

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Dennis Hawkins, CMC
City Clerk

SUBJECT: SEE BELOW

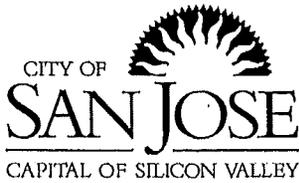
DATE: 09-20-11

**SUBJECT: POST-CONSTRUCTION URBAN RUNOFF MANAGEMENT POLICY
AND RELATED MUNICIPAL CODE CHANGES**

RECOMMENDATION

As recommended by the Transportation and Environment Committee on September 12, 2011 and outlined in the attached memo submitted to the Transportation and Environment Committee, accept the report and:

- (a) Adopt a resolution approving revisions to City Council Policy 6-29: Post-Construction Urban Runoff Management, to bring the Policy into conformance with the requirements of the San Francisco Bay Regional Water Quality Control Board; and
- (b) Approve a Director initiated ordinance amending Sections 20.95.020, 20.95.110 and 20.95.120 of Chapter 20.25 of Title 20 of the San José Municipal Code to require certain projects, which are defined as uncovered parking areas, restaurants, auto service facilities and retail gasoline outlet projects that create or replace 5,000 square feet or more of impervious surface area to:
 - (1) Use site design and source control measures and numerically-sized Low Impact Development stormwater treatment measures;
 - (2) Require property owners to keep an inspection and maintenance schedule on the project site for all stormwater treatment measures installed pursuant to Policy 6-29 and to make such schedule available to City representatives on demand; and
 - (3) Prohibit alteration, removal or failure to maintain stormwater treatment measures without approval of an Adjustment to a Development Permit.



Memorandum

TO: TRANSPORTATION AND
ENVIRONMENT COMMITTEE

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: August 25, 2011

Approved

Date

9/2/11

COUNCIL DISTRICT: City-Wide
SNI AREA: All

**SUBJECT: PROPOSED MODIFICATIONS TO CITY COUNCIL POLICY 6-29:
POST-CONSTRUCTION URBAN RUNOFF MANAGEMENT AND
RELATED MUNICIPAL CODE CHANGES**

RECOMMENDATION

It is recommended that the Transportation and Environment Committee accept the report and recommend this item for full Council consideration at the October 4, 2011 Council meeting.

- (a) Approve the revised City Council Policy 6-29: Post-Construction Urban Runoff Management, to bring the Policy into conformance with the requirements of the San Francisco Bay Regional Water Quality Control Board, and
- (b) Approve a Director initiated ordinance amending Sections 20.95.020, 20.95.110 and 20.95.120 of Chapter 20.95 of Title 20 of the San José Municipal Code to require certain projects, which are defined as uncovered parking areas, restaurants, auto service facilities and retail gasoline outlet projects that create or replace 5,000 square feet or more of impervious surface area, to: (1) use site design and source control measures and numerically-sized Low Impact Development (LID) stormwater treatment measures; (2) require property owners to keep an inspection and maintenance schedule on the project site for all stormwater treatment measures installed pursuant to Policy 6-29 and to make such schedule available to City representatives on demand; and (3) prohibit alteration, removal, or failure to maintain stormwater treatment measures without approval of an Adjustment to a Development Permit.

OUTCOME

Approval of the Revised City Council Policy 6-29 and proposed Ordinance will ensure that the City of San José is consistent in its review of new development proposals covered under the requirements of the Municipal Regional Stormwater NPDES Permit.

EXECUTIVE SUMMARY

The revised City Council Policy 6-29: Post-Construction Urban Runoff Management brings the Policy into conformance with the requirements of the San Francisco Bay Regional Water Quality Control Board (Regional Board) Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) (Permit Number CAS612008), which was adopted on October 14, 2009. Specifically, the Policy revision:

- 1) Includes the requirement for Low Impact Development (LID) techniques, such as infiltration, harvest and reuse, evapotranspiration or biotreatment, to manage stormwater on newly developed or redeveloped sites.
- 2) Establishes three primary strategies to manage stormwater runoff:
 - a. Minimize Runoff through Site Design (Quantity Control)
 - b. Prevent Polluted Runoff with Source Control
 - c. Treat Stormwater with Low Impact Development (LID)
- 3) Identifies specific source control measures for automobile-related uses and other uses with high potential for contaminated storm water runoff.

Council Policy 6-29 is supported by the San Jose Municipal Code (Title 20, Chapter 20.95 Storm Water Management) which recognizes the Policy as providing the primary guidance for the treatment of storm water as part of development projects. As a result, associated modifications to Title 20 are also proposed by the Administration.

BACKGROUND

The Federal Clean Water Act requires the City of San José to operate under a Municipal Stormwater NPDES Permit (MRP) for the discharge of stormwater via the City's stormwater collection system. On October 14, 2009, the Regional Board adopted the Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) for the San Francisco Bay Region. In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a Regional Permit for 76 municipalities in eight Bay Area counties, including the City of San José. Per provision C.3 in the MRP, the City of San José is required to use its planning authority to include appropriate source control, site design,

and stormwater treatment measures in new development and redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges, primarily through the implementation of low impact development (LID) techniques.

San Jose's current Policy 6-29 was adopted by the City Council on February 3, 1998, and last revised on August 15, 2006, to meet the Urban Runoff management requirements of the Municipal Stormwater NPDES Permit that were issued by the Regional Board to San José and other jurisdictions in Santa Clara County. The proposed revised Policy 6-29 reflects the requirements of the latest Municipal Regional Stormwater NPDES Permit, adopted by the Regional Board on October 14, 2009, which became effective for all 76 Bay Area municipalities, including the City of San José, on December 1, 2009. The first deadline for implementation of the Low Impact Development requirements is December 1, 2011.

ANALYSIS

The proposed revised City Council Policy 6-29 incorporates the key provisions of the Municipal Regional Stormwater NPDES Permit regarding new development and redevelopment, including the following:

- Categories of development projects to which the various Policy provisions apply
- Stormwater management strategies to minimize and prevent polluted stormwater runoff
- Mandatory Low Impact Development (LID) stormwater treatment measures
- Operation and maintenance requirements for stormwater treatment measures

Each of these key provisions, discussed in more detail below, is consistent with the requirements contained in the newly adopted Municipal Regional Stormwater NPDES Permit (MRP).

The most substantive changes proposed to the City Council Policy 6-29 are new requirements that reflect the MRP's emphasis on the use of Low Impact Development (LID) for the treatment and reduction of stormwater runoff. LID is a land planning and engineering design approach that mimics a site's predevelopment rate of infiltration and evaporation. Specifically, LID has two major components: (1) minimizing disturbed areas and impervious surface cover and (2) infiltrating, storing, detaining, evapotranspiring, and/or biotreating the remaining stormwater runoff on the development site. In this way, stormwater runoff is considered a water resource, rather than a waste product. Examples of LID measures include rain barrels, cisterns, green roofs, permeable pavement, rain gardens, and flow-through planter boxes. In addition, the MRP places priority on the use of rainwater harvesting and reuse, infiltration, or evapotranspiration which must be deemed infeasible before the use of biotreatment systems are allowed on a development site.

In the event that a project cannot provide the required stormwater treatment on-site, the proposed Policy includes Alternative Compliance provisions (consistent with the MRP) that allow for a project's runoff to be treated with LID treatment measures jointly with another project or at an offsite location within the same watershed. In-lieu fee may also be set by the Council for the purpose of contributing to a regional stormwater solution in the same watershed.

The LID requirement replaces the current Policy requirement that all new and redevelopment projects implement Post-Construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. San Jose's current Policy has emphasized landscape-based treatment measures as being preferable to mechanical devices. The revised Policy will further limit the use of mechanical treatment measures such as storm drain inlet filters, vault-based media filters, and oil-water separators to only "Special Projects" that have smart growth characteristics (see Special Projects section of this report for more information).

The MRP dictates another major change to the Policy for uncovered parking areas, restaurants, auto service facilities, and retail gasoline outlet projects that create or replace 5,000 square feet or more of impervious surface area. These projects are called Special Land Use Category Projects in the MRP and are required to use site design and source control measures and numerically-sized Low Impact Development (LID) stormwater treatment measures.

Stormwater Management Strategies

In addition to the use of LID measures to treat stormwater runoff, the proposed revised City Council Policy 6-29 includes "Stormwater Management Strategies" to reduce the amount of runoff that will require treatment and Source Control measures to avoid stormwater contact with pollutants. These include:

- 1) Minimize Runoff through Site Design (Quantity Control)
- 2) Prevent Polluted Runoff with Source Control
- 3) Treat Stormwater with Low Impact Development (LID)

These three strategies will be implemented in the priority order set forth below with greatest emphasis placed on reducing the amount of runoff that must be treated by reducing the amount of impervious area that is directly connected to the storm drain system.

A guidebook is being prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), to provide guidance to developers and engineers in selecting, designing, and constructing LID stormwater treatment measures.

Projects Covered by the Policy

The proposed revised City Council Policy 6-29 includes requirements for development projects on vacant and previously developed properties (hereafter referred to as redevelopment) and road projects to manage stormwater based on the proposed land use and amount of impervious surface area being created and/or replaced by the project. The Policy provisions and phased-in requirements vary in accordance with the four MRP project types described below and further explained in the Policy. A fifth category, Land Uses of Concern, remain in the Policy.

1. **All Development Projects:** All new and regulated projects regardless of size and land use are encouraged to incorporate site design and pollutant source control practices in a

manner consistent with the strategies set forth in the Policy.

2. **Projects Regulated by the Municipal Regional Permit (Regulated Projects):** All projects that create or replace 10,000 square feet or more of impervious surface must use site design and source control measures and numerically-sized Low Impact Development (LID) stormwater treatment measures in accordance with the strategies set forth in the Policy.

Beginning on December 1, 2011, uncovered parking areas (stand-alone or part of another use), restaurants, auto service facilities and retail gasoline outlets that create or replace 5,000 square feet or more of impervious surface area must use site design and source control measures and numerically-sized Low Impact Development (LID) stormwater treatment measures in accordance with the strategies set forth in the Policy.

3. **Small Projects:** Beginning on December 1, 2012, new development and redevelopment projects that create or replace at least 2,500 but less than 10,000 square feet of impervious surface area are required to install one or more site design measures in accordance with provision C.3.i of the MRP. These measures include the use of permeable surfaces to construct sidewalks, walkways, parking areas and/or the direction of stormwater runoff into cisterns, rain barrels or vegetated areas.
4. **Individual Detached Single-Family Home Projects:** Beginning on December 1, 2012, the construction of a new or replacement detached single-family home, which is not part of a larger plan of development and creates or replaces 2,500 square feet or more of impervious surface, is required to incorporate one or more site design measures in accordance with provision C.3.i of the MRP. These measures include the use of permeable surfaces to construct driveways, walkways and patios, directing stormwater runoff to vegetated areas, or into cisterns or rain barrels.

Special Projects

The MRP includes "Special Projects" provisions that call for "LID treatment reduction credits" that can be applied to certain types of smart growth, high density, and transit oriented development to allow for the use of non-LID treatment measures for some or all of a project's runoff. San José staff has been working with the Bay Area Stormwater Management Agencies Association (BASMAA) to develop the LID reduction credit system to incentivize higher density smart growth as allowed by the Municipal Regional Permit. At the time of preparation of this memo, negotiations on an incentive credit system were continuing, with a goal for Regional Board consideration of a final proposal occurring in fall, 2011. Upon approval of a LID reduction credit system for Special Projects, San José staff will conduct additional outreach to development community stakeholders, prior to incorporating it into the development review process.

Ordinance

The proposed Ordinance updates the Municipal Code to implement the MRP by reducing the project size that triggers application of the Policy to 5,000 square feet for certain defined projects, known as Special Land Use Projects in the MRP. These defined projects are uncovered parking areas (stand-alone or part of another use), restaurants, auto service facilities and retail gasoline outlets that create or replace 5,000 square feet or more of impervious surface area. The proposed Ordinance also responds to provisions in the MRP that require the City to implement a program that inspects and verifies that new post-construction stormwater management features are correctly installed, and properly operated and maintained for the life of the development project.

The MRP generally requires the City to inspect each post-construction stormwater facility at least once every five years. Operations and maintenance costs for the post construction stormwater management features are the responsibility of the property owner, and vary significantly depending on the treatment system. For example, landscape-based stormwater features can be maintained through normal landscape maintenance activities. Proprietary filtration systems, however, often require maintenance by an approved vendor.

On August 31, 2010, Council directed the City Attorney's Office to draft an ordinance revising the Municipal Code to require property owners to keep maintenance records for post-construction treatment systems for five years and make such records available during an inspection, and to require implementation of best management practices on all construction sites. The proposed ordinance responds to the Council direction related maintenance records for post-construction treatment systems.

The recommended record keeping provision will enable more effective enforcement of stormwater pollutant controls on construction sites and improve efficiency of inspecting post-construction stormwater treatment systems and hydromodification controls. The City actively inspects stormwater treatment systems through its grading permitting and Watershed Enforcement program.

The MRP also requires the City to have an effective legal mechanism for enforcing responsibility for installed stormwater treatment measures, including the responsibility to maintain the measures for the life of the project. The proposed ordinance addresses this requirement by prohibiting alteration or removal of stormwater treatment measures without approval of an Adjustment to a Development Permit.

EVALUATION AND FOLLOW-UP

Further amendments to the Municipal Code will be needed to incorporate additional changes in the size of projects that are subject to stormwater treatment requirements in the MRP that go into effect on December 1, 2012 for "Small Projects" and "Detached Single Family Home Projects." Additional proposed Code amendments will also be coming forward related to proposed

amendments to the Municipal Code as requiring implementation of best management practices on all construction sites

POLICY ALTERNATIVES

Failure to implement the requirements of the adopted Municipal Regional Stormwater NPDES Permit could result in an enforcement action by Federal or State agencies, and/or environmental groups. This proposed revised Policy 6-29 was prepared to meet the new requirements for Urban Runoff Management to be consistent with the Regional Board's adopted Municipal Regional Stormwater NPDES Permit. Additional proposed alternatives for revision of Policy 6-29 were not considered since the Regional Board's Municipal Regional Stormwater NPDES Permit was adopted on October 14, 2009 and went into effect on December 1, 2009 for all 76 Permittees in the Bay Area including the City of San Jose.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
(Required: Website Posting)
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff presented the adopted changes to the Regional Board's Municipal Regional Stormwater NPDES Permit and the proposed revised Policy 6-29 and received developer and consultant input on the following occasions:

- Planning, Building, and Code Enforcement (PBCE) Developer Roundtable Meetings on October 2, 2009, November 6, 2009, September 17, 2010, October 29, 2010, April 8, 2011, and June 24, 2011.
- Department of Public Works (DPW) Developer Representative Industry Meetings on July 14, 2011.

A draft proposed revised Policy 6-29 is posted on the City website. The draft proposed revised Policy 6-29 will also be sent via email to the PBCE Developer Roundtable Group and the DPW Developer Representative Industry Group. Staff is available to respond to comments and questions.

COORDINATION

This development of the revised Policy and associated ordinance was created in coordination with the Department of Public Works, Environmental Services Department and the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

The proposed revised City Council Policy 6-29 is consistent with the requirements of the RWQCB's adopted Municipal Regional Stormwater NPDES Permit. In addition, the revised policy is consistent with the current San Jose 2020 General Plan by facilitating the Plan's water quality goals and policies. The revision is also consistent with the proposed Measurable Sustainability policies of the draft San Jose Envision 2040 Draft General Plan to promote the use of green roofs, landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

CEQA

Categorical Exemption 15308, Actions by Regulatory Agencies for Protection of the Environment.

/s/

JOSEPH HORWEDEL, DIRECTOR

Planning, Building and Code Enforcement

For questions please contact Rich Buikema, Senior Planner at 408-535-7835.

Attachment:

- Proposed Revised City Council Policy 6-29

City of San José, California

DRAFT CITY COUNCIL POLICY

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POST-CONSTRUCTION URBAN RUNOFF MANAGEMENT	1 of 7	6-29
	EFFECTIVE DATE	REVISED DATE

REVISION APPROVED BY COUNCIL ACTION
Scheduled for Council Consideration in September 2011

PURPOSE

It is the purpose of this Policy to establish the City of San Jose's specific requirements to minimize and treat stormwater runoff from new development and redevelopment projects, consistent with the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (or "MRP"). The protection of local streams from pollution and high volumes of stormwater runoff contributes to the City's sustainability goals by ensuring good water quality, enhancing the beneficial use of local waterways, and enhancing the quality of wildlife habitat. This Policy is consistent with the City's Green Vision and Green Building Policies/Ordinances as the use of stormwater treatment measures result in associated energy and water conservation benefits.

BACKGROUND

The Federal Clean Water Act requires the City of San José to operate under a Municipal Stormwater NPDES Permit for the discharge of stormwater via the City's stormwater collection system. On October 14, 2009, the Regional Water Control Board adopted the Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) for the San Francisco Bay Region. In an effort to standardize stormwater management requirements throughout the nine county region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 76 Bay Area municipalities, including the City of San José.

The Municipal Regional Permit mandates the City of San José to use its planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. The MRP requires use of Low Impact Development (LID) techniques including infiltration, harvest and reuse, evapotranspiration, or biotreatment to manage stormwater. The objective of LID is to maintain predevelopment rates of infiltration, evaporation, and runoff from the property being developed. Treating stormwater as a resource, rather than a waste product is a central tenet of the MRP's LID requirements.

City Council Policy 8-14: Post-Construction Hydromodification Management (last revised February 23, 2010), is a related companion policy that addresses the management of stormwater runoff to minimize erosion and sedimentation in local rivers and creeks.

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POLICY

Development Project Categories

This Policy requires development projects on vacant and previously developed properties (hereafter referred to as redevelopment) and road projects to manage stormwater based on the proposed land use and amount of impervious surface area being created and/or replaced by the project. The Policy provisions vary in accordance with the MRP project types and also incorporates long standing San Jose requirements for certain uses ("Land Uses of Concern") that involve outdoor handling and/or storage of material which have greater potential than other projects to contaminate stormwater runoff. The Policy regulates projects in the following categories:

1. **All Development Projects: Site Design and Source Control Measures** are encouraged.

All new and redevelopment projects regardless of size and land use are encouraged to incorporate site design and pollutant source control practices in a manner consistent with the strategies set forth in this Policy. Pollution prevention measures shall be incorporated into development plans and maintained in perpetuity once constructed.

2. **Projects Defined as Regulated in the Municipal Regional Permit (Regulated Projects):** Low Impact Development Treatment Measures and Source Control Measures are required for projects above the following threshold sizes.

All projects that create or replace 10,000 square feet or more of impervious surface shall use site design and source control measures and numerically-sized Low Impact Development (LID) stormwater treatment measures in accordance with the strategies set forth in this Policy.

Beginning on December 1, 2011, Special Land Use Categories, which are defined as uncovered parking areas (stand-alone or part of another use), restaurants, auto service facilities and retail gasoline outlets that create or replace 5,000 square feet or more of impervious surface area shall use site design and source control measures and numerically-sized Low Impact Development (LID) stormwater treatment measures in accordance with the strategies set forth in this Policy.

If the proposed project results in an alteration of more than 50% of the impervious surface of a previously existing development, and the existing development was not subject to stormwater treatment measures, then the entire project area must be brought into compliance with this Policy; otherwise only the amount of impervious surface area that is being created or replaced is subject to this Policy.

3. **Land Uses of Concern:** Specific Source Control Measures are required for the following projects regardless of project size:
 - a) Car Washing and Detailing Facilities
 - b) Construction/Corporation Yards
 - c) Automobile Dismantling and Parts Recovery
 - d) Material Recycling Facilities (processing, transfer and large collection facilities)
 - e) Gas Stations or Equipment Fueling
 - f) Uncovered Parking Lots

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g) Loading Docks

4. **Small Projects:** Site Design Measures are required for projects above the following threshold sizes.

Beginning on December 1, 2012, new development and redevelopment projects that create or replace at least 2,500 but less than 10,000 square feet of impervious surface area are required to install one or more site design measures in accordance with provision C.3.i of the MRP. These measures include the use of permeable surfaces to construct sidewalks, walkways, parking areas and/or the direction of runoff into cisterns, rain barrels or vegetated areas.

5. **Large Detached Single Family Home Projects:** Site Design Measures are required.

Beginning on December 1, 2012, detached single family home projects, which are not part of a larger plan of development and create or replace 2,500 square feet or more of impervious surface, are required to incorporate one or more site design measures in accordance with provision C.3.i of the MRP. These measures include the use of permeable surfaces to construct driveways, walkways and patios, directing runoff to vegetated areas, or into cisterns or rain barrels.

Stormwater Management Strategies

The Policy establishes three primary strategies to manage stormwater runoff:

1. Minimize Runoff through Site Design (Quantity Control)
2. Prevent Polluted Runoff with Source Control
3. Treat Stormwater with Low Impact Development (LID)

These three strategies shall be implemented in the priority order set forth below with greatest emphasis placed on reducing the amount of runoff that must be treated by reducing the amount of impervious area that is directly connected to the storm drain system.

1. ***Minimize Runoff through Site Design (Quantity Control)*** – All “Regulated Projects” (per the MRP) shall use at least the following site design measures to reduce or minimize the creation of stormwater runoff through the preservation and creative of pervious areas that absorb rainfall and reduce runoff.
 - a. Limit disturbance of natural water bodies and drainage systems; minimize compaction of highly permeable soils; protect slopes and channels; and minimize impacts from stormwater and urban runoff on the biological integrity of natural drainage systems and water bodies;
 - b. Conserve natural areas, including existing trees, other vegetation, and soils;
 - c. Minimize impervious surfaces;
 - d. Minimize disturbances to natural drainages; and
 - e. Minimize stormwater runoff by implementing one or more of the following site design measures:

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- Direct roof runoff into cisterns or rain barrels for reuse.
- Direct roof runoff onto vegetated areas.
- Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
- Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
- Construct sidewalks, walkways, and/or patios with permeable surfaces.
- Construct driveways, bike lanes, and/or uncovered parking lots with permeable surfaces.

Beginning on December 1, 2012, Small Projects and large Detached Single Family Home Projects shall install one or more of the following site design measures: install one or more of the following site design measures:

- Direct roof runoff into cisterns or rain barrels for reuse.
- Direct roof runoff onto vegetated areas.
- Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
- Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
- Construct sidewalks, walkways, and/or patios with permeable surfaces.
- Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

2. ***Prevent Polluted Runoff with Source Control*** – In addition to minimizing runoff, all “Regulated Projects” (per the MRP) shall include both structural and operational source control measures that at a minimum include the following:
- a. Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency’s authority and standards:
 - Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants;
 - Dumpster drips from covered trash, food waste and compactor enclosures;
 - Discharges from covered outdoor wash areas for vehicles, equipment, and accessories;
 - Swimming pool water, if discharge to onsite vegetated areas is not a feasible option; and
 - Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option.
 - b. Properly designed covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas;
 - c. Properly designed trash storage areas;
 - d. Landscaping that minimizes irrigation and runoff, promotes surface infiltration, minimizes the use of pesticides and fertilizers, and incorporates other appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping;

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- e. Efficient irrigation systems; and
- f. Storm drain system stenciling or signage.

Land Uses of Concern

Source Control measures are of particular importance for automobile-related uses and industrial uses that involve the outdoor-handling and/or storage of materials which can potentially create contaminated storm water runoff.

At a minimum, polluted stormwater runoff from Land uses of concern shall be prevented through the following source control measures that are applicable to a particular project:

- Industrial uses involving the storage and handling of materials that have the potential to generate polluted stormwater runoff shall be conducted indoors or under a permanent cover to prevent contact with rainfall.
- Vehicle repair uses shall be conducted indoors or under a permanent cover to prevent contact with rainfall or runoff.
- Trash and recycling storage areas shall be enclosed and graded in accordance with City Trash Enclosure Guidelines. When appropriate, trash enclosures will be plumbed to a permitted sanitary sewer connection.
- Vehicle or equipment fueling areas and loading docks must be covered and paved and the surrounding portions of the site graded to prevent stormwater runoff from contacting and conveying gasoline and other vehicle-related pollutants into the storm drain system.
- Restaurant activities including the handling and storage of grease, trash, and food waste need to be isolated from the storm drain system with measures that include the covering of waste handling areas and site grading to prevent stormwater runoff from and run on into these areas.

All new and redevelopment projects regardless of size and land use are encouraged to incorporate pollutant source control practices.

3. ***Treatment Stormwater with Low Impact Development (LID)*** – For “Regulated Projects” (per the MRP), a Stormwater Control Plan is required that describes and illustrates the exclusive use of Low Impact Development (LID) measures to remove pollutants from stormwater runoff (per MRP C.3.d) before it enters the City’s storm drain system. Stormwater TCM’s must be sized to comply with one of the hydraulic design criteria listed in the MRP’s Provision C.3.d. In accordance with provision C.3 of the MRP, LID Treatment fall within the following categories:
 - a. Harvesting and reuse
 - b. Infiltration
 - c. Evapotranspiration
 - d. Biotreatment (only if infeasible to implement harvesting and re-use, infiltration, or evapotranspiration)

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The feasibility of particular LID practices shall be determined in accordance with the criteria and procedures set forth in the SCVURPPP C.3 Stormwater Handbook or within another City-approved guidance document. MRP section C.3.d. *Limitations on Use of Infiltration Devices in Stormwater Treatment Systems* includes requirements for a five inches/hour infiltration rate, 10-foot vertical separation from seasonal high groundwater and a prohibition of the use of infiltration measures for stormwater treatment for industrial uses.

LID Treatment Reduction Credits

Alternatives to the exclusive use of LID measures for the treatment of all or a portion of a project's runoff is allowed to the extent to which a project qualifies for LID treatment reduction credits in accordance with the approved Special Projects provisions of the Municipal Regional Stormwater Permit.

Post-Construction Tree Credit

A post-construction tree credit toward a Regulated Projects LID requirement may be provided pursuant to the SCVURPPP C.3 Stormwater Handbook or within another City-approved guidance document.

Trees required by the City of San Jose for tree removal mitigation, to fulfill City of San Jose street tree requirements or to meet storm water treatment facility planting requirements, will not count toward post-construction treatment measure credit.

Planted trees approved for post-construction treatment measure credit shall be maintained in a healthy state after construction and for the life of the development project; and if destroyed or removed shall be replaced with a measure proving equivalent treatment capacity.

ALTERNATIVE COMPLIANCE

Off-Site LID Treatment or Payment of In-Lieu Fee

All or a portion of a project's C.3 runoff can be treated with LID treatment measures jointly with an adjacent project or at an offsite location within the same watershed, pursuant to the MRP. In-lieu fees may be paid for the purpose of providing treatment at a regional project in the same watershed when a City-approved regional treatment project and funding structure exist.

OPERATION AND MAINTENANCE

All post-construction treatment measures must be installed as specified on approved construction plans. Treatment measures shall be operated and maintained by qualified personnel consistent with approved development plans and/or supplemental operation and maintenance plans. Property owners must ensure that treatment measures continue to operate effectively for the life of the project. Property owners and/or property managers designated by the owner must keep a maintenance schedule and record of all treatment measures maintenance activities. Copies of maintenance schedules and records will be retained and made available for inspection upon request by the City.

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When used, all proprietary treatment measures must be operated and maintained per the manufacturers' specifications. The City may require additional maintenance beyond the manufacturers' specifications, if needed.

DEFINITIONS

Low Impact Development (LID): A land planning and engineering design approach with a goal of reducing stormwater runoff and mimicking a site's predevelopment rate of infiltration, evaporation; minimizing disturbed areas and impervious surface cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source, which treats stormwater as a resource, rather than a waste product.

Impervious Surface: A surface on a developed parcel that prevents the land's natural ability to absorb and infiltrate rainfall/stormwater. Impervious surfaces include, but are not limited to: roof tops, walkways, patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering.

Source Control Measures:

Structural Source Control Measures: Permanent development features that are designed and constructed as part of a project's pollution prevention measures such as covered trash enclosures, and sanitary sewer connections from trash enclosures, structured parking lots and loading docks.

Operational Source Control Measures: "Good housekeeping" activities that must be conducted routinely during the post-construction operations of the project, such as dry sweeping or vacuuming of uncovered parked lots and the regular cleaning/removal of trash and debris from storm drain inlets, for effective stormwater pollution prevention.

Permeability: A property of soil that enables water or air to move through it. Usually expressed in inches/hour or inches/day.

Pervious Surface: Permeable hardscape or paved surface that allows surface runoff to infiltrate into surface soil (e.g., turf block, brick, natural stone, cobbles, gravel).

Site Design Measures: Site planning techniques to conserve natural spaces and surfaces and/or limit the amount of impervious surface in development projects to minimize stormwater runoff from the site and the transport of pollutants in stormwater runoff.

Self-Treating Area: A portion of a development site in which infiltration and natural processes remove pollutants from stormwater. Examples of self-treating areas include conserved natural spaces, areas of landscaping, and areas paved with turf block. Self-treating areas are designed to treat only the rainfall and stormwater on those areas. They are not hydraulically-sized to treat stormwater runoff from other or adjacent impervious areas.

Self-Retaining Area: An area designed to retain runoff from adjacent impervious surfaces. Self-retaining areas may include graded depressions with landscaping or pervious pavements.

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Vegetated/Green Roof: Vegetated roof systems retain and filter stormwater runoff prior to drainage off building rooftops. For the purposes of calculating total impervious surface area, vegetated/green roofs are considered self-treating pervious areas.