



TO: Development Review Commission

FROM: Leslie Hamilton, AICP, Senior Planner
Planning and Building Services Department

SUBJECT: Additional written testimony for LU 17-0047
667 Lake Bay Court

DATE: May 3, 2018

Hearing Continued for Additional Written Testimony Only

At the hearing on April 16, 2018, the Commission continued the public hearing to May 7 to allow the submission of new written testimony on the subject of stormwater drainage only. Written testimony could be submitted by April 23, 2018, with written rebuttal of any new written testimony submitted due on Monday, April 30, 2018.

Staff has reviewed the new written testimony to determine whether it is within the scope of the continued hearing for stormwater drainage only. No rebuttal written testimony was submitted.

New Written Testimony

Lynne Bacon submitted an email on April 20, 2018 that addressed wetland jurisdiction in general, and the creation of a pond and the import of fill on properties other than the property at 667 Lake Bay Court (Exhibit G209). Staff finds that these topics are outside of the scope of the continuance, therefore staff recommends that the Commission determine that Exhibit G209 in its entirety should not be considered. [In the attached exhibit, staff has indicated the entire submission should be stricken.]

The applicant submitted an addendum to the Stormwater Report on April 23, 2018 (Exhibit F6). Staff finds this written testimony is within the scope of the continued hearing.

Staff Stormwater Analysis

The City's stormwater consultant, Brown and Caldwell, provided a new findings report (Exhibit F7) based on the applicant's submittal and the stormwater management requirements for "small projects," (the sum of impervious surface created and/or replaced is less than 3,000 sq. ft.). See Staff Report, pg. 19, for "small project" classification. Brown and Caldwell conclude that the proposed stormwater facilities meet the LOSWMM standards for a "small project," with modification to proposed Condition of Approval A.4, below. See Exhibit F7.

Conclusion

Based upon the materials submitted by the applicant and findings presented in this report, staff concludes that **LU 17-0047**, complies with all applicable criteria and standards or can be made to comply through the imposition of conditions.

Recommendation

Approval of LU 17-0047, subject to the conditions identified in the staff report dated March 9, 2018, with Conditions A.4 and B.2 amended as shown below:

- A.4 Submit a final drainage report, prepared by a registered engineer, in accordance with the Stormwater Management Code and LOSWMM, to the satisfaction of the City Engineer. The final design report must demonstrate that the proposed stormwater management facility has the capacity to manage ~~include facility design calculations, in accordance with LOSWMM 4.6.1, to determine runoff volume and facility storage volume for the 10-year, 24-hour storm event onsite, and demonstrate that the proposed stormwater management facility (infiltration rain garden) has sufficient storage and infiltration capacity to manage the 10-year, 24-hour storm event onsite~~ to the maximum extent practicable.
- B.2 Following review and approval by the City Engineer, provide proof of recorded operations and maintenance plans (OMPs) for each stormwater facility. The OMP must describe how to properly maintain the facilities, the frequency of maintenance required and the party responsible for maintaining the facilities.

Written Materials:

- F6 Applicant's Stormwater Report Addendum, by Theta Engineering, dated April 23, 2018
- F7 Brown and Caldwell Report, dated May 3, 2018

Letters in Opposition:

- G209 Email from Lynne Bacon, dated April 20, 2018

Copies of these exhibits were distributed to the Commission and are available online at the following link:

<https://bit.ly/2IsIIM7>