial or industrial development are more likely to have professional engineers and architects involved in the project and will be subject to slightly more complex documentation showing that the treatment system can accommodate runoff for the first ¾ inch of rainfall.
- Where redevelopment involves more than 50 percent of the site, runoff from the entire site would have to be treated.
- Readily approvable treatment systems such as:
 - Flow-through planters
 - Vegetative (concave) swales with underdrains
 - Rain Gardens (concave rock and plant areas)
 - Hollywood or other pervious style driveways
 - Bottomless trench drains across driveways
- Other permitted treatment systems to be approved by the City.
- Projects subject to New Development and Redevelopment provisions of the MS4 permit (large projects) will be separately evaluated in accordance with the LID criteria of the MS4 permit.

Proposed enforcement to ensure the ongoing effectiveness of these treatment systems includes:

1. No enforcement, and reliance on the “honor” system for property owners to maintain these systems, recognizing a portion of property owners will not actively maintain the systems, or would even alter or remove some of the systems, or
2. A limited enforcement program that could require:
 - a. Small signs or markers at the time of installation stating, “This landscape feature is part of a storm water treatment system and alterations are not permitted without prior City authorization”, or
 - b. Letters sent out annually reminding owners to properly maintain these systems,
3. Inspections made by City representatives, annually or every 2 years, at the 5 unit or more residential facilities and industrial/commercial sites (Inspections at the 1-4 unit

residential sites are regarded as problematic due to property rights issues and are not likely to be cost effective.)

Instead of implementing a Low Impact Development program requiring treatment systems at the per-parcel level as described above, the City does have the alternative of installing a few very large regional treatment systems. This will require locating available City or public agency owned sites, or the purchase of land, near a major storm drain to install large treatment systems. The City would be responsible for ongoing maintenance. The costs associated with this are speculative at this point and therefore are not included herein but are anticipated to be considerably higher than the per-parcel approach.

Approved:


Kenneth C. Farfaring

Attachments

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, AMENDING SIGNAL HILL MUNICIPAL CODE CHAPTER 12.16 ENTITLED STORM WATER/URBAN RUNOFF, TO EXPAND THE APPLICABILITY OF THE EXISTING POLLUTANT SOURCE REDUCTION REQUIREMENTS BY IMPOSING RAINWATER LOW IMPACT DEVELOPMENT (LID) STRATEGIES ON CERTAIN PROJECTS THAT REQUIRE BUILDING, GRADING AND ENCROACHMENT PERMITS

WHEREAS, the City is authorized by Article XI, Section 5 and Section 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 federal Clean Water Act establishes Regional Water Quality Control Boards in order to prohibit the discharge of pollutants in storm water runoff to waters of the United States; and

WHEREAS, the City is a permittee under the California Regional Water Quality Control Board, Los Angeles Region Order No. R4-2012-0175, issued on November 08, 2012, which establishes Waste Discharge Requirements for Municipal Separate Storm Sewer Systems (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4; and

WHEREAS, Order No. R4-2012-0175 contains requirements for municipalities to establish a LID Ordinance in order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program; and

WHEREAS, the Regional Board has adopted Total Maximum Daily Loads (TMDLs) for pollutants, which are numerical limits that must be achieved effectively through LID implementation; and

WHEREAS, the City has the authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity that might degrade waters of the State; and

WHEREAS, the City is committed to a storm water management program that protects water quality and water supply by employing watershed-based approaches that balance environmental and economic considerations; and

WHEREAS, urbanization has led to increased impervious surface areas resulting in increased water runoff and less percolation to groundwater aquifers causing the transport of pollutants to downstream receiving waters; and

WHEREAS, it is the intent of the City to expand the applicability of the existing LID requirements by providing storm water and rainwater LID strategies for all Development and Redevelopment projects, as defined herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 12.16.010 of the Signal Hill Municipal Code is repealed in its entirety and shall be replaced with the following:

12.16.010. DEFINITIONS.

- A. "40 CFR" means Title 40 of the Code of Federal Regulations.
- B. "Automotive Service Facility" means a facility that is categorized in any one of the following Standard Industrial Classification Codes: 5013, 5014, 5541, 7532-7534 or 7536-7539.
- C. "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.
- D. "Best Management Practice (BMP)" means practices or physical devices or systems designed to prevent or reduce pollutant loading from storm water or non-storm water discharges to receiving waters, or designed to reduce the volume of storm water or non-storm water discharged to the receiving water.
- E. "Biofiltration" means a LID BMP that reduces storm water 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 Chapter 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.

F. "Bioretention" means a LID BMP that reduces storm water runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in this Chapter, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the MS4 Permit as biofiltration.

G. "Bioswale" means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect storm water runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes.

H. "Brownfield Development" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

I. "CEQA" means the California Environmental Quality Act, California Public Resource Code Sections 21000 et seq., and the regulations thereunder.

J. "City" means the City of Signal Hill.

K. "Clean Water Act" or "CWA" means the Federal Water Pollution Control Act, amended in 1977 as the Clean Water Act (Title 33 U.S.C. § 1251 et seq.), and amended in 1987 to establish new controls on industrial and municipal storm water discharges, and any and all subsequent amendments thereto.

L. "Commercial Development" means any development on private land that is not heavy industrial or residential. Commercial Development includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities; mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

M. "Commercial Mall" means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). Commercial Mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers.

N. "Construction Activity" means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that results in land disturbance. The term "Construction Activity" does not include emergency construction activities required to immediately protect public health and safety, nor does it include 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.

O. "Control" means to minimize, reduce or eliminate, by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities.

P. "Dechlorinated/debrominated swimming pool discharges" means swimming pool discharges which have no measurable chlorine or bromine and do not contain any detergents, wastes, or additional chemicals not typically found in swimming pool water. The term "swimming pool discharges" does not include swimming pool filter back wash.

Q. "Development" means 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.

R. "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.

S. "Director" shall refer to the city of Signal Hill's Director of Public Works or his or her designee.

T. "Discharge" means any release, spill, leak, disposal, flow, escape, leaching (including subsurface migration or deposition to groundwater), dumping or discarding of any liquid, semisolid or solid substance, or combination thereof.

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

V. "Environmentally Sensitive Area" (ESA) 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 storm water 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 a permittee as environmentally sensitive.

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

X. "Full Capture System" means any single device or series of devices that traps all particles retained by a 5 mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area.

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

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

AA. "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.

BB. "Hazardous Substance" means any "Hazardous Substance" as that term is defined under California Health & Safety Code Sections 25281(g), 25501(o) and 25501.7, and pursuant to Title 42, Section 9601(14) of the United States Code; any "hazardous waste" as that term is defined under Title 42 Sections 6903(5) of the United States Code, and under California Health & Safety Code Section 25550(p); any "hazardous material," as that term is defined under California Health & Safety Code Section 25501(n); any chemical which the Governor of California has identified as a chemical known to cause cancer or reproductive toxicity, pursuant to California Health & Safety Code Section 25249.8; and any crude oil or refined or unrefined petroleum product, or any fraction or derivative thereof, and any asbestos or asbestos containing material. The term "Hazardous Substance" includes any amendments to the above-referenced statutes and regulations.

CC. "Hillside Property" means property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25 percent or greater.

DD. "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.

EE. "Illicit Discharge" means any discharge to the storm drain system that is prohibited under local, state, or federal statutes, ordinances, codes or regulations. The term Illicit Discharge includes all nonstorm water discharges except discharges made pursuant to a National Pollutant Discharge Elimination System (NPDES) permit, discharges that are listed within this chapter as exempt and discharges authorized by the Regional Board Executive Officer.

FF. "Impaired Water Body" means a water body that is listed by the State Board as impaired by a particular pollutant or pollutants, pursuant to Section 303(d) of the Clean Water Act.

GG. "Impervious Surface" means any 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 including, but not limited to: parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from the use of paving or compacted gravel.

HH. "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.

II. "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.

JJ. "Infiltration BMP" means a LID BMP that reduces storm water 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.

KK. "Low Impact Development (LID)" consists of building and landscape features designed to retain or filter storm water runoff.

LL. "Low Impact Development for Small Sites Technical Guidance Manual (LID Manual for Small Sites)" means such manual prepared by the Director and approved by the City Council pursuant to Section 12.16.116(A) of this Chapter..

MM. "Low Impact Development Plan (LID Plan)" means such plan prepared by the project applicant pursuant to Section 12.16.114(D) of this Chapter.

NN. "Maximum Extent Practicable" as defined in the permit means a standard for implementation of storm water management programs to reduce pollutants in storm water. CWA 402(p)(3)(B)(iii) requires that municipal permits "shall require controls to

reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or State determines appropriate for the control of such pollutants."

OO. "Municipal NPDES Permit (MS4 Permit)" means the current, area-wide NPDES permit issued to a government agency or agencies permitting the discharge of storm water from an MS4.

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

1. 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, storm water, 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;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR Section 122.2.

(40 CFR Section 122.26(b)(8)) (Order No. R4-2012-0175)

QQ. "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 Section 307, 402, 318, and 405.

RR. "National Pollutant Discharge Elimination System ("NPDES") Permit" means a storm water discharge permit issued by the Los Angeles Regional Water Quality Control Board or the State Water Resources Control Board, that authorizes discharges to water of the United States and requires the reduction of pollutants in such discharges.

SS. "Natural Drainage System" means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system.

TT. "New Development" means land disturbing activities, structural development (including construction or installation of a building or structure), creation of impervious surfaces, and land subdivision.

UU. "Non-Storm Water Discharge" means any discharge to the Municipal Storm Drain System that is not composed entirely of storm water.

VV. "Outfall" means a point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States. Outfall does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances with connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

WW. "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.

XX. "Person" means any natural person, firm, association, club, organization, corporation, partnership, sole proprietorship, business trust, company or other entity which is recognized by law as the subject of rights or duties.

YY. "Pollutant" means those pollutants defined in Section 502(6) of the Federal Clean Water Act (33 USC § 1362(c)) or incorporated into California Water Code Section 13373. Examples of pollutants include, but are not limited to, the following:

1. Artificial materials, chips or pieces of man-made materials (such as floatable plastics, paper, cartons, or pieces of metal);
2. Commercial or industrial water (such as fuels, solutions, detergents, plastic pellets, hazardous substances, fertilizer, pesticides, slag, ash and sludge);
3. Household waste (such as trash, paper, plastics, lawn clippings and yard wastes; animal fecal materials; excessive pesticides, herbicides and fertilizers; used oil and fluids from vehicles, lawn mowers and other common household equipment);
4. Metals, including but not limited to cadmium, lead, zinc, copper, silver, nickel, chromium, and non-metals, such as phosphorus and arsenic;
5. Petroleum hydrocarbons (such as crude oils, fuels, lubricants, surfactants, waste oils, solvents, coolants, condensate and grease);
6. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, or flora or fauna of the State of California;

7. Animal wastes (such as discharge from confinement facilities, kennels, pens and recreational facilities, including, stables, show facilities, or polo fields);

8. Substances having characteristics with a pH of less than 6 or greater than 9; or unusual coloration or turbidity, or excessive levels of fecal coliform, fecal streptococcus or enterococcus;

9. Waste materials and wastewater generated on construction sites and by construction activities (such as painting and staining; use of sealants, glues, limes; excessive pesticides, fertilizers or herbicides; use of wood preservatives and solvents; disturbance of asbestos fibers, paint flakes or stucco fragments; application of oils, lubricants, hydraulic, radiator or battery fluids; construction equipment washing, concrete pouring and cleanup wash water or use of concrete detergents; steam cleaning or sand blasting residues; use of chemical degreasing or diluting agents; and super chlorinated water generated by potable water line flushing);

10. The term "Pollutant" shall not include uncontaminated storm water runoff, potable water or reclaimed water generated by a lawfully permitted water treatment facility.

ZZ. "Potable Water Sources" means flows from drinking water distribution systems, including flows from system failures, pressure releases, system maintenance, well development, testing, fire hydrant flow testing and flushing, and dewatering of pipes, reservoirs, vaults, and wells.

AAA. "Premises" means any building, structure, fixture or improvement on land, and any lot, parcel of land, land or portion of land whether improved or unimproved.

BBB. "Project" means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code Section 21065).

CCC. "Proper Disposal" means the act of disposing of material(s) in a lawful manner which ensures protection of water quality and beneficial uses of receiving waters.

DDD. "Rainfall Harvest and Use" means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department.

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

FFF. "Redevelopment" means land-disturbing activity that 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.

GGG. "Regional Board" means the California Regional Water Quality Control Board, Los Angeles Region.

HHH. "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.

III. "Retail Gasoline Outlet" means any facility engaged in selling gasoline and lubricating oils.

JJJ. "Routine Maintenance" includes, but is 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. Perform road shoulder work, regrade dirt or gravel roadways and shoulders and perform ditch cleanouts;
4. Update existing lines* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity; or
5. Repair leaks.

Routine maintenance does not include construction of new lines** or facilities resulting from compliance with applicable codes, standards and regulations.

* Update existing lines includes replacing existing lines with new materials or pipes.

** New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

KKK. "Runoff" means any runoff, including storm water and dry weather flows, that reaches a receiving water body or subsurface. During dry weather, it is typically

comprised of many base flow components that are either contaminated with pollutants, or that are uncontaminated.

LLL. "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.

MMM. "Site" means land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

NNN. "Small Site Low Impact Development Plan (Small Site LID Plan)" means such plan prepared by the project applicant pursuant to Section 12.16.116(B) of this Chapter

OOO. "State Board" means the State Water Resources Control Board.

PPP. "State General Construction Permit" means the current State approved NPDES Permit and waste discharge requirements for discharges of storm water associated with construction activities, and any amendments thereto.

QQQ. "Storm Drain System" means any facility or any parts of the facility, including streets, gutters, conduits, natural or artificial drains, channels and watercourse that are used for the purpose of collecting, storing, transporting or disposing of storm water and are located within the City.

RRR. "Storm Water or Storm water" means runoff and drainage related to precipitation events (pursuant to 40 CFR Section 122.26(b)(13); 55 Fed. Reg. 47990, 47995 (Nov. 16, 1990)).

SSS. "Storm Water Pollution Prevention Plan (SWPPP)" means such plan, as developed by a Qualified SWPPP Developer, as defined by the Construction General Permit.

TTT. "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.

UUU. "US EPA" means the United States Environment Protection Agency.

VVV. "Water Quality Standards" means those water quality standards and/or water quality objectives adopted by either the State Board and/or US EPA for the Los Angeles Region.

SECTION 2. Section 12.16.110 of the Signal Hill Municipal Code is hereby repealed in its entirety and shall be replaced with the following:

12.16.110 POLLUTANT SOURCE REDUCTION.

A. Treatment Systems. All persons who own, operate or maintain storm water clarifiers, separators, sediment ponds, LID BMPs, and other storm water treatment systems shall at all times maintain such systems in good working order and repair. This maintenance requirement shall be understood to include any maintenance activities necessary to prevent the breeding of vectors. Such systems shall be constructed and installed in a manner so as to at all times permit easy and safe access for proper maintenance, repair and inspection.

B. Industrial Sites. Each owner, operator or person in charge of day-to-day activities at any industrial site (including construction sites) within the City shall implement those minimum BMPs as may be designated by the Director, as necessary to control Pollutants (or the potential contribution of Pollutants) that exist or may exist in Discharges in runoff from such facility into the MS4. For those industrial sites that are located within ESAs or that are tributary to Impaired Water Bodies, and those industrial sites implementing BMPs that are not adequate to achieve Water Quality Standards, the Director may impose additional BMPs or additional controls in existing BMPs may be required to be implemented as required by the Director.

C. Commercial, Residential Uses. All owners, operators, and/or persons in charge of the day-to-day activities in any commercial (including institutional) or residential

facility, or any other non-industrial operation within the City, shall implement those BMPs as may be required by the Director and needed to reduce the discharge of Pollutants into the MS4, as well as such additional controls as needed to avoid causing or contributing to an exceedence of a Water Quality Standard, or to reduce Pollutants in runoff in or discharging to an ESA or such areas that are tributary to an Impaired Water Body.

SECTION 3. Section 12.16.112 of the Signal Hill Municipal Code entitled "Construction Pollutant Reduction" is hereby added to read, in its entirety, as follows:

12.16.112 CONSTRUCTION POLLUTANT REDUCTION.

A. Copies of Documents. All persons engaged in Construction Activity within the City requiring State Construction General Permit coverage shall have at least the following readily available at the construction site:

1. One (1) copy of the notice of intent for the State Construction General Permit.
2. The waste discharge identification (WDID) number issued by the State Board
3. One (1) copy of the SWPPP and storm water monitoring plan as required by the permit.

The documents listed above must also be retained for three (3) years from the date generated or date submitted, whichever is last.

B. All persons engaged in Construction Activity within the City shall implement Best Management Practices to avoid, to the Maximum Extent Practicable, the discharge of Pollutants to the MS4, in accordance with the City's grading manual, as developed and updated by the City Engineer, and, when applicable, in accordance with a grading plan approved by the City Engineer for such project.

1. 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 Storm water Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan.

C. Development Construction Requirements.

1. Runoff from construction activity at all construction sites shall meet the following minimum requirements:
 - a. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;

b. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;

c. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and

d. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs (as approved in Regional Board Resolution No. 99-03), such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

2. For those construction projects which are one acre and greater, the owner, operator and person in charge of the day-to-day activities at such construction site shall meet the following minimum requirements:

a. Where coverage is required pursuant to the State Construction General Permit, to have proof of a Waste Discharger Identification Number for filing of a Notice of Intent for permit coverage under the State Construction General Permit, as well as a certification that an SWPPP has been prepared; and

b. To show proof of a Notice of Intent and a copy of the SWPPP upon the transfer of ownership of any part or portion of the subject property, while construction activities are ongoing.

D. City Review and Plan Approval.

1. Prior to the issuance of a permit for a New Development or Redevelopment Project, the City shall evaluate the proposed project using the applicable State Construction General Permit approved by the Regional Board, and erosion and grading requirements of the City Building Official or Director to determine (i) its potential to generate the flow of Pollutants into the MS4 during construction; and (ii) how well the SWPPP for the proposed project meets the goals of this Chapter. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed. Based upon the review, the City may impose conditions upon the issuance of the building permit, in addition to any required by the State Construction General Permit for the project, in order to minimize the flow of Pollutants into the MS4.

2. No grading permit for developments requiring coverage under the State Construction General Permit shall be issued unless the applicant can show that a notice of intent to comply with the State Construction General Permit has been filed and that a SWPPP has been prepared for the project.

3. Storm Water runoff containing sediment, construction waste or other Pollutants from the construction site and parking areas shall be reduced to the

Maximum Extent Practicable. The following Best Management Practices shall apply to all construction projects within the City, and shall be required from the time of demolition of existing structures or commencement of construction until receipt of a certificate of occupancy:

- a. Sediment, construction waste, and other Pollutants from construction activities shall be retained on the construction site to the Maximum Extent Practicable;
 - b. Structural controls such as sediment barriers, plastic sheeting, detention ponds, dikes, filter beams 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;
 - c. All excavated soil shall be located on the site in a manner that minimizes the amount of sediments running onto the street, drainage facilities or adjacent properties. Soil piles shall be covered with plastic or similar material until the soil is either used or removed from the site;
 - d. No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction or other vehicles is permitted to run off the construction site, or to otherwise enter the MS4.
4. As a condition to granting a building permit or grading permit, the City may set reasonable limits on the clearing of natural vegetation from construction sites, in order to reduce the potential for soil erosion. These limits may include, but are not limited to, regulating the length of time soil is allowed to remain bare or prohibiting bare soil.
5. The Director may require, prior to the issuance of any building or grading permit, preparation of appropriate wet weather erosion control plan, SWPPP or other plans consistent with countywide development construction guidance provisions and the goals of this chapter.
6. Full or partial waivers of compliance with the requirements of this section may be obtained where the project applicant shows by application in writing that the incorporation and design elements that address the objectives set forth in this section are impracticable, and are non-economical or otherwise physically impossible due to the site characteristics or other characteristics unique to the project. Any waiver request shall be in writing to the Director and may only be approved where permitted in accordance with the terms of the existing Construction General Permit.

SECTION 4. Section 12.16.114 of the Signal Hill Municipal Code entitled "New Development/Redevelopment Pollutant Reduction" is hereby added to read, in its entirety, as follows:

12.16.114. NEW DEVELOPMENT/REDEVELOPMENT POLLUTANT REDUCTION.

A. Objective. The provisions of this Section establish requirements for construction activities and facility operations of Development and Redevelopment Projects to comply with the MS4 Permit, to lessen the water quality impacts of development by using smart growth practices, and to integrate LID practices and standards for storm water pollution mitigation through means of infiltration, evapotranspiration, biofiltration, and rainfall harvest and use. LID shall be inclusive of new development and/or redevelopment requirements.

B. Scope. This Section contains requirements for storm water pollution control measures in Development and Redevelopment Projects, and authorizes the City to further define and adopt storm water pollution control measures, and authorizes the City to further define and adopt storm water pollution control measures and to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies. Except as otherwise provided herein, the City shall administer, implement and enforce the provisions of this Section.

C. Applicability. This Section applies to the following Projects:

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 with 10,000 square feet or more of surface area.
3. Commercial Malls with 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 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 with 10,000 square feet or more of Impervious Surface area. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.
8. Automotive Service Facilities with 5,000 square feet or more of surface area.
9. Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area, where the Development will:
 - a. Discharge Storm water 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 Properties.

11. Redevelopment Projects

a. Construction Activity that results in the creation, addition or replacement of 5,000 square feet or more of Impervious Surface area on an already developed Site of one of the Projects identified in this Subsection.

b. Where Redevelopment results in an alteration to more than fifty percent of Impervious Surfaces of a previously existing development, and the existing development was not subject to post-construction Storm water quality control requirements, the entire project must be mitigated.

c. Where Redevelopment results in an alteration to less than fifty percent of Impervious Surfaces of a previously existing development, and the existing development was not subject to post-construction Storm water 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.

D. Requirements. The Site for every Project identified in Section 12.16.114(C) 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. The project applicant shall prepare a LID Plan which implements set LID standards and practices for storm water pollution mitigation and provides documentation to demonstrate compliance with the MS4 Permit on the plans and permit application submitted to the City. Such a LID Plan shall comply with the following:

1. A new single-family Hillside Property Development shall prepare a LID Plan to 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; and
 - 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 US EPA guidance regarding Managing Wet Weather with the City's most current Green Streets Manual to the Maximum Extent Practicable.
3. The remainder of Projects identified in Section 12.16.114(C) shall prepare a LID Plan to comply with the following:
- a. Retain Storm water Runoff onsite for the Storm water 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.

E. Technical Infeasibility.

1. Full or partial waivers of compliance with the requirements of this Section may be obtained where the project applicant shows by application in writing that the incorporation and design elements that address the objectives set forth in this Section are impracticable and are non-economical or otherwise physically impossible due to the Site characteristics or other characteristics unique to the Project. Any waiver request shall be in writing to the Director and may only be approved where permitted in accordance with the terms of the MS4 Permit.
2. To demonstrate technical infeasibility, the project applicant must demonstrate that the project cannot reliably retain 100 percent of the SWQDv on-site, even with the maximum application of green roofs and rainwater harvest and use, and that compliance with the applicable post-construction requirements would be technically infeasible by submitting a site-specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect. Technical infeasibility may result from conditions including the following:
- a. 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.

- b. Locations where seasonal high groundwater is within five to ten feet of surface grade;
 - c. Locations within 100 feet of a groundwater well used for drinking water;
 - d. Brownfield Development sites or other locations where pollutant mobilization is a documented concern;
 - e. Locations with potential geotechnical hazards; and
 - f. 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.
3. 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 MS4 permit.
- a. Additional alternative compliance options such as offsite infiltration and groundwater replenishment projects may be available to the project Site. The applicant should contact the Director to determine eligibility.
4. 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 by the MS4 permit. Flow-through BMPs may be used to treat the remaining SWQDV and must be sized based on a rainfall intensity of:
- a. 0.2 inches per hour, or
 - b. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.

F. Exemptions from LID Requirements. The provisions of this Section do not apply to any of the following:

- 1. A Development involving only emergency construction activity required to immediately protect public health and safety;
- 2. Infrastructure projects within the public right-of-way;
- 3. A Development or Redevelopment involving only activity related to gas, water, cable, or electricity services on private property;
- 4. A Development involving only resurfacing and/or re-striping of permitted parking lots, where the original line and grade, hydraulic capacity, and original purpose of the facility is maintained;

5. A project involving only exterior movie or television production sets, or facades on an existing developed site;

6. A project not requiring a City building, grading, demolition or other permit for construction activity.

G. Any Development that is exempted from LID requirements under Subsection F of this Section has the option to voluntarily opt in and incorporate into the project the LID requirements set forth herein.

H. City Review and Approval

1. Prior to the issuance of a permit for a New Development or Redevelopment Project, the City shall evaluate the proposed project using the MS4 Permit, and erosion and grading requirements of the City Building Official or Director to determine (i) its potential to generate the flow of Pollutants into the MS4 after construction; and (ii) how well the LID Plan for the proposed project meets the goals of this Chapter. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed. Based upon the review, the City may impose conditions upon the issuance of the building permit, in addition to any required by the State Construction General Permit for the project, in order to minimize the flow of Pollutants into the MS4.

2. The Director shall approve or disapprove of the LID Plan within thirty (30) calendar days of submittal, or within thirty (30) days of approval of the development project by the Planning Commission, where Planning Commission approval is required. If the LID Plan is disapproved, the reasons for disapproval shall be given in writing to the applicant. Any LID Plan disapproved may be revised by the applicant and resubmitted for approval. A resubmitted plan will be approved or disapproved within thirty (30) days of submittal. No building or grading permit shall be issued until a LID Plan has been approved by the Director.

3. If no building permit has been issued or no construction has begun on a project within a period of one hundred eighty (180) days of approval of a LID Plan, the LID Plan for that project shall expire. The Director may extend the time by written extension for action by the applicant for a period not to exceed one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant prevented the construction from commencing. In order to renew the LID Plan, the applicant shall resubmit all necessary forms and other data and pay a new LID plan check fee.

I. Transfer of Properties Subject to the Requirements of this Section.

1. The transfer or lease of a property subject to maintenance requirements for LID BMPs shall include conditions requiring the transferee and its successors and assigns to either: (a) assume responsibility for maintenance of any existing LID BMP, or (b) replace an existing LID BMP with new control measures or

BMPs meeting the then current standards of the City and MS4 Permit. 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 conduct maintenance inspections of all LID BMPs at least once a year and retain proof of inspection.

2. For residential properties where the LID BMPs are located within a common area which will be maintained by a homeowners' association, language regarding the responsibility for maintenance shall be included in the project's conditions, covenants and restrictions (CC&Rs). 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 LID BMPs 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 LID 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.

SECTION 5. Section 12.16.116 of the Signal Hill Municipal Code entitled "Small Site New Development/Redevelopment Pollutant Reduction" is hereby added to read, in its entirety, as follows:

12.16.116. SMALL SITE NEW DEVELOPMENT/REDEVELOPMENT POLLUTANT REDUCTION.

A. LID Manual. The LID Manual for Small Sites shall be prepared, maintained, and updated, as deemed necessary and appropriate, by the Director and approved by the City Council. It shall set LID standards and practices for Storm water pollution mitigation, including Urban and Storm water Runoff quantity and quality control development principles and technologies for achieving the LID standards for projects not otherwise required to implement LID strategies by the MS4 Permit.. The LID Manual for Small Sites shall also include technical feasibility and implementation parameters, alternative compliance for technical infeasibility, as well as other rules, requirements and procedures as the Director deems necessary.

B. Requirements. The Site for Projects not listed in Section 12.16.114(C), but resulting in the creation or addition or replacement of 500 square feet or more of Impervious Surface area shall be designed to control Pollutants, pollutant loads, and Runoff volume per the LID Manual for Small Sites. The project applicant shall prepare a Small Site LID Plan which implements set LID standards and practices, as identified in the LID Manual for Small Sites for storm water pollution mitigation, and provides documentation to demonstrate compliance with the LID Manual for Small Sites on the plans submitted to the City. Such a Small Site LID Plan shall comply with the following:

1. Storm water Runoff will be infiltrated, evapotranspired, captured and used, biofiltrated/biotreated through high removal efficiency LID BMP alternatives as identified in the LID Manual for Small Sites, onsite, through Storm water management techniques that comply with the provisions of the LID Manual for Small Sites. To the maximum extent feasible, onsite Storm water management techniques must be properly sized, at a minimum, without any Storm Water Runoff leaving the Site for at least the volume of water produced by the water quality design storm event that results from:

a. The 85th percentile 24-hour rain event determined as the maximized capture Storm water volume for the area using a 48 to 72-hour draw down time; or

b. The volume of Runoff produced from a 0.75 inch, 24 hour rain event.

2. Pollutants shall be prevented from leaving the Site for a water quality design storm event as defined in paragraph 1 of this Subsection, unless the Site has been treated through an approved LID strategy.

3. Any Development four or fewer units intended for residential use shall implement LID BMP alternatives identified in the LID Manual for Small Sites for the Residential LID category and provide documentation to demonstrate compliance on the plans and permit application submitted to the City.

4. Any Development of five or more units intended for residential use or any Development intended for nonresidential use shall implement LID BMP alternatives identified in the LID Manual for Small Sites for the Commercial/Industrial LID category and provide documentation to demonstrate compliance on the plans and permit application submitted to the City.

5. For any Construction Activity resulting in an alteration of at least fifty percent (50%) or more of the Impervious Surfaces on an existing developed Site, the entire Site must comply with the standards and requirements stated above and with the LID Manual for Small Sites.

6. For any Construction Activity resulting in an alteration of less than fifty percent (50%) of the Impervious Surfaces of an existing developed Site, only such incremental Development shall comply with the standards and requirements stated above and with the LID Manual for Small Sites.

C. Technical Infeasibility.

1. When, as determined by the Director, the onsite LID requirements are technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted Small Site LID Plan, shall be consistent with other City requirements, and shall be reviewed in consultation with the Department of Building and Safety. The technical infeasibility may result from conditions that may include, but are not limited to:

- a. Locations where seasonal high groundwater is within five to ten feet of surface grade;
- b. Locations within 100 feet of a groundwater well used for drinking water;
- c. Brownfield Development sites or other locations where pollutant mobilization is a documented concern;
- d. Locations with potential geotechnical hazards;
- e. Locations with impermeable soil type as indicated in applicable soils and geotechnical reports; and
- f. 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.

2. If partial or complete onsite compliance of any type is technically infeasible, as determined by the Director, the project Site and LID Plan will be granted a waiver from the requirements of this Section and the LID Manual for Small Sites. If a portion of the Project Site is deemed technically infeasible, the project applicant may propose an equivalent area within the same project area for LID. The Director may permit substitutions of equivalent areas upon request by the project applicant.

D. Exemptions from LID Requirements. The provisions of this Section do not apply to any of the following:

1. A Development involving only emergency construction activity required to immediately protect public health and safety;
2. Infrastructure projects within the public right-of-way;
3. A Development or Redevelopment involving only activity related to gas, water, cable, or electricity services on private property;
4. A Development involving only resurfacing and/or re-striping of permitted parking lots, where the original line and grade, hydraulic capacity, and original purpose of the facility is maintained;
5. A project involving only exterior movie or television production sets, or facades on an existing developed site;
6. A project not requiring a City building, grading, demolition or other permit for construction activity.

E. Any Development that is exempted from LID requirements under Subsection D of this Section has the option to voluntarily opt in and incorporate into the project the LID requirements set forth herein.

F. City Review and Plan Approval.

1. Prior to the issuance of a permit for a small site, as described in Section 12.16.116(B), the City shall evaluate the proposed project using the LID Manual for Small Sites and erosion and grading requirements of the City Building Official or Director to determine (i) its potential to generate the flow of Pollutants into the MS4 after construction; and (ii) how well the Small Site LID Plan for the proposed project meets the goals of this Chapter. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed. Based upon the review, the City may impose conditions upon the issuance of the building permit, in order to minimize the flow of Pollutants into the MS4.

2. The Director shall approve or disapprove of the Small Site LID Plan within thirty (30) calendar days of submittal, or within thirty (30) days of approval of the development project by the Planning Commission, where Planning Commission approval is required. If the plan is disapproved, the reasons for disapproval shall be given in writing to the applicant. Any plan disapproved may be revised by the applicant and resubmitted for approval. A resubmitted plan will be approved or disapproved within thirty (30) days of submittal. No building or grading permit shall be issued until a Small Site LID Plan has been approved by the Director.

3. If no building permit has been issued or no construction has begun on a project within a period of one hundred eighty (180) days of approval of a Small Site LID Plan, the Small Site LID Plan for that project shall expire. The Director may extend the time by written extension for action by the applicant for a period not to exceed one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant prevented the construction from commencing. In order to renew the Small Site LID Plan, the applicant shall resubmit all necessary forms and other data and pay a new plan review fee.

G. Transfer of Properties Subject to the Requirements of this Section.

1. The transfer or lease of a property subject to maintenance requirements for LID BMPs shall include conditions requiring the transferee and its successors and assigns to either: (a) assume responsibility for maintenance of any existing LID BMP, or (b) replace an existing LID BMP with new control measures or BMPs meeting the then current standards of the City and MS4 Permit. 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 conduct maintenance inspections of all LID BMPs at least once a year and retain proof of inspection.

2. For residential properties where the LID BMPs are located within a common area which will be maintained by a homeowners' association, language regarding the responsibility for maintenance shall be included in the project's conditions, covenants and restrictions (CC&Rs). 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 LID BMPs 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 LID 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.

SECTION 6. Section 12.16.118 of the Signal Hill Municipal Code entitled "Low Impact Development Plan Check Fees" is hereby added to read, in its entirety, as follows:

12.16.118. LOW IMPACT DEVELOPMENT PLAN CHECK FEES

- A. Before review and approval of a set of plans and specifications, the applicant shall pay a LID plan check fee.
- B. LID plan check fees will be established by resolution of the City Council.

SECTION 7. Effective Date. The City Clerk shall certify to the passage and adoption of this ordinance by the City Council of the City of Signal Hill and shall, within 15 days after its final passage, cause the same to be published once in the Signal Hill Tribune, a newspaper of general circulation which is hereby designated for that purpose. This Ordinance shall take effect 30 days after its passage.

SECTION 8. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Signal Hill hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of

the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 9. CEQA Findings. The City Council hereby finds that this Ordinance is an activity taken to maintain, restore, enhance, or protect the environment and therefore categorically exempt from CEQA review as a Class 8 exemption pursuant to 14 California Code of Regulations Section 15308.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Signal Hill, California, on this 18th day of June 2013.

MICHAEL J. NOLL
MAYOR

ATTEST:

KATHLEEN L. PACHECO
CITY CLERK