



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board

Central Coast Region



Arnold Schwarzenegger
Governor

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April 2, 2008

Christopher Callihan, Deputy City Attorney
City of Salinas
200 Lincoln Ave.
Salinas, CA 93901-2639

Dear Mr. Callihan;

WATER BOARD STAFF COMMENTS REGARDING SALINAS DRAFT STORMWATER DEVELOPMENT STANDARDS

Background. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) issued an updated Phase I Storm Water Permit (Permit) for the City of Salinas (City) on February 11, 2005. The Permit reflects U.S. Environmental Protection Agency directives and guidelines to reduce urban storm water impacts on receiving waters through preserving or mimicking predevelopment hydrology and minimizing pollutant loads. Low Impact Development (LID) design approaches, including site-specific and community level designs, are an effective way to achieve these goals and meet the standard of maximum extent practicable (MEP) as required by the Permit. The Permit requires the City submit a Development Standards Plan "for public review and comment and Executive Officer approval" within one year of Permit adoption, or February 5, 2006, and adopt local development standards within one year of development standards approval, or by February 5, 2007. As of February 5, 2007, the City had not submitted an approvable Development Standards Plan, nor adopted its own local development standards. On February 9, 2007, and on July 6, 2007, during reports to the Central Coast Water Board regarding compliance with the Salinas Phase I permit, City staff informed the Central Coast Water Board that they would complete local development standards by December 2007. On December 31, 2007, the City submitted *Draft Stormwater Development Standards for New Development and Significant Redevelopment Projects (Draft Development Standards)* to the Central Coast Water Board.

General Staff Comments. Central Coast Water Board staff has reviewed the *Draft Development Standards* in relation to Permit Attachment 4 requirements. We found the Draft Development Standards comply with many of the specific Permit requirements. However, we have determined that the Draft Development Standards are not approvable by the Executive Officer, for the following reasons:

1. **Early Planning.** Attachment 4 states the City shall:

"incorporate water quality and watershed protection principles into planning procedures and policies such as: The General Plan or equivalent plan (e.g., Comprehensive, Master, Community, and/or Specific Plans) to direct land use decisions and require implementation of consistent water quality protection measures for all development projects."



This means the City must require LID early in the community design process, when the City is making land use decisions and has discretion to affect the conceptual design of a development. The *Draft Development Standards* contain some language that requires early consideration of LID; however, LID is not merely the addition of site-specific stormwater control features to a proposed development project; it is community level design, including infrastructure, to protect healthy watersheds. The City must implement a proactive, comprehensive LID approach on a local and regional scale. This means designing the future growth of the City from the perspective of protecting the biological and physical integrity of the watershed; rather than reacting to development proposals, and it may include significant changes to existing planned developments. The City must also revise its development review and approval process such that its various departments communicate and coordinate their planning, engineering, maintenance, and other related efforts. Also, considering that the City is unwilling to revise its Zoning Code (per Robert Russell's January 30, 2007 letter), the City's *Development Standards* must require this comprehensive LID approach. See Contra Costa Model below for examples of good language. If the City does not include such requirements language, the City will not be in compliance with the Permit and may be subject to enforcement actions by the Water Board, and development projects may be significantly delayed.

2. **Measurable and Enforceable Requirements.** The *Draft Development Standards* must contain measurable and enforceable requirements to ensure land developers and their consultants do not ignore or design around the requirements. For example, Section 1.2.2 of the *Draft Development Standards* states: "All site designs shall minimize the amount of impervious surfaces..." A better requirement would be numeric, such as "Effective Impervious Area must not exceed 5% of total project area." The development standards must include numeric standards wherever feasible, especially for the typical measures of hydromodification such as time of concentration, drainage density, and runoff hydrographs. We understand Carl Nizawa has a copy of our February 15, 2008 letter to the Phase II municipalities. Page 4 of that letter clarifies how we expect such requirements to meet the MEP standard. The City should expect these Phase II requirements will eventually be included in the City's Permit, so it would be prudent for the City to include such requirements in the *Development Standards* at this time.
3. **Readability.** The development standards must be an easy to read document for developers and their consultants to follow and properly incorporate LID into developments. As currently written, the *Draft Development Standards* are a confusing collection of flood control requirements, stormwater quality requirements, and suggestions. The overall readability of the document must be improved. See Contra Costa Model below.

Specific Staff Comments. We are currently preparing detailed comments on the language in the *Draft Development Standards*, but we believe it best to discuss them with you in a face to face meeting rather than in a letter. We will contact you shortly to set up a meeting on the week of April 14, 2008.

Contra Costa Model. In the meantime, City staff should continue revising the development standards to address these three general comments. We strongly encourage the City to closely model the revised document after the *Contra Costa Clean Water Program Stormwater Quality Requirements for Development Applications, Third Edition, October 2006 (Stormwater C.3*



Guidebook). The *Stormwater C.3 Guidebook* is available at: <http://www.cccleanwater.org/new-developmentc3/>.

The *Stormwater C.3 Guidebook* emphasizes early planning for stormwater control, at the conceptual stage of project, when the municipality has discretion to affect the design of a development. Here are some good examples from the *Stormwater C.3 Guidebook*:

Overview:

"Avoid the three most common mistakes...not planning for C.3 compliance early enough. You should think about your strategy for C.3 compliance before completing a conceptual site design or sketching a layout of subdivision lots."

Chapter 1:

"...planning staff will require that a complete Stormwater Control Plan be submitted along with the Planning and Zoning application. In some cases, staff may request a preliminary site layout, preliminary landscaping plan, elevations, or illustrations for review. These preliminary plans should be coordinated with a conceptual plan for drainage, including preliminary location of stormwater treatment and flow-control facilities. This should be discussed at the pre-application meeting."

"Prepare the stormwater control plan simultaneously with the preliminary site plan and landscaping plan."

Chapter 3:

"Begin by scheduling a pre-application meeting with municipal planning staff to identify and discuss specific requirements that may apply to your project. Prepare your Stormwater Control Plan for submittal along with other items specified by planning staff."

"...plan and design your stormwater controls integrally with the site planning and landscaping for your project. It's best to start with general project requirements and preliminary site design concepts; then prepare the detailed site design..."

"Discuss with municipal planning staff any potential conflicts [with other codes and standards] you note in the Stormwater Control Plan. By doing so, it may be possible to resolve the issue prior to final design. This will help avoid the redesign and resubmittal of final plans and associated project delays."

Chapter 5:

"Your Stormwater Control Plan is to be submitted with your application for planning and zoning approvals."

The *Stormwater C.3 Guidebook* has many other benefits. The Guidebook is:

- Written as an easy to follow guidebook for developers and their planning and design consultants;
- Includes clear submittal requirements and explains how municipal planning staff will review plans for compliance with the NPDES permit (Chapter 1: "...[municipal] staff will use the Guidebook to determine whether the Stormwater Control Plan complies with the RWQCB's C.3 requirements and their own local requirements." Also see checklist in Chapter 3);

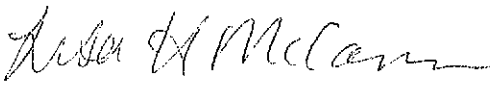


- Offers reasonable alternatives if infiltration is not feasible at a particular site;
- Includes a reasonable process for addressing conflicts with existing codes and standards;
- Requires a plan to maintain stormwater control facilities in perpetuity;
- Explains how to incorporate stormwater impacts and control measures into the California Environmental Quality Act review process;
- Includes clear direction for detailed design of stormwater control facilities, without being too prescriptive (allows flexibility of design for site-specific conditions); and
- Includes guidance for addressing vector-control problems.

Timing. When we meet with you during the week of April 14, we will discuss a deadline for completion of this revision. As you know, the Central Coast Water Board intends to consider the City's development standards on July 11, 2008. You will need ample time for stakeholder input prior to this meeting. At this point, please plan to complete your revision **within 45 calendar days of this letter.**

Thank you for your prompt attention to this letter. Please provide these comments to any stakeholders who we inadvertently omitted from the cc list of this letter. If you have questions, please contact **Matt Thompson at (805) 549-3159** or Lisa McCann at (805) 549-3132.

Sincerely,


for

Roger W. Briggs
Executive Officer

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cc: City of Salinas Staff:
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