

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
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ARCATA, CA 95521  
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# W11b

A-1-FTB-23-0021 (BEST DEVELOPMENT- GROCERY OUTLET)  
SEPTEMBER 6, 2023

### APPENDICES

**Appendix A:** Substantive File Documents

**Appendix B:** Excerpts from City of Fort Bragg certified LCP and Coastal Act Relating to Public Access & Traffic

**Appendix C:** Excerpts from City of Fort Bragg certified LCP Relating to Visual Resources

**Appendix D:** Excerpts from the City of Fort Bragg LCP Relating to Water Quality

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### **Appendix A: Substantive File Documents**

1. Appeal File No. A-1-FTB-23-0021
2. City of Fort Bragg's Local Record for CDP No. 2-22
3. City of Fort Bragg's certified Local Coastal Program

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**Appendix B: Contention 2- Excerpts from City of Fort Bragg certified LCP Relating to Public Access & Traffic****RELEVANT LAND USE PLAN (LUP) POLICIES**

Policy C-1.2 states:

Review development proposals for their direct and cumulative effects on roadway Level of Service standards. During the development review process, City staff will determine whether traffic studies need to be carried out and the scope of such studies.

Policy C-1.3 states:

Do not permit new development that would result in the exceedance of roadway and intersection Levels of Service standards unless one of the following conditions is met:  
a) Revisions are incorporated in the proposed development project which prevent the Level of Service from deteriorating below the adopted Level of Service standards; or  
b) Funding of prorata share of the cost of circulation improvements and/or the construction of roadway improvements needed to maintain the established Level of Service is included as a condition or development standard of project approval.

Policy C-1.4 states:

Include specific time frames for the funding and completion of roadway improvements for projects which cause adopted roadway and intersection Level of Service standards to be exceeded. Require security, bonding or other means acceptable to the City to ensure the timely implementation of roadway mitigations.

Policy C-1.5 states:

Traffic Impact Fees. When traffic impact fees are collected, establish a schedule from the date of collection of said fee for the expenditure of funds to construct roadway improvements that meets project needs. Where a project would cause a roadway or intersection to operate below the adopted traffic Level of Service standards, the roadway or intersection improvements should be completed in a timely manner but no later than five years after project completion.

Policy C- 6.2 states:

Improve Existing North Harbor Drive: Consider improvements to North Harbor Drive to increase capacity and safety for vehicles and pedestrians. Any improvements to North Harbor Drive shall be consistent with all applicable policies of the LCP including, but not limited to, the wetland, environmentally sensitive habitat area, public access, and visual protection policies.

Program C-6.2.1: Develop a plan to improve North Harbor Drive by enlarging lane widths and constructing a sidewalk along one side of the street.

Policy C- 9.3 states:

Where feasible, incorporate pedestrian facilities into the design and construction of all road improvements.

Program C-9.3.1: Incorporate additional sidewalks from the Noyo Bridge to Ocean View Drive in the Capital Improvement Program.

Policy C- 14.1 states:

Development to Pay Its Fair Share: Require new development to pay its fair share of transportation improvements to maintain levels of service and traffic safety in the City.

Program C-14.1.1: Develop a City-wide Traffic Mitigation Fee Program.

Program C-14.1.2: Work with the County of Mendocino and MCOG to develop traffic mitigation fees for the Fort Bragg Sphere of Influence. Consider adopting a memorandum of understanding between the City of Fort Bragg and the County regarding traffic mitigation fees.

Program C-14.1.3: Work with MCOG to ensure that the standards and requirements contained in the joint City and County Traffic Mitigation Program between Fort Bragg and the County are incorporated into the Regional Transportation Plan.

Program C-14.1.4: Include in the Traffic Mitigation Fee Program mitigation fees for new development with primary access to Highway One and Highway 20. Utilize the funds collected as a local match to encourage Caltrans to raise the priority of Highway One and Highway 20 improvements.

Program C-14.1.5: Ensure that the City's Pavement Management System obtains funding from the Traffic Mitigation Fee Program, as deemed appropriate by the traffic impact fee nexus study and applicable State law.

Program C-14.1.6: Carry out an ongoing inventory of transportation system needs to be included in the City's Capital Improvement Plan.

Policy LU-5.7: Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.

Policy OS-16.7: Mitigation measures required for impacts to public access and recreational opportunities shall be implemented prior to or concurrent with construction of the approved development. Mitigation shall not substitute for implementation of a feasible project alternative that would avoid impacts to public access.

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## **Appendix C: Contention 4- Excerpts from City of Fort Bragg certified LCP Relating to Visual Resources**

### **RELEVANT LAND USE PLAN (LUP) POLICIES**

Policy CD-1.1 states:

Visual Resources: Permitted development shall be designed and sited to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance scenic views in visually degraded areas.

Program CD-1.1.1: Require Design Review of new development or significant expansion to existing development<sup>1</sup> located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map CD-1: Scenic Views in the Coastal Zone

Policy CD-1.4 states:

New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent.

Policy CD-1.10 states:

All proposed divisions of land and boundary line adjustments shall be analyzed for consistency of potential future development with the visual resource protection policies of the LCP, and no division of land or boundary line adjustment shall be approved if development of resulting parcel(s) would be inconsistent with these policies.

Policy CD-2.1 states:

Design Review: All development that has the potential to affect visual resources shall be subject to Design Review, unless otherwise exempt from Design Review pursuant to Coastal Land Use & Development Code Section 18.71.050. Design Review approval requirements shall not replace, supersede or otherwise modify the independent requirement for a coastal development permit approved pursuant to the applicable policies and standards of the certified LCP. Ensure that development is constructed in a manner consistent with the Citywide Design Guidelines.

Program CD-2.1.1: Establish a procedure for property owners to request that the City adopt additional Citywide Design Guidelines and/or measures for the preservation of historic structures within their neighborhood or commercial area.

Policy CD-2.5 states:

Ensure that development does not adversely impact scenic views and resources as seen from a road and other public rights-of-way.

Program CD-2.5.1: Adopt additional Citywide Design Guidelines for scenic views and resources identified in Map CD-1. Consider including, at a minimum, the following guidelines:

- a) Discourage continuous buildings that block scenic views and require view corridors providing unobstructed views of the shoreline and/or the sea from public rights-of-way.
- b) Require bluff setbacks for development adjacent to or near public areas along the shoreline.
- c) Cluster development to avoid blocking viewsheds to the maximum extent feasible.
- d) Minimize the size of advertising, business identification, and directional signs to ensure scenic views are not obstructed.
- e) Design night lighting of buildings to be indirect with no source of light visible, and lighting should not intrude on adjacent property or cause glare.
- f) Prohibit or require screening of the following uses in scenic view corridors: signs and fencing which block the scenic views, mechanical equipment, refuse containers such as dumpsters, and the outdoor storage of materials.

Policy CD-5.1 states:

Parking Location: Wherever feasible, locate parking facilities to the rear of the development so that the building facade is contiguous with the street frontage, and parking areas are hidden from the street.

Program CD-5.1.1: Consider adopting the following standards for parking facilities:

- a) establish standards for shade tree planting;
- b) establish an appropriately-scaled landscaped perimeter around parking areas;
- c) provide bicycle and motorcycle parking in all new parking facilities that include more than ten spaces.

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## **Appendix D: Excerpts from City of Fort Bragg certified LCP Relating to Water Quality Protection**

### **RELEVANT LAND USE PLAN (LUP) POLICIES**

Policy OS-11.6 states:

Use Permeable Pavement Materials. To enhance stormwater infiltration capacity, development shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants. All permeable pavement that is not effective in infiltrating as designed will be replaced with effective stormwater detention and infiltration methods.

Policy OS-12.1 states:

Developments of Special Water Quality Concern. The categories of development listed below have the potential for greater adverse coastal water quality impacts, due to the development size, type of land use, impervious site coverage, or proximity to coastal waters. A development in one or more of the following categories shall be considered a "Development of Special Water Quality Concern," and shall be subject to additional requirements set forth in Policy OS-12.2 below to protect coastal water quality. Developments of Special Water Quality Concern include the following:

- a) Housing developments of ten or more dwelling units.
- b) Hillside developments on slopes greater than 12 percent, located in areas with highly erodible soil.
- c) Developments that result in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area.
- d) Parking lots with 5,000 square feet or more of impervious surface area, potentially exposed to stormwater runoff.
- e) Heavy industrial developments.
- f) Vehicle service facilities (including retail gasoline outlets, service stations, commercial car washes, and vehicle repair facilities).
- g) Commercial or industrial outdoor storage areas of 5,000 square feet or more, or as determined by the review authority based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or waterbodies.



- h) All developments within 125 feet of the ocean or a coastal waterbody (including estuaries, wetlands, rivers, streams, and lakes), or that discharge directly to the ocean or a waterbody, if such development results in the creation, addition, or replacement of 2,500 square feet or more of impervious surface area.
  - a. "Discharge directly to" the ocean or a waterbody means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.
- i) Any other development determined by the review authority to be a Development of Special Water Quality Concern.

Policy OS-12.2 states:

Additional Requirements for Developments of Special Water Quality Concern. All Developments of Special Water Quality Concern (as identified in Policy OS-12.1, above) shall be subject to the following four additional requirements to protect coastal water quality:

- 1) Water Quality Management Plan. The applicant for a Development of Special Water Quality Concern shall be required to submit for approval a Water Quality Management Plan (WQMP), prepared by a qualified licensed professional, which supplements the Runoff Mitigation Plan required for all development. The WQMP shall include hydrologic calculations per City standards that estimate increases in pollutant loads and runoff flows resulting from the proposed development, and specify the BMPs that will be implemented to minimize post-construction water quality impacts.
- 2) Selection of Structural Treatment Control BMPs. As set forth in Policy OS-10.4, if the review authority determines that the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters as required by Policy OS-9.3, structural Treatment Control BMPs shall also be required. The WQMP for a Development of Special Water Quality Concern shall describe the selection of Treatment Controls BMPs, and applicants shall first consider the BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.
- 3) 85th Percentile Design Standard for Treatment Control BMPs. For post-construction treatment of runoff in Developments of Special Water Quality Concern, Treatment Control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.
- 4) Goal for Runoff Reduction. In Developments of Special Water Quality Concern, the post-development peak stormwater runoff discharge rate shall not exceed the estimated pre-development rate for developments where an increased discharge rate will result in increased potential for downstream erosion or other adverse habitat impacts.

## **RELEVANT LUP GLOSSARY DEFINITIONS**

LUP defines “Best Management Practices (BMPs)” as:

Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of pollutants.

LUP defines “Water Quality Management Plan” as:

A plan to control post-construction stormwater runoff and pollution, certified by a California Registered Civil Engineer, which shall be required for all Developments of Special Water Quality Concern. The WQMP supplements the Runoff Mitigation Plan required for all development. The WQMP shall include hydrologic calculations that estimate increases in pollutant loads and runoff flows resulting from the proposed development, and specify the BMPs that will be implemented to minimize post-construction water quality impacts.

## **RELEVANT IMPLEMENTATION PLAN (IP) STANDARDS**

Section 17.50.080 states:

Water Supply.

The quality and quantity of groundwater supplies shall be maintained, and where feasible, restored through control of wastewater discharge and entrainment, runoff controls and prevention of groundwater depletion, enforced as follows.

- A. All new development for which water or sewer service is needed shall be connected to the City water or sewer systems. Permits shall be withheld subject to applicant compliance with this provision. Limited exceptions to this requirement may be allowed by the review authority in special or hardship circumstances and where accompanied by specific findings.
- B. Existing development currently utilizing well and/or septic systems that do not meet health standards shall convert to City water and sewer. No permit for renovation, reconstruction, rehabilitation or renewal shall be granted without applicant compliance with this provision.

Section 17.60.010 states, in relevant part:

Title and Purpose.

This Chapter and Chapter 17.62 (Grading, Erosion, and Sediment Control Standards) are and may be cited as the City of Fort Bragg Grading Ordinance. These provisions are enacted for the purpose of regulating grading within the City, and establish standards for grading, including filling and excavation activities, to:

...

- B. Protect against soil erosion, and the pollution of watercourses with nutrients, sediments, or other earthen materials generated on or caused by surface runoff on or across an area of approved grading;
- C. Protect the safety, use and stability of public rights of way and drainage channels;

Section 17.60.040 states, in relevant part:

Grading Permit Application Filing and Processing.

A. Preparation and filing. Grading permit applications shall be filed with the Department on a City application form, together with all fees, plans, maps, reports, and other information prepared as required by the Grading Permit Application Preparation and Contents instruction list provided by the Department. The plans and reports submitted with the application shall include, but not be limited to, the following, where required by the City Engineer.

...

- 2. A drainage plan with hydrology and hydraulic calculations.
- 3. A Runoff Mitigation Plan (see Section 17.64.040 (Stormwater Runoff Mitigation Plan Requirements));

Section 17.62.030.A states, in relevant part:

Erosion, Sediment, and Other Construction Pollution Control.

Erosion, sediment, and other polluted runoff generated during construction shall be controlled by temporary construction-phase Best Management Practices (BMPs) as provided by this Section.

- A. Best Management Practices for projects under construction. The following Best Management Practices which address the problem of polluted runoff

from construction sites shall apply to all development and proposed land uses. The following requirements shall apply at the time of demolition of an existing structure or commencement of construction and until receipt of a Certificate of Occupancy.

1. Minimize Runoff and Pollution from Construction. All development shall minimize construction site runoff and erosion, and eliminate the discharge of sediment and other stormwater pollution resulting from construction activities (e.g., chemicals, vehicle fluids, concrete truck wash-out, and litter), to the extent feasible, through implementation of Best Management Practices. Sediment and construction waste from construction sites and parking areas shall not leave the site.
2. Minimize Land Disturbance During Construction. Land disturbance activities during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, to the extent feasible, to avoid increased erosion and sedimentation. Soil compaction due to construction activities shall be minimized, to the extent feasible, to retain the natural stormwater infiltration capacity of the soil.
- ...
9. Prohibition against washing construction vehicles. No washing of construction or other industrial vehicles shall be allowed adjacent to a construction site. No runoff from washing vehicles on the construction site shall be allowed to leave the site.
10. Erosion control devices. In order to prevent polluting sediment discharges, erosion and sediment control devices shall be installed as required by the City Engineer for all grading and filling. Control devices and measures that may be required include, but are not limited to energy absorbing structures or devices to reduce the velocity of runoff water, detention ponds, sediment ponds, or infiltration pits, or downdrains, chutes or flumes.

Section 17.60.100 states, in relevant part:

Storm Drainage and Runoff.

- A. Design and construction. Drainage systems and facilities proposed within existing or future public rights of way shall be designed and constructed in compliance with Section 17.88.050 (Subdivision Improvement Requirements). The design and construction of drainage facilities required for cuts and fills are subject to Section 17.62.040D above. Other drainage systems and facilities shall be designed in compliance with good engineering practices.

- B. Natural drainage systems. Proposed grading projects shall include design provisions to retain natural drainage patterns and preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, where appropriate and feasible.
- C. Minimize Runoff. Proposed grading projects shall include design provisions to minimize increases in stormwater runoff volume and peak runoff rate, to the extent feasible. In developing a Runoff Mitigation Plan, an applicant shall demonstrate an effort to reduce projected runoff for the project by 20 percent from the base 1985 10-year storm. In Developments of Special Water Quality Concern, post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where an increased discharge rate will result in increased potential for downstream erosion or other adverse habitat impacts.
- D. Minimize Erosion. Long-term drainage improvements for site runoff, including runoff from all roadways and other impervious surfaces, shall be designed to minimize erosion through the appropriate use of rocked culvert inlets and outfalls, energy dissipaters, check dams, cribbing, riprap, proper location of culverts, revegetation of exposed slopes (see Section 17.62.070), and minimizing the use of artificial slopes.

Section 17.64.010 states:

Purpose.

Recognizing the health and safety benefits of clean water, the purpose of this chapter is to ensure that development within Fort Bragg's coastal zone minimizes the addition of pollutants to waterways and the ocean, and reduces present levels of sediment and other pollutants carried to regional waterways through stormwater runoff, to the maximum extent feasible to ensure the protection, maintenance, and where feasible, the restoration of the biological productivity and quality of coastal waters.

The goals of stormwater management are to minimize pollutant loading and erosive stormwater runoff flows, which include the concepts of slowing stormwater flows to allow percolation and other filtering Best Management Practices (BMPs) to work in harmony with the topography, and ensuring that designs for stormwater pollutant management are part of the planning and approval processes of new developments. Meeting these goals shall include:

- A. Reducing post-project increases in the flow rate and volume of stormwater discharges into the municipal storm drain system, area waterways, and the ocean, by slowing runoff and maximizing infiltration.
- B. Eliminating the spillage, dumping, and disposal of significant materials and pollutants, and eliminating or minimizing to the extent feasible all non-

stormwater discharges into the municipal storm drain system that are not specifically allowed by the current municipal stormwater NPDES permit.

- C. Reducing pollutant loads in stormwater and urban runoff through the use of appropriate Best Management Practices.
- D. Reducing the runoff of oil and gas pollutants into area storm drain systems and creeks by filtration and/or bio-remediation of commercial/retail/industrial parking lots.

Section 17.64.020 states:

#### Stormwater Runoff Water Quality and Discharge Management

- A. Purpose. The provisions of this Section are intended to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses, water bodies, and the ocean in compliance with the Federal Clean Water Act (Chapter 26, Subchapter I, Section 1251 Code of Federal Regulations, Title 40, Chapter Parts 122 and 123), by reducing pollutants in stormwater discharges, and erosive stormwater flows, to the maximum extent feasible.
- B. Applicability. This Section shall apply to all water entering the storm drain system generated on any developed and undeveloped lands within the City.
  - 1. Responsibility for administration. The City Engineer shall administer, implement, and enforce the provisions of this Section. Any powers granted or duties imposed upon the City Engineer may be delegated in writing by the City Engineer to persons or entities acting in the beneficial interest of or in the employ of the City.
  - 2. Regulatory consistency. This Section shall be construed to ensure consistency with the requirements of the Federal Clean Water Act, State Porter Cologne Act, State NPDES permits, and statutes and regulations that amend or supplement those Acts or permits.
  - 3. Ultimate responsibility of discharger. The requirements of this Section are minimum standards; therefore this Section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by that person. This Section shall not create liability on the part of the City, or any agent or employee of the City, for any damages that result from any discharger's reliance on this Section or any administrative decision in compliance with this Section.
- C. Discharge prohibitions.

1. General prohibition. To the maximum extent feasible, no person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct, or continuance of any other discharge to the storm drain system is prohibited, except for the following.
  - a. The following types of discharges will not be considered a source of pollutants to the storm drain system and to waters of the U.S. when properly managed to ensure, to the maximum extent practicable, that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter Cologne Act, Clean Water Act, or this Section: potable water line flushing; uncontaminated pumped groundwater and other discharges from potable water sources; landscape irrigation and lawn watering; diverted stream flows; rising groundwater; uncontaminated groundwater infiltration to the storm drain system as defined at 40 CFR Chapter 35.2005(20); uncontaminated foundation and footing drains; uncontaminated water from crawl space pumps; air conditioning condensation; uncontaminated non-industrial roof drains; springs; individual residential and occasional non-commercial car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; irrigation water; street wash waters; and flows from fire fighting.
  - b. This prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the storm drain system.

Notwithstanding the requirements of Subsection E.1 (Authority to Inspect), the City Engineer may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

2. Illicit connections. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

- a. The City Engineer may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this Section to eliminate or secure approval for the connection by a specified date.
  - b. If, subsequent to eliminating a connection found to be in violation of this Section, the responsible person can demonstrate that an illegal discharge will no longer occur, the person may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the expense of the responsible person.
3. Waste disposal. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that they may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.
  4. Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of the permit. Proof of compliance with the permit may be required in a form acceptable to the City Engineer prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

D. Regulations and requirements.

1. Prevention, control, and reduction of storm water pollutants.
  - a. Authorization to adopt and impose best management practices. The City may adopt requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. Where BMP requirements are promulgated by the City or any Federal, State, or regional agency for any activity, operation, or facility that would otherwise cause the discharge of pollutants to the storm drain system or water of the U.S., every person undertaking the activity or operation, or owning or operating the facility shall comply with these requirements.
  - b. New development and redevelopment. The City may adopt requirements identifying appropriate BMPs to control the volume, rate, and potential pollutant load of stormwater runoff from new



development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The City shall incorporate these requirements in any land use entitlement and construction or building related permit to be issued for the development or redevelopment.

- c. Responsibility to implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated in compliance with Subsections D.1.a and D.1.b, any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering stormwater, the storm drain system, or waters of the U.S. shall implement BMPs to the extent they are technologically achievable to prevent or reduce the pollutants to the maximum extent feasible.
  - i) The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses.
  - ii) Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.
  - iii) Information on Best Management Practices required by the City can be obtained from the Public Works Department by requesting the BMP manual appropriate to a commercial or industrial activity. In the BMP manual, BMPs are divided into three categories: "high priority" which are required to be implemented, "medium priority" which are desirable to implement, and "low priority."
- d. Guidance on Best Management Practices selection and design.
  - i) Where Best Management Practices are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The strategy for selection of appropriate BMPs to protect water quality and coastal waters shall be guided by Tables 1-3 of Article 6, or equivalent tables which list pollutants of concern for each type of development or land use.
  - ii) The design of BMPs shall be guided by the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks dated January 2003 (or the current edition), or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address

the pollutants generated by the development. Caltrans' 2007 "Storm Water Quality Handbook: Project Planning and Design Guide" (or the current edition) may also be used to guide design of construction-phase BMPs.

Additional guidance on BMPs is available from the State, the U.S. EPA, and from other sources such as the Bay Area Stormwater Management Agencies Association (BASMAA) "Start at the Source: Design Guidance Manual for Stormwater Quality Protection." Stormwater technologies are continually improving, thus staff and developers should be responsive to any improvements or innovations in control technologies.

- iii) A water quality checklist shall be developed and used in the permit review process to evaluate a proposed development's potential impacts to water quality and coastal waters, and the appropriateness of the proposed BMPs.
2. Watercourse protection. Every person owning property through which a watercourse passes, or the person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines to protect against erosion and degradation of the watercourse originating or contributed from their property. The owner or lessee shall obtain all necessary permits from outside agencies.
  3. Remediation. Whenever the City Engineer finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of stormwater, the storm drain system, or water of the U.S., the City Engineer may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time in compliance with Subsection F. (Enforcement).
  4. Monitoring and analysis. The City Engineer may require by written notice of requirement that any person engaged in any activity and/or owning or operating any facility that may cause or contribute to stormwater pollution, illegal discharges, and/or non-stormwater discharges to the storm drain

system or waters of the U.S., to undertake at that person's expense any monitoring and analyses and furnish reports to the City as deemed necessary by the City Engineer to determine compliance with this Section.

5. Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S. from said facility, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of the release. In the event of a release of a hazardous material the person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, the person shall notify the Public Works Department in person or by phone or facsimile no later than 5:00 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Public Works Department within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of the establishment shall also retain an on site written record of the discharge and the actions taken to prevent its recurrence. These records shall be retained for at least three years.

#### E. Inspection and monitoring.

1. Authority to inspect. Whenever necessary to make an inspection to enforce any provision of this Section, or whenever the City Engineer has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Section, the City Engineer may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater pollution prevention compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.
2. Authority to sample, establish sampling devices, and test. During any inspection in compliance with this Section, the City Engineer may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

#### F. Enforcement.

1. Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Section. A violation of or failure to comply with any of the requirements of this Section shall constitute

a public nuisance and a misdemeanor and shall be subject to enforcement in compliance with Chapter 17.98 (Enforcement and Penalties) of this Development Code.

2. Acts potentially resulting in a violation of the Federal Clean Water Act and/or California Porter Cologne Act. Any person who violates any provision of this Section or any provision of any requirement issued in compliance with this chapter, may also be in violation of the Clean Water Act and/or the Porter Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Section shall also include written notice to the violator of this potential liability.
3. Notice of Violation. Whenever the City Engineer finds that a person has violated a prohibition or failed to meet a requirement of this Section, the City Engineer may order compliance by written notice of violation to the responsible person. The notice may require without limitation:
  - a. The performance of monitoring, analyses, and reporting;
  - b. The elimination of illicit connections or discharges;
  - c. That violating discharges, practices, or operations shall cease and desist;
  - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - e. Payment of a fine to cover administrative and remediation costs; and
  - f. The implementation or maintenance of Site Design, Source Control or Treatment Control BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the City Engineer, with the cost of the work charged to the violator in compliance with Subsection F.5 (Abatement by City).

4. Appeal. Notwithstanding the provisions of Subsection F.7 (Urgency Abatement), any person receiving a Notice of Violation in compliance with Subsection F.3 (Notice of Violation), may appeal the determination of the City Engineer to the City Manager. The notice of appeal must be received by the City Manager within five days from the date of the Notice of Violation. Hearing on the appeal before the City Manager or his/her designee shall take place within 15 days from the date of City's receipt of

the notice of appeal. The decision of the City Manager or designee shall be final.

5. Abatement by City. If the violation has not been corrected in compliance with the requirements in the Notice of Violation, or, in the event of an appeal in compliance with Subsection F.4 (Appeal), within 10 days of the decision of the City Manager upholding the decision of the City Engineer, then the City or a contractor designated by the City Engineer shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.
6. Charging cost of abatement/liens. Within 30 days after abatement of the nuisance by the City, the City Engineer shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 days. The City Clerk shall set the matter for public hearing by the Council. The decision of the Council shall be set forth by resolution and shall be final.

If the amount due is not paid within 10 days of the decision of the Council or the expiration of the time in which to file an appeal under this Section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

7. Urgency abatement. The City Engineer is authorized to require immediate abatement of any violation of this Section that constitutes an immediate threat to the health, safety or well being of the public. If the violation is not abated immediately as directed by the City Engineer, the City is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to the remediation undertaken by the City shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this Section shall not prevent City from seeking other and further relief authorized under this Section.
8. Compensatory action. In lieu of enforcement proceedings, penalties, and remedies authorized by this Section, the City Engineer may impose upon a violator alternative compensatory actions, including storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

9. Violations deemed a public nuisance. In addition to the other enforcement processes and penalties provided by this Section, any condition caused or permitted to exist in violation of any of the provisions of this Section is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance, and may be abated or restored by the City at the violator's expense, and/or a the City may take civil action to abate, enjoin, or otherwise compel the cessation of the nuisance.

Section 17.64.030 states:

Site Development and Maintenance Standards.

- A. Applicability of provisions. The provisions of Sections 17.64.040 through 17.64.070 apply as determined by this Section, to any proposed land use or development involving grading activities, or the construction of a new structure that requires a permit in compliance with this Development Code. Compliance with the provisions of this Chapter shall be required through planning permit or subdivision conditions of approval. Any necessary pollution control measures shall be installed prior to construction, or prior to the occupancy of a structure or site, as deemed appropriate by the City. In all cases, the applicant/permittee is responsible for ensuring compliance with the provisions of Sections 17.64.040 through 17.64.070.
  1. An applicant proposing a project with land disturbance of one acre or more, or any industrial facility shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the requirements of the Federal Clean Water Act, U.S. Environmental Protection Agency (EPA), and the California State Water Resources Control Board. The application shall also include a Hazardous Materials Handling and Spill Response Plan related to construction activities, and in the case of industrial facilities, shall also address operations after construction. The applicant shall submit a copy of the SWPPP to the City prior to the processing of any planning permit or subdivision application, or the granting of any construction permits.
  2. An applicant proposing a project requiring a grading permit, but that does not require a SWPPP, shall instead be required to submit a Construction Pollution Prevention Plan, which shall evaluate potential construction-phase impacts to water quality and coastal waters, and shall specify temporary Best Management Practices (BMPs) to minimize erosion and sedimentation during construction, and prevent contamination of runoff by construction chemicals and materials.
  3. In the application and initial planning process, all projects shall submit a preliminary Runoff Mitigation Plan which describes the post-construction Best Management Practices (BMPs) that will be used in the project to reduce increases to erosive stormwater flow and to prevent polluted runoff

from the built project, and prior to issuance of a building permit the applicant shall submit a final Runoff Mitigation Plan approved by the City Engineer.

4. In the application and initial planning process, all Developments of Special Water Quality Concern (see 17.64.045) shall submit a preliminary Water Quality Management Plan (WQMP), prepared by a qualified professional, which supplements the Runoff Mitigation Plan. The WQMP shall include hydrologic calculations per City standards that estimate increases in pollutant loads and runoff flows resulting from the proposed development, and shall specify post-construction BMPs to minimize impacts to water quality and coastal waters. Prior to issuance of a grading or building permit the applicant shall submit a final Water Quality Management Plan prepared by a qualified licensed professional and approved by the City Engineer.
  5. An applicant for a project that will disturb one acre or more shall submit to the City Engineer proof of an application for a NPDES Storm Water Construction Permit and their Waste Discharge Identification Number issued by the State.
- B. Responsibility for administration. This Chapter shall be administered by the City Engineer or his or her designee in coordination with the Director.
- C. Regulatory consistency. This Chapter shall be construed to assure consistency with the requirements of:
1. The Federal Water Pollution Control Act, 33 USCS § 1251 et seq., and the applicable implementing regulations;
  2. The mandates and rulings of the US Environmental Protection Agency (EPA);
  3. The NPDES Stormwater permit of the City of Fort Bragg and its co-permittee's;
  4. The Fort Bragg General Plan; and
  5. Other existing or future NPDES Stormwater Permits and any amendments, revisions or reissuance thereof by either Federal, State, County, or City regulatory agencies.
- A. Requirements for Submittal of a Construction Pollution Prevention Plan. The Construction Pollution Prevention Plan shall evaluate potential construction-phase impacts to water quality and coastal waters, and specify temporary Best Management Practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction, and prevent contamination of

runoff by construction chemicals and materials. The Construction Pollution Prevention Plan shall be submitted with final construction drawings.

The Construction Pollution Prevention Plan shall include, but not be limited to, the following information:

1. A site plan specifying the distance from the proposed development to the nearest waterbody and ultimate discharge location of the stormwater.
2. Proposed methods for controlling wind and water erosion and sedimentation during construction, including but not limited to:
  - a. Limitations on grading during the rainy season.
  - b. BMPs for staging, storage, and disposal of excavated materials.
  - c. Design specifications for structural BMPs, such as sedimentation basins, when required by the City Engineer.
  - d. Re-vegetation and landscaping plans for graded or disturbed areas.
3. Proposed methods for controlling non-storm related and storm related polluted runoff during construction, including but not limited to:
  - a. Methods to minimize the discharge of potential pollutants from construction materials (including paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff.
  - b. BMPs for staging, storage, and disposal of construction chemicals and materials.
  - c. Methods to treat or infiltrate stormwater prior to conveyance off-site during construction.
  - d. Methods to convey runoff from impervious surfaces into permeable areas of the property in a non-erosive manner.

Section 17.64.040 states:

#### Stormwater Runoff Mitigation Plan Requirements.

The following runoff reduction requirements shall apply to all persons submitting applications for development within the City, whether fulfilled by the Federal SWPPP format, by a Runoff Mitigation Plan (RMP), or as an additional measure.

- A. Submittal of Runoff Mitigation Plan. At the time of submittal of an application for the first planning approval for proposed development, the applicant shall submit to the City Engineer either a Runoff Mitigation Plan, or a copy of a



Notice of Intent (NOI) to comply with the NPDES Storm Water Construction or Industrial Permit filed with the Regional Water Quality Control Board.

- B. Goal for runoff reduction in a Runoff Mitigation Plan. In developing a Runoff Mitigation Plan, an applicant shall demonstrate that the development will be designed and managed to minimize increases in stormwater runoff volume and peak runoff rate, to the extent feasible, and that an effort is made to reduce projected runoff for the project by 20 percent from the base 2000 data located in the City of Fort Bragg Storm Water Master Plan, through incorporation of design elements or principles which address each of the goals set forth below in Subsections B.1, B.2, and B.3.

The design elements utilized by an applicant may, but are not required to, include those provided on the list below, with the exception of Subsection B.2.d which is required where applicable. Although design elements are set forth as if they address only one goal, in many cases they address more than one and can be used to address multiple goals in achieving the goal of minimizing stormwater runoff in the mitigation plan.

1. Minimize Impervious Surfaces. Minimize the impervious surface site coverage (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas. Measures that shall be used to minimize the impervious surface site coverage include, but are not limited to:
  - a. To slow stormwater runoff and maximize infiltration, increase the percentage of project site area retained or maintained as permeable area. The area may include vegetation, pervious paving materials, and porous materials for or near walkways, which increase the amount of runoff infiltrating into the ground. Permeable surface materials can include wood decking materials, brick, or stone with spaces to allow percolation between stones, and similar methods;
  - b. Design curbs, berms, or the like so as to avoid isolation of permeable or landscaped areas;
  - c. Divert and catch stormwater runoff through the use of drainage swales, berms, green strip filters, gravel beds, or French drains; and
  - d. Construct driveways and walkways from porous materials to allow increased percolation of stormwater runoff into the ground.
2. Maximize Infiltration of runoff. Maximize on-site infiltration of stormwater runoff, where appropriate and feasible. Measures that shall be used to maximize on-site infiltration of stormwater runoff include, but are not limited to:

- a. Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas, where appropriate and feasible, to enhance on-site stormwater infiltration capacity.
  - b. Minimize the amount of runoff directed to impermeable areas and/or maximize storm water stormwater storage for reuse.
  - b. c. Install rain gutters and orient them towards permeable surfaces rather than driveways or non-permeable surfaces so that runoff will infiltrate into the ground instead of flowing off-site.
  - a. Modify grades of property to divert flow to permeable areas and to minimize the amount of stormwater leaving the property.
  - b. Use sediment traps to intercept runoff from drainage areas and hold or slowly release the runoff, with sediments held in the trap for later removal.
  - c. Use retention structures or design roof-tops to store runoff. Utilize subsurface areas for stormwater runoff, either for reuse or to enable release of runoff at predetermined times or rates to minimize the peak discharge into storm drains. Cisterns are also a possible storage mechanism for reuse.
  - d. Use detention ponds, infiltration pits, and other infiltration methods so that stormwater runoff may collect and seep into the ground and to reduce or prevent off-site flows.
  - e. Alternative management practices shall be substituted where the City Engineer has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.
3. Reduce parking lot runoff pollution. Reduce erosive runoff and pollution from parking lots, including oil and grease, automotive fluids, sediment, and trash. Measures that shall be used to reduce parking lot pollution include, but are not limited to:
- a. All new or re-built retail/commercial/industrial parking lots of more than 5,000 square feet in area shall provide a sub-surface filtering system for oil and grease contaminants (e.g., inlet media filter, oil and water separator, or clarifier) to remove petroleum-based contaminants and other pollutants which are likely to accumulate.
  - b. Direct runoff toward permeable areas and away from pollutant laden areas such as parking lots.

- c. Construct portions of parking lots from porous materials.
  - d. All parking lot facilities shall be regularly cleaned and continually maintained in effective working condition.
- C. Criteria for evaluation of mitigation plans. The City's evaluation of each Runoff Mitigation Plan will ascertain how well the proposed plan meets the combined goals set forth in Subsection B, above. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed.
- D. Waiver of Runoff Mitigation Plan. Full or partial waivers of compliance with this Section may be obtained by persons who apply on forms supplied by the City and show that incorporation of design elements that address the objectives set forth in Subsection B., above is an economic and physical impossibility due to the particular configuration of the site or to irreconcilable conflicts with other City requirements. Requests for waivers shall be granted or denied, in writing, by the City Engineer, in conjunction with the Director.
- E. Compliance as condition of approval. Compliance with an approved Runoff Mitigation Plan shall be a condition of approval of any required planning approval.
- F. Erosion control. Erosion shall be controlled in compliance with Chapter 17.62.
- G. Hazardous and toxic materials control. The use of toxic and hazardous materials shall be controlled, with the project applicant filing with the City Engineer the following plans for control:
- 1. A Hazardous Materials Handling and Spill Response Plan, for industrial facilities;
  - 2. A plan for handling grease, in compliance with Municipal Code Section 14.16.100 (Fats, Oils, and Grease (FOG) Control), for restaurants; and
  - 3. A plan for reduced use of pesticides and herbicides as part of the Water Conservation Landscaping Plans for commercial, industrial, retail and multi-family developments.

Section 17.64.045 states:

Developments of Special Water Quality Concern.

- A. Categories of Developments of Special Water Quality Concern. The categories of development listed below have the potential for greater adverse coastal water quality impacts, due to the development size, type of land use, impervious site coverage, or proximity to coastal waters. A development in

one or more of the following categories shall be considered a “Development of Special Water Quality Concern,” and shall be subject to additional requirements (see B, below) to protect coastal water quality.

Developments of Special Water Quality Concern include the following:

1. Housing developments of ten or more dwelling units.
2. Hillside developments on slopes greater than 12 percent, located in areas with highly erodible soil.
3. Developments that result in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area.
4. Parking lots with 5,000 square feet or more of impervious surface area, potentially exposed to stormwater runoff.
5. Heavy industrial developments.
6. Vehicle service facilities (including retail gasoline outlets, commercial car washes, and vehicle repair facilities).
7. Commercial or industrial outdoor storage areas of 5,000 square feet or more, or as determined by the City Engineer based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or waterbodies.
8. All developments within 125 feet of the ocean or a coastal waterbody (including estuaries, wetlands, rivers, streams, and lakes), or that discharge directly to the ocean or a waterbody, if such development results in the creation, addition, or replacement of 2,500 square feet or more of impervious surface area.

“Discharge directly to” the ocean or a waterbody means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.

9. Any other development determined by the review authority to be a Development of Special Water Quality Concern.

B. Additional Requirements for Developments of Special Water Quality Concern. In addition to all requirements for a Runoff Mitigation Plan, all Developments of Special Water Quality Concern (as identified in A, above) shall be subject to the following four additional requirements to protect coastal water quality:

1. Submittal of Water Quality Management Plan. At the time of submittal of an application for the first planning approval for a proposed Development of Special Water Quality Concern the applicant must submit a preliminary Water Quality Management Plan. Prior to issuance of building Permits, the applicant shall submit to the City Engineer for approval a Water Quality Management Plan (WQMP) prepared by a qualified licensed professional, which supplements the Runoff Mitigation Plan required for all development. The WQMP shall include hydrologic calculations per City standards that estimate increases in pollutant loads and runoff flows resulting from the proposed development, and specify the BMPs that will be implemented to minimize post-construction water quality impacts.
2. Selection of Structural Treatment Control BMPs. If the review authority determines that the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters as required by Policy OS-9.3, structural Treatment Control BMPs shall also be required. The WQMP for a Development of
3. Special Water Quality Concern shall describe the selection of Treatment Controls BMPs, and applicants shall first consider the BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.
4. 85th Percentile Design Standard for Treatment Control BMPs which is defined as a storm of 0.8 inches in a 24 hr period. For post-construction treatment of runoff in Developments of Special Water Quality Concern, Treatment Control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs goal for runoff reduction. In developing a Water Quality Management Plan, an applicant shall demonstrate that the Development of Special Water Quality Concern shall be designed and managed so that the post-development peak stormwater runoff discharge rate shall not exceed the estimated pre-development rate for developments where an increased discharge rate will result in increased potential for downstream erosion or other adverse habitat impacts.

C. Submittal Requirements for a Water Quality Management Plan.

The applicant for a Development of Special Water Quality Concern shall submit a preliminary post-construction Water Quality Management Plan (WQMP) at the time of the planning permit application. At the time of the submission of the grading or building permit, the applicant shall submit a final Water Quality Management Plan (WQMP) which shall be prepared by a

qualified licensed professional approved by the City. The Water Quality Management Plan shall include, but not be limited to, the following information, as determined by the review authority:

1. All the information required in a Runoff Mitigation Plan.
2. Site Design and Source Control BMPs that will be implemented to minimize post-construction impacts to water quality and coastal waters.
3. Appropriate structural Treatment Control BMPs as required by the review authority, that are known to be effective in removing the specific runoff pollutants generated by the development, using processes such as gravity settling, filtration, biological uptake, media adsorption, or any other physical, chemical, or biological process.
4. A justification if the most efficient Treatment Control BMP, or combination of BMPs, is deemed infeasible.
5. A Hydrological Study based on the City's standard methodology of comparing pre- and post-construction hydrological conditions, demonstrating that the post-development peak stormwater runoff discharge rate shall not exceed the estimated pre-development rate for developments where an increased discharge rate will result in increased potential for downstream erosion or other adverse habitat impacts.
6. Measures to treat, infiltrate, or filter runoff from impervious surfaces (including roads, driveways, parking structures, building pads, roofs, and patios) on the parcel, and to discharge the runoff in a manner that avoids potential adverse impacts. Such measures may include, but are not limited to, structural Treatment Control BMPs including biofilters, grassy swales, detention ponds, or dry wells.
7. A description of how the BMPs (or suites of BMPs) have been designed to treat, infiltrate, or filter the amount of stormwater runoff produced according to a methodology approved by the City Engineer.
8. A draft long-term inspection and maintenance agreement for all structural Treatment Control BMPs. All structural BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development.

Section 17.64.050 states:

#### Drainage Structure Stenciling.

Where a catch basin or other drainage structure is constructed or modified for a proposed project, a marker or stenciling with written and/or graphic information discouraging the dumping, discarding, and/or discharge of pollutants into the

storm drain system shall be permanently affixed to the storm drain inlet in a location approved by the City Engineer. The information shall be painted, stamped into the concrete, or provided on a metal plaque affixed to the structure as approved by the City Engineer or his or her designee.

Section 17.64.060 states:

#### Pollution Prevention Agreements.

Prior to final building inspection, the issuance of a Certificate of Occupancy, or the filing of a Final Map, as applicable, the applicant shall enter into a Pollution Prevention Agreement with the City or other agency designated by the City. The agreement shall include, but is not limited to, the following provisions:

- A. Authorization for the City or other agency designated by the City to inspect on-site pollution prevention facilities with respect to the accumulation and concentration of pollutants, garbage and/or debris, so as to prevent the discharge of pollutants, garbage and/or debris into streets and/or the storm drainage system;
- B. Fair share participation in the periodic cleaning of storm drain facilities, increases in street sweeping, and increases in the emptying of roadside trash receptacles resulting from the project;
- C. Fair share participation in the funding of the City's Public Information and Education Programs for the disposal of waste, recycling, and water conservation; and
- D. Requirements that any applicable conditions, covenants, and restrictions (CC&Rs) include statements encouraging homeowners, and persons in control of homes and businesses to:
  1. Prevent the improper disposal of litter, lawn/garden clippings and pet feces into streets or other areas where runoff may carry pollutants into the storm drainage system;
  2. Remove dirt, trash and debris from sidewalks and alleys that may contribute pollutants to stormwater runoff;
  3. Recycle oil, glass, plastic, and other materials to prevent improper disposal into the storm drainage system;
  4. Properly dispose of household hazardous waste to prevent improper disposal into storm drainage system; and
  5. Properly use and conserve water.

- E. Provisions for the long-term maintenance or repair of post-construction BMPs, including structural BMPs.
- F. Authorization for the City or other agency designated by the City to evaluate the effectiveness of installed BMPs, and to require that additional BMPs be implemented if the installed BMPs are not effective in minimizing impacts to water quality and coastal waters.

Section 17.64.070 states:

#### Post-Construction Best Management Practices.

##### A. Post-Construction BMP Requirements.

1. Emphasize Site Design and Source Control BMPs. Long-term post-construction Best Management Practices (BMPs) that protect water quality and control runoff flow shall be incorporated in the project design of development that has the potential to adversely affect water quality in the following order of emphasis:
  - a. Site Design BMPs: Any project design feature that reduces the creation or severity of potential pollutant sources, or reduces the alteration of the project site's natural flow regime. Examples include minimizing impervious surfaces, and minimizing grading.
  - b. Source Control BMPs: Any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution. Examples include covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.
  - c. Treatment Control BMPs: Any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples include vegetated swales, and storm drain inserts.
2. Incorporate Site Design and Source Control. Site Design BMPs may reduce a development's need for Source and/or Treatment Control BMPs, and Source Control BMPs may reduce the need for Treatment Control BMPs. Therefore, all development that has the potential to adversely affect water quality shall incorporate effective post-construction Site Design and Source Control BMPs, where applicable and feasible, to minimize adverse impacts to water quality and coastal waters resulting from the development. Site Design and Source Control BMPs may include, but are not limited to, those outlined in the City's Storm Water Management program.



3. Incorporate Treatment Control BMPs if Necessary. If the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters consistent with Policy OS-9.3, as determined by the review authority, development that has the potential to adversely affect water quality shall also incorporate post-construction Treatment Control BMPs. Projects of Special Water Quality Concern (see 17.64.045) are presumed to require Treatment Control BMPs to meet the requirements of OS-9.3.

Treatment Control BMPs may include, but are not limited to, those outlined in the City's Storm Water Management program, including biofilters (e.g., vegetated swales or grass filter strips), bioretention, infiltration trenches or basins, retention ponds or constructed wetlands, detention basins, filtration systems, storm drain inserts, wet vaults, or hydrodynamic separator systems.

- B. Site Design and Source Control BMP Requirements. Development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating BMPs designed to ensure the following:

1. Use Integrated Management Practices in Site Design. The city shall require, where appropriate and feasible, the use of small-scale integrated management practices (e.g., Low Impact Development designs) designed to maintain the site's natural hydrology by minimizing impervious surfaces and infiltrating stormwater close to its source (e.g., vegetated swales, permeable pavements, and infiltration of rooftop runoff).
2. Preserve Functions of Natural Drainage Systems. Development shall be sited and designed to preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, where appropriate and feasible. Drainage shall be conveyed from the developed area of the site in a non-erosive manner.
3. Minimize Impervious Surfaces. Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, where feasible. Redevelopment shall reduce the impervious surface site coverage, where feasible. All permeable pavement that is not effective in infiltrating as designed will be replaced with effective stormwater detention and infiltration methods.

Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).

4. Infiltrate Stormwater Runoff. Development shall maximize on-site infiltration of stormwater runoff, where appropriate and feasible, to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants.

Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.

- a. Divert Stormwater Runoff into Permeable Areas. Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas, where appropriate and feasible, to enhance on-site stormwater infiltration capacity.
  - b. Encourage Use of Permeable Pavements. To enhance stormwater infiltration capacity, development shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants.
5. Avoid Steep Slopes with Highly Erodible Soil. Where feasible, development shall be sited and designed to avoid areas on steep slopes (i.e., 12% or greater) with highly erodible soil. Developments on these hillside areas are considered Developments of Special Water Quality Concern, and are subject to additional requirements (see 17.64.045).
  6. Landscape with Native Plant Species. The City shall encourage development to use drought-resistant native plant species for landscaping, to reduce the need for irrigation and landscaping chemicals (e.g., pesticides and fertilizers).

C. Site Operation and Management BMPs. The owner, occupant, or other person in charge of day-to-day operation of all premises within the City shall implement the Best Management Practices, as applicable, as follows.

1. Permittees shall be required to continue the operation, inspection, and maintenance of all post-construction BMPs as necessary to ensure their effective operation for the life of the development.
2. For premises with parking lots of more than 5,000 square feet in area, that are exposed to stormwater, and that are associated with industrial or commercial activities (according to the United States Office of Management and Budget Standard Industrial Classification Code), the owner, occupant, or other person in charge of day-to-day operation shall

use BMPs to reduce the discharge of pollutants to the maximum extent feasible. Such measures may include street sweeping or other measures, if effective.

3. For premises where machinery or other equipment which is repaired or maintained at facilities or activities associated with industrial or commercial activities, (according to the United States Office of Management and Budget Standard Industrial Classification Manual), the owner, occupant, or other person in charge of day-to-day operations shall use BMPs or other steps to prevent discharge of maintenance or repair related pollutants to the City's storm drain system.
4. For other premises exposed to stormwater, the owner, occupant, or other person in charge of day-to-day operations shall use BMPs, if they exist, or other methods to reduce the discharge of pollutants to the maximum extent feasible. Such measures may include the removal and lawful disposal of any solid waste or any other substance that, if it were to be discharged to the storm drain system, would be a pollutant, including fuels, waste fuels, chemicals, chemical wastes, and animal wastes, from any part of the premises exposed to stormwater.
5. For premises which fall under the requirements for the Industrial SWPPP per Federal Law, the site annual reports and monitoring reports shall also be submitted to the City Engineer.

## BMP IMPLEMENTATION TABLES

**Table 1. Pollutants Generated by Development Category**

Development Categories	Pollutants generated by various development categories include, but are not limited to:								
	Sediments	Nutrients	Heavy Metals	Organic Compounds	Trash & Debris	Oxygen Demanding Substances	Oil & Grease	Bacteria & Viruses	Pesticides
Detached Residential Developments	X	X			X	X	X	X	X
Attached Residential Developments	X	X			X	P <sup>(1)</sup>	P <sup>(2)</sup>	P	X
Commercial Developments >100,000 ft <sup>2</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>		P <sup>(2)</sup>	X	P <sup>(5)</sup>	X	P <sup>(3)</sup>	P <sup>(5)</sup>
Automotive Service Facilities			X	X <sup>(4)(5)</sup>	X		X		
Retail Gasoline Outlets			X	X <sup>(4)(5)</sup>	X		X		
Restaurants					X	X	X	X	
Hillside Developments	X	X			X	X	X		X
Parking Lots	P <sup>(1)</sup>	P <sup>(1)</sup>	X		X	P <sup>(1)</sup>	X		P <sup>(1)</sup>
Streets, Highways & Freeways	X	P <sup>(1)</sup>	X	X <sup>(4)</sup>	X	P <sup>(5)</sup>	X		
X = anticipated P = potential									
(1) A potential pollutant if landscaping exists on-site (2) A potential pollutant if the project includes uncovered parking areas (3) A potential pollutant if land use involves food or animal waste products (4) Including petroleum hydrocarbons (5) Including solvents									
Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.									

Table 2. Areas for Site Design and Source Control BMP Implementation by Development Category

Development Categories	Specific areas for Implementation of Site Design and Source Control BMPs include, but are not limited to:													
	Private Roads	Residential Driveways & Guest Parking	Loading/Unloading Dock Areas	Repair/Maintenance Bays	Vehicle Wash Areas	Outdoor Processing Areas	Equipment Wash Areas	Parking Areas	Roadways	Fueling Areas	Hillside Landscaping	Outdoor Material Storage Areas	Trash Storage Areas	Pools and Spas
Detached Residential Developments	R	R									R			R
Attached Residential Developments	R												R	R
Commercial Developments >100,000 ft <sup>2</sup>			R	R	R	R						R	R	
Automotive Service Facilities			R	R	R		R			R		R	R	
Retail Gasoline Outlets			R	R	R		R			R		R	R	
Restaurants			R				R					R	R	
Hillside Developments	R										R			
Parking Lots								R					R	
Streets, Highways & Freeways									R					

R = Required to minimize pollutants of concern by selecting appropriate Site Design and Source Control BMPs.

Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.

**Table 3. Treatment Control BMP Efficiency for Pollutants of Concern**

(1)

Efficiency of Treatment Control BMP categories for removal of pollutants of concern include, but are not limited to:							
Pollutants of Concern	Biofilters	Detention Basins	Infiltration Basins <sup>(2)</sup>	Wet Ponds or Wetlands	Drainage Inserts	Filtration	Hydrodynamic Separator Systems <sup>(3)</sup>
Sediment	M	H	H	H	L	H	M
Nutrients	L	M	M	M	L	M	L
Heavy Metals	M	M	M	H	L	H	L
Organic Compounds	U	U	U	U	L	M	L
Trash & Debris	L	H	U	U	M	H	M
Oxygen Demanding Substances	L	M	M	M	L	M	L
Bacteria	U	U	H	U	L	M	L
Oil & Grease	M	M	U	U	L	H	L
Pesticides	U	U	U	U	L	U	L
<p>L = Low removal efficiency for this pollutant                      M = Medium removal efficiency for this pollutant                      H = High removal efficiency for this pollutant                      U = Unknown removal efficiency for this pollutant</p> <p>(1) The City is encouraged to periodically assess the performance characteristics of these BMPs to update this table.</p> <p>(2) Includes trenches and permeable pavement</p> <p>(3) Also known as hydrodynamic devices and baffle boxes</p>							
<p>Sources: Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (1993), National Stormwater Best Management Practices Database (2001), and Guide for BMP Selection in Urban Developed Areas (2001).</p>							
<p>Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.</p>							