



City of Santa Barbara
Parks and Recreation Department

Memorandum

DATE: February 17, 2021

TO: Creeks Restoration/Water Quality Improvement Program
Citizen Advisory Committee

FROM: Jim Rumbley, Project Planner

SUBJECT: **Adopted Amendments to Development and Redevelopment Requirements in the City's Storm Water Discharge Permit (SWMP Amendments)**

COMMITTEE DIRECTION – FOR DISCUSSION

That the Committee receive a presentation and discuss the adopted amendments to post-construction development and redevelopment requirements in the City's Storm Water Discharge Permit.

INTRODUCTION & BACKGROUND

Post-Construction Requirements

The storm water pollution prevention program includes Post-Construction Requirements (PCRs) for new development and redevelopment projects, including public and private, parking lot, street, and building improvements. As part of the City's land development permitting process, development and redevelopment projects must demonstrate compliance with the City's NPDES permit by capturing and treating polluted storm water before it leaves developed parcels.

The PCRs, often referred to by applicants and City staff as "SWMP requirements", are implemented as part of the City's regular development and design review process. Planning Division staff coordinate plan review by the Creeks Division. Creeks Division staff review plans and provide comments related to compliance with the Storm Water BMP Guidance Manual and City's Municipal Code. Building and Safety Division staff inspect and confirm that the approved storm water improvements (BMPs) are installed correctly. SWMP requirements for development projects have been in place since 2008.

SWMP Amendment Process

At the August 19, 2020 Creeks Advisory Committee regarding the proposed SWMP amendments, Committee members voted unanimously to support the amendments as presented by staff, and urged that water quality protections not be weakened. Staff then presented the amendments to City Council on September 22, 2020. City Council voted 7-0 to direct staff to prepare and submit an application to the Central Coast Regional Water Quality Control Board (RWQCB) seeking approval of the proposed amendments. On September 24, 2020, staff submitted an application to the RWQCB seeking approval of the proposed amendments. On November 4, 2020 Water Board staff approved the amendments. Next, staff prepared an ordinance adopting the City of Santa Barbara's Storm Water BMP Guidance Manual and amending Chapter 22.87 of the Santa Barbara Municipal Code (see Attachment), which City Council adopted on January 12, 2021.

DISCUSSION

Summary of Key Changes

The SWMP amendments included many significant changes. Under the old (2013) requirements project requirements (tiers) were dependent on land use type, geographic location, permit process, and project size. Now tiers are dependent only on the amount of new/replaced impervious area proposed. Also, storm water infiltration is now required for Tiers 2, 3, and 4 unless prohibitive due to site constraints. Tier 3 projects are now required to treat 95% of all impervious area instead of 100% under the old requirements, and the new Tier 4 level of compliance requires additional retention for large projects. In addition, there are now a total of 23 partial exemptions included in the revised Appendix J of the Storm Water BMP Guidance Manual - including five new partial exemptions.

Effective Dates for New Requirements

Applications for ministerial projects submitted on or after March 1, 2021, will be processed under the new SWMP requirements. Applications for discretionary projects accepted for processing before December 14, 2020 may, at the applicant's discretion, be processed under the old or new SWMP requirements – not a combination of both. Discretionary applications accepted on December 14, 2020 or later must comply with the new requirements. The new requirements will not apply to all projects within the coastal zone. For those projects, the post-construction requirements outlined in the Local Coastal Program (LCP) will remain the same until the LCP can be amended to reflect the new program requirements.

Impact on Previously Approved Projects

Approved projects with issued building permits that would qualify for a lower tier under the new requirements (e.g., approved Tier 3 project that would be Tier 2 under the new requirements) may submit revised plans to the Building and Safety Division requesting a review for compliance with the new tier. Similarly, projects that have not yet been approved (i.e., no issued building permit) that would qualify for a lower tier under the

new requirements are welcome to submit revised plans to Creeks Division staff requesting a review for compliance with the new tier. Any proposed changes will also require review by City staff in other Divisions, and additional Design Review may be necessary.

Public Outreach and Training

Last month, in order to inform City staff and project applicants about the SWMP amendments, Creeks Division staff recorded and distributed on-demand training webinars. A list of frequently asked questions, the recorded applicant training webinar, a summary spreadsheet comparing the new requirements with the old requirements, a list of partial exemptions (Appendix J), and a complete full-text version of the updated Final 2020 Storm Water BMP Guidance Manual may be viewed at the link below:

www.santabarbaraca.gov/swmp.

NEXT STEPS

Since the existing post-construction storm water program is included in the City's certified Local Coastal Plan (LCP), staff will prepare and submit an application to the Coastal Commission for an LCP amendment.

Attachment: Chapter 22.87 of the Santa Barbara Municipal Code

cc: Cameron Benson, Creeks Restoration/Clean Water Manager
Jill E. Zachary, Parks and Recreation Director