

MOTION

ENERGY & ENVIRONMENT

The Low Impact Development (LID) Ordinance implements stormwater capture requirements under the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit, with the Bureau of Sanitation (LASAN) serving as the City's lead agency for compliance. In 2011, through Ordinance No. 183833, the City changed the compliance threshold from the required 2,500 square feet to a city specific standard of 500 square feet of added impervious area. This decision pulled thousands of small residential projects into a regulatory regime designed for large-scale development. Homeowners found themselves required to install and indefinitely maintain stormwater infiltration systems, often producing nuisance flooding, mosquito breeding, or structural impacts to adjacent foundations, contrary to the ordinance's environmental intent. In practice, a regulatory tool meant to advance water quality has functioned as a barrier to housing production and created public safety issues.

Effective April 2, 2024, Ordinance No. 188125 conformed the City's LID applicability thresholds to the MS4 Permit, refocused compliance on larger-scale development and projects in environmentally sensitive areas. The City determined that small private projects are not efficient for stormwater volume capture goals, switching focus to Measure W (Safe Clean Water Program) capture projects which now carry the bulk of the City's compliance work, delivering measurable and durable environmental performance. Despite this policy shift, homeowners remain bound to obligations the City no longer imposes on identical projects submitted today. This disparate treatment is difficult to defend on equity or environmental grounds, and creates workload for LASAN staff whose attention is better directed to the larger-scale projects.

Establishing an administrative release pathway for pending projects in the 500 to 2,499 square foot range would relieve homeowners and small-scale developers from compliance obligations the City has determined are no longer warranted, end the inequitable two-tier treatment of otherwise identical projects, reduce the red-tape burden on residents pursuing additions and ADUs, and free LASAN staff to focus on the regional infrastructure that delivers the bulk of the City's stormwater capture.

I THEREFORE MOVE that the City Council request the City Attorney, in consultation with the Bureau of Sanitation, prepare and present an ordinance amending the Low Impact Development (LID) Ordinance to establish an administrative release pathway for projects in the 500 to 2,499 square foot impervious area range currently pending under the prior LID Ordinance (Ordinance No. 183833), allowing such projects to be released from these LID compliance requirements and instead subject to the applicability thresholds of the current ordinance (Ordinance No. 188125).

PRESENTED BY: 
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Councilwoman, 7th District

SECONDED BY: 

ORIGINAL


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