



PUBLIC WORKS DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: May 16, 2023

Subject

Consider a first reading of Ordinance No. 23-____: “An Ordinance of the City Council of the City of Cupertino amending Chapter 9.18 of the Cupertino Municipal Code (CMC) regarding Stormwater Pollution Prevention and Watershed Protection.”

Recommended Action

Conduct the first reading of Ordinance No. 23-____: “An Ordinance of the City Council of the City of Cupertino amending Chapter 9.18 of the Cupertino Municipal Code regarding Stormwater Pollution Prevention and Watershed Protection.”

Reasons for Recommendation

CMC Chapter 9.18, regarding Stormwater Pollution Prevention and Watershed Protection, is the City’s ordinance that ensures compliance with the Municipal Regional National Pollutant Discharge Elimination System (NPDES) Permit (i.e., Municipal Regional Permit (MRP)). The CMC currently references standards from the MRP that will be outdated beginning July 1, 2023. This ordinance revision will update the CMC to ensure compliance with the latest MRP iteration.

The City is subject to the requirements described in the third iteration of the MRP, designated [MRP 3.0¹](#), which was adopted by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) and became effective on July 1, 2022. Changes in MRP 3.0 related to building project size thresholds and their requirements to incorporate Low Impact Development features to treat stormwater go into effect on July 1, 2023, and require edits to the CMC. As the MRP is publicly available and is the main reference for guidance and enforcement, edits to the CMC have been made to remove re-statements of requirements and instead refer to the MRP itself. Referring directly to the MRP, and future changes to the permit, will streamline the implementation of any further iterations and will ensure the CMC is compliant with NPDES requirements. Other edits have also been made for clarity and to update terminology.

¹ https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0018.pdf

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

California Environmental Quality Act (CEQA)

The proposed ordinance amendments are exempt from CEQA under CEQA Guidelines section 15301 (operation of an existing program) and section 15308 (actions by regulatory agencies for the protection of the environment).

Prepared by: Ursula Syrova, Environmental Programs Manager

Reviewed by: Chad Mosley, Interim Director of Public Works

Reviewed by: Matt Morley, Assistant City Manager

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – CMC 9.18 Clean Version

B – CMC 9.18 Blackline Version