

ORDINANCE NO. 5985

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING THE CITY OF SANTA BARBARA'S STORM WATER BMP GUIDANCE MANUAL AND AMENDING CHAPTER 22.87 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO STORM WATER MANAGEMENT

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council makes the following legislative findings:

A. At its meeting of September 22, 2020, the City Council received and considered the report and recommendation of the Parks and Recreation Director and Creek Restoration/Clean Water Manager, including recommendations of the Planning Commission and Creeks Advisory Committee, heard public testimony, and received written comments regarding proposed amendments to the City's Storm Water Management Program. After considering the reports, recommendations, and public comments, and being fully informed, the City Council unanimously approved a motion directing staff to prepare and submit an application to the Central Coast Regional Water Quality Control Board seeking approval of the proposed amendments.

B. On November 4, 2020, the City received notification from staff of the Central Coast Regional Water Quality Control Board stating that there is no formal approval process for the proposed changes and also conveying the general consensus that the City's program, as amended, will continue to be at least as effective at protecting and restoring watershed processes as the Central Coast PCRs, and also requesting that the City consider the following comments before the City adopts the proposed amendments:

1. The City's BMP sizing calculators should include the Tier 4 retention requirements (specifically the 1.2- and 2.4-inch storms). It appears the City would need to add a Tier 4 sizing threshold to their calculators to ensure Tier 4 is met, when applicable. Any BMPs that do not provide retention (e.g. wet-ponds, wetlands) would not require this adjustment as they would not qualify for meeting retention requirements.

2. With potential for increases in rainfall peaks due to climate changes, and the lower infiltration rate for biofilter soil media (BSM) used by the City, it is possible some storms will bypass before the design storm is infiltrated into the BSM. The City should consider increasing its minimum surface pond depth of 3-inches to be more conservative, and to ensure the peak of storms does not lead to bypass before the design storm is infiltrated. Deeper ponding will be more resilient in adapting to climate change

3. The City's definition of Public Improvements does not include the term "redeveloped," however it is evident the City interprets "new" streets to include re-designed, or otherwise reconstructed public right of way as a "new" road and not maintenance, and will apply the post-construction requirements. The City has also stated that only maintenance activities are exempt. Including the word "redeveloped" may improve interpretation of which public improvement projects are regulated.

C. The City has considered the comments referenced in paragraph b. and has made appropriate changes to the proposed amendments in response to those comments.

D. The Creeks Division of the Parks and Recreation Department has incorporated all of the proposed amendments to the City's Storm Water Management Program as presented to the City Council at its meeting of September 22, 2020, including changes referenced in paragraph c., into the City of Santa Barbara Storm Water BMP Guidance Manual, dated 2020, a copy of which is on file with the City Clerk.

SECTION 2.

A. The City of Santa Barbara Storm Water BMP Guidance Manual, dated 2020 and on file with the City Clerk (referred to in this ordinance as the "updated BMP Guidance Manual"), is approved. The updated BMP Guidance Manual will become effective on March 1, 2021.

B. The updated BMP Guidance Manual will be applied to new development and redevelopment as follows:

1. New development and redevelopment projects approved on or after March 1, 2021 are required to comply with the updated BMP Guidance Manual except as otherwise provided in this paragraphs 2 – 4 of this subsection.

2. Applicants for housing development projects as defined in Government Code Section 65589.5 (h)(2) for which a preliminary application is filed as prescribed by Government Code Section 65941.1 before March 1, 2021 may choose to comply with either the requirements of the Storm Water BMP Guidance Manual in effect at the time the preliminary application is filed or the updated BMP Guidance Manual, unless the updated BMP Guidance Manual is made applicable because of the occurrence of one or more of the circumstances described in Government Code Sections 65589.5(o)(2) or 65941(d)(2).

3. Applicants for projects for which a discretionary application was accepted for processing before December 14, 2020 and who are actively pursuing the application may choose to comply with either the requirements of the Storm Water BMP Guidance Manual in effect on December 14, 2020 or the updated BMP Guidance Manual, provided, that the applicant continues to actively pursue the application, including diligent processing of applications for ministerial permits for construction following approval or

conditional approval of the discretionary application. This exception does not apply to applicants who had an application accepted for processing before December 14, 2020 but did not actively pursue the application for the previous 12 months.

4. When a project requires only one or more ministerial permits pursuant to Chapter 22.04 of the Municipal Code, then applicants for which the necessary ministerial permits are accepted for processing before March 1, 2021 may choose to comply with either the requirements of the Storm Water BMP Guidance Manual in effect on December 14, 2020 or the updated BMP Guidance Manual, provided that the applicant diligently processes the permit or permits.

5. If a permit or approval that provides a basis for an exemption under paragraphs 2 – 4 of this subsection is revoked or expires, the project will be subject to the updated BMP Guidance Manual.

6. As used in this section, submission of an application for processing includes, without limitation, commencement of mandatory pre-application review under Municipal Code Section 30.205.030 A.1., or a comparable provision of Municipal Code Chapters 27 or 28. Processing of an optional pre-application review under Municipal Code Section 30.205.030 A.2., or a comparable provision of Municipal Code Chapters 27 or 28 does not constitute acceptance of an application for processing.

C. Projects with issued building permits approved in compliance with the Storm Water BMP Guidance Manual in effect on the date of adoption of this ordinance that would qualify for a lower Tier under the updated BMP Guidance Manual may submit revised plans to the Building and Safety Division requesting a review for compliance with the new Tier, provided that the revision is submitted before the commencement of construction.

SECTION 3. Effective March 1, 2021, Chapter 22.87 of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

22.87.010 Definitions.

For the purposes of this Chapter, the following words and phrases have the meaning indicated, unless the context or usage clearly requires a different meaning:

A. **BMP GUIDANCE MANUAL.** The most current version of the City of Santa Barbara Storm Water BMP Guidance Manual approved by the City Council and on file with the Santa Barbara City Clerk's Office. The BMP Guidance Manual is part of the Storm Water Management Program.

B. **CREEKS DIVISION.** The City of Santa Barbara Parks and Recreation Department Creeks Division.

C. **NEW DEVELOPMENT.** Any activity that includes site alteration (e.g., paving, grading, excavating, filling, or clearing), or the construction or installation of new structures, roads, driveways, parking, storage facilities, or other impervious surfaces on a parcel whether privately owned or owned by the City or other public agency.

D. PARCEL. Any lot or parcel of developed or undeveloped land, excluding abutting public right-of-way.

E. PROJECT SITE. For new development or redevelopment on private parcels less than 2 acres, the project site is determined by the boundaries of the parcel. For new development or redevelopment on public property, privately owned parcels larger than 2 acres, and public improvements, the project site is determined on a case-by-case basis considering the following: land use, project size, disturbed area, and proposed new/redeveloped impervious area.

F. PUBLIC IMPROVEMENTS. Public Improvements include:

- New and reconstructed streets, roadways, curbs, gutters, sidewalks, parkways, medians, bicycle paths, drainage facilities, and similar improvements in the public right of way;
- Addition of travel lanes, curbs, gutters, parkways, bicycle paths, or sidewalks; widening or extension of impermeable area of a public right of way; and
- Bridge replacement projects.

Public Improvements do not include:

- Work in the public right of way to construct, maintain, repair, or replace a subsurface pipeline, conduit, wire, or similar utility facility and like-kind replacement of the impervious surface; or
- Work to maintain and repair roadways, curbs, gutters, sidewalks, parkways, medians, bicycle paths, drainage facilities, and similar improvements, including reconstruction as part of maintenance and repair.

G. REDEVELOPMENT. Any activity that includes the construction or installation of structures, parking, or other impervious surfaces that replaces or adds to existing structures, parking, or other impervious surfaces on a parcel whether privately owned or owned by the City or other public agency.

H. STORM WATER MANAGEMENT PROGRAM. The storm water management program is the City of Santa Barbara Storm Water Management Program adopted by the City Council and approved by the Central Coast Regional Water Quality Control Board in satisfaction of the City's obligations under the statewide permit for California under the National Pollutant Discharge Elimination System (NPDES) Phase II Regulations, and any adopted and approved amendments.

I. STORM WATER RUNOFF REQUIREMENTS. Storm water runoff requirements are site design elements and best management practices that are determined by the Community Development Department or the Public Works Department (in consultation with the Creeks Division) to satisfy the Storm Water Management Program's standards for: (1) peak runoff discharge management; (2) runoff volume reduction; and (3) water quality treatment as specified in BMP Guidance Manual.

J. Words and phrases used in this Chapter and defined in Appendix A of the BMP Guidance Manual have the same meaning in this Chapter.

22.87.020 Storm Water Runoff Requirements.

A. New development, redevelopment, and public improvements within the City shall comply with the Storm Water Runoff Requirements applicable to the activity as

provided in the BMP Guidance Manual, unless the activity is exempt pursuant to Appendix J of the BMP Guidance Manual.

B. Notwithstanding Subsection A, construction or installation of a post-construction storm water facility or improvement designed to infiltrate storm water is prohibited on any parcel listed in Section 22.90.070 of this Code. Such parcels are required to comply with other requirements of the BMP Guidance Manual, including storm water treatment and peak runoff discharge rate requirements.

22.87.030 Installation, Operation, and Maintenance of Storm Water Runoff Requirements.

A. The owner of a parcel or project site must install, and after installation operate and maintain, the site-specific Storm Water Runoff Requirements in accordance with the approved plans for the new development or redevelopment for which the Requirements were established, or as otherwise specified in the conditions of approval of the development or redevelopment.

B. In addition to any inspections conducted pursuant to Chapter 22.04, the owner must allow any employee of the City with responsibility for enforcement of this Chapter reasonable access, upon 72 hours written notice, to inspect the installation, operation, or maintenance of the site-specific Storm Water Runoff Requirements on the parcel or project site.

C. Any employee of the City with responsibility for enforcement of this Chapter may give written notice by first class mail or personal delivery to a person having ownership or control of a parcel to undertake monitoring and analysis and to furnish reports regarding such monitoring and analysis to the City, at the responsible party's expense, to demonstrate compliance with the requirements of this section, including a requirement to take samples and perform testing as deemed necessary to demonstrate compliance with this Chapter.

22.87.040 Enforcement.

A. Violations of this Chapter may be enforced ~~in the methods specified in~~ pursuant to Chapters 1.25 and 1.28 of this Code and any other remedy available to the City.

B. The Community Development Department, Parks and Recreation Department (Creeks Division), and Public Works Department have primary responsibility for enforcement of this Chapter.

ORDINANCE NO. 5985

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing ordinance was introduced December 15, 2020 and adopted by the Council of the City of Santa Barbara at a meeting held on January 12, 2021, by the following roll call vote:

- AYES: Councilmembers Eric Friedman, Alejandra Gutierrez, Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon; Mayor Cathy Murillo
- NOES: None
- ABSENT: None
- ABSTENTIONS: None

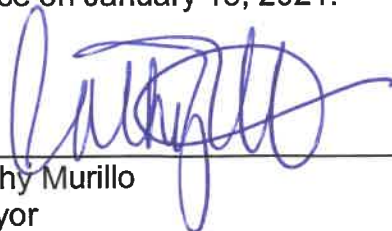
IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on January 13, 2021.



Sarah P. Gorman, CMC
City Clerk Services Manager



I HEREBY APPROVE the foregoing ordinance on January 13, 2021.



Cathy Murillo
Mayor