



Update on Provision C.3 Requirements in MRP 3.0 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
 - Thresholds for 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 City, and Vallejo
- “MRP 3.0” reissued in May 2022 and became effective on July 1, 2022
- New Provision C.3 (New/Redevelopment) requirements take effect on July 1, 2023 until then, MRP 2.0 (previous) requirements apply



Provision C.3 Basics

- New Development and Redevelopment projects above certain impervious surface thresholds are required to manage stormwater runoff onsite using Low Impact Development (LID) measures or Green Stormwater Infrastructure (GSI).
- Permittees are also required to retrofit existing public streets and parking lots where feasible to treat runoff with LID/GSI measures



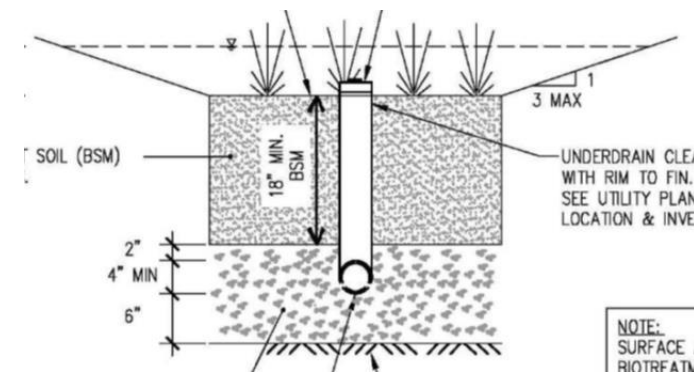
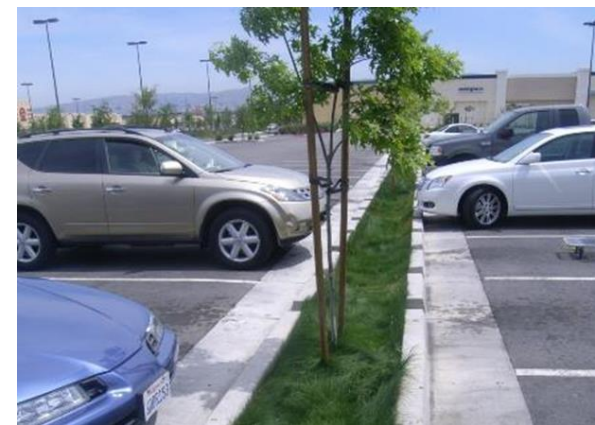
LID Requirements for Regulated Parcel-Based Projects

- Source Controls - permanent features or practices that reduce pollutant sources
- Site Design – design features that reduce or disconnect impervious surfaces and preserve natural areas
- LID Treatment Measures – infiltration, evapotranspiration, rainwater harvesting/use, and biotreatment/bioretenion
- Hydromodification Management Measures – storage facilities to manage changes in flow patterns on the site to minimize erosion in receiving streams



LID Sizing and Design Guidelines

- C.3.d sizing requirements
 - 80% of average annual runoff (volume-based)
 - Flow of runoff from a rain event of 0.2 inches per hour intensity (flow-based)
- Bioretention design criteria
 - 5 in/hr surface loading rate
 - Engineered biotreatment soil mix (per spec)
 - Raised underdrain for max infiltration if allowed
- Pervious pavement design criteria
 - Volume-based; follow established guidance/specs



Provision C.3 – Unchanged Requirements

- LID approach – source control, site design, treatment
- LID sizing and design guidelines
- Hydromodification 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
 - Permit amendment has been proposed to allow LID-equivalent systems on certain sites with LID infeasibility analysis and approval by the Water Board
- 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 (to be explored in future)
 - Note that the use of tree interceptor credits is not allowed under MRP 3.0 but may be evaluated as part of this option

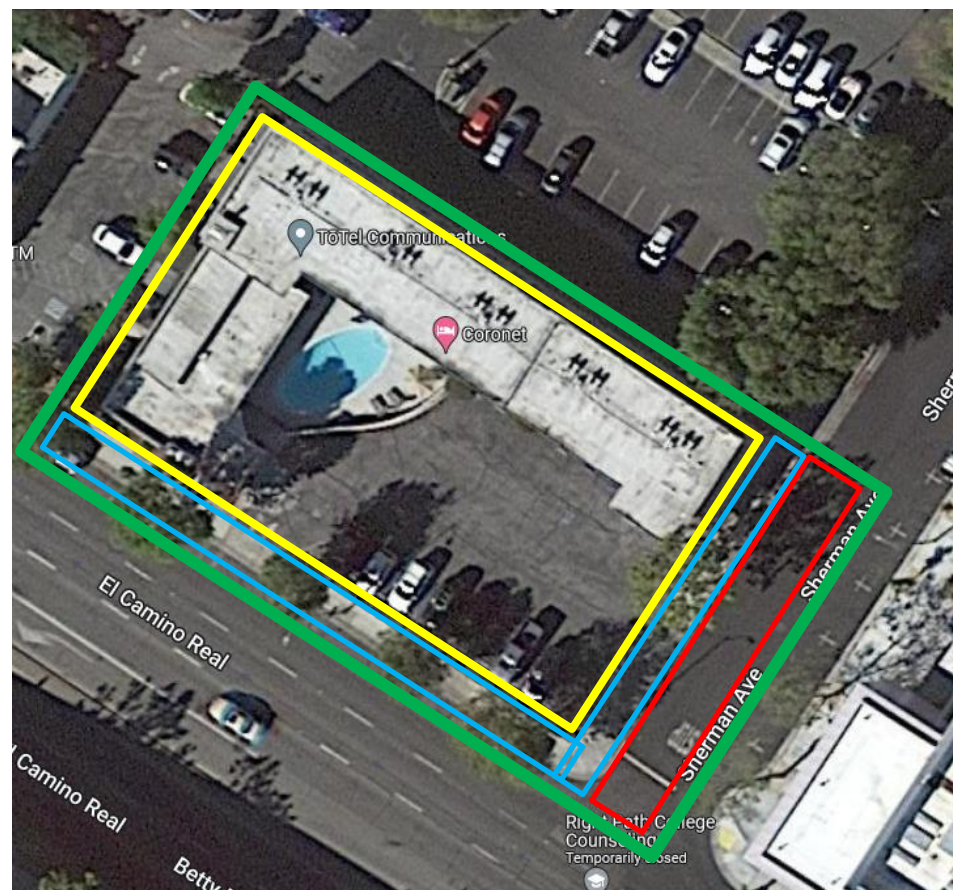
Changed/New Requirements for Parcel-Based Regulated Projects

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

Consideration of the Project Frontage

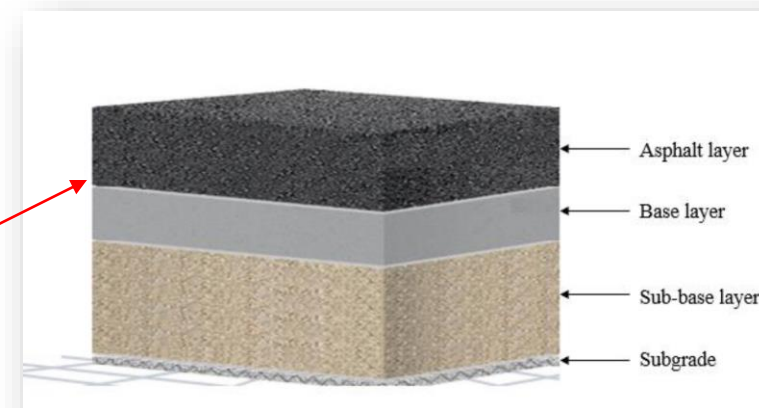
- Off-site improvements in the public ROW that are required for the development project must be included as part of the project
 - Areas count toward thresholds
 - Areas must be treated if the project is regulated
- Example redevelopment project:

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



Pavement Maintenance vs. Reconstruction

- Surface treatment 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

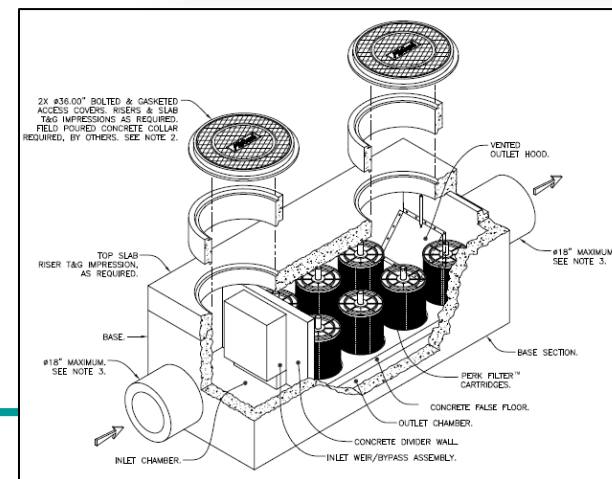


Summary of Regulated Parcel-Based Project Requirements

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 (including any improvements in frontage or public ROW)	Cumulative	10,000 SF	5,000 SF
Public/private redevelopment (including any improvements in frontage or public ROW)	Cumulative	10,000 SF	5,000 SF
Renovation of existing public/private parking lots and/or other pavement onsite	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 $> \frac{1}{2}$ 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 with minimum gross density of 40 DU/acre
- LID treatment reduction credit is the sum of credits for:
 - Percent of dwelling units in different income categories (required)*
 - Location
 - Density
 - Surface parking



Special Projects Category C – Affordable Housing: UPDATE

- Revised Affordable Housing criteria have been proposed to better reflect the diverse mix of dwelling unit income levels
- Final criteria will be adopted as part of a permit amendment, anticipated to be adopted no sooner than August 9, 2023
- The criteria available for a potential Special Project to use will depend upon when that project is expected to receive planning level approval or entitlement
- A project approved between July 1, 2023 and the permit amendment effective date will be subject to current MRP 3.0 affordable housing criteria

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”

Questions?

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