



CITY OF ENCINITAS

MEMORANDUM

DATE: January 25, 2010

TO: City Manager, Department Heads

VIA: *P.C.R.* Peter Cota-Robles, Director of Engineering Services

FROM: *ES* Erik Steenblock, Clean Water Program Manager

ISSUE: Definition of Priority Development Projects and Permanent Best Management Practice (BMP) Requirements

MEMORANDUM

Effective January 24, 2010, in compliance with requirements outlined in Section D.1.d.(1)(b) of San Diego Regional Water Quality Control Board Order No. 2007-0001 (San Diego Municipal Stormwater Permit), the definition of Priority Development Project shall include the following:

*In addition to the Priority Development Project Categories identified in Section D.1.d.(2) [of Water Quality Order No. 2007-001; See Table Below], Priority Development Projects shall also include **all other pollutant generating Development Projects that result in the disturbance of one acre or more of land.***

The San Diego Municipal Stormwater Permit further defines “pollutant-generating Development Projects” as “those projects that generate pollutants at levels greater than background levels.” Therefore, projects that are determined by the City of Encinitas to generate pollutants at levels greater than background levels and disturb one acre or more of land are considered Priority Development Projects. In most cases linear pathway projects that are for infrequent vehicle use (such as emergency or maintenance access) or for pedestrian or bicycle use are not considered pollutant generating above background levels if they are built with pervious surfaces or if they allow runoff to sheet flow to surrounding pervious surfaces.

The City of Encinitas will require conformance with this new requirement, as applicable to projects based upon the following:

- Applications for tentative maps and development permits that have not been deemed complete prior to January 24, 2010.
- Applications for extensions or time for tentative maps and development permits that have not been deemed complete prior to January 24, 2010.
- Applications for construction permits that do not require tentative maps or development permits that have not had their construction permit applications deemed completed prior to January 24, 2010.

- A permit has not already been issued and construction has not already started by January 24, 2010.
- Public projects that have not begun initial design prior to January 24, 2010.

As of January 24, 2010, the City of Encinitas definition of a Priority Development Project, subject to specific stormwater and best management practice standards established in Best Management Practices Manual II (codified in Encinitas Municipal Code Chapter 20.08) and to be defined in the forthcoming Chapter 7 – Encinitas Stormwater Manual of the Engineering Design Manual will include ***pollutant generating Development Projects that result in the disturbance of one acre or more of land, and the following (per Section D.1.d.(2) of Water Quality Order No. 2007-001):***

<p>Housing subdivisions of 10 or more dwelling units. Examples: single-family homes, multi-family homes, condominiums, and apartments.</p>
<p>Commercial—greater than one acre of development. Any development other than heavy industry or residential. Examples: hospitals; laboratories and other medical facilities; educational institutions; recreational facilities; municipal facilities; commercial nurseries; multi-apartment buildings; car wash facilities; mini-malls and other business complexes; shopping malls; hotels; office buildings; public warehouses; automotive dealerships; airfields; and other light industrial facilities.</p>
<p>Heavy industry—greater than one acre of development. Examples: manufacturing plants, food processing plants, metal working facilities, printing plants, and fleet storage areas (bus, truck, etc.).</p>
<p>Restaurants. Any facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812), where the land area for development is greater than 5,000 square feet. Restaurants where land development is less than 5,000 square feet shall meet all SUSMP requirements except for structural treatment BMP and numeric sizing criteria requirements and hydromodification requirements.</p>
<p>Hillside development greater than 5,000 square feet. Any development that creates 5,000 square feet of impervious surface and is located in an area with known erosive soil conditions, where the development will grade on any natural slope that is twenty-five percent or greater.</p>
<p>Environmentally Sensitive Areas (ESAs). All development located within or directly adjacent to or discharging directly to an ESA (where discharges from the development or redevelopment will enter receiving waters within the ESA), which either creates 2,500 square feet of impervious surface on a proposed project site or increases the area of imperviousness of a proposed project site to 10% or more of its naturally occurring condition. "Directly adjacent" means situated within 200 feet of the ESA. "Discharging directly to" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.</p>
<p>Parking lots 5,000 square feet or more or with 15 or more parking spaces and potentially exposed to urban runoff.</p>
<p>Streets, roads, driveways, highways, and freeways. Any paved surface that is 5,000 square feet or greater used for the transportation of automobiles, trucks, motorcycles, and other vehicles.</p>
<p>Retail Gasoline Outlets (RGOs) that are: (a) 5,000 square feet or more of development or (b) a projected Average Daily Traffic (ADT) of 100 or more vehicles per day.</p>
<p>Automotive repair shops. A facility categorized in any one of Standard Industrial Classification (SIC) codes 5013, 5014, 5541, 7532-7534, or 7536-7539.</p>