

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 DEC 22 AM 11:21

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: January 13, 2009

RE: **An Ordinance Amending Title 13 Of The Oakland Municipal Code Adding Chapter 13.14 To Establish Storm Drainage Design Standards**

---

### SUMMARY

An Ordinance has been prepared amending Title 13 of the Oakland Municipal Code (OMC) to establish and update design standards for storm drainage facilities in Oakland.

At present, the OMC contains language regulating stormwater quality management in order to meet Federal and State Clean Water regulations. However, the OMC is silent about non-water quality related design standards for the storm drain system. Adoption of these proposed revisions to the OMC will authorize the establishment of standards that will provide clarity for the design and development community and assure a uniform standard of quality for installation of storm drainage facilities.

This proposed section authorizes an Engineer, as designated by the City Administrator, to develop and maintain storm drainage design standards for the City of Oakland.

### FISCAL IMPACT

There is no fiscal impact related to establishing storm drainage design standards. This action is codification of existing administrative practices. There will be no additional costs to the City.

### BACKGROUND

#### *Design Guidelines:*

The Oakland Municipal Code (Chapter 13.16) regulates stormwater quality for the City of Oakland storm drain system including waterbodies, creeks and drainage facilities. The OMC does not address non-water quality related design criteria, standards, policies, and procedures for storm drainage facilities. The proposed addition to the OMC will authorize an Engineer, as designated by the City Administrator, to provide design criteria for all stormwater storage and conveyance infrastructure such as pipes, debris basins, detention and retention facilities and will standardize runoff determination methods and hydraulic design guidelines for use in Oakland. These standards and guidelines will be consistent with those adopted by the Alameda County Flood Control and Water Conservation District.

Item: \_\_\_\_\_  
Public Works Committee  
January 13, 2009

## **KEY ISSUES AND IMPACTS**

This proposed OMC addition, along with the existing code, authorizes an Engineer as designated by the City Administrator to comprehensively establish design standards for the storm drain system in Oakland. The changes to the OMC codify existing internal and administrative design standards and practices. The design standards will provide clarity for all designers and developers working in Oakland.

## **SUSTAINABLE OPPORTUNITIES**

*Economic:* There is no direct economic impact from establishing design standards. However, establishing and enforcing design standards safeguard life and safety and thus reduce liability exposures.

*Environmental:* The adoption of this ordinance is exempt from CEQA. All design standards will be fully compliant with State and Federal water quality regulations. Full implementation of the standards will help to ensure improved compliance with stormwater quality regulations.

*Social Equity:* There is no direct social impact from establishing design standards. However, establishing and enforcing design standards safeguard life and safety issues benefiting the entire community.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

There is no direct impact or benefit to seniors or people with disabilities.

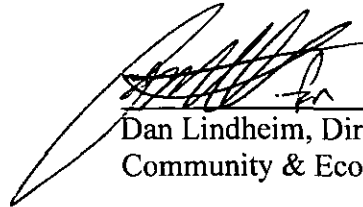
## **RECOMMENDATION AND RATIONALE**

It is recommended that the City Council introduce and approve the ordinance so that design standards may be established and enforced for Oakland's public storm drain system.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council introduce and approve the ordinance.

Respectfully submitted,

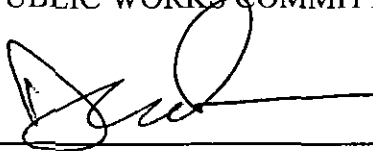


\_\_\_\_\_  
Dan Lindheim, Director  
Community & Economic Development Agency

Reviewed by:  
Michael Neary, P.E., Deputy Director  
Community & Economic Development Agency

Prepared by:  
Lesley Estes, Supervisor  
Watershed and Stormwater Management

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:



\_\_\_\_\_  
Office of the City Administrator

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

*Patrick Tan*  
City Attorney

**OAKLAND CITY COUNCIL**

2008 DEC 12 AM 11:21

ORDINANCE NO. \_\_\_\_\_ C.M.S.

**ORDINANCE AMENDING TITLE 13 OF THE OAKLAND MUNICIPAL CODE ADDING SECTION 13.14 TO ESTABLISH STORM DRAINAGE DESIGN STANDARDS**

**WHEREAS**, the Oakland Municipal Code does currently regulate stormwater quality under the City's National Pollutant Discharge Elimination System Clean Water Permit (NPDES permit); and

**WHEREAS**, the Oakland Municipal Code does not currently provide non-NPDES permit related design guidelines and standards for constructing or improving storm drainage facilities; and

**WHEREAS**, it is in the interest of the City to establish and provide clear design criteria, guidelines and standards for storm drainage projects; and

**WHEREAS**, it is in the interest of the City to establish responsibilities for development and implementation of Storm Drainage Design Standards and enforce them as part of the Oakland Municipal Code; and

**WHEREAS**, the City Council finds and determines that the adoption of this Ordinance is exempt from CEQA under sections 150308, 15332 and 15378(b)(5) of the State CEQA Guidelines; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 13 of the Oakland Municipal Code is amended to add Section 13.14. The added Section shall now read as follows:

**Chapter 13.14 STORM DRAINAGE STANDARDS.**

13.14.010 Definitions

13.14.020 Purpose

13.14.030 Responsibility

13.14.040 Construction and Application

13.14.050 Severability

13.14.060 Effective Date

**Chapter 13.14.010 Definitions.**

“City” means the City of Oakland.

“City Storm Drain System” means and includes, but is not limited to, those structures within the City right-of-way or easement by which stormwater maybe stored or conveyed to receiving waters including any private storm drain system, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains, which does not convey water to a Publicly owned treatment works (POTW) as defined by 40 CFR Section 122.2.

“Engineer” means the professional civil engineer, licensed to practice engineering by the State of California, designated by the City Administrator to manage the City’s Storm Drain System.

“Private Storm Drainage Facility” means any pipe, conduit, channel, or structure, not maintained by the City, used to store or carry stormwater.

“Public Storm Drainage Facility” means any pipe, conduit, channel, or structure, maintained by the City, used to store or carry stormwater.

“Stormwater” means water or rain runoff, snow melt runoff and surface runoff and drainage.

**Chapter 13.14.020 Purpose.**

The purpose of this chapter is to provide standards for the design of the City Storm Drain System.

**Chapter 13.14.030 Responsibilities.**

The Engineer shall be responsible for developing, enforcing and making available to the public through the City website and upon request, the standards for the design and construction of public and private storm drainage facilities and for updating the standards from time to time. Such standards shall fully comply with stormwater quality regulations and shall apply to all storm drainage facilities regardless of whether they are public storm drainage facilities or private storm drainage facilities.

The Director of Public Works shall be responsible for operation and maintenance of Public Storm Drainage Facilities.

**Chapter 13.14.040 Construction and application.**

This section shall be construed as consistent with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and National Pollutant Discharge Elimination System Permit No. CA0029831 and any amendment, revision or reissuance thereof. If there is any inconsistency between this section and any other ordinance or regulation of the city, the more stringent provisions shall apply.

**Chapter 13.14.050 Severability.**

If any article, section, subsection, clause or phrase of this ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

**Chapter 13.14.060 Effective Date.**

This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2009

**PASSED BY THE FOLLOWING VOTE:**

AYES – BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION: \_\_\_\_\_