



# City of Sunnyvale

## Agenda Item

17-0492

Agenda Date: 5/15/2017

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### REPORT TO SUSTAINABILITY COMMISSION

#### **SUBJECT**

Approve the City's Green Infrastructure Plan Framework and Find that the Action is Categorically Exempt from Environmental Review under CEQA Guidelines Section 15308

#### **BACKGROUND**

The City of Sunnyvale owns and operates a separate storm drainage system which is regulated under the Federal National Pollutant Discharge Elimination System (NPDES) Program. Consequently, the City is subject to the San Francisco Bay Municipal Regional Stormwater NPDES Permit (Order R2-2015-0049), also known as the Municipal Regional Permit (Permit) issued by the San Francisco Bay Regional Water Quality Control Board (RWQCB). This Permit was recently reissued and became effective on January 1, 2016. In addition to Sunnyvale, the Permit applies to 75 other large, medium and small agencies (cities, towns, counties and flood control agencies) that discharge stormwater to San Francisco Bay. The current permit continues many of the previous requirements to prevent stormwater pollution. Additionally, there are new requirements including more aggressive trash reduction targets, implementation of new activities to control targeted pollutants such as mercury and PCBs, and the development of a stormwater Green Infrastructure plan.

During the five-year Permit term, Permittees are specifically required to develop and begin implementing long-term Green Infrastructure (GI) Plans to integrate low impact development (LID) measures with storm drain infrastructure on public and private lands, including streets, roads, storm drains, parking lots, building roofs, and other elements. The GI Plan must be completed by September 30, 2019. As part of the GI planning process, the Permit requires Permittees to develop a Green Infrastructure Plan Framework (Framework) that is approved by its governing body or city manager by June 30, 2017, and to submit the approved GI Plan Framework to the Regional Water Board by September 30, 2017. The Framework is intended to serve as the work plan for completing the GI Plan and must at a minimum include a statement of purpose and the tasks and timeframes to complete the required elements of the GI Plan.

The City Council is scheduled to consider approval of the City's Green Infrastructure Plan Framework on June 20, 2017.

#### **EXISTING POLICY**

##### **Sunnyvale General Plan, Chapter 7 Environmental Management**

**EM-8 Protection of Creeks and Bay** - Assure the reasonable protection of beneficial uses of creeks and San Francisco Bay, established in the Regional Board's Basin Plan, and Protect Environmentally Sensitive Areas.

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**Goal EM-10 Reduced Runoff and Pollutant Discharge** - Minimize the quantity of runoff and discharge of pollutants to the maximum extent practicable by integrating surface runoff controls into new development and redevelopment land use decisions.

### **ENVIRONMENTAL REVIEW**

Adoption of the Green Infrastructure Plan Framework is exempt from review under the California Environmental Quality Act (CEQA) pursuant to a Class 8 categorical exemption (Section 15308 of the CEQA Guidelines) for actions authorized by state or local law to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment. Projects subject to the Green Infrastructure Plan will undergo appropriate CEQA review prior to approval.

### **DISCUSSION**

#### *What is "Green Infrastructure"?*

Traditional storm drain infrastructure has been designed with the primary purpose of conveying stormwater flows away from the developed urban environment to local creeks and channels to minimize surface flooding. Stormwater is collected and moved from city streets into local waterways through a system of curbs, gutters, and pipes (commonly comprised of concrete) and which is considered "grey infrastructure." Green infrastructure is a new approach designed to transform traditional "grey infrastructure" by integrating natural systems of vegetation, soils, and natural processes to manage and treat stormwater and create healthier urban environments.

Green infrastructure provides many benefits beyond water quality improvement. It can provide groundwater replenishment, creation of attractive streetscapes, habitat, reduction of heat island effect, and bicycle and pedestrian accessibility. Examples of green infrastructure measures include resilient, sustainable systems that slow, filter, capture and reuse, or infiltrate stormwater runoff such as: landscape-based stormwater "biotreatment" using soil and plants ranging in size from grasses to trees; pervious paving systems (e.g., interlocking concrete pavers, porous asphalt, and pervious concrete); and rainwater harvesting systems (e.g., cisterns and rain barrels). These practices are also known as Low Impact Development (LID) site design and treatment measures. Attachment 3 includes a fact sheet that illustrates common types of green infrastructure measures that can be integrated into public infrastructure projects.

Under previous stormwater permits, LID measures have been required to treat onsite stormwater for private development projects of a certain size since 2011. The goal of the GI Plan is to strategically integrate LID measures as a part of public infrastructure projects such as roadway projects, public parks and facilities, or other infrastructure improvements.

#### *What is the driver for Green Infrastructure?*

The current Permit continues to increase the requirements on Permittees to reduce priority pollutants including polychlorinated biphenyls (PCBs) and mercury. Both are toxic pollutants that impact aquatic and human health through the food chain. These pollutants bind to dirt and sediment and can be conveyed from land to waterways with stormwater. Both have Total Maximum Daily Load requirements for reductions in SF Bay, especially from stormwater sources. Due to historic usages and applications of these chemicals in commercial and industrial products, trace amounts of these pollutants are found throughout the Bay Area though there are some land uses identified as having a greater potential to have elevated levels (older industrial areas). Widespread integration of LID measures incorporated through green infrastructure over time can help prevent these pollutants from

being transported to the Bay via stormwater runoff. For this reason, the Permit establishes this new linkage between public infrastructure retrofits and required reductions in discharges of certain pollutants, specifically PCBs and mercury. Over the next few decades, Permittees must reduce the loads of PCBs and mercury in stormwater discharges through various means, with a portion of these load reductions achieved through the installation of green infrastructure systems.

Green Infrastructure is also recognized as providing multiple benefits beyond PCB and mercury pollutant reductions. Integrating green infrastructure features with other public improvements such as street improvements or bicycle or pedestrian improvements can also lead to increased multi-modal travel and safety; cleaner water and air; climate change resilience and mitigation; placemaking and community cohesion; habitat and energy savings; and higher property values.

#### *City's GI Framework and Approach*

The purpose of the City of Sunnyvale's GI Plan is to describe how the City will gradually transform its urban landscape and storm drainage systems from "gray" to "green"; that is, shift from traditional storm drain infrastructure to a more resilient, sustainable system. The GI Plan will also be used to demonstrate the City's long-term commitment to implementation of green infrastructure to help reduce loads of pollutants of concern, particularly mercury and PCBs, discharged in stormwater to local waterways. The GI Plan will be coordinated with other City plans, such as land use, transportation, parks, urban forestry, and sustainability plans, to achieve multiple potential benefits to the community.

The purpose of the City's Green Infrastructure Plan Framework is to:

- Provide background and context on the Permit's requirements for GI Planning;
- Describe the purpose, goals, and tasks to develop the City's GI Plan; and,
- Outline the timeframes staff have established for the development of the City's GI Plan and other GI tasks required in the Permit.

As identified in the GI Plan Framework, the development of the GI Plan will be led by staff from the Environmental Services Department with considerable participation from key staff within the departments of Public Works and Community Development.

Key tasks identified as part of the development process include but are not limited to:

- Review of Green Infrastructure plans developed by other communities around the country such as Portland, Philadelphia, and San Francisco
- Review of regionally developed tools and resources and adaption for local use
- Identification and modification of City standards, codes, and policies needed to facilitate Green Infrastructure implementation
- Review and update of applicable City plans to align with the GI Plan
- Evaluation of long-term funding implications and identification of potential financing strategies
- Public outreach and education

This significant work effort will take place over the next two fiscal years, with the goal to have a draft GI Plan available for public comment in early 2019 and culminating in Sustainability Commission review and City Council adoption in mid-2019. The final GI Plan must be submitted to the Regional Water Board by September 30, 2019.

**FISCAL IMPACT**

Funding to support development and beginning implementation of the Green Infrastructure Plan Framework is listed in FY 2017/18 Recommended Budget (Project 901094 Green Infrastructure Planning for Stormwater), however, this project is not funded. Staff is exploring options to fund this project, which may involve reprioritizing or reallocating funding from another stormwater project. Changes to the FY 2017/18 Recommended Budget, if necessary, would be brought forward separately for City Council consideration.

Funding would be used for consultant support to assist in the review and technical assessment of capital projects for potential green infrastructure measures, support adaption of regional standards and design details for local adoption and use, and support Sunnyvale specific funding strategy development. In addition, some of the tasks required for development of the Plan will be completed collaboratively through the City's membership and participation in the Santa Clara Valley Urban Runoff Pollution Prevention Program.

The departments involved in GI Planning - Public Works, Community Development, and Environmental Services - are already facing significant staffing constraints as they manage current operational priorities as well as ongoing and new initiatives to address Council policy priorities. Staff will continue to apprise the Council of potential impacts to progress of existing projects as GI Planning moves forward. If additional resource needs are identified during the GI Plan development process, funding will be requested through the City's budget process. A key component of developing the GI Plan will be evaluating and determining long-term fiscal impact and on-going financing strategies.

**PUBLIC CONTACT**

Public contact was made through posting of the Sustainability Commission agenda on the City's official-notice bulletin board, on the City's website, and the availability of the agenda and report in the Office of the City Clerk. The GI Plan Framework includes a Public Outreach component for staff to gather public comment on the Draft GI Plan prior to City Council consideration of the GI Plan.

**ALTERNATIVES**

1. Find that the Action is Exempt from CEQA and Approve the Green Infrastructure Plan Framework as presented by staff.
2. Do not approve the Green Infrastructure Plan Framework.
3. Other action as determined by the City Council.

**RECOMMENDATION**

Alternative: 1. Find that the Action is Exempt from CEQA and Approve the Green Infrastructure Plan Framework as presented by staff.

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**ATTACHMENTS**

1. Reserved for Report to Council
2. Draft Green Infrastructure Plan Framework
3. Green Infrastructure Fact Sheet