

Inglewood Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[CHAPTER 10 PUBLIC WORKS](#)[Article 16. STORMWATER MANAGEMENT AND DISCHARGE CONTROL](#)**Section 10-208. Low Impact Development Requirements for New Development and Redevelopment.**

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 MS4 Permit (Order No. R4-2012-0175), to 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. Except as otherwise provided herein, the City shall administer, implement and enforce the provisions of this Section.

C. Applicability. This section applies to the following New Development and Redevelopment Projects which are subject to City conditioning and approval for the design and implementation of post-construction controls and other BMPs to mitigate stormwater pollution, prior to completion of the project(s), as follows:

1. New Development Projects.

a. All development projects equal to one acre or greater of disturbed area that adds more than ten thousand square feet of impervious surface area.

b. Industrial parks with ten thousand square feet or more of surface area.

c. Commercial malls with ten thousand square feet or more of surface area.

d. Retail gasoline outlets with five thousand square feet or more of surface area.

e. Restaurants (Standard Industrial Classification (SIC) of 5812) with five thousand square feet or more of surface area.

f. Parking lots with five thousand square feet or more of impervious surface area, or with twenty-five or more parking spaces.

g. Street and road construction of ten thousand square feet or more of impervious surface area shall follow the City's Green Streets Manual to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.

h. Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532—7534 and 7536—7539) with five thousand square feet or more of surface area.

i. Projects located in or directly adjacent to, or discharging directly to a significant ecological area (SEA), where the development will:

(1) Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and

(2) Create two thousand five hundred square feet or more of impervious surface area.

j. New single-family hillside homes.

2. Redevelopment Projects.

- a. Land disturbing activity that results in the creation or addition or replacement of five thousand square feet or more of impervious surface area on an already developed site for categories identified in subsection (C)(1).
 - 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 that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
 - e. Existing single-family dwelling and accessory structures are exempt from the redevelopment requirements unless such projects create, add, or replace ten thousand square feet of impervious surface area.
- D. LID Standards Manual. The Director shall prepare, maintain, and update, as deemed necessary and appropriate, a manual ("LID Standards Manual"), which shall include urban and stormwater runoff quantity and quality control development principles and technologies for achieving compliance with the provisions of this section. The LID Standards Manual shall also include technical feasibility and implementation parameters, as well as other rules, requirements, and procedures as the Director deems necessary, for implementing the provisions of this Article.
- E. Specific Requirements.
1. New Single-Family Hillside Homes. To the extent that the City may lawfully impose conditions, mitigation measures or other requirements on the construction of new single-family hillside homes, new single-family hillside homes are exempt from the New Development/Redevelopment Project Performance Criteria of Part VI.D.7.c of the MS4 Permit but 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 of ten thousand square feet or more of impervious surface are exempt from the New Development/Redevelopment Project Performance Criteria of Part VI.D.7.c of the MS4 Permit but shall follow the City's Green Streets Manual to the maximum extent practicable, consistent with the City's Green Streets Policy.
 3. New Development and Redevelopment Projects. Unless otherwise exempted in this Article or in the MS4 Permit, the site for every new development and redevelopment project shall comply with Part VI.D.7.c of the MS4 Permit and 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 in accordance with the requirements set forth in the MS4 Permit and the LID Standards Manual. The project applicant shall prepare and submit a Stormwater Mitigation Plan, which shall implement set LID standards and practices for stormwater pollution mitigation consistent with this Article and the LID Standards Manual, to the Director for review and approval. The Stormwater Mitigation Plan shall provide documentation to demonstrate compliance with the MS4 Permit on the plans and permit application submitted to the City, and shall comply with the following:
 - a. Retain stormwater runoff on-site for the Stormwater Quality Design Volume (SWQDv) defined as the runoff from:

- i. The 85th percentile twenty-four-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
- ii. The volume of runoff produced from a three-fourths-inch, twenty-four-hour rain event, whichever is greater.
- b. Minimize hydromodification impacts to natural drainage systems as defined in the NPDES Permit.
- F. Technical Infeasibility.

1. Some relief, as outlined later in this Section, from the MS4 Permit (Part VI.D.7.c) requirements may be granted for technical infeasibility. To demonstrate technical infeasibility, the project applicant must demonstrate that the project cannot reliably retain one hundred 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:

- a. The infiltration rate of saturated in-situ soils is less than three-tenths-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 on-site;
- b. Locations where seasonal high groundwater is within five to ten feet of surface grade;
- c. Locations within one hundred feet of a groundwater well used for drinking water;
- d. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
- e. Locations with potential geotechnical hazards;
- f. Smart growth and infill or redevelopment locations where the density and/or nature of the project would create significant difficulty for compliance with the on-site volume retention requirement.

2. If partial or complete on-site retention is technically infeasible, the project site may biofiltrate one and one-half times the portion of the remaining SWQDv that is not reliably retained on-site. Biofiltration BMPs must adhere to the design specifications provided in the MS4 Permit (Order No. R4-2012-0175).

a. Additional alternative compliance options such as off-site infiltration and groundwater replenishment projects may be available to the project site. The applicant for the project should contact the Authorized Enforcement Officer to determine eligibility.

3. The remaining SWQDv that cannot be retained or biofiltered on-site must be treated on-site to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required by the MS4 Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:

- a. Two-tenths of an inch per hour; or
- b. The one-year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.

G. Exemptions from LID Requirements. The provisions of this Section do not apply to any of the following:

- 1. A development involving only emergency construction activity required to immediately protect public health and safety;
- 2. Infrastructure projects within the public right-of-way, excluding street and road construction of ten thousand square feet or more of impervious surface;
- 3. A development or redevelopment involving only activity related to gas, water, cable, or electricity services on private property;
- 4. A development or redevelopment involving only resurfacing and/or re-striping of permitted parking lots, where the original line and grade, hydraulic capacity, and original purpose of the facility is maintained;
- 5. A project not requiring a City building, grading, demolition or other permit for construction activity.

H. City Review and Approval.

1. Prior to the issuance of a permit for a new development or redevelopment project, the City shall evaluate the proposed project using the MS4 Permit, and erosion and grading requirements of the City Building Official or Authorized Enforcement Officer to determine: (i) its potential to generate the flow of pollutants into the MS4 after construction; and (ii) how well the Stormwater Mitigation Plan for the proposed project meets the goals of this Article. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed. Based upon the review, the City may impose conditions upon the issuance of the building permit, in addition to any required by the State Construction General Permit for the project, in order to minimize the flow of pollutants into the MS4.

I. Issuance of Discretionary Permits. No discretionary permit may be issued for any new development or redevelopment project identified in this Section until the Authorized Enforcement Officer confirms that the project plans, including the Stormwater Mitigation Plan, comply with the applicable LID requirements of this Article. 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-development stormwater quality control requirements, the entire project must be mitigated. Where redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-development stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.

J. Issuance of Certificates of Occupancy. As a condition for issuing a certificate of occupancy for a project subject to this Article, the Director shall require facility operators or owners to build all BMPs that are shown on the approved project plans and to submit an owner signed certification statement stating that the site and all LID BMPs will be maintained in compliance with the Stormwater Mitigation Plan and other applicable regulatory requirements.

K. Transfer of Properties Subject to Requirement for Maintenance of BMPs.

1. The transfer or lease of a property subject to a requirement for maintenance of BMPs shall include conditions requiring the transferee and its successors and assigns to either: (a) assume responsibility for maintenance of any existing BMP; or (b) replace an existing BMP with new control measures or BMPs meeting the then current standards of the City and the Municipal NPDES Permit. Such requirement shall be included in any sale or lease agreement or deed for such property. The condition of transfer shall include a provision that the successor property owner or lessee conduct maintenance inspections of all BMPs at least once a year and retain proof of inspection.

2. For residential properties where the LID BMPs are located within a common area which will be maintained by a homeowner's association, language regarding the responsibility for maintenance shall be included in the project's conditions, covenants and restrictions (CC&Rs). Printed educational materials will be required to accompany the first deed transfer to highlight the existence of the requirement and to provide information on what stormwater management facilities are present, signs that maintenance is needed, and how the necessary maintenance can be performed. The transfer of this information shall also be required with any subsequent sale of the property.

3. If LID BMPs are located within an area proposed for dedication to a public agency, they will be the responsibility of the developer until the dedication is accepted.

(Ord. 15-14 6-23-15)

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