

ORDINANCE NO. 853

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA, AMENDING THE CITY OF BELL GARDENS MUNICIPAL CODE, TITLE 11, "WATER, SEWERS, AND PUBLIC UTILITIES" CHAPTER 11.12, "URBAN STORMWATER," TO EXPAND THE APPLICABILITY OF THE EXISTING DEVELOPMENT REQUIREMENTS BY IMPOSING RAINWATER LOW IMPACT DEVELOPMENT (LID) STRATEGIES ON PROJECTS THAT REQUIRE BUILDING, GRADING AND ENCROACHMENT PERMITS

WHEREAS, the City of Bell Gardens ("City") is a general law city, incorporated under the laws of the state of California;

WHEREAS, pursuant to its police power, the City may enact and enforce laws within its boundaries which promote the general health, morals, safety, or general welfare of the community, and are not in conflict with general laws;

WHEREAS, the Federal Clean Water Act established Regional Water Quality Control Boards in order to prohibit the discharge of pollutants in stormwater runoff to waters of the United States;

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;

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

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;

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;

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

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, is it the intent of the City to expand the applicability of the existing LID requirements by providing stormwater and rainwater LID strategies for all projects for Development and Redevelopment projects as defined under "Applicability."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELL GARDENS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings & Purpose. In adopting this Ordinance, the City Council finds and declares as follows:

- A. The above recitals are true and correct and incorporate them herein by this reference.
- B. Ordinance No. 853 serves the public health, safety, and welfare of the residents and businesses within the City.
- C. Ordinance No. 853 is consistent with the City's General Plan.
- D. Ordinance No. 853 amending the City of Bell Gardens Municipal Code, will not present any risk to the public health and safety.

SECTION 2. Chapter 11.12, "Urban Stormwater Management," Article I., "Definitions," is hereby replaced and amended in its entirety as follows:

11.12.010 Definitions applicable to this chapter.

The following words, phrases and terms as used in this chapter shall have the meanings ascribed to them in this article. (Ord. 709 § 1, 1998).

11.12.015 One hundred thousand square foot commercial or industrial development.

"One hundred thousand square foot commercial or industrial development" means any commercial or industrial development that creates at least 100,000 square feet of impervious area, including parking areas. (Ord. 732 § 1, 2001).

11.12.020 Act.

"Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq. (Ord. 709 § 1, 1998).

11.12.030 Adverse impact.

"Adverse impact" means a detrimental effect upon water quality or beneficial uses caused by a discharge or loading of a pollutant or pollutants. (Ord. 709 § 1, 1998).

11.12.035 Area susceptible to runoff.

"Area susceptible to runoff" means any surface exposed to precipitation or in the path of runoff caused by precipitation that leads directly to the street or storm drain. (Ord. 732 § 1, 2001).

11.12.037 Automotive ~~repair~~ service facility.

"Automotive ~~repair~~ service facility" means a facility that is categorized in any one of the following Standard Industrial Classification (SIC): ~~Codes 5013, 5014, 5541, 7532 through 7534, or 7536 through 7539. (Ord. 732 § 1, 2001).~~ and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5511, 5541, 7532-7534, and 7536-7539 provided that these facilities have no outside activities or materials that may be exposed to stormwater.

11.12.040 Basin Plan.

"Basin plan" means ~~a water quality control plan for a specific watershed area or areas adopted by a regional board. (Ord. 709 § 1, 1998)~~ 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.

11.12.050 Beneficial uses.

"Beneficial uses" means existing or potential uses of receiving waters as defined in a basin plan. (Ord. 709 § 1, 1998).

11.12.060 Best management practice (BMP).

"Best management practice (BMP)" means ~~stormwater and runoff pollution control practices designed to reduce the pollutants contained in discharges to the storm drain system and/or receiving waters. (Ord. 709 § 1, 1998).~~ practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water.

11.12.063 Biofiltration.

“Biofiltration” means a LID BMP that reduces stormwater 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 Ordinance 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.

11.12.065 Bioretention.

“Bioretention” means a LID BMP that reduces stormwater 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 Ordinance, 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 Order No. R4-2012-0175 as biofiltration.

11.12.067 Bioswale.

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

11.12.070 Board.

“Board” means the city council of the city of Bell Gardens. (Ord. 709 § 1, 1998).

11.12.075 City.

“City” means the City of Bell Gardens.

11.12.077 Clean Water Act.

“Clean Water Act (CWA)” means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

11.12.080 Code of Federal Regulations (CFR).

"Code of Federal Regulations (CFR)" means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government of the United States. (Ord. 709 § 1, 1998).

11.12.090 Commercial activity.

"Commercial activity" means any public or private activity not defined as an industrial activity in 40 CFR 122.26(b)(14), involved in the storage, transportation, distribution, exchange or sale of goods and/or commodities or providing professional and/or nonprofessional services. Commercial activity does not mean a dwelling as defined in BGMC Title 6 (Ord. 709 § 1, 1998).

11.12.095 Commercial development.

"Commercial development" means any development on private land that is not heavy industrial or residential. The category 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.

11.12.097 Commercial malls.

"Commercial malls" 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). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers.

11.12.100 Construction activity.

"Construction activity" means any construction or demolition activity, any clearing, grading, grubbing, or excavation or any other activity of any real property that results in soil land disturbance. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility, nor does it include emergency construction activities required to immediately protect public health and safety (Ord. 709 § 1, 1998) or 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. See "Routine Maintenance" definition for further explanation. 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 Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan.

11.12.105 Control.

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

11.12.110 County.

"County" means the county of Los Angeles (Ord. 709 § 1, 1998).

Department – "Department" means the department of public works of the city of Bell Gardens. (Ord. 709 § 1, 1998).

11.12.120 Department.

"Department" means the department of public works of the city of Bell Gardens. (Ord. 709 § 1, 1998).

11.12.123 Development.

"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.

11.12.124 Directly adjacent.

"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.

11.12.125 Directly connected impervious areas.

"Directly connected impervious areas" means the area covered by a structure, impervious pavement, and other impervious surfaces, which drains directly into the storm drain without first flowing across pervious land area (i.e., lawns). (Ord. 732 § 1, 2001).

11.12.130 Director.

"Director" means the director of public works of the city of Bell Gardens, or his/her authorized deputy, agent, representative or inspector. (Ord. 709 § 1, 1998).

11.12.140 Discharge.

“Discharge” means any release, spill, leak, pumping, flow, escape, dumping, or disposal of any gas, liquid, semi-solid, or solid substance.

11.12.145 Discretionary project.

“Discretionary project” means a project that requires the exercise of judgment or deliberation when the public agency or public body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. (Ord. 732 § 1, 2001).

11.12.147 Disturbed area.

“Disturbed area” means an area that is altered as a result of clearing, grading, and/or excavation.

11.12.149 Flow-through treatment BMPs.

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

11.12.150 Full capture system.

“Full capture system” means any single device or series of devices, certified by the Executive Officer, 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.

11.12.152 General Construction Activities Storm Water Permit (GCASP).

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

11.12.153 General Industrial Activities Storm Water Permit (GIASP).

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

11.12.155 Good housekeeping practice.

“Good housekeeping practice” means a best management practice related to the transfer, storage, use, or cleanup of materials performed in a regular manner that minimizes the discharge of pollutants to the storm drain system and/or receiving waters. (Ord. 709 § 1, 1998).

11.12.157 Green roof.

“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.

11.12.160 Hazardous material.

“Hazardous material” means any material defined as hazardous by Chapter 6.95 of the California Health and Safety Code or any substance designated pursuant to 40 CFR 302. This also includes any unlisted hazardous substance which is a solid waste, as defined in 40 CFR 261.4(b), or is a hazardous substance under Section 101(14) of the Act, if it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24. (Ord. 709 § 1, 1998).

11.12.170 Hazardous waste.

“Hazardous waste” means a hazardous material, which is to be discharged, discarded, recycled, and/or reprocessed. (Ord. 709 § 1, 1998).

11.12.175 Hillside.

“Hillside” means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes.

11.12.180 Illicit connection.

“Illicit connection” means any human-made conveyance that is connected to the storm drain system without a permit, excluding roof drains, which convey only stormwater. (Ord. 709 § 1, 1998).

11.12.190 Illicit discharge.

"Illicit discharge" means any discharge to the storm drain system that is prohibited under local, state, federal statutes, ordinances, codes, or regulations. Illicit discharge includes all nonstormwater discharges except discharges pursuant to an NPDES permit or discharges that are exempted or conditionally exempted by such permit. (Ord. 709 § 1, 1998).

11.12.200 Industrial activity.

"Industrial activity" means any public or private activity which is in any of the 11 categories of activities defined in 40 CFR 122.26(b)(14) and which is required to obtain an NPDES. (Ord. 709 § 1, 1998).

11.12.210 Industrial/Commercial Facility.

"Industrial/commercial facility" means any ~~public or private~~ facility involved and/or used in either 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 nonprofessional services. This category of facilities includes, but is not limited to, any facility defined by ~~a~~ 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.

11.12.213 Industrial park.

"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.

11.12.215 Infiltration.

"Infiltration" means the downward entry of water into the surface of the soil. (Ord. 732 § 1, 2001).

11.12.216 Infiltration BMP.

"Infiltration BMP" means a LID BMP that reduces stormwater 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.

11.12.217 Low Impact Development (LID).

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

11.12.218 Municipal Separate Storm Sewer System (MS4).

"Municipal Separate Storm Sewer System (MS4)" means ~~municipal separate storm sewer system.~~ (Ord. 732 § 1, 2004). a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- A. 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, stormwater, 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;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. 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)).

11.12.219 National Pollution Discharge Elimination System (NPDES).

"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. The term includes an "approved program."

11.12.220 National Pollutant Discharge Elimination System (NPDES) permit.

"National Pollutant Discharge Elimination System (NPDES) permit" means a permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board or a California Regional Water Quality Control Board pursuant to the Act, that authorizes discharges to waters of the United States. (Ord. 709 § 1, 1998).

11.12.225 Natural Drainage System.

"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.

11.12.227 New Development.

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

11.12.230 Non-stormwater discharge.

"Non-stormwater discharge" means any discharge to the storm drain system and/or receiving waters a municipal storm drain system that is not composed entirely of stormwater.

11.12.233 Outfall.

"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 and 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. (40 CFR Section 122.26(b)(9)).

11.12.235 Parking Lot.

"Parking lot" means land area or facility for the temporary storage of motor vehicles used personally, for business, or for commerce 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.

11.12.240 Pollutant.

"Pollutant" shall have the same meaning as set forth in Section 502(6) of the Act or as incorporated into the California Water Code Section 13373. Pollutants include, but are not limited to, the following:

A. Commercial and industrial waste (such as fuels, solvents, chemicals, detergents, plastic pellets, hazardous material or substances, hazardous wastes, fertilizers, pesticides, soot, slag, ash, and sludge);

B. Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium and arsenic) and nonmetals (such as carbon, chlorine, fluorine, phosphorous and sulfur);

C. Petroleum hydrocarbons (such as fuels, oils, lubricants, surfactant, waste oils, solvents, coolants, and grease);

D. Eroded soils, sediment, and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora, or fauna of the state;

E. Animal wastes (such as discharges from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);

~~F. Substances having acidic or corrosive characteristics such as a pH of less than six or greater than nine; and~~

~~G. Substances having unusual coloration or turbidity, levels of fecal coliform, fecal streptococcus, or enterococcus, which may adversely affect the beneficial use of the receiving waters, flora, or fauna of the state. (Ord. 709 § 1, 1998).~~

means any "pollutant" defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Section 13373.

11.12.245 Post construction BMP.

"Post construction BMP" means a structural or nonstructural BMP incorporated into the design of a project to control or reduce the discharge of pollutants from the site after construction is complete for the life of the project. (Ord. 732 § 1, 2001).

11.12.247 Project.

"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).

11.12.248 Rainfall Harvest and Use.

"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.

11.12.250 Receiving Water.

"Receiving water" means all surface water bodies within the country that are identified by a regional board in a basis plan water of the United States into which waste and/or pollutants are or may be discharged.

11.12.255 Redevelopment.

"Redevelopment" means land-disturbing activity that results in the creation, or addition, or replacement of at least 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; or addition or replacement of a structure; structural development, including an increase of gross floor area and/or exterior construction or remodeling; replacement of impervious surfacing that is not part of a routine maintenance activity; and land disturbing activities related with to structural or impervious surfaces. Where redevelopment results in an increase of less than 50 percent of the impervious surfaces of an existing development, and the existing development is not subject to these

~~USWMPs, the design standards apply only to the addition, and not to the entire development. (Ord. 732 § 1, 2001)~~ 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.

11.12.260 Regional Board.

"Regional board" means ~~a the California Regional Water Quality Control Board. (Ord. 709 § 1, 1998).~~ Los Angeles Region.

11.12.265 Restaurant.

"Restaurant" means a stand-alone facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. (Ord. 732 § 1, 2001).

11.12.267 Retail Gasoline Outlet.

"Retail gasoline outlet" means any facility engaged in selling gasoline and lubricating oils ~~to the general public (Ord. 732 § 1, 2001).~~

11.12.268 Routine Maintenance.

"Routine Maintenance" includes, but is not limited to projects conducted to:

- A. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
- B. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
- C. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
- D. Update existing lines (includes replacing existing lines with new pipes) and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
- E. Repair leaks

Routine maintenance does not include construction of new lines (those that are not associated with existing facilities and are not part of a project to update or replace existing lines) or facilities resulting from compliance with applicable codes, standards and regulations.

11.12.270 Runoff.

"Runoff" means any stormwater or nonstormwater discharge from any surface and/or drainage area that reaches the storm drain system and/or receiving waters. (Ord. 709 § 1, 1998).

11.12.275 Significant Ecological Areas (SEAs).

"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:

- A. The habitat of rare, endangered, and threatened plant and animal species.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. Areas important as game species habitat or as fisheries.
- G. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
- H. Special areas.

11.12.278 Site.

"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.

11.12.280 Standard Industrial Classification (SIC).

"Standard Industrial Classification (SIC)" means a numbering system developed by the United States Government, Office of Budget, for the classification of businesses by the type of activity in which they are engaged. (Ord. 732 § 1, 2001; Ord. 709 § 1, 1998).

11.12.290 State Board.

"State board" means the State Water Resources Control Board (Ord. 709 § 1, 1998).

11.12.300 Storm Drain System.

"Storm drain system" means any facility or any parts of the facility, including streets, gutters, conduits, natural or artificial drains, channels and watercourses that are, ~~and/or other facility or any combination thereof, that is owned and/or operated by the city or the Los Angeles County Flood Control District and~~ used for the purpose of collecting, storing, transporting, ~~and/~~ or disposing of runoff. ~~(Ord. 709 § 1, 1998).~~ stormwater and are located within the City.

11.12.305 Storm event.

"Storm event" means a rainfall event that produces more than 0.10 inch of precipitation and that is separated from the previous rainfall event by at least 72 hours. (Ord. 732 § 1, 2001).

11.12.310 Storm Water or Stormwater.

"Storm water or Stormwater" means any water, which originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, and/or surfaces (Ord. 709 § 1, 1998), runoff and drainage related to precipitation events (pursuant to 40 CFR Section 122.26(b)(13); 55 Fed. Reg. 47990, 47995 (Nov. 16, 1990)).

11.12.320 Stormwater pollution prevention plan (SWPPP).

"Stormwater pollution prevention plan (SWPPP)" means a plan required by and for which the contents are specified in an NPDES permit. (Ord. 709 § 1, 1998).

11.12.330 Stormwater runoff.

"Stormwater runoff" means stormwater which travels across any surface to the storm drain system and/or receiving waters. (Ord. 709 § 1, 1998).

11.12.340 Structural BMP.

"Structural BMP" means any permanent facility constructed to control, treat, store, divert, neutralize, dispose of, and/or monitor runoff in order to reduce or measure pollutants. (Ord. 709 § 1, 1998).

11.12.345 Treatment.

"Treatment" means the application of engineering systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media absorption, biodegradation, biological uptake, chemical oxidation, and UV radiation. (Ord. 732 § 1, 2001).

11.12.347 Treatment control BMP.

"Treatment control BMP" means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption, or any physical, biological, or chemical process. (Ord. 732 § 1, 2001).

11.12.350 Uncontrolled discharge.

"Uncontrolled discharge" means any discharge intentional or accidental, occurring in such a manner that the discharger is unable to determine or regulate the quantity, quality or effects of the discharge. (Ord. 709 § 1, 1998).

11.12.353 Urban Runoff.

"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.

11.12.355 Urban stormwater mitigation plan.

"Urban stormwater mitigation plan" means a plan that evaluates the issue of site development including runoff, run-on, vehicle maintenance, land disturbances, erosion, sediment control, and revegetation and establishes BMPs to control or reduce the discharge of pollutants from the site, both during and after construction. (Ord. 732 § 1, 2001).

11.12.360 U.S. EPA.

"U.S. EPA" means the United States Environmental Protection Agency. (Ord. 709 § 1, 1998).

SECTION 3. Article V., entitled "Violations and Enforcement," of Chapter 11.12, "Urban Stormwater Management," is hereby amended and renumbered as follows:

Article VI. Violation and Enforcement

11.12.55~~50~~. Enforcement – Director’s powers and duties

SECTION 4. Chapter 11.12, “Urban Stormwater Management,” is hereby amended to add a new Article V. entitled “Low Impact Development Measures for New Development and/or Redevelopment Planning and Construction Activities,” and the following Sections in the corresponding numerical sections are enacted as follows:

Article V. Low Impact Development Measures for New Development and/or Redevelopment Planning and Construction Activities.

11.12.547 Objective.

The provisions of this Section establish requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current “Order No. R4-2012-0175,” lessen the water quality impacts of development by using smart growth practices, and integrate LID practices and standards for stormwater pollution mitigation through means of infiltration, evapotranspiration, biofiltration, and rainfall harvest and use. LID shall be inclusive of new development and/or redevelopment requirements.

11.12.548 Scope.

This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City to further define and adopt stormwater pollution control measures, and to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, grant waivers from the LID requirements, and collect funds for projects that are granted waivers. Except as otherwise provided herein, the City shall administer, implement and enforce the provisions of this Section.

11.12.549 Applicability.

Development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate storm water pollution, prior to completion of the project(s), are:

- A. All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- B. Industrial parks 10,000 square feet or more of surface area.
- C. Commercial malls 10,000 square feet or more of surface area.

- D. Retail gasoline outlets with 5,000 square feet or more of surface area.
- E. Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- F. Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- G. Streets and roads construction of 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.
- H. Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.
- I. Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
 - 1. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
 - 2. Create 2,500 square feet or more of impervious surface area
- J. Single-family hillside homes.
- K. Redevelopment Projects
 - 1. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
 - 2. 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 stormwater quality control requirements, the entire project must be mitigated.
 - 3. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.

4. 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.
5. 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.

11.12.550 Effective Date.

The Planning and Land Development requirements contained in Section 7 of Order No. R4-2012-0175 shall become effective 90 days from the adoption of the Order (February 6, 2013). This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Order. Projects that have been deemed complete within 90 days of adoption of the Order are not subject to the requirements Section 7.

11.12.551 Specific Requirements.

The Site for every Planning Priority Project 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.

- A. A new single-family hillside home development shall include mitigation measures to:
 1. Conserve natural areas;
 2. Protect slopes and channels;
 3. Provide storm drain system stenciling and signage;
 4. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
 5. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

- B. Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.
- C. The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:
 1. Retain stormwater runoff onsite for the Stormwater 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.
 2. Minimize hydromodification impacts to natural drainage systems as defined in Order No. R4-2012-0175.
 3. 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:
 - i. 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.
 - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
 - iii. Locations within 100 feet of a groundwater well used for drinking water;
 - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
 - v. Locations with potential geotechnical hazards;

- vi. 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.
4. 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 Order No. R4-2012-0175.
 - i. Additional alternative compliance options such as offsite infiltration and groundwater replenishment projects may be available to the project Site. The project Site should contact the City to determine eligibility.
 5. 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 per Order No. R4-2012-0175. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
 - i. 0.2 inches per hour, or
 - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.

11.12.552 Additional Requirements.

The site for projects not classified with general applicability listed in Section C of this Ordinance, 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 Bell Gardens Green Streets Manual.

SECTION 5. All affected sections and cross references in Chapter 11.12 of the Bell Gardens Municipal Code Section as amended herein shall be renumbered and listed accordingly in proper numerical and alphabetical order where appropriate.

SECTION 6. Compliance with California Environmental Quality Act. The adoption of this Ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Section 10652, constituting the adoption of plans pursuant to the implementation of actions taken pursuant to Section 10652 and also constituting an activity that will not significantly affect water supplies for fish and wildlife.

SECTION 7. Severability. If any section, 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 hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions might subsequently unconstitutional.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law, which shall take full force and effect thirty (30) days from its adoption.

PASSED AND ADOPTED this 24th day of June, 2013.

PA

Pedro Aceituno, Mayor

APPROVED AS TO FORM:

ATTEST:



Arnold Alvarez-Glasman
City Attorney



Rosalia A. Conde, CMC
City Clerk

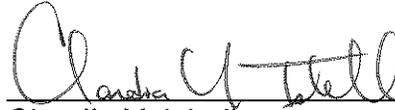
I, CLAUDIA Y. ISBELL, Secretary to the City Clerk of the City of Bell Gardens, hereby CERTIFY that **Ordinance No. 853** was introduced and placed upon its first reading at a regular meeting of the Bell Gardens City Council held June 10, 2013, and that thereafter said Ordinance was duly adopted at a regular meeting of the City Council held June 24, 2013, and was approved and passed by the following vote:

AYES: Council Members Crespo, Flores, Rodriguez, Mayor Pro-Tem Infanzon,
Mayor Aceituno

NOES: None

ABSTAIN: None

ABSENT: None

A handwritten signature in cursive script, appearing to read "Claudia Y. Isbell", is written over a horizontal line.

Claudia Y. Isbell
Secretary to the City Clerk