

7
2-22-14

City of Alexandria, Virginia

MEMORANDUM

DATE: FEBRUARY 22, 2014

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: WILLIAM SKRABAK, DEPUTY DIRECTOR, INFRASTRUCTURE
AND ENVIRONMENTAL QUALITY, DEPARTMENT OF
TRANSPORTATION AND ENVIRONMENTAL SERVICES *WJS*

SUBJECT: DOCKET ITEM 7 - MINOR REVISION TO THE PROPOSED
ENVIRONMENTAL MANAGEMENT ORDINANCE

The purpose of this memorandum is to recommend amending the language of the proposed environmental management ordinance to address recent concerns raised by the development community. There were two technical issues on which the development community had some concerns. The first issue was related to the portion of a redevelopment's site area on which storm water regulations apply. This issue has been resolved after staff worked with representatives from NVBIA / NAIOP to clarify the impact of the language on different development scenarios and the flexibility present in the proposed ordinance.

The second issue was concerning the extent of the engineering analysis required to document capacity of the storm sewer system where new development connects. In light of NVBIA / NAIOP concerns, staff is recommending the following amendments to the ordinance as currently proposed to reduce the time and expense required by developers to perform an outfall analysis while still ensuring that the City has critical information about existing storm water infrastructure capacity before approving a development / redevelopment project. The proposed language was recently adopted by Fairfax County and has been copied verbatim into the appropriate section of the proposed ordinance. The proposed amendments are underlined and bolded for clarity.

109(F)(2)

- (c) Limits of analysis. Stormwater conveyance systems shall be analyzed for compliance with flood protection criteria to a point where:
 - (i) The site's contributing drainage area is less than or equal to 1.0% of the total watershed area draining to a point of analysis in the downstream stormwater conveyance system;

- (ii) Based on peak flow rate, the site's peak flow rate from the 10-year 24-hour storm even is less than or equal to 1.0% to the existing peak flow rate from the 10-year 24-hour storm event prior to the implementation of any stormwater quantity control measures; or,
- (iii) The stormwater conveyance system enters a mapped floodplain or other flood-prone area adopted in accordance with section 6-300 et seq of the City Code.

(d) Alternative Limits of Analysis. If 109(F)(2)(a)(i and ii) or 109(F)(2)(b)(ii) are utilized to comply with the flood protection criteria the downstream limit of analysis shall extend to;

- (i) a point that is at least 150 feet downstream of a point where the receiving pipe or channel is joined by another that has a drainage area that is at least 90 percent of the size of the first drainage area at the point of confluence; or**
- (ii) a point that is at least 150 downstream of a point where the drainage area is 360 acres or greater.**

cc: Rashad M. Young, City Manager
James L. Banks, City Attorney
Jackie M. Henderson, City Clerk
Rich J. Baier, Director of T&ES

7
2-22-14

Jackie Henderson

From: Daniel Imig
Sent: Friday, February 21, 2014 3:32 PM
To: Jackie Henderson
Subject: FW: FW: info for EPC letter supporting new environmental management code?
Attachments: EPC letter in support of Stormwater Ordinance update - 2-4-14.pdf

Jackie,

Attached please a letter in support of the changes to the environmental management ordinance (Docket Item 7) from the Environmental Policy Commission. This may have been previously forward directly to Council but EPC wanted to make sure it was part of the public hearing record. If there is anything else that needs to happen to make Council aware of the letter please let me know.

Thanks

Daniel Imig, P.E.
Civil Engineer IV
Office of Environmental Quality
Transportation & Environmental Services
City of Alexandria
703-746-4070 office
571-221-7553 cell



February 4, 2014

The Honorable Mayor Bill Euille and Members of City Council
City of Alexandria
Alexandria, VA 22314

Adoption of Revised Environmental Management Ordinance

Dear Mayor Euille and Members of Council:

On behalf of the Environmental Policy Commission (EPC), I am writing to convey our support for the adoption of the revised Environmental Management Ordinance. The revised ordinance is a significant step forward in reducing non-point source pollution directed to the Potomac River and the Chesapeake Bay. The additional pollutant removal requirements and the new focus on better management of smaller, more frequent storm events will benefit water quality in the creeks and streams of our local watersheds. Updating the Environmental Management Ordinance will help the City achieve water quality goals and corresponding action items established in the "Environmental Action Plan – 2030."

Although the majority of the revisions in the revised ordinance are mandated by the State of Virginia, there are additional more stringent provisions that have been included to help protect natural resources and assist the City in meeting the stringent pollution reductions required by the City's Municipal Separate Storm Sewer System (MS4) permit. These include continuing to protect natural intermittent streams and retaining the requirement to provide water quality treatment for the first half inch of runoff for all impervious surfaces. These provisions are important in maintaining the progress Alexandria has made to date in protecting natural resources and reducing stormwater pollution.

In addition to the existing more stringent requirements mentioned above, the ordinance provides new flexibility for smaller scale redevelopment projects by limiting the area of the site on which stormwater regulations applies. If a project disturbs less than 50% of the overall tax parcel then stormwater regulations apply only to the disturbed area. Once the project disturbs greater than 50% of the overall tax parcel, the entire parcel is required to meet stormwater regulations. This provision is less stringent than the current City ordinance but more stringent than what the State requires and is a good middle between the two.

Finally the new ordinance includes a waiver of state stormwater requirements for single family homes less than an acre in size but retains the existing City requirement to treat the first half inch of runoff from impervious surfaces through a best management practice or to contribute to the City's

(over)

water quality fee-in-lieu program. This provision will help the City meet the required pollution reduction targets while providing a choice to homeowners as to how they address stormwater for their individual projects.

In conclusion, EPC supports adoption of the new ordinance, as it will aid the City in achieving the goals set forth in the Environmental Action Plan and help ensure that the City is a good steward of local streams, the Potomac River, and the Chesapeake Bay.

Thank you for your time and consideration, and for your work on behalf of Alexandria.

Sincerely,

A handwritten signature in black ink, appearing to be "Scott Barstow", with a long horizontal line extending to the right.

Scott Barstow
Chair, Environmental Policy Commission

CC: Planning Commission

Jackie Henderson

7
2-22-14

From: lmay@nvar.com
Sent: Thursday, February 20, 2014 4:27 PM
To: City Council; City Council Aides; Jackie Henderson; Community Relations
Subject: Call.Click.Connect. #46440: Mayor, Vice Mayor City Council Please find attached comments from the N

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 46440.

Request Details:

- Name: Mario Rubio
- Approximate Address: No Address Specified
- Phone Number: 703-207-3201
- Email: lmay@nvar.com
- Service Type: Mayor, Vice Mayor City Council
- Request Description: Please find attached comments from the Northern Virginia Association of Realtors on proposed amendments to Article XIII of the Zoning Ordinance, relating to stormwater management.
- Attachment: <http://request.alexandriava.gov/GeoReport/UploadedFile.ashx/docx/56ee9592-d19c-4305-8834-1b3f34557059>
- Expected Response Date: Thursday, February 27

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CommunityRelations@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.



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MARIO RUBIO, CIPS, SRES – Chairman of the Board
CHRISTINE M. TODD, CAE, RCE – Chief Executive Officer

February 20, 2014

The Honorable Bill Euille
Mayor, City of Alexandria
301 King St., Room 2300
Alexandria, VA 22314

Dear Mayor Euille:

On behalf of the Northern Virginia Association of Realtors® (NVAR), representing over 10,000 area members, I am providing the following comments on the proposed amendments to Article XIII of the Zoning Ordinance relating to stormwater management, which will be heard before the Council in the coming weeks.

NVAR supports the exclusion of land disturbing activities of less than 2,500 square feet from stormwater management plan requirements (Sec. 13-123). This exclusion allows homeowners to make modest improvements and additions to their homes without subjecting them to complicated stormwater detention studies and the added costs of onsite stormwater controls.

NVAR also strongly supports the inclusion of alternative stormwater management equivalency options in Section 13-110 as a means to comply with stormwater regulations without the installation of on-site BMPs. The placement of stormwater BMPs on individual residential lots directly impacts the real estate resale process. While developers and property owners who place BMPs on their properties are aware of the maintenance requirements associated with the facility, subsequent owners of that property do not have that same knowledge.

Current state code does not require sellers to disclose the presence of stormwater detention facilities on the property to future buyers (§55-519, A, 7). While private management agreements for stormwater maintenance are recorded in the land records, those agreements may not be discovered until those buyers are well into the purchase process. It has the potential to derail real estate transactions for those unwilling to bear the responsibility and cost of maintaining BMPs that others have constructed on the property. There are also unresolved questions on how the presence of private maintenance agreements in the land records will impact the issuance, coverage and rates of title insurance policies for affected residential properties.

By allowing alternatives to individual lot BMPs, questions on the ownership and operation of stormwater facilities are removed from the home buying and selling process, thereby reducing liability for both agents and homeowners. This approach also allows the City's stormwater facilities to be adequately and



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MARIO RUBIO, CIPS, SRES – Chairman of the Board
CHRISTINE M. TODD, CAE, RCE – Chief Executive Officer

uniformly maintained, resulting in fewer instances of non-compliance and reducing the related financial impacts to area homeowners.

NVAR does, however, have concerns on the amount to be requested of individual homeowners under the fee-in-lieu contributions to the Alexandria Water Quality Improvement Fund. The guidelines in the draft ordinance state that the fee will be based on the installation and maintenance costs of a BMP throughout its lifecycle. The lifecycles of certain BMPs can range from 10 to 50 years according to a report by the Northern Virginia Regional Commission, which could make the suggested contribution a substantial sum. Any contribution structure imposed should be kept to a reasonable level so as not to discourage redevelopment, particularly for areas of the City in need of stormwater quality improvements.

If you have any questions, please contact NVAR Government Affairs Department at mbcoya@nvar.com or lmay@nvar.com. Thank you for your consideration of these items.

Sincerely,

Mario T. Rubio, CIPS, SRES
Chairman of the Board

cc: Alexandria City Council



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