

ORDINANCE NO. 1444

AN ORDINANCE OF THE CITY OF SIERRA MADRE, CALIFORNIA AMENDING SECTION 15.58.040 (APPLICABILITY) OF CHAPTER 15.58 (LOW IMPACT DEVELOPMENT PLAN) OF TITLE 15 (BUILDING AND CONSTRUCTION) OF THE SIERRA MADRE MUNICIPAL CODE TO CLARIFY THE APPLICABILITY OF A LOW IMPACT DEVELOPMENT PLAN TO DEVELOPMENT PROJECTS AND MAKING A DRAINAGE PLAN MANDATORY FOR CERTAIN DEVELOPMENT AND REDEVELOPMENT PROJECTS

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

WHEREAS, low impact development programs or “LIDs” provide stormwater quality control measures in new development and redevelopment projects to manage the quantity and quality of storm water runoff by setting standards and adopting practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge;

WHEREAS, in 2012, the Los Angeles Regional Water Quality Control Board adopted the 2012 National Pollutant Discharge Elimination System Municipal Separate Stormwater Sewer System permit (“2012 MS4 Permit”) applicable to the coastal watershed of Los Angeles County;

WHEREAS, in January 2013, the Sierra Madre City Council adopted the City of Los Angeles’ Low Impact Development Ordinance and Green Streets Policy by Resolution 13-01 as an interim measure to comply with the 2012 MS4 Permit;

WHEREAS, in September 2013, the Sierra Madre City Council adopted Ordinance No. 1344, adding Chapter 15.58, titled “Low Impact Development Plan,” to the Sierra Madre Municipal Code to tailor the requirements of the City of Los Angeles’ Low Impact Development Ordinance to the needs of Sierra Madre;

WHEREAS, the City of Sierra Madre is committed to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization;

WHEREAS, unlike all its neighboring cities, including Pasadena, Arcadia, Monrovia, and Duarte, which require an LID plan for the creation, addition, or replacement of 5,000 square feet of impervious surface area for redevelopment projects, the threshold triggering the LID Plan in Sierra Madre is the addition of 500 square feet of impervious surface area;

WHEREAS, to reduce the burden on property owners, the City desires to clarify that the replacement of 500 square feet or more of impervious surface area alone does not trigger mitigation requirements;

WHEREAS, instead the City will require the mitigation of the entire project where the replacement of impervious surface area exceeds fifty percent of the impervious surface area of the entire site;

WHEREAS, even where mitigation is not required, the City desires to maintain proper cross-lot drainage to avoid flooding and property damage; and

WHEREAS, the City desires to adopt the County of Los Angeles Department of Public Works Low Impact Development Standards Manual (February 2014 Edition) to guide the development applicant in creating an LID plan.

**THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Recitals. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. Amendment. The definition of “Redevelopment” in Section 15.58.020 (Definitions) of Chapter 15.58 (Low Impact Development Plan) of Title 15 (Buildings and Construction) of the Sierra Madre Municipal Code is amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck-through~~ text:

“Redevelopment” means land disturbing activity that results in the replacement ~~creation~~ or addition of five hundred square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (Source: Order No. R4-2012-0175).

SECTION 3. Amendment. Section 15.58.040 (Applicability) of Chapter 15.58 (Low Impact Development Plan) of Title 15 (Buildings and Construction) of the Sierra Madre Municipal Code is amended to read as follows, with additions denoted by underlined text and deletions denoted by ~~struck-through~~ text:

The following development and redevelopment projects, termed "planning priority projects," shall comply with the requirements of [Section] 15.58.050:

- A. New development projects.
 - A1. All development projects that add more than five hundred square feet of impervious surface area.
 - B2. Industrial parks that add more than five hundred square feet ~~or more~~ of impervious surface area.
 - C3. Commercial malls that add more than five hundred square feet ~~or more~~ of impervious surface area.
 - D4. Retail gasoline outlets that add more than five hundred square feet ~~or more~~ of surface area.
 - E5. Restaurants (Standard Industrial Classification (SIC) of 5812) that add more than five hundred square feet ~~or more~~ of impervious surface area.
 - F6. Parking lots that add more than five hundred square feet ~~or more~~ of impervious surface area.
 - G7. Streets and roads construction that add more than ~~of~~ ten thousand square feet ~~or more~~ of impervious surface area.
 - H8. Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) that add more than five hundred square feet ~~or more~~ of impervious surface area.
 - I9. Projects located in or directly adjacent to, or discharging directly to an environmentally sensitive area (ESA), where the development will:
 - 4a. Discharge storm water runoff that is likely to impact a sensitive biological species or habitat; and
 - 2b. Add Create five hundred square feet or more of impervious surface area.
 - J10. Single-family hillside homes.
- KB. Redevelopment projects.
 - 1. Where redevelopment results ~~Land-disturbing activity that results in the creation or~~ addition of five hundred square feet or more of impervious surface area on an already developed site ~~on planning~~

- ~~priority project categories, the impervious surface area added or created must be mitigated.~~
2. ~~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. Where redevelopment results in an alteration to or replacement of more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.~~
 3. ~~Existing single-family dwelling and accessory structures are exempt from the redevelopment requirements unless such projects create or add five hundred square feet of impervious surface area, or the provisions of [Section] 15.48.040(C)10 apply.~~
- C. All projects. The director of public works may require an applicant to prepare a drainage plan when a development or redevelopment project results in the addition or replacement of 500 square feet or more of impervious surface area and the topography of the parcel poses a potential cross-lot drainage issue. The drainage plan shall be prepared by a licensed civil engineer or architect, and may be based on the project site plan. The city engineer may require additional submittals, like design of waste water pump calculations, hydrology reports, or topographical maps, as deemed necessary to supplement the drainage plan and for the satisfactory completion of the project in compliance with this code and industry standards.

SECTION 4. LID Manual. The City adopts the County of Los Angeles Department of Public Works Low Impact Development Standards Manual (“Manual”) to guide the development applicant in creating an LID plan. If the Manual is amended in the future, the amended version will be operative for purposes of Chapter 15.58 of the Sierra Madre Municipal Code. To the extent there are provisions in Chapter 15.58 that conflict with the Manual, the provisions of Chapter 15.58 will control.

SECTION 5. CEQA. The City Council finds the adoption of this amendment is exempt from the California Environmental Quality Act (CEQA) under Section 15307 and 15308 because the local ordinance is amended to assure the maintenance, restoration, or enhancement of natural resources, like water and hillsides, and the protection from environmental degradation caused by the addition or replacement of impervious surfaces.

SECTION 6. Severability. If any sections, subsections, subdivisions, paragraph, sentence, clause or phrase of this Ordinance or any part hereof or exhibit hereto is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part thereof or exhibit thereto. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraph, sentences, clauses or phrases be declared invalid.

SECTION 7. Publication. The City Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code Section 36933, shall certify to the adoption of this Ordinance and his/her certification, together with proof of the publication, to be entered in the book of Ordinances of the City Council.

SECTION 8. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code Section 36937.

PASSED, APPROVED AND ADOPTED this 22nd day of June, 2021.

Rachelle Arizmendi, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Aguilar, City Clerk

Aleks R. Giragosian, City Attorney

I HEREBY CERTIFY that the foregoing Ordinance was duly adopted by the City Council of the City of Sierra Madre, California, at a regular meeting held on the 22nd day of June, 2021 by the following vote:

AYES: Mayor Arizmendi, Mayor Pro Tem Goss, Council Member Garcia, Council Member Kriebs, Council Member Parkhurst

NOES: None

ABSTAIN: None

ABSENT: None