

10/27 Item 45 - Water Quality
CM Vela Amendment 1 - V3
Green Stormwater Infrastructure Exception For Loss of Units

Line 437, 25-8-42(D)(2)

(2) for a variance from Subsection 25-8-213(C), that the proposed water quality control is necessitated by unique site conditions, excluding any potential loss of impervious cover entitlements resulting from full compliance;

Is amended to read as follows

(2) for a variance from Subsection 25-8-213(C), that the proposed water quality control is ~~necessitated by unique site conditions, excluding any potential loss of impervious cover entitlements resulting from full compliance;~~

(a) necessitated by unique site conditions; or

(b) necessary to avoid a loss in residential units or building square footage.

For Context: Subsection 25-8-213(C) reads as follows:

(C) The required water quality treatment must be provided using green stormwater control measures, as prescribed in the Environmental Criteria Manual.

Reasoning

This amendment explicitly allows someone to qualify for administrative variance to use a conventional sedimentation pond if using green stormwater infrastructure instead of a conventional sedimentation pond would result in a loss of residential units or building square footage.

In most cases, green stormwater infrastructure takes up a similar amount of space as conventional controls, and should not impact unit count. In some cases, green stormwater controls such as rain gardens are even more flexible than conventional controls. However there are some cases where someone has built their parking lot or driveway over the water control pond, including VMU and MF6 projects on corridors. Green Stormwater controls can't be buried because they require sunlight.

There is an exemption for sites with 90% allowable impervious cover, but that exemption doesn't address all situations where finding space for an open air water quality pond may be a problem. Complying with other areas of code, such as fire code, parkland dedication, heritage tree protections, compatibility setbacks, utility easements, and transportation requirements may push a site under 90% impervious cover, but still leave a project very constrained and unable to build an open air water quality control without sacrificing buildable area. For example some MF-6 projects have opted to bury their ponds, even though MF-6 only allows 80% impervious cover.