

ORDINANCE NO. 2361

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO AMENDING TITLE 8, "HEALTH & SAFETY," CHAPTER 36, "STORM WATER AND URBAN RUNOFF POLLUTION PREVENTION," OF THE MONTEBELLO MUNICIPAL CODE TO IMPOSE LOW IMPACT DEVELOPMENT (LID) STRATEGIES

WHEREAS, the City of Montebello ("City") is a general law city, incorporated and existing pursuant to the laws of the State of California;

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

WHEREAS, the City is a "permittee" under the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") Order No. R4-2012-0175 (the "Order") 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, the Order contains requirements for municipalities to establish a Low Impact Development ("LID") Ordinance in order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program; and

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

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

WHEREAS, is it the intent of the City to expand the applicability of Chapter 36 of Title 8 of the Montebello Municipal Code, "Storm Water And Urban Runoff Pollution Prevention," to provide stormwater and rainwater LID strategies for all "development" and "redevelopment" projects, as defined; and

WHEREAS, the proposed LID Ordinance qualifies for a Class 8 Categorical Exemption under the provisions for the California Environmental Quality Act (CEQA) Section 15308. Class 8 exempts actions taken by regulatory agencies as authorized by State or local ordinance to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment.

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

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

- A. The above recitals are true and correct, and are hereby incorporated by reference into this Ordinance.
- B. This Ordinance serves the public health, safety, and general welfare of the residents and businesses within the City.
- C. This Ordinance is consistent with the City's General Plan.
- D. This Ordinance amending the Montebello Municipal Code will not present any risk to the public health and safety.

SECTION 2. Section 8.36.020 of the Montebello Municipal Code, entitled “Definitions,” is hereby deleted in its entirety and replaced with the following:

8.36.020 – Definitions.

For purposes of the provisions of this chapter concerning water quality hereinafter set forth, the following words and phrases shall be construed to have the meanings set forth, unless it is apparent from the context that a different meaning is intended. If the definition of any term contained in this Chapter conflicts with the definition of the same term in Order No. R4-2012-0175, issued by the California Regional Water Quality Control Board Los Angeles Region on November 08, 2012, then the definition contained in Order No. R4-2012-0175 shall govern:

“Automotive Service Facility” means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5511, 5541, 7532-7534, and 7536-7539 provided that these facilities have no outside activities or materials that may be exposed to stormwater.

“Basin Plan” means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments.

“Best Management Practice” or “BMP” means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water.

“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. As used in this Chapter, “biofiltration” includes 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.

“Bioretention” means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. A bioretention system may include, but is not limited to, 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. A bioretention BMP may be designed with an overflow drain, but may not include an underdrain. If a bioretention BMP is designed or constructed with an underdrain, then it is regulated by Order No. R4-2012-0175 as a biofiltration BMP.

“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.

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

“Commercial Malls” means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers.

“Construction Activity” means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include: 1) emergency construction activities required to immediately protect public health and safety; or 2) Routine Maintenance activities (as defined below). Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water

Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan.

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

“Development” means construction, rehabilitation, redevelopment or reconstruction of: 1) any public or private residential project (whether single-family, multi-unit or planned unit development); 2) industrial, commercial, retail, and other non-residential projects, including public agency projects; or 3) 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.

“Directly Adjacent” means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

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

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

“Executive Officer” means Executive Officer of the California Regional Water Quality Control Board, Los Angeles.

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

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

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

“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. A bioretention BMP’s 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 shall not be designed or constructed with an underdrain.

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

“Illicit connection” means any man-made conveyance that is connected to the storm drain system without a permit, excluding roof drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

“Illicit discharge” means any discharge into the MS4 or from the MS4 into a receiving water that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes any non-storm water discharge, except authorized non-storm water discharges; conditionally exempt non-storm water discharges; and non-storm water discharges resulting from natural flows specifically identified in Part III.A.1.d. of the Municipal NPDES permit.

“Industrial activity” means any of the ten classifications of industrial facilities specified in 40 Code of Federal Regulations Section 122.26(b)(14), defined by Standard Industrial Classification (SIC) and which is required to obtain a NPDES permit, not including construction activities.

“Industrial/Commercial Facility” means any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facilities includes, but is not limited to, any facility defined by either the Standard Industrial Classifications (SIC) or the North American Industry Classification System (NAICS). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

“Industrial Park” means land development that is set aside for industrial development. Industrial Parks may include office parks, which have offices and light industry.

“Infiltration BMP” means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement.

“Low Impact Development” or “LID” consists of building and landscape features designed to retain or filter stormwater runoff.

“Maximum extent practical” (MEP) means the extent to which the City can reduce the discharge of pollutants in stormwater runoff. MEP requires selecting and implementing effective BMPs, and rejecting applicable BMPs only where: (i) other effective BMPs will service the same purpose; (ii) the BMPs would not be technically feasible; or (iii) the cost would be prohibitive. Factors considered include, but are not limited to:

- (i) Effectiveness: Whether the BMP addresses a pollutant of concern
- (ii) Compliance: Whether the BMP complies with stormwater regulations, as well as other environmental regulations
- (iii) Public acceptance: Whether the BMP has public support
- (iv) Cost: Whether the cost of implementing the BMP has a reasonable relationship to the pollution control benefits achieved
- (v) Technical Feasibility: Whether the BMP is technically feasible, considering soils, geography, and water resources

“Municipal NPDES permit” means California Regional Water Quality Control Board, Los Angeles Region, Order No. 01-182, NPDES Permit No. CAS004001, Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles, and the Incorporated Cities Therein, Except the City of Long Beach, and any amendment thereto or re-issuance thereof.

“Municipal Separate Storm Sewer System” (referred to herein as “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):

- (i) 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;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR Section 122.2. (40 CFR Section 122.26(b)(8)).

“National Pollutant Discharge Elimination System” or “NPDES” means the national permitting program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Clean Water Act (CWA) Sections 307, 402, 318, and 405. The term includes an “approved program.”

“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.

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

“Non-Stormwater Discharge” means any discharge to a municipal storm drain system that is not composed entirely of stormwater.

“Outfall” means a point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances with connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

“Owner” as applied to a building or real property, means any part owner, joint 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 real property.

“Parking Lot” means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces.

“Person” means, within the context of this chapter, any natural person, firm, association, organization, partnership, business trust, corporation or company.

“Pollutant” means any “pollutant” defined in Section 502(6) of the Federal Clean Water Act and incorporated by reference into the California Water Code Section 13373.

“Planning Priority Projects” means the following, which shall comply with this Chapter:

1. All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
2. Industrial parks 10,000 square feet or more of surface area.
3. Commercial malls 10,000 square feet or more of surface area.
4. Retail gasoline outlets with 5,000 square feet or more of surface area.
5. Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
6. Parking lots with 5,000 square feet or more of impervious surface area or with 25 or more parking spaces.
7. Streets and road construction of 10,000 square feet or more of impervious surface area.
8. Automotive service facilities (SIC of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) with 5,000 square feet or more of surface area.
9. Projects in, near or discharging to Environmentally Sensitive Areas.
10. Single-family hillside homes.
11. Redevelopment projects.

Single family homes are not deemed Planning Priority Projects unless they create, add or replace at least 10,000 square feet of impervious surface area.

“Project” means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA.

“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.

“Receiving Water” means “water of the United States” (as defined in the Municipal NPDES Permit) into which waste or pollutants are or might be discharged.

“Redevelopment” means land-disturbing activity that results in the creation, addition, or replacement of five thousand (5,000) square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; 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.

“Regional Board” means the appointed members of the California Regional Water Quality Control Board, Los Angeles Region.

“Restaurant” means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption.

“Retail Gasoline Outlet” means any facility engaged in selling gasoline and lubricating oils.

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

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility;
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities;
3. Includes road shoulder work, re-grading dirt or gravel roadways and shoulders and performing ditch cleanouts;
4. Update existing lines and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity; and/or
5. Repair leaks.

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

“Runoff” means the portion of rainfall or irrigation water or other water activities also known as dry-weather flows that flow across the ground surface and eventually to receiving waters. Runoff can pick up pollutants from the air or the land and carry them to receiving waters.

“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.

“State Board” or “SWRCB” means the State Water Resources Control Board of the California Environmental Protection Agency.

“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.

“Storm Water” or “Stormwater” means runoff and drainage related to precipitation events.

“Storm Water quality management program” means the Los Angeles countywide storm water quality management program, which includes descriptions of programs, collectively developed by the permittees in accordance with provisions of the NPDES permit, to comply with applicable federal land state law, as the same is amended from time to time.

“Urban Runoff” means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial or industrial activities involving the use of potable and non-potable water.

SECTION 3. Section 8.36.030.E of the Montebello Municipal Code is hereby deleted in its entirety and replaced with the following:

- E. Discharges identified in Part III.A of the Municipal NPDES Permit are considered exempt or conditionally exempt illicit discharges.

SECTION 4. Section 8.36.110 of the Montebello Municipal Code, entitled “Control of Pollutants from new development / redevelopment projects,” is hereby deleted in its entirety and replaced with the following:

8.36.110 – Control of pollutants from new development / redevelopment projects.

- A. Objective. The provisions of this Section establish requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current Municipal NPDES Permit, lessen the water quality impacts of development by using smart growth practices, and integrate LID practices and standards for stormwater pollution mitigation through means of infiltration, evapotranspiration, biofiltration, and rainfall harvest and use. LID shall be inclusive of new development and/or redevelopment requirements.
- B. Scope. This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City to further define and adopt stormwater pollution control measures, and to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, grant waivers from the LID requirements, and collect funds for projects that are granted waivers. Except as otherwise provided herein, the City shall administer, implement and enforce the provisions of this Section.
- C. Applicability. Development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate storm water pollution, prior to completion of the project(s), are:
 - (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
 - (2) Industrial parks 10,000 square feet or more of surface area.
 - (3) Commercial malls 10,000 square feet or more of surface area.
 - (4) Retail gasoline outlets with 5,000 square feet or more of surface area.
 - (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
 - (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
 - (7) Streets and roads construction projects with construction costs greater than \$500,000 and add at least 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.
 - (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.
 - (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA) (as defined in California Public Resources Code Section 30107.5), where the development will:

- a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
 - b. Create 2,500 square feet or more of impervious surface area
- (10) Single-family hillside homes.
- (11) Redevelopment Projects
- a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
 - b. 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.
 - c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
 - d. Redevelopment does not include Routine Maintenance activities (as defined in Section 8.36.020) 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.
 - e. 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.
- D. Effective Date. The Planning and Land Development requirements contained in Section 7 of Part VI.D of the Municipal NPDES Permit shall become effective 90 days from the adoption of the Order (February 6, 2013). This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Order. Projects that have been deemed complete within 90 days of adoption of the Order are not subject to the requirements Section 7.
- E. Specific Requirements. The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.
- (1) A new single-family hillside home development shall include mitigation measures to:
- a. Conserve natural areas;
 - b. Protect slopes and channels;
 - c. Provide storm drain system stenciling and signage;
 - d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
 - e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.
- (2) Street and road construction projects with construction costs greater than \$500,000 and add at least 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.
- (3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:
- a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDv) defined as the runoff from:

- i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
 - ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
 - b. Minimize hydromodification impacts to natural drainage systems as defined in Order No. R4-2012-0175.
 - c. To demonstrate technical infeasibility, the project applicant must demonstrate that the project cannot reliably retain 100 percent of the SWQDv on-site, even with the maximum application of green roofs and rainwater harvest and use, and that compliance with the applicable post-construction requirements would be technically infeasible by submitting a site-specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect. Technical infeasibility may result from conditions including the following:
 - i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv onsite.
 - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
 - iii. Locations within 100 feet of a groundwater well used for drinking water;
 - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
 - v. Locations with potential geotechnical hazards;
 - vi. Smart growth, infill, specific plans, or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
 - d. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in Order No. R4-2012-0175. Additional alternative compliance options such as offsite infiltration and groundwater replenishment projects may be available to the project Site. The project Site should contact the City of Montebello to determine eligibility.
 - e. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per Order No. R4-2012-0175. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
 - i. 0.2 inches per hour, or
 - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.
- F. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the City and satisfying the standards and requirements of this Chapter for the entire Site during the first phase, and (b) implementing the standards and requirements of this Chapter for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase. The Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat, or manage stormwater runoff in connection with the Development of Redevelopment, including any tracts, lots, or parcels of real property, whether developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.

G. **Additional Requirements.** The site for projects not classified with general applicability listed in Paragraph C of this Section, but resulting in the creation or addition or replacement of 500 square feet or more of impervious surface area shall be designed to control pollutants, pollutant loads, and runoff volume per requirements listed herein.

SECTION 5. All affected sections and cross references in Chapter 8.36 of the Montebello Municipal Code as amended herein shall be renumbered and listed accordingly in proper numerical and alphabetical order where appropriate.

SECTION 6. Severability. If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that only one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions might subsequently be rendered unconstitutional.

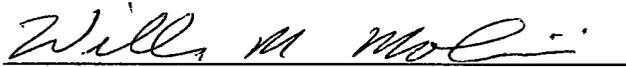
SECTION 7. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law, which shall take full force and effect thirty (30) days from its adoption.

PASSED, APPROVED AND ADOPTED this 11th day of June, 2014.



ATTEST:


Daniel Hernandez, City Clerk


William M. Molinari, Mayor

APPROVED AS TO FORM:


Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss.
CITY OF MONTEBELLO)

I, Daniel Hernandez, City Clerk of the City of Montebello, do hereby certify that the foregoing Ordinance No.2361 was introduced, on June 11, 2014 and duly adopted by the City Council of the City of Montebello at their regular meeting of June 25, 2014, and carried by the following vote:

AYES: Members: Cortez, Hadjinian, Romero, Molinari

NOES: Members:

ABSTAIN: Members:

ABSENT: Members: Barajas

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City on this 25th day of June, 2014.


Daniel Hernandez, City Clerk

