



## Notice to Project Applicants for projects not approved by July 1, 2023

### Changes to Stormwater Treatment Requirements for New Development and Redevelopment Projects

Since 2011, the San Francisco Bay [Municipal Regional Stormwater Permit \(MRP\)](#)<sup>1</sup> has required development and redevelopment projects above certain impervious area size thresholds to provide stormwater treatment using the following **Low Impact Development (LID)** methods: rainwater harvesting and use, infiltration, and/or biotreatment. These projects are called **Regulated Projects**. Vault-based treatment, such as high-rate media filtration, is not allowed as a stand-alone treatment measure (except in Special Projects described below). However, vault-based treatment measures may be used as pre-treatment for a LID treatment measure, for example, to remove trash or sediment.

Changes to the stormwater treatment requirements mandated by the MRP for private and public development projects will take effect on **July 1, 2023**. The following is a summary of applicable new requirements\* in Provision C.3 of the MRP.

#### Lower Impervious Area Thresholds for Regulated Projects

Beginning July 1, 2023, the threshold for impervious area created and/or replaced **changes from 10,000 square feet to 5,000 square feet** for most Regulated Projects.

#### Large Detached Single-family Homes Required to Provide LID Treatment

Beginning July 1, 2023, **single-family homes** that create and/or replace 10,000 square feet or more of impervious surface will be considered **Regulated Projects** and required to incorporate site design measures and install LID treatment measures. Previously, single-family homes that were not part of a larger project (such as a subdivision) were exempt from this requirement.

#### LID Treatment Required in the Public Right of Way

Runoff from portions of the public right of way (e.g., sidewalks, curb extensions, pavement replacement, and curb and gutter replacement in the street frontage) that are constructed or reconstructed as part of Regulated Projects will also need to be treated using LID measures.

#### Interceptor Tree Credits Not Available

Beginning July 1, 2023, the use of existing or new trees to address treatment requirements for impervious surfaces (known as Interceptor Tree Credits) is **no longer allowed**.

#### Changes to Special Projects Category C

Some “Smart Growth” developments called “Special Projects” can use non-LID treatment measures, such as media filters, to treat a portion of the project runoff if the use of LID treatment onsite is demonstrated to be infeasible. Beginning July 1, 2023, transit-oriented development projects will **no longer be eligible** to receive these “LID treatment reduction credits” under Category C or the Special Projects<sup>2</sup> provisions. However, new criteria have been added to Category C to allow certain types of affordable housing development projects to receive LID treatment reduction credits.

#### Will These Changes in Requirements Affect My Project?

- If you submit a development application that is approved with a stormwater control plan in compliance with the MRP prior to July 1, 2023, your project is not affected by the new requirements, and you may proceed with the approved control measures.
- If you submit a SB 330 Preliminary Application that meets the requirements of Government Code 65589.5 (o) for a housing development project that is accepted prior to July 1, 2023, your project will not be affected by the new requirements (per Government Code Section 65589.5 (o)), unless you allow your SB 330 Preliminary Application to expire.

<sup>1</sup> See <http://www.scvurppp.org/mrp3-0> (pages C.3-1 to C.3-54)

<sup>2</sup> See <http://www.scvurppp.org/mrp3-0> Category C (pages C.3-25 to C.3-29)

- Beginning July 1, 2023, all development applications that have not yet been approved will be subject to the new requirements.

### Summary of New Requirements

Requirement	Prior to July 1, 2023	Beginning July 1, 2023
<b>Impervious Area Threshold for Regulated Projects</b>	10,000 square feet created and/or replaced for most projects; 5,000 square feet for “special land use” projects (automotive service, retail gas outlets, restaurants, and parking lots).	5,000 square feet for all projects except single-family homes.
<b>Regulation of Large Single-family Homes</b>	Not regulated if detached and not part of a larger plan of development.	Regulated at threshold of 10,000 square feet of impervious area created and/or replaced.
<b>Treatment of Runoff from the Public Right of Way</b>	Not required.	Required for portions of public right-of-way that are constructed or reconstructed as part of a Regulated Project.*
<b>Interceptor Tree Credits</b>	Allowed as part of a stormwater control plan.	Not allowed.
<b>Special Projects Category C</b>	Transit-oriented projects are eligible for LID treatment reduction credits under this category.	Only affordable housing projects are eligible for LID treatment reduction credits under this category.

\*For information on the requirements for pavement maintenance, road reconstruction, and other projects within the public right-of-way that are not associated with a parcel-based development project, see the SCVURPPP Roads Requirements Flow Chart and Fact Sheet.