

**MOTION**

State law requires that new construction projects do not block existing drainage. They must capture and accommodate them, or allow them to flow through.

Currently project applicants are required by state law to hire an engineer to prepare plans that show the existing condition, or original condition of water flowing across the impacted property, and thereafter, prepare a plan of the updated site condition showing whether there is stormwater blockage and ponding. Project applicants often ignore this law and fail to pay for this expense, inasmuch as the City has not been enforcing and mandating that project applicants pay for the cost. This oversight results in added costs for residential property owners abutting construction sites since they oftentimes pay for this expense themselves or pay for needed mitigations to their property that could have been avoided if the project were planned better.

The City needs to enforce all applicable regulations as it relates to the upkeep of stormwater drains and blockage. New construction can impact these shared access points, and cause detrimental impacts on existing housing when new construction changes these access points.

**I THEREFORE MOVE** that the Council instruct the Department of Building and Safety, with the assistance of the Bureau of Engineering and Bureau of Sanitation to prepare a report with recommendations relative to new construction projects and their impacts on stormwater drainage, including how the City is complying with state stormwater flow laws, whether the building code allowance to increase the existing grade is exacerbating the stormwater issues for abutting properties, and recommendations for how to mitigate stormwater impacts for neighboring property owners both for those with an increased grade and those that have not.

**I FURTHER MOVE** that the Council instruct the Department of Building and Safety, with the assistance of the Planning Department, and in consultation with the City Attorney, to prepare a report with recommendations on the state and local laws relating to ingress and egress of properties with shared driveways or curb cuts and how to mitigate any detrimental impacts when new construction changes these access points.

PRESENTED BY:



**BOB BLUMENFIELD**  
Councilmember, 3<sup>rd</sup> District

SECONDED BY:

GILBERT A. CEDILLO (verbal)  
Councilmember, 1st District

AUG 11 2021