

ISSUE:

The City's Storm Water Management Program exempts Tier 3 development projects¹ from meeting volume reduction and peak runoff discharge rate reduction requirements if the development project will reduce the site's total net impervious surface area. All Tier 3 development projects must still meet water quality treatment requirements. CCC staff have requested a change to the SWMP so that all Tier 3 development projects are required to meet the volume reduction and peak runoff discharge rate reduction requirement, even if the project reduces existing impervious area.

COASTAL LAND USE PLAN POLICY REFERENCES:

4.2-10.N.

BACKGROUND:

Currently, the City's Storm Water Management Program, including the City's Storm Water Management Program Guidance Manual (dated July 2013) approved by the State and Regional Water Quality Control Boards defines Tier 3 development projects that are discretionary to include:

- a. Non-residential development,
- b. Mixed use development,
- c. Residential development in the Hillside Design District (much of the western coastal zone area and a large portion of the coastal bluff top areas of the Mesa) with 500 sq. ft. or more of new or replaced impervious area,
- d. Residential development with greater than 4,000 sq. ft. of new or replaced impervious area,
- e. Parking lots of 10 or more spaces, and
- f. Public works projects.

All Tier 3 development projects are required to meet the following standards, in addition to other storm water program management standards and measures:

- i. If a proposed development will not reduce the site's net total impervious surface area, implement a Runoff Volume Reduction BMP (or suite of BMPs) sized to retain on-site the larger of the following two volumes from the entire project site:
 - a. The runoff volume generated by the 1-inch, 24-hour design storm.
 - b. The difference between the pre- and post-development runoff volume produced by the 25-year 24-hour design storm.

¹ The City's Storm Water Management Program Guidance Manual (dated July 2013) defines Tier 3 development projects to include: non-residential development; mixed use development; residential development in the Hillside Design District with 500 sq. ft. or more of new or replaced impervious area; residential development with greater than 4,000 sq. ft. of new or replaced impervious area; parking lots of 10 or more spaces; and public works projects.

- ii. If a proposed development will not reduce the site's net total impervious surface area, implement a Peak Runoff Discharge Rate BMP (or suite of BMPs) to prevent the post-development peak runoff discharge rate from the site from exceeding the pre-development rate for the 2-, 5-, 10-, and 25-year 24-hour storm events, from the entire project site.
- iii. Implement a Water Quality Treatment BMP (or suite of BMPs) sized to infiltrate, retain, or treat, at a minimum, the runoff produced by the 1-inch, 24-hour design storm for volume-based BMPs, or a constant rainfall intensity of 0.25 inch/hour for four hours for flow-based BMPs, from the entire project site.

CCC staff have "Model LCP Water Quality Guidance" standards that apply to the following types of development projects of water quality concern:

- a. Residential development that creates and/or replaces five or more dwelling units.
- b. Hillside development on a slope greater than 15 percent, on a site with erodible soil.
- c. Development where 75% or more of the site's surface area will be impervious surfaces.
- d. Development that creates and/or replaces a cumulative site total of 10,000 square feet or more of impervious surface area.
- e. Development of a parking lot that creates and/or replaces a cumulative site total of 5,000 square feet or more of impervious surface area that may potentially contribute to stormwater runoff.
- f. Development of a vehicle service facility, including a retail gasoline outlet, commercial car wash, or vehicle repair facility.
- g. Development of a street, road, or highway facility that creates and/or replaces a cumulative site total of 5,000 square feet or more of impervious surface area.
- h. Development of a restaurant that creates and/or replaces a cumulative site total of 5,000 square feet or more of impervious surface area.
- i. Development of a commercial or industrial outdoor storage area that creates and/or replaces a cumulative site total of 5,000 square feet or more of impervious surface area, or as determined by the City/County based on the use of the storage area, where used for storage of materials that may potentially contribute pollutants to coastal waters or the storm drain system.
- j. Commercial or industrial development with a potential for generating a high pollutant load that may potentially enter coastal waters or the storm drain system.
- k. Any project developed on land where the soil has been contaminated by a previous land use, and where the contaminated soil has the potential to be eroded or to release the contaminants into runoff.
- l. Developments that create and/or replace a cumulative site total of 2,500 square feet or more of impervious surface area, if the development is located within 100 feet of coastal waters (including the ocean, estuaries, wetlands, rivers, streams, and lakes) or discharges directly to coastal waters (i.e., does not discharge to a public storm drain system).

Under the CCC's Model LCP Water Quality Guidance these development projects of water quality concern have to meet specific treatment and retention requirements.

DISCUSSION:

The City of Santa Barbara is one of the most committed cities to water quality protection. The mission of the Creeks Division is to improve creek and ocean water quality. A City imposed 2% transient occupancy tax was enacted in 2001 with all proceeds going to the Creeks Division to help achieve this mission. Since 2001 this has generated millions of dollars spent entirely on improving creek and ocean water quality. A key component of the City's water quality protection and improvement program has been the creation of a robust and unique Storm Water Management Program that has included development of a 435-page Storm Water BMP Guidance Manual for applicants and City staff entirely dedicated to implementing and enforcing the City's storm water management program. The City shares CCC staff's strong commitment to water quality protections. However, in this case, the City does not agree that removal of the reduction in impervious area exemption is the effective course toward water quality improvement and/or protection at this time.

The City of Santa Barbara's Coastal Zone is largely built-out with very few remaining vacant lots. Most development activity involves small redevelopment of already developed sites, with some net increases in square footage. Within the Coastal Zone, since 2008, there has been a net increase of 45 residential units (some being Accessory Dwelling Units) and 34,148 square feet of non-residential floor area (some of these projects were not exempted from volume reduction and peak runoff discharge rate reduction requirements). Annualized, development in the Coastal Zone has been less than five residential units per year, and approximately 3,400 square feet of floor area per year.

CCC staff's water quality requirements were envisioned for projects of a specific type and of substantial size with project sites that are large enough to accommodate retention of large volumes of runoff. These types and sizes of projects do not regularly occur in the City's Coastal Zone. If the City were to use the types and sizes of projects listed for the CCC's Model LCP Water Quality Guidance" standards, very few development projects would be subject to volume reduction and peak runoff discharge rate reduction requirements.

Prior to development of the current SWMP program, the City was only subject to RWQCB and SWQCB storm water requirements for projects of similarly large sizes as those proposed by CCC staff. During this time, the City found that this approach to storm water management was not protecting water quality in the City as so few projects were required to reduce impervious surfaces and implement best management practices for storm water management. The City, therefore, voluntarily developed the current SWMP program that requires much smaller redevelopment projects such as single unit residential and minor commercial developments to implement best management practices for storm water, but also scales the requirements to the much smaller size of the projects captured in the program.

The City's SWMP provides an exemption to volume reduction and peak runoff discharge rate reduction requirements for development projects that propose reductions of existing impervious area. This incentivizes applicants to propose pervious surfaces and reduce hardscape, while not triggering the need for full retention of storm water that can require significant area and specific conditions to achieve. These projects are still required to provide full treatment of storm water, which is much easier to achieve and often accomplished via storm water improvements that provide at least some retention and detention.

The City's SWMP Tier 3 requirements and measures are triggered by many less intense types and small sized development projects that only have a small net increase in impervious area. Under the current City SWMP requirements and without the exemption for reduction in impervious area, even projects proposing a one sq. ft. increase in impervious area would at a minimum be required to retain the volume generated from a one-inch, 24-hr storm event for the entire parcel. This is problematic since retention is infeasible for many Tier 3 development projects in the Coastal Zone due to project site constraints including but not limited to small size, coastal bluff location, impermeable soils, high ground water, and/or steep slopes. Projects with site constraints that do not allow concentrated infiltration, will often propose cisterns with connected irrigation systems to satisfy rate reduction and retention requirements. Cisterns are problematic when allowed to remain full of storm water and are not available to store the next storm event. City storm water management program staff have also found that once projects must meet the full retention requirements and are proposing a cistern, they tend to maximize their impervious area as they can simply make a bigger cistern and no longer have a reason to minimize hardscape. In the situations where this has played out, City staff have not found there to be a net benefit to water quality protection.

CCC staff acknowledge that there are feasibility issues on the scale of projects captured in Tier 3 to do full retention in the City's Coastal Zone. However, they have suggested there could just be a feasibility exemption. City Staff are not in favor of such an exemption. The current City SWMP is designed to be feasible and very few development projects are found infeasible to comply with Tier 3 standards and measures. Standards and measures that result in a significant proportion of the development projects claiming infeasibility, would lessen the strength of the standards and measures as it becomes known that exemptions are the norm - not the exception.