

City of Southgate

ORDINANCE NO. 2307

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE AMENDING SECTION 6.67.010 (GENERAL PROVISIONS) AND SUBSECTION C (NEW DEVELOPMENT AND CONSTRUCTION) OF SECTION 6.67.030 (POLLUTANT SOURCE REDUCTION) OF CHAPTER 6.67 (STORM DRAINS) OF TITLE 6 (HEALTH AND SANITATION) OF THE SOUTH GATE MUNICIPAL CODE, TO EXPAND THE APPLICABILITY OF THE EXISTING POLLUTANT SOURCE REDUCTION REQUIREMENTS, BY IMPOSING RAINWATER LOW IMPACT DEVELOPMENT (LID) STRATEGIES ON 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 stormwater 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 an 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, 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 Subsection D.1 of this chapter.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 6.67.010 (General Provisions) of Chapter 6.67 (Storm Drains) of Title 6 (Health and Sanitation) of the South Gate Municipal Code is hereby amended to read as follows:

A. Purpose and Intent. The purpose of this chapter is to protect the public health, welfare and safety and to reduce the quantity of pollutants being discharged to the waters of the United States. This chapter has the following objectives:

1. The elimination of non-stormwater discharges to the municipal separate storm sewer system;
2. The elimination of spillage, dumping and disposal of pollutants into the municipal separate storm sewer system;
3. The reduction of pollutants in stormwater discharges to the maximum extent practicable;
4. The protection and enhancement of the quality of the waters of the United States in a manner consistent with the provisions of the Clean Water Act.

B. Definitions. For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

1. "Best management practice (BMP)" means methods, measures or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges including stormwater. BMPs include structural and nonstructural controls, and operation and maintenance procedures, which can be applied before, during and/or after pollution producing activities.
2. "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.

3. "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 as biofiltration.

4. "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.

5. "Building official" shall be the current Building official of the City or his/her authorized deputy, agent, representative or inspector.

6. "City" means the City of South Gate.

7. "City Manager" means the current City Manager as appointed by the City Council to carry out its policies and ensure that the community is served in a responsive manner.

8. "CFR" means the current issue of the Code of Federal Regulations.

9. "Construction" means construction, clearing, grading, structure teardown or excavation that results in soil disturbance. It does not include projects solely involving: routine maintenance to maintain original line and grade, hydraulic capacity or original purpose of facility or emergency construction activities required to immediately protect public health and safety, or interior remodeling or mechanical, electrical and sign permit work.

10. "Construction General Permit" means the general permit for discharges of stormwater associated with construction activity issued by the State Water Resource Control Board

11. "Development" means any 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.

12. "Director of Community Development" means the current director of the Department of Community Development of the City or his or her duty authorized deputy, agent, designee, representative or inspector.

13. "Discharge" means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

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

15. "Exempted discharge" means any discharge to the municipal separate storm sewer system that is not subject to the provisions of this chapter. Exempted discharges are listed in subsection (B) (2) of Section 6.67.020.

16. "Good housekeeping" means any practice for the storage, use, handling or cleanup of materials in a manner that minimizes the discharge of pollutants in stormwater runoff.

17. "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.

18. "Illicit connection" means any manmade conveyance that is connected to the municipal separate storm sewer system without a permit.

19. "Illicit discharge" means any non-stormwater discharge that is neither permitted by a valid NPDES permit nor considered an exempted discharge under subsection B of Section 6.67.020.

20. "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.

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

22. "Municipal separate storm sewer system (MS4)" means 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 collecting or conveying stormwater;
- c. Which is not a combined sewer; and
- d. Which is not part of a Publicly Owned Treatment Works (POTW).

23. "National Pollutant Discharge Elimination System (NPDES)" means the National Pollutant Discharge Elimination System used 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.

24. "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.

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

26. "Non-stormwater discharge" means any discharge to the municipal separate storm sewer system that is not directly generated by and composed primarily of rainfall.

27. "Owner," when applied to a building or land, means any part owners, joint owner, community property owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

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

29. "Pollutant" means any substance introduced into the environment that may directly or indirectly result in adverse effects on the beneficial uses of a resource. Pollutants may include, but are not limited to:

- a. Artificial materials, chips or pieces of natural or manmade materials;
- b. Household waste;
- c. Commercial and industrial waste;
- d. Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium and nonmetals such as phosphorus and arsenic;
- e. Petroleum hydrocarbons;
- f. Excessive eroded soils, sediment and particulate materials;
- g. Animal wastes;
- h. Substances having characteristics such as pH less than six or greater than nine, unusual coloration or turbidity, excessive levels of fecal coliform, fecal streptococcus or enterococcus;
- i. Waste materials and wastewater generated by construction activities;
- j. Materials causing an increase in biochemical oxygen demand, chemical oxygen demand or total organic carbon;
- k. Materials which contain base/neutral or acid extractable organic compounds;
- l. Those pollutants defined in Section 1362(6) of the Clean Water Act;
- m. Any other constituent or material that may interfere with or adversely affect the beneficial uses of the receiving waters, flora or fauna of the state.

30. "Planning priority projects" means those projects that are required to incorporate appropriate stormwater mitigation measures into the design plan for their respective project.

31. "Premises" means any building, lot, parcel of land, land or portion of whether improved or unimproved.

32. "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.

33. "Redevelopment" means land-disturbing activity that results in the creation, addition or replacement of at least five thousand square feet or more of impervious surfaces on an already development site, or as established by resolution of the City council. Redevelopment includes, but is not limited to, the expansion of a building footprint or addition or replacement of a structure; replacement of impervious surface that is not part of a routine maintenance activity; and land-disturbing activities 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. Existing single-family structures are exempt from the development requirements, unless such projects create, add, or replace 10,000 square feet of impervious surface area.

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

35. "Significant material" includes, but is not limited to:

- a. Raw materials;
- b. Fuels;
- c. Materials such as solvents, detergents and plastic pellets;
- d. Finished materials such as metallic products;
- e. Raw materials used in food processing or production;
- f. Hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA);
- g. Any chemical a facility is required to report pursuant to Section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA);
- h. Fertilizers;
- i. Pesticides; and

j. Waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

36. "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.

37. "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 stormwater and are located within the City.

38. "Storm Water or Stormwater" 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)).

39. "Stormwater Quality Design Volume (SWQDv)" means the runoff from the 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or the volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.

40. "Stormwater treatment system" means any physical system designed and/or used to reduce the concentrations of pollutants in stormwater runoff.

41. "Stormwater runoff" refers to a part of precipitation which travels via flow across a surface to the municipal separate storm sewer system or receiving waters.

C. Responsibility for Administration. Responsibility for the administration and implementation of this chapter is delegated to the Director of Community Development.

1. Delegation of Powers. Whenever a power is granted to or a duty is imposed upon the Director of Community Development by this chapter, that power may be exercised or the duty may be performed by a duly authorized deputy, agent, designee, representative or inspector of the Director of Community Development, unless this chapter expressly provides otherwise.

D. Regulatory Consistency. The provisions of this chapter shall take precedence over any inconsistent or conflict provisions of this code.

E. Time Limits. Any time limit provided for in the provisions of this chapter may be extended in a manner consistent with federal and state regulations, by mutual written consent of the Director of Community Development and the permittee, applicant, or other affected person, consistent with the NPDES permit.

F. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof, is held invalid, or unconstitutional, such

decision shall not affect the validity of the chapter as a whole or the remaining section or portions of this chapter or part thereof, other than the section or portion so declared to be unconstitutional or invalid. The City Council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phases may be declared invalid or unconstitutional.

G. **Fees.** Fees to be charged for plan checking, inspection, enforcement and any other activities carried out by the City under this chapter shall be specified by ordinance or resolution of the City council.

H. **Taking.** The provisions of this chapter shall not operate to deprive any landowner of substantially all of the market value of his/her property or otherwise constitute an unconstitutional taking without compensation. If application of this chapter to a specific project would create a taking, then pursuant to this chapter, the City Council may allow additional land uses, but only to the extent necessary, to avoid a taking. Such uses shall be consistent with and carry out the purposes of this chapter.

SECTION 2. Subsection C (New Development and Construction of Section 6.67.030 (Pollutant Source Reduction) of Chapter 6.67 (Storm Drains) of Title 6 (Health and Sanitation) of the South Gate Municipal Code is hereby amended, and Subsections D and E are hereby added, to read as follows:

C. Construction Pollution Reduction.

1. **Regulatory Compliance.** All persons engaged in construction activity within the City shall operate in compliance with all state and federal laws regulating or pertaining to stormwater management and runoff. Proof of compliance may be required by the Director of Community Development or Building official prior to the issuance of any grading, building or occupancy permit or any other type of permit or license issued by the City.

2. **Copies of Documents.** All persons engaged in construction activity within the City requiring a State Construction Activity Stormwater Permit shall have at the construction site available for review:

a. A copy of the notice intent for the State Construction Activities Stormwater Permit;

b. The waste discharge identification number issued by the State Water Resources Control Board; and

c. Copies of the stormwater pollution prevention plan and stormwater monitoring plan as required by the permit.

3. Construction projects equal to or greater than one acre, but less than five acres shall prepare and submit a local stormwater pollution prevention plan

consistent with the most recent Countywide Development Planning Model Program and Construction General Permit to the City Manager or duly authorized representative thereof for review and approval prior to the issuance of any site plan approval, entitled of use or grading or building permits.

4. *Notice of Intent to Comply.* No grading, building, demolition, or other permit shall be issued by the Division of Building and Safety for developments with a disturbed area of one acre or greater unless the applicant can show that a notice of intent to comply with the State Construction General Permit has been filed and that a stormwater pollution prevention plan has been prepared for the project.

5. *Standard Best Management Practices.* Stormwater 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 existing structure or commencement of construction where no demolition is necessary, 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 and filter berms shall be utilized to the maximum extent practicable in order to minimize the escape from the site of sediment and other pollutants.

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. Between October 1st and April 30th, such excavated soil shall be covered with waterproof 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 vehicles or other vehicles on the construction site is permitted to run off the construction site and enter the municipal separate storm sewer system.

e. Trash receptacles must be situated at convenient locations on construction sites and must be maintained in such a manner that trash and litter does not accumulate on the site nor migrate off site.

f. Erosion from slopes and channels must be controlled through the effective combination of best management practices.

6. *Vegetation Clearing Limits.* As a condition of granting a construction 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 not be limited to, regulating the length of time soil is allowed to remain bare or prohibiting bare soil.

7. *Additional Plans.* The Building official may require, prior to the issuance of any permit, preparation of appropriate wet weather erosion control, stormwater pollution prevention or other plans consistent with the county-wide development construction guidance document and the goals of this chapter.

D. New Development/Redevelopment Pollutant Reduction

1. *Low Impact Development (LID) Plan.* An applicant shall submit an LID Plan to the Department of Community Development prior to the submittal of an application for the first planning or building approval for a new planning priority project development project. 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 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. Except as otherwise provided herein, the City shall administer, implement and enforce the provisions of this Section. The following projects for new development and redevelopment, if subject to discretionary project approval in the Zoning Ordinance of the City, shall require a LID Plan that complies with the current Municipal NPDES Permit:

- a. Other than those listed below, 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. Permit applications submitted after June 15, 2014 for Industrial Parks with 10,000 square feet or more of surface area.
- c. Commercial Malls. Permit applications submitted after June 15, 2014 for Commercial Malls with 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 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. Unless otherwise provided by Resolution of City Council through Green Street Policy, 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.
- h. Automotive Service Facilities with 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, where the Development will:
 - i. Discharge Stormwater Runoff that is likely to impact a sensitive biological species or habitat; and
 - ii. Create 2,500 square feet or more of Impervious Surface area
- j. Single-family Hillside Properties.
- k. Redevelopment Projects
 - i. 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.
 - ii. 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.
 - iii. 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 Stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
 - iv. 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.

- v. 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.

2. *Requirements.* The Site for every Project identified in subsection D.1 of this chapter 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 stormwater pollution mitigation and provides documentation to demonstrate compliance with the Municipal NPDES permit on the plans and permit application submitted to the City. Such a LID Plan shall comply with the following:

- a. A new single-family hillside home development or redevelopment shall include mitigation measures to:

- i. Conserve natural areas;
- ii. Protect slopes and channels;
- iii. Provide storm drain system stenciling and signage;
- iv. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
- v. 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 US EPA guidance regarding Managing Wet Weather with the City's most current Green Streets Manual to the Maximum Extent Practicable.

- c. The remainder of Projects identified in subsection C.1 of this chapter shall prepare a LID Plan to comply with the following:

- i. Retain Stormwater Runoff onsite for the Stormwater Quality Design Volume (SWQDv) defined as the Runoff from the 85th

percentile 24-hour Runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or the volume of Runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.

ii. Minimize hydromodification impacts to natural drainage systems.

3. *City Review and Requirements.* No discretionary permit may be issued for any new development or redevelopment project identified in subsection (D) of this chapter until the authorized enforcement officer confirms that the project plans comply with the applicable stormwater mitigation plans and enumerated design criteria requirements. Where redevelopment results in an alteration to more than 50% of impervious surfaces of a previously existing development, and the existing development was not subject to post-development storm water quality control requirements, the entire project must be mitigated. Where redevelopment results in an alteration to less than 50% of impervious surfaces of a previously existing development, and the existing development was not subject to post-development storm water quality control requirements, only the alteration must be mitigated, and not the entire development.

4. *Issuance of Certificates of Occupancy.* As a condition for issuing a certificate of occupancy for new development or redevelopment project identified in subsection (D) of this section, the authorized enforcement officer shall require facility operators and/or owners to build all the storm water pollution control best management practices and structural or treatment control BMP's that are shown on the approved project plans and to submit a signed certification statement stating that the site and all structural or treatment control BMP's will be maintained in compliance with the municipal NPDES permit and other applicable regulatory requirements.

5. *Technical Infeasibility.* 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 of Community Development and may only be approved where permitted in accordance with the terms of the Municipal NPDES permit.

a. 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; and
- 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.

b. 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 Municipal NPDES permit.

c. 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 of Community Development to determine eligibility.

d. 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 municipal NPDES permit. 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.

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

- a. A Development involving only emergency construction activity required to immediately protect public health and safety;
- b. Infrastructure projects within the public right-of-way;
- c. A Development or Redevelopment involving only activity related to gas, water, sewer, cable, or electricity services on private property;
- d. 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;
- e. A project involving only exterior movie or television production sets, or facades on an existing developed site; or
- f. A project not requiring a City building, grading, demolition or other permit for construction activity.

7. Any Development that is exempted from LID requirements under Subsection 6 of this Section has the option to voluntarily opt in and incorporate into the project the LID requirements set forth herein.

8. *Plan Approval.* Prior to the issuance of a permit by the Division of Building and Safety 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 of Community Development 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. The Building official shall approve or disapprove of the LID Plan within thirty calendar days of submittal. If the plan is disapproved, the reasons for disapproval shall be given in writing to the developer. Any plan disapproved by the Building official may be revised by the developer and resubmitted for approval. A resubmitted plan will be approved or disapproved within thirty calendar days of submittal. No building permit shall be issued until an urban runoff mitigation plan has been approved by the Building official.

9. *Expiration of LID Plan.* If no building permit has been issued or no construction has begun on a project within a period of one hundred eighty days of approval of a LID Plan, the LID Plan for that project shall resubmit all necessary forms and supporting data and include payment of new plan review fees, unless extended by the Building and Safety official consistent with the requirements of the recent California Building and Residential codes.

E. Small Site New Development/Redevelopment Pollutant Reduction

1. *LID Manual for Small Sites.* The LID Manual for Small Sites shall be prepared, maintained, and updated, as deemed necessary and appropriate, by the Director of Community Development or his/her designee and adopted through resolution of the City Council. It shall set LID standards and practices for stormwater pollution mitigation, including urban and stormwater 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 of Community Development deems necessary.

2. *Requirements.* The Site for Projects not listed in Section 6.67(D), but resulting in the creation or addition or replacement of 800 square feet or more of impervious surface area, or as established by resolution of City Council 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 stormwater 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:

a. Stormwater 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 stormwater management techniques that comply with the provisions of the LID Manual for Small Sites. To the maximum extent feasible, onsite stormwater 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:

- i. The 85th percentile 24-hour rain event determined as the maximized capture Stormwater volume for the area using a 48 to 72-hour draw down time; or
- ii. The volume of Runoff produced from a 0.75 inch, 24 hour rain event.

b. Pollutants shall be prevented from leaving the site for a water quality design storm event as defined above, unless the site has been treated through an approved LID strategy.

c. Any Development of 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.

d. 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.

e. 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.

f. 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.

3. *Technical Infeasibility.*

a. When, as determined by the Director of Community Development or his/her designee, 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:

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

vi. 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.

b. If partial or complete onsite compliance of any type is technically infeasible, as determined by the Director of Community Development, 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 of Community Development may permit substitutions of equivalent areas upon request by the project applicant.

4. *Exemptions from LID Requirements.* The provisions of this Subsection E do not apply to any of the following:

a. A Development involving only emergency construction activity required to immediately protect public health and safety;

b. Infrastructure projects within the public right-of-way;

c. A Development or Redevelopment involving only activity related to gas, water, sewer, cable, or electricity services on private property;

d. 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;

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

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

g. Other exemptions and/or modifications as established by resolution of City Council as it related to the LID manual for small sites.

5. 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.

6. *City Review and Plan Approval.*

a. Prior to the issuance of a permit for a small site, as described in this subsection E.2 of this chapter, 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 of Community

Development 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.

b. The Director of Community Development 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 of Community Development.

c. 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 of Community Development 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.

7. *Transfer of Properties Subject to the Requirements of this Section.*

a. 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.

b. 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.

c. 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 3. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall take effect and be in force on the thirty-first (31st) day after its adoption.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

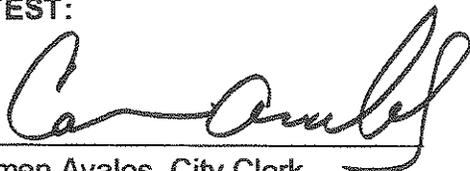
PASSED, APPROVED, and ADOPTED this 10th day of September, 2013.

CITY OF SOUTH GATE:



Gil Hurtado, Mayor

ATTEST:



Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:



Raul F. Salinas, City Attorney

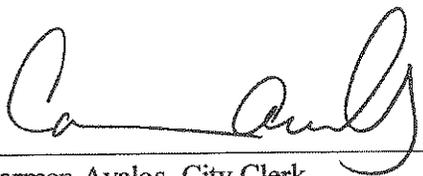
ORDINANCE CERTIFICATION PAGE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Ordinance No. 2307 was adopted by the City Council at their Regular Meeting held on September 10, 2013, by the following vote:

Ayes: Council Members: Hurtado, Gonzalez, Morales, Davila and De Witt
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Witness my hand and the seal of said City on September 25, 2013.



Carmen Avalos, City Clerk
City of South Gate, California