

Guidance for Determining Which Version of Salinas' Stormwater Development Standards (SWDS) Apply/Govern

All projects, regardless of if they are reviewed by the Division of State Architect (schools), Office of Statewide Health Planning and Development (hospitals), or other agencies, projects within the City limits must be submitted to the City of Salinas Permit Center and must comply with the current version of the City of Salinas NPDES Permit. The City of Salinas NPDES Permit adopted May 3, 2012, Section J. "Parcel Scale Development" provides the following guidance as to how the City shall apply the Storm Water Development Standards (SWDS):

c) Apply SWDS to Projects – The Permittee shall apply the requirements in the SWDS to all applicable projects, both private development requiring municipal permits and public projects.

i) Private Development Projects

(1) Discretionary Projects – If a project receives a vesting tentative map or development agreement, the Permittee shall require that project to adhere to the version of the SWDS that is most current at the time of vesting tentative map or development agreement approval. The Permittee shall require all applicable development projects, which require discretionary approvals that do not receive a vesting tentative map or development agreement or which have an expired vesting tentative map or development agreement, to adhere to the version of the SWDS that is most current at the time of each discretionary approval.

Discretionary approvals include, but are not limited to, the following: general plan amendment, tract or parcel map, subdivision map, zoning change or rezoning, tentative map, conditional use permit, or other development approval.

(2) Ministerial Projects – The Permittee shall require all applicable projects, which do not require discretionary approvals, to adhere to the version of the SWDS that is most current at the time the project application for the ministerial approval is complete. Ministerial approvals include, but are not limited to, building permits, site engineering improvements, and grading permits. If the applicable project receives multiple ministerial approvals, the Permittee shall require that project to adhere to the version of the SWDS that is most current at the time the project application for the first ministerial approval is complete.

If a project received a Conditional Use Permit or other listed approval prior to C/EOBD January 31, 2013, that is the last date that the April 2010 SWDS apply. While the verbiage in the above Permit excerpt does not include Minor Modifications under Discretionary Permits, by including "or other development approval" it does not necessarily exclude them.

The intent of the Permit and the Clean Water Act in general is to provide for Clean Water. Increase in impervious areas that would increase runoff and result in erosion of downstream channels and degrade water quality and change of uses that result in a higher potential for degradation of water quality are two of many concerns considered related to impacts on water quality.

Project Revisions:

The City is responsible for interpretation for the Permit, subject to audits by the CCRWQCB Staff in which they determine if we are in compliance and have properly interpreted the Permit requirements. It is our opinion, for example, if a CUP has been approved, a Preliminary Storm Water Control Plan being part of the required supporting documents for the approval, the SWDS in effect at the time of the approval govern. If a Minor Modification (MM) is proposed for example, and subsequent MMs to a CUP are applied for, and the MMs are in substantial conformance with the previously approved CUP, in that the resultant MM in comparison to the original CUP:

1. does not increase impervious area and
2. result in a use that would result in potential increased degradation of water quality, and
3. does not substantially alter the previously approved layout and/or concept for which the LID design was approved

the project is grandfathered under the SWDS under which original discretionary approval was received.

If, however, increases in impervious area occur as part of the MM, and/or changes in use occur as part of the proposed MM that result in a higher potential for degradation of water quality and of quantity, that project most likely will be required to conform to the SWDS in effect at the time of application and that determination is at the discretion of the City.

Correspondence that verifies that the MM will not increase impervious area or result in a change of use that provides potential for increased water quality degradation, and does not substantially alter the previously approved layout and/or concept for which the LID design was approved, will be required from the project engineer. The City reserves the right to review modifications to previous approvals to determine if the changes trigger compliance with the new standards in effect at the time the application for revision is submitted.

If needed, please contact the Permit Center Engineering Staff at 831-758-7251 for further clarification.