



RULE INTERPRETATION DETERMINATION

Determination #: 2018-005

Title: *Low Impact Development (LID) Performance Standards for Redevelopment*

Drafted by: *Transportation & Capital Improvements (TCI), Storm Water Division*

Rule in Question: *35-210(g)(2)(D), LID Performance Standards- Redevelopment Standards*

Department Action: *The Director concurs with staff's position regarding the clarification of Low Impact Development (LID) Performance Standards for Redevelopment. This RID is for clarification purposes and the department concurs with staff's position as presented below.*



Mike Frisbie, PE
Director, TCI

5.23.18

Date



Michael Shannon, PE, CBO
Director, DSD

6/17/18

Date

Effective Date of Determination: *May 18, 2018*

Please note RIDs often result in direct or related UDC amendments to codify the clarification addressed within the RID. RIDs can also be superseded by subsequent RIDs or UDC amendments. The Development Services Department will remove RIDs from the website when they are no longer valid.

Staff Analysis:

The intent of this Rule Interpretation Determination (RID) is to provide clarification for customers and staff on the Transportation & Capital Improvements (TCI) Department's interpretation of the Unified Development Code (UDC) as it relates to the enforcement and business processes associated with Low Impact Development (LID) Performance Standards for Redevelopment. This RID will not impose any new or additional requirements, but rather it provides clarification on existing requirements to ensure uniformity.

In 2016, the City adopted Chapter 35, Section 35-210, Low Impact Development and Natural Channel Design Protocol (LID/NCDP). The adoption of this section was part of the 2015 UDC Amendments. The purpose of this section is to provide site design flexibility, develop incentives and the requirements to receive those incentives, and provide strategies to implement LID and NCDP for developments that voluntarily incorporate LID/NCDP into their design. This section also implemented existing City policies which encourage the use of LID/NCDP, including Section 35-673, which requires LID for properties that are within River Improvement Overlay (RIO) Districts 1, 2, 4, 5, 6, or 7, and are directly adjacent to the San Antonio River or San Pedro Creek.

Since its adoption, staff has found conflicting language in Section 35-210(b)(4) and 35-210(g)(2), which creates confusion regarding the determination of Water Quality Volume (WQV) for redevelopment projects, and whether that determination is based on net increase in impervious cover or total impervious cover within the redevelopment.

Currently, Section 35-210(b)(4)A, Minimum Water Quality Volume Requirements, includes the following language:

- A. *"In order to be considered an LID/NCDP plan and be eligible for incentives in Table 210-2 above, a minimum of sixty (60) percent of the required water quality volume resulting from the increase in impervious area for the entire site, including all of the parking and street areas, must be managed to meet the performance standards in subsection 35-210(g)(2) below..."*

Whereas, Section 35-210(g)(2), LID Performance Standards, states:

- A. *"On-site Stormwater Management Framework. Per subsection 35-210(b)(4)A., a minimum of sixty (60) percent of the water quality volume must be managed to be considered an LID/NCDP development. If less than one hundred (100) percent of the water quality volume will be managed, the designer will give first priority to managing the runoff volume from all of the parking and street areas within the development limits. The water quality, volume, and flow rate LID performance standards below are presumed to be met if the stormwater management system is sized and designed to manage a minimum of sixty (60) percent of the WQV using the guidance in the San Antonio River Basin LID Technical Guidance Manual.*

B. On-site Stormwater Management Criteria. For new development, a stormwater management system with LID shall treat the water quality volume (WQV) resulting from the first 1.5 inches... of rainfall falling on the developed portions of the site in a twenty-four (24) hour period.

Compliance with this WQV performance standard through a combination of infiltration, filtering, and settling is presumed to meet the following treatment levels:

- 1. Removal of eighty (80) percent of the average annual post development total suspended solids (TSS) load; and*
- 2. Removal of sixty (60) percent of the annual bacteria load. The applicant shall be eligible for incentives to treat stormwater from the new development according to Tables 210-1 and 210-2.*

C. Definitions. For the purposes of this section, development and redevelopment are as defined in appendix H of this chapter.

D. Redevelopment Standards. A redevelopment site shall be subject to a reduced LID performance standard: the stormwater management system will be sized and designed based on the runoff volume resulting from the first 1.18 inches... of rainfall in twenty-four (24) hours from rebuilt areas and newly developed areas on the site. The applicant shall be eligible for incentives to treat stormwater from the redevelopment site according to Tables 210-1 and 210-2."

Additionally, UDC Chapter 35, Appendix H (Storm Water Design Criteria Manual), has this definition for redevelopment:

"Redevelopment: Any new development to already developed real estate."

Staff Position and Interpretation:

Transportation and Capital Improvements (TCI) has interpreted that the Water Quality Volume (WQV) for redevelopment projects shall be calculated based on the **total post-project impervious cover within the limits of construction.**

Examples of construction or reconstruction that are generally considered redevelopment for the purposes of determining WQV include, but may not be limited to:

1. New buildings, parking lots, hardscape, or other impervious cover constructed on an already developed lot;
2. Additions to or expansion of existing buildings, parking lots, hardscape, or other impervious cover;
3. Demolition and reconstruction of an existing building or construction of a new building in its place;
4. Reconstruction of a paved surface (involves regrading or reconstruction of base material);
5. Removal of a paved surface to build a new structure or other impervious cover in its place; and
6. Removal of a building to construct new pavement or an otherwise impervious surface.

These types of construction are generally not considered redevelopment in terms of determining WQV:

1. Construction staging or lay down areas that are not within the limits of new or reconstructed impervious cover;
2. Temporary increases in impervious cover due to phasing (at the discretion of TCI);
3. Renovation of an existing building without an addition;
4. Repairing pavement (i.e., mill and overlay, but not reconstruction of base);
5. Repair or replacement of existing canopies; and
6. Untouched impervious areas on a site that is being redeveloped (i.e., existing impervious cover outside the limits of construction).

For more information, please contact Jacob Powell, PE, CFM; Storm Water Engineering Manager, TCI [Phone: (210) 207-0176, Email: jacob.powell@sanantonio.gov].

Future UDC Amendments:

The affected sections will be revisited during the 2020 UDC Amendment Cycle and revised as needed.