February 23, 2005 Planning Commission Meeting Item No. *2

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: New Business Report prepared by: Dennis Carrington

Public Hearing: Yes: _____ No: __X___

Notices Mailed On: n/a Published On: n/a Posted On: n/a

TITLE:	**PLANNING COMMISSION REVIEW**
Proposal:	Overview of proposed revisions to the City's Stormwater C.3 Guidebook which provides step-by-step guidance to developers for incorporating Best Management Practices into new projects
Location:	Citywide
RECOMMENDATION:	That the Planning Commission approve Planning Commission Resolution No. 498 adopting the revised Stormwater C.3 Guidebook.
Applicant:	Initiated by City
Attachments:	Draft Revised City of Milpitas Stormwater C.3 Guidebook

BACKGROUND

NPDES Permit. The City of Milpitas, along with twelve other South Bay cities, the County of Santa Clara, and the Santa Clara Valley Water District, jointly holds a stormwater discharge permit from the California Regional Water Quality Control Board for the San Francisco Bay Region (RWQCB). This permit is known as the National Pollutant Discharge Elimination System (NPDES) permit, and it regulates what may be allowed to drain into the city storm drain system and local creeks, which ultimately empties into the San Francisco Bay. Ultimately, the purpose of the permit is to eliminate pollutants from the runoff waters entering the storm drain system and, ultimately, the San Francisco Bay.

Planning Commission adoption. On September 24, 2003, the Planning Commission received a report by City staff on the proposed Stormwater C.3 Guidebook, discussed its provisions and by a 7-0 vote adopted the Guidebook.

Ordinance 239.3. The City Council adopted Ordinance 239.3 on October 13, 2003 as Chapter 16, Stormwater and Urban Runoff Pollution Control of the Milpitas Municipal Code. The purpose of this chapter is to provide regulations and give legal effect to certain requirements of the National Pollutant Discharge Elimination System (NPDES) permit No. CAS029718, as amended by Order No. 01-119, issued to the City of Milpitas regarding municipal storm water and urban runoff requirements.

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Effective Date. The Stormwater C.3 Guidebook was prepared to implement Ordinance 239.3 and to provide clear guidance to developers and the City on how to comply with the City's NPDES Permit and became effective on September 24, 2003.

Existing document. The current Stormwater C.3 Guidebook provides step-by-step guidance to developers for incorporating Best Management Practices (BMPs) into new projects as required by the City's National Pollutant Discharge Elimination System stormwater discharge permit issued by the San Francisco Regional Water Quality Control Board. BMPs consist of controls and treatment practices implemented to reduce stormwater discharge pollutants from new and redeveloped sites. Projects that create or replace one acre or more of impervious surface are required to incorporate BMPs. A Stormwater Control Plan demonstrating that proposed BMPs would result in compliance with the C3 regulations is required as part of the planning submittal. The guidebook is available on the City website

Proposed changes. This request is to approve the second edition of the City's Stormwater C3 Guidebook. The proposed second edition incorporates additional information on Operation and Maintenance (O&M) requirements including the following:

- An updated Chapter 6 that more fully describes the preparation of an O&M plan and the execution of an O&M agreement with the City to assure continued compliance with the discharge permit,
- A new Appendix H that provides instructions on the preparation of O&M plans,
- A new Appendix M that provides a construction plan C.3 checklist and the requirement that the names and contact information be provided for preparers of BMP O&M operation and maintenance documents,
- A new Appendix N that provides a C.3 Data Form to help the city compile information about projects and the Stormwater control measures that have been implemented to comply with Provision C.3.
- A new Appendix O that identifies guidelines for qualified inspectors who can file O&M inspection reports to the City,
- A "Fact Sheet" handout explaining the new C.3 rules for development projects, providing a Stormwater Control Plan checklist and providing a process flowchart to explain the process in detail, and
- Minor changes including addition of pesticide reduction requirements by use of such practices as pest resistant plants.

RECOMMENDATION

That the Planning Commission approve Planning Commission Resolution No. 498 adopting the revised Stormwater C.3 Guidebook.

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RESOLUTION NO. 498

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS MODIFYING DEVELOPMENT PROJECT REVIEW PROCESES TO INCORPORATE THE REQUIREMENT OF CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD (SAN FRANCISCO BAY REGION) ORDER 01-119 ("C.3 PROVISIONS") AND REVISING THE CITY OF MILPITAS "STORMWATER C.3 GUIDEBOOK" AS GUIDANCE TO APPLICANTS REGARDING IMPLEMENTATION OF PROVISION C.3 REQUIREMENTS.

WHEREAS, in 1990 the California Regional Water Quality Control Board for the San Francisco Bay Region (RWQCB) issued a National Pollutant Discharge Elimination System (NPDES) permit covering Stormwater discharges from the City of Milpitas, 12 other Santa Clara County cities and towns, Santa Clara County, and the Santa Clara Valley Water District; and

WHEREAS, in 2001 the RWQCB adopted Order 01-119, revising Provision C.3 of the NPDES permit; and

WHEREAS, the revised Provision C.3 requires implementation of Best Management Practices (BMPs) for certain new development and redevelopment projects, including treatment BMPs to remove pollutants from stormwater runoff, source control BMPs to reduce sources of pollutants, and additional BMPs and site design practices to reduce the volume and peak flow of runoff by minimizing imperviousness and detaining or retaining runoff; and

WHEREAS, Provision C.3.b states, in part: Dischargers shall modify their project review processes as needed to incorporate the requirements of Provision C.3. Each Discharger shall include conditions of approval in permits for applicable projects... to ensure that pollutant discharges are reduced by incorporation of treatment measures and other appropriate source control and site design measures, and increases in runoff flows are managed... to the maximum extent practicable; and

WHEREAS, Provision C.3.c requires that stormwater treatment BMPs be incorporated in projects that create more than one acre of impervious area, and also provides that this threshold will be reduced, on April 15, 2005, to an anticipated 10,000 square feet of impervious area; and

WHEREAS, to successfully and efficiently incorporate stormwater BMPs into their projects, project applicants should coordinate BMP designs with site, landscape, and architectural designs at the earliest possible design stage; and

WHEREAS, Provision C.3.m requires that the City also evaluate water quality effects of developments and identify appropriate mitigation measures pursuant to CEQA; and

WHEREAS, the City's Planning and Zoning application review process provides for coordinated review of planning, zoning, landscape design, architectural design, CEQA, stormwater, and related issues within the authority provided by the City's General Plan and Municipal Code; and

WHEREAS, the City's "Stormwater C.3 Guidebook", adopted by the Planning Commission on September 23, 2003, explains the RWQCB's C.3 requirements and provides step-by-step guidance to assist project applicants to prepare a Stormwater Control Plan; and

WHEREAS, it became apparent to City staff that the Stormwater C.3 Guidebook could be improved by updating Chapter 6 "BMP Maintenance" to more fully describe the preparation of a Stormwater Control Operation and Maintenance (O&M) Plan and by the addition of several appendices to provide additional important instruction to developers in the preparation of Stormwater Control Plans; and

WHEREAS, the revised Stormwater C.3 Guidebook is hereby incorporated into this resolution by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Milpitas as follows:

Section 1. Conditions of approval shall provide for implementation of treatment BMPs, other appropriate source control and site design measures, and control of increases in runoff flows in accordance with the applicable requirements of Provision C.3.

Section 2. For projects that require Stormwater treatment BMPs (as determined by the project size thresholds in Provision C.3) the applicant shall prepare a Stormwater Control Plan as described in the revised "Stormwater C.3 Guidebook". Following review and acceptance by planning staff, the applicant's Stormwater Control Plan shall be incorporated into the conditions of approval of the project.

Section 3. Exceptions to the requirements of Section 2 shall be as provided in the City's C.3 waiver program, subject to the provisions of the RWQCB permit.

Section 4. This Resolution shall take effect on March 16, 2005.

I HEREBY CERTIFY that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Milpitas held February 23, 2005, by Commissioner _____, who moved its adoption and passage by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: APPROVED:

_____ _____

Commission Secretary Chairperson