

2022 Development Projects Update Information for Developers and Builders



Summary

The San Francisco Bay Regional Water Quality Control Board (Water Board) reissued the Municipal Regional Stormwater Permit (MRP 3) and it went into effect July 1, 2022. Like the past stormwater permits, MRP 3 mandates stormwater control measures for specified development projects. MRP 3 includes several significant changes including changes to the types and sizes of regulated projects.

Key Changes Summarized in this Factsheet

- **Effective July 1, 2022**
 - Removal of the Tree Reduction Credits
- **Effective July 2, 2023***
 - Changes to Regulated Project Thresholds
 - Changes to Special Project Categories

* Until the effective date of the changes, the old definitions and categories remain in effect.

Regulatory Background

In urban areas, stormwater washes pollutants and trash off impervious surfaces (e.g., roads, parking lots, and roofs) into creeks and waterways. The impervious surfaces also prevent rainwater from infiltrating into the soil. MRP 3 mandates that municipalities use their land use planning authorities to require Low Impact Development (LID), which mimics drainage patterns of more natural landscapes. By using LID more stormwater soaks into and is filtered by the soil so that less ends up as runoff into creeks and waterways.

Key MRP 3 Changes

Tree Interceptor Credit Removal **Effective July 1, 2022**

Tree Interceptor Credits, as described in the Section 4.5 of the Alameda Countywide Clean Water Program's **C.3 Stormwater Technical Guidance** may no longer be used to reduce the required stormwater treatment when sizing stormwater treatment systems. While trees continue to provide many benefits in our communities, developers are no longer allowed to reduce the size of



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stormwater treatment systems for maintaining or planting interceptor trees. ([See MRP 3 Provision C.3.d.\(iv\) \[pg. C.3-19\].](#))

Regulated Project Threshold Changes **Effective July 1, 2023**

The MRP 3 establishes area thresholds in square feet (sf) of impervious area created or replaced for determining whether a new development or redevelopment project must implement numeric sizing of stormwater treatment systems. The thresholds were lowered in MRP 3 and detached single family homes were added as a regulated category. (See MRP Provisions [C.3.b \[pg. C.3-2\]](#) and [C.3.i \[pg. C.3-43\]](#).)

Table 1. Regulated Project Threshold Changes

Regulated Project Category	MRP 2	MRP 3
Parking Lots Auto Service Facilities Gasoline Stations Restaurants	5,000 sf	5,000 sf
Other project types	10,000 sf	5,000 sf
Detached Single Family Homes including accessory dwelling units	Exempt	10,000 sf
MRP 3 also changed thresholds and definitions for public road reconstruction and routine maintenance projects. These changes are not discussed in this factsheet but will be addressed in separate factsheet.		

Special Project Category C Changes
Effective July 1, 2023

When considered at a watershed scale, the Water Board recognizes that some types of development projects, characterized as “Special Projects” provide water quality benefits. MRP 3 provides incentives for Special Projects in the form of LID treatment reduction credits. Under MRP 3, one Special Project category was eliminated and replaced with a new category that provides credit for affordable housing projects.

Table 2 Special Project Category Changes

Category	MRP 2 Special Project	MRP 3 Special Project
A	Small Infill Projects	Small Infill Projects
B	Larger Infill Projects	Larger Infill Projects
C	Transit Oriented Development	Affordable Housing Development

For more information on Special Project Categories see MRP 3 Provision [C.3.e.ii \(pg. c.3-21\)](#). Information on the MRP 2 Special Project Categories can be found in MRP 3 [Attachment I \(pg. I-5\)](#).

Effective Date of Regulated Projects and Special Project Changes

Regulated Projects and Special Project Category changes go into effect July 1, 2023. Any project that has not had a vesting tentative map or building permit approved by June 30, 2023, must meet the new MRP 3 requirements.

Need More Information?

The Clean Water Program is in the process of revising that **C.3 Stormwater Technical Guidance** for MRP 3. The program anticipates the release of the new manual in early 2023.

You can download the MRP 3 from the Regional Water Board’s website:

https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0018.pdf



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What is Low Impact Development?

The goal of LID is to reduce runoff and mimic a site’s predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source. LID employs principles such as preserving and recreating natural landscape features and minimizing imperviousness to create functional and appealing site drainage that treats stormwater as a resource, rather than a waste product. [MRP 3 C.3.c pg. C.3-13.](#)

Local Stormwater Agencies

For information on local development standards, contact:

- Alameda.....(510) 747-7930
- Albany(510) 528-5760
- Berkeley.....(510) 981-6421; 981-6409
- Dublin(925) 833-6630
- Emeryville(510) 596-3728
- Fremont(510) 494-4570
- Hayward(510) 583-4785
- Livermore(925) 960-4500
- Newark(510) 578-4320
- Oakland(510) 238-3911
- Piedmont.....(510) 420-3050
- Pleasanton(925) 931-5650
- San Leandro.....(510) 577-3433; 577-3411
- Unincorp. Alameda County.....(510) 670-5402
- Union City.....(510) 675-5368
- Clean Water Program.....info@cleanwaterprogram.org

Clean Water Program: Protecting Alameda County Creeks, Wetlands and the Bay

A Consortium of Local Agencies – Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City, Alameda County, Alameda County Flood Control and Water Conservation District, Zone 7 Water Agency