



Overview of Current and New C.3 Requirements for Parcel-Based Development Projects

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Presentation Overview

- Overview of MRP 3.0
- Provision C.3 New/Redevelopment
 - C.3 Basics
 - Low Impact Development (LID) Measures
 - Current and Future Regulated Projects
 - Consideration of Project Frontage
 - Special Projects Criteria
 - Effective Dates/Grandfathering



Bay Area Municipal Regional Permit (MRP)

- Regional Phase I stormwater NPDES permit for urban areas (79 permittees):
 - San Mateo, Santa Clara, Alameda, and Contra Costa Counties, Fairfield-Suisun, and Vallejo
- “MRP 1.0” adopted in 2009
- Reissued “MRP 2.0” in 2016
- “MRP 3.0” reissued in May 2022 and became effective on July 1, 2022
- New Provision C.3 requirements take effect on July 1, 2023; until then, MRP 2.0 (“current”) requirements apply



SM County Applicable MRP Provisions

<u>Program Specific</u>		<u>Pollutant Specific</u>		<u>Monitoring/Reporting</u>	
C.2 Municipal Operations	C.6 Construction Site Controls	C.9 Pesticides Toxicity Control	C.13 Copper Controls	C.8 Water Quality Monitoring	C.21 Asset Management
C.3 New Development and Redevelopment	C.7 Public Information and Outreach	C.10 Trash Load Reduction	C.14 Bacteria Controls	C.20 Cost Reporting	
C.4 Industrial/Commercial Site Controls	C.15 Exempted and Conditionally Exempted Discharges	C.11/12 PCB and Mercury Controls			
C.5 Illicit Discharge Controls	C.17 Unsheltered Homeless Populations				

	<u>Minor changes</u>
	<u>Significant changes</u>
	<u>New provision</u>

Provision C.3 Basics

- Regulated land development and other public projects above certain impervious surface thresholds are required to manage stormwater runoff onsite using Low Impact Development (LID) measures or Green Stormwater Infrastructure (GSI).
- Municipal permittees are also required to retrofit existing public streets, parking lots, and other public spaces where feasible to treat runoff with LID/GSI measures.



Regulated Parcel-Based Project Requirements

- Source Controls - permanent features or practices that reduce pollutant sources
 - Covered trash enclosures
 - Storm drain labeling
 - Street sweeping/catch basin cleaning
- Site Design – design features that reduce or disconnect impervious surfaces and preserve natural areas
 - Sidewalks/driveways drain to vegetated areas
 - Roof runoff directed to landscaping
 - Pervious pavement



Regulated Parcel-Based Project Requirements

- LID Treatment Measures – infiltration, evapotranspiration, rainwater harvesting/use, and biotreatment/bioretention
 - Bioretention uses special soil mix and plants, underlain by a rock reservoir, to treat, store, and infiltrate stormwater
 - Sized to treat small, frequent storm events (capture and treat 80% of annual runoff)
- Hydromodification Management – address the changes in flow patterns from the site to minimize erosion in receiving streams
 - Control post-project flows, volumes, and durations to pre-project levels, up to the 10-year storm peak flow



Provision C.3 – Unchanged Requirements

- LID approach – source control, site design, treatment
- LID sizing and design guidelines
- Hydromodification management requirements
- Site design requirements for small, unregulated projects
- Operation & maintenance verification requirements
- Special Projects (except Category C criteria)
- Alternative compliance options

Possible Expansion of LID Treatment Options

- C.3.c - Optional work group to investigate pollutant removal effectiveness and hydrologic equivalency of high flow-rate media filters in combination with retention/detention storage compared to conventional bioretention
- C.3.d – Option to evaluate benefits and runoff reduction associated with trees and submit proposed sizing and design criteria for tree-based stormwater treatment systems for incorporation into the permit
 - Note that use of tree interceptor credits is not allowed under MRP 3.0 but may be evaluated as part of this option

Changed/New Requirements for Parcel-Based Regulated Projects

■ Change in Threshold

- Threshold for impervious surface created and/or replaced reduced from $\geq 10,000$ to $\geq 5,000$ sq. ft. for most projects

■ New Regulated Categories

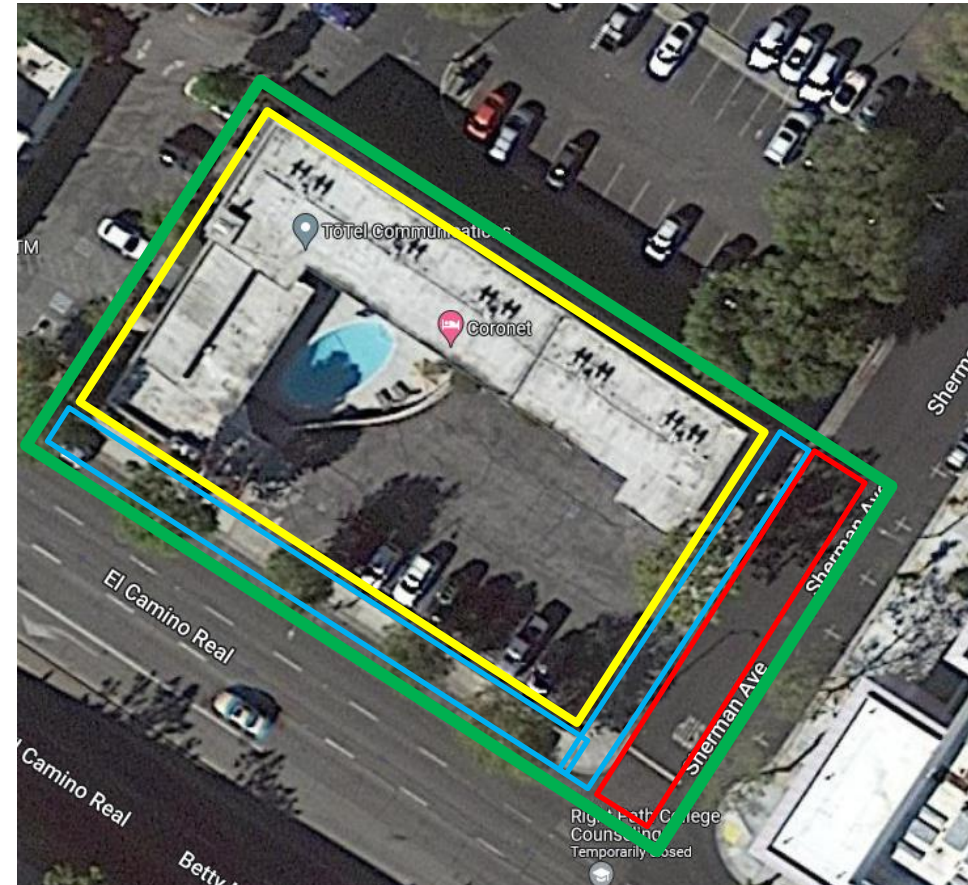
- Detached single-family home projects that create/replace $\geq 10,000$ sq. ft. of impervious surface
- Renovation of public/private parking lots and other pavement on-site (down to top of base course)
- Impervious surface created and/or replaced in public right-of-way (ROW) as part of project (e.g., sidewalk, street frontage)

Consideration of the Project Frontage

- **Off-site improvements in the public ROW that are required for the development project must be included as part of the project**

- Areas count toward thresholds
- Areas must be treated if the project is regulated

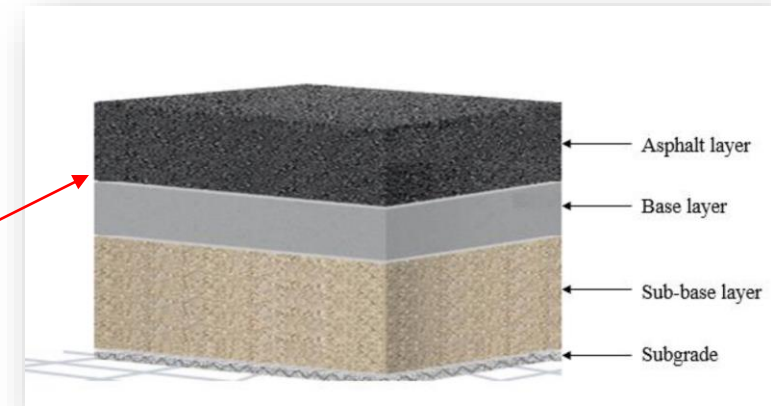
- Development site boundary
- Sidewalk replacement
- Road improvements
- Project boundary



Pavement Maintenance vs. Reconstruction

- Surface treatments such as applying a top layer or sealant on existing impervious surface without disturbing the base course is not regulated
 - Base course = layer of material (typically aggregate) located above subbase and subgrade course, and below the surface layer
- Reconstruction (disturbing below top of base course) is regulated
- Upgrading from dirt to gravel or from dirt/gravel to chip seal, asphalt, or concrete pavement is regulated
 - Gravel is considered an impervious surface unless constructed like pervious pavement

Top of base
course

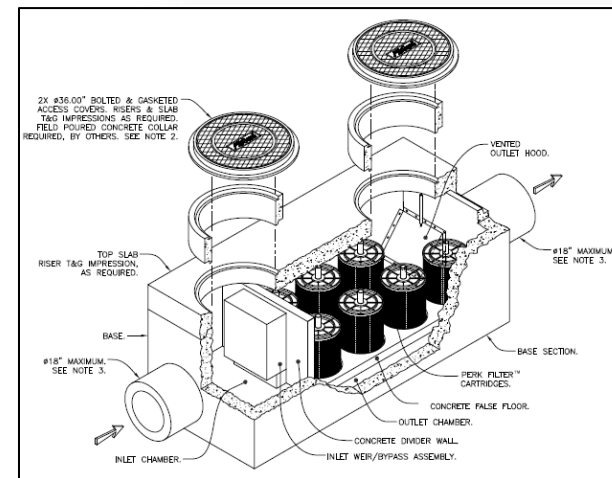


Summary of Regulated Parcel-Based Project Requirements

Project Type/Description	Threshold Type	Impervious Surface Created and/or Replaced	
		MRP 2.0	MRP 3.0
Detached single-family home not part of larger plan of development	Cumulative	Exempt	10,000 SF
Public/private development + improvements in frontage or public ROW	Cumulative	10,000 SF	5,000 SF
Public/private redevelopment project + improvements in frontage or public ROW	Cumulative	10,000 SF	5,000 SF
Renovation of existing public/private parking lots or other pavement	Cumulative	Exempt	5,000 SF

Special Projects

- Smart growth or high-density projects that may receive LID treatment reduction credit
 - Non-LID measures are limited to tree box filters and media filters
 - Required to demonstrate infeasibility of 100% LID treatment prior to receiving LID treatment reduction credits
 - Amount of credit based on size, lot coverage, location, density, surface parking and **number of affordable housing units**



Special Projects Category A – Small Infill Projects

- Located in central business district or comparable pedestrian-oriented district.
- Built as part of objective to preserve or enhance pedestrian-oriented environment.
- No surface parking except for emergency access, ADA or loading requirements.
- At least 85% of lot covered by buildings; 15% for safety access, trash/recycling, public uses, etc.
- Creates or replaces ½ acre or less of impervious surface.
- 100% LID treatment reduction credit.
- **No change in MRP 3.0**



Special Projects Category B – High Density Projects

- Located in central business district or comparable pedestrian-oriented district.
- Built as part of objective to preserve or enhance pedestrian-oriented environment.
- No surface parking except for emergency access, ADA or loading requirements.
- At least 85% of lot covered by buildings; 15% for safety access, trash / recycling, public uses, etc.
- Creates or replaces > ½ acre, but no more than 2 acres of impervious surface.
- Graduated system of LID treatment reduction credit depending on Floor Area Ratio (FAR) or gross density (DU/Ac) - 50%, 75%, or 100%
- **No change in MRP 3.0**



Special Projects Category C – Transit Oriented

- Project must be non-auto-related land use project
- LID treatment reduction credit is the sum of:
 - Location credit – near transit hub/Priority Development Area (PDA)
 - Density credit
 - Minimum surface parking credit
 - **Category not available after June 30, 2023**
 - **Replaced by Affordable Housing Category**



Special Projects Category C – Affordable Housing

- HUD definition for affordable housing - Preserved housing project with deed restriction running at least 55 years and rent/mortgage \leq 30% of the total household income
- Primarily a residential project
- Minimum gross density: 40 dwelling units per acre
- LID treatment reduction credit is the sum of credits for:
 - Percent of dwelling units in different income categories (required)*
 - 25% to 70% credit depending on the mix of units
 - Location
 - Density
 - Surface parking

* Income limits are based on most current Official State Income Limits defined on the California Department of Housing and Community Development's website (updated annually)

Special Projects Category C – Affordable Housing: UPDATE

- Affordable Housing criteria are being revised
- Final criteria will be adopted as part of a permit amendment, anticipated to be adopted no sooner than August 2023
 - Draft permit amendment may be available for public review in May 2023
- The criteria available for a potential Special Project to use will depend upon when that project is expected to receive planning level approval

Effective Dates and Grandfathering

- All new requirements for Regulated Projects (Provision C.3.b) take effect July 1, 2023
- Until July 1, 2023, MRP 2.0 (Attachment I) requirements apply
 - “Any pending Regulated Project that has not yet been approved as of June 30, 2023, and for which a Permittee has no legal authority to require new requirements..., is subject to the Provision C.3 requirements in effect on the Permit's effective date.”
 - A project “in the pipeline” that is approved or entitled by June 30, 2023 must meet MRP 2.0 requirements
 - For a (parcel-based) public project, agency should make a judgment as to what is equivalent to “approved”

For More Information:

- **SMCWPPP C.3 Regulated Projects Guide**
<https://www.flowstobay.org/preventing-stormwater-pollution/with-new-redevelopment/c-3-regulated-projects/>
- **SMCWPPP GI Design Guide**
<https://www.flowstobay.org/data-resources/resources/green-infrastructure-design-guide/>
- **Municipal Regional Stormwater Permit**
https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/mrp5-22/R2-2022-0018.pdf

Questions?

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