



Date of Notice: APRIL 7, 2022

**PUBLIC NOTICE OF PREPARATION OF A PROGRAM ENVIRONMENTAL IMPACT REPORT
AND A SCOPING MEETING
PLANNING DEPARTMENT**

PUBLIC NOTICE: The City of San Diego as the Lead Agency has determined that the project described below will require the preparation of a Program Environmental Impact Report (PEIR) in compliance with the California Environmental Quality Act (CEQA). This Notice of Preparation of a PEIR and Scoping Meeting was publicly noticed and distributed on **APRIL 7, 2022**. This notice was published in the SAN DIEGO DAILY TRANSCRIPT and placed on the City's Planning Department website at:

<https://www.sandiego.gov/planning/programs/ceqa> and on the City's CEQA website at:
<https://www.sandiego.gov/ceqa/meetings>

SCOPING MEETING: A public scoping meeting will be held virtually by the City of San Diego's Planning Department on **Wednesday, April 20, 2022 from 4:00 PM to 5:30 PM** via Zoom Webinar. **Please note that depending on the number of attendees, the meeting could end earlier than 5:30 PM.** The public scoping meeting can be accessed at:

<https://us06web.zoom.us/j/89823329943?pwd=Zm5tZm42d0FPN0JHVWFVd3E0MkFoZz09>.

Go to "Join a Meeting." Webinar ID: **898 2332 994** Passcode: **354382**. To access the webinar via phone, please call +1 346 248 7799 and enter the meeting information.

The scoping meeting will be conducted in a workshop format where staff will provide a brief PowerPoint presentation to the public about the project scope, environmental issues to be analyzed in the PEIR, and how to comment on the NOP. Written comments regarding the scope of environmental issues and alternatives to be analyzed within the proposed PEIR will be accepted at the meeting.

Written, email, or mail-in comments may also be sent to the following address: Greg Johansen, Environmental Planner, City of San Diego Planning Department, 9485 Aero Drive, San Diego, CA 92123 or e-mail your comments to PlanningCEQA@sandiego.gov with the Project Name in the subject line within 30 days of the date of the Public Notice above, by **MAY 6, 2022**.

Responsible agencies are requested to indicate their statutory responsibilities in connection with this project when responding. A PEIR incorporating public input will then be prepared and distributed to the public for review and comment.

PROJECT NAME: Offsite Stormwater Alternative Compliance Program – Phase 2

COMMUNITY PLAN AREAS: Citywide

COUNCIL DISTRICTS: All

PROJECT BACKGROUND: Storm water discharges associated with developed and redeveloped conditions that are conveyed to and from a Municipal Separate Storm Sewer System (MS4) are regulated locally by the San Diego Regional MS4 Permit under the under the National Pollutant Discharge Elimination System (NPDES) program. Stormwater discharges associated with the construction phase of development and

redevelopment projects (one acre or greater) are primarily regulated under the statewide Construction General Permit administered by the State Water Resources Control Board (SWRCB). The San Diego Regional Water Quality Control Board (RWQCB) also regulates stormwater discharges from development and redevelopment projects in both the construction and post-development phases under the San Diego Regional MS4 Permit (RWQCB 2013). The Regional MS4 Permit establishes post-construction performance standards for development projects including (1) source control and site design practices, (2) stormwater pollutant control best management practices (BMPs), and (3) hydromodification management BMPs.

The Regional MS4 Permit allows the City discretion to grant permission for private and public projects to utilize offsite alternative compliance projects (ACPs) for meeting pollutant control performance standards and/or hydromodification flow control requirements on a project level. An ACP is an offsite water quality or hydromodification improvement project constructed to offset potential negative impacts (e.g., increased pollutants or changes in water flows) associated with the development or redevelopment project. The MS4 Permit requires that offsite ACPs demonstrate that the ACP provides a “greater overall water quality benefit” for the portion of pollutants and/or flow control not fully mitigated onsite. This benefit is compared against the condition wherein full compliance occurs onsite. In order to qualify, the overall water quality benefit of a potential off-site ACP must be consistent with the approved Water Quality Equivalency (WQE) guidance document for the San Diego Region (Region 9; San Diego Regional Copermittees 2018).

In the City of San Diego, geographic conditions may limit the applicability of potential ACPs in certain watershed areas. For water quality pollutant control, the offsite ACP must be in the same watershed management area as the proposed development or redevelopment. For hydromodification control, additional location restrictions apply based on the conditions within the watershed management area, as described in the WQE guidance document.

To allow for the use of offsite ACPs, the City Stormwater Department has developed the Offsite Storm Water Alternative Compliance Program (Program). The first phase of the Program has been in place since February 16, 2016 and allows project applicants to implement an offsite ACP provided they are fully responsible for the ACP’s design, construction, operation, and long-term maintenance. Phase 1 ACPs are designed to directly offset a specific development or redevelopment project’s impact on water quality and storm water flows. No credit trading is allowed in Phase 1 of the Program.

An update to the City’s Stormwater Standards Manual is proposed to include a second phase of offsite ACPs (Phase 2) wherein applicants and/or independent entities would be allowed to implement, fund or partially fund an ACP and bank any excess WQE credits for use by the applicants, independent entities, or others. Phase 2 participation would be provided through a credit trading system as described in the proposed updates to Part 3 of the Stormwater Standards Manual. Phase 2 of the Program is the proposed project to be addressed in the PEIR, as generally described below.

PROJECT DESCRIPTION: Phase 2 of the Program would allow private or public development projects to meet their water quality and/or hydromodification performance standards with a combination of onsite flow-thru treatment control Best Management Practices (BMPs) and offsite ACPs. Offsite ACPs can consist of retention, biofiltration or flow-thru structural BMPs which detain, retain, filter, remove, and/or prevent the release of pollutants to surface waters. Natural System Management Practices (NSMPs), such as land restoration, stream rehabilitation or land preservation projects that restore and/or preserve predevelopment watershed functions in lieu of providing direct management hydromodification flow control, are also an acceptable type of ACP.

An offsite ACP can provide stormwater pollutant control benefits, hydromodification flow control benefits, or a combination of the two, depending on its features. Permanent structural BMPs require on-going inspection and maintenance at regular intervals to maintain designed pollutant control and/or hydromodification flow control performance. For ACPs that involve stream rehabilitation, ongoing

maintenance and operation of the improvements would occur at regular intervals in-line with project-specific regulatory agency permits and/or other program drivers. It is assumed that these projects typically require a higher level of maintenance in the first few years during vegetation establishment. The Phase 2 Program includes requirements for demonstration of ACP operation and maintenance mechanisms.

Phase 2 of the Program also proposes an ACP credit system. The Clean Water Act allows for water quality credit trading to fulfill NPDES MS4 Permit requirements, but it does not include implementing provisions (i.e., a formal framework) for such a program. Through the City's proposed WQE credit system, an offsite ACP that follows the specifications outlined in the San Diego RWQCB-approved WQE guidance document, may generate excess water quality credits. Excess water quality credits could be purchased or used by the PDP developer or property owner to comply with Regional MS4 Permit new/redevelopment requirements on the current or future project site(s). In addition, the Program allows for excess credits to be purchased or used by other developers/applicants or property owners to assist in complying with Regional MS4 Permit requirements on other projects. Once the amount of credits an individual ACP generates is approved by the City, the ACP owner may sell or trade the credits to another project located within the same credit trading area. Trading areas are no larger than the limits of a watershed management area. Credit trading limitations in certain watershed management areas may be applied based on Total Maximum Daily Load (TDML), Areas of Special Biological Significance (ASBS), and/or other water quality regulatory drivers or hydrogeographic features.

The proposed City Stormwater Standards Manual presents the policy authority for Phase 2 of the Program. The Stormwater Standards Manual describes a) projects' eligibility to participate in the Program; b) provides technical guidance as to how the Program is implemented; and c) outlines long-term maintenance and compliance efforts associated with Program utilization. Phase 2 of the Program is intended to enhance flexibility for developing properties within the City's jurisdiction while concurrently incentivizing improvements to water quality in locations that otherwise may not see improvements in the near term (City of San Diego 2018a). The Program has been designed, and would be implemented to provide greater overall water quality benefit to the watershed when compared to implementing onsite BMPs on a project-by-project basis under the current Stormwater Standards Manual (City of San Diego 2018b).

PROJECTS WITHIN THE SCOPE OF THE PEIR: Another purpose of this or any other PEIR is to streamline future environmental review of projects found to fall within the scope of the PEIR. The PEIR should address and evaluate the potential ACP and credit system features of the Program at a general programmatic level. The PEIR is not intended or structured to evaluate project-level impacts associated with future implementation of any of the projects using the Program or any of the individual ACPs that could be constructed under the Program. The PEIR may provide information and analyses that could be used in conjunction with future project-level environmental reviews of such improvements. Any subsequent activities proposed under the Program should be reviewed for consistency with the PEIR. Project level impacts of subsequent activities are subject to additional environmental review in accordance with CEQA.

Pursuant to the CEQA Guidelines (Section 15168), a PEIR allows the lead agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and allow reduction in paperwork. In addition, it may be used with the intent of streamlining and limiting the later environmental review required for projects that implement the components of the Program.

PROJECT LOCATION: Citywide. All activities associated with implementation of the Program would generally be limited to development and redevelopment projects located within the City's geographic boundaries and jurisdiction. The City of San Diego land area covers nearly 372 square miles and is located in the southwestern corner of California, within the county of San Diego. ACPs would have to be installed within the same credit trading area (watershed management area, or subwatershed area for certain locations) as where the development project is proposed and water quality and/or water flow impacts may occur. The

watershed management areas in City jurisdiction include: San Dieguito, Los Peñasquitos, Mission Bay/La Jolla, San Diego River, San Diego Bay, and Tijuana River. Figure 1 shows the WMAs where the Program could be implemented within the City's jurisdictional boundaries that will be analyzed in the PEIR.

APPLICANT: City of San Diego, Stormwater Department

RECOMMENDED FINDING: Pursuant to Section 15060(d) of the CEQA Guidelines, it appears that the proposed project may result in significant environmental impacts in the following areas: Land Use/MSCP/VPHCP/MHPA, Air Quality/Odor, Biological Resources, Greenhouse Gas Emissions, Historical, Archaeological and Tribal Cultural Resources, Hydrology, Water Quality, Noise, and Solid Waste.

AVAILABILITY IN ALTERNATIVE FORMAT: To request this Notice in alternative format, call the Planning Department at (619) 235-5200 OR (800) 735-2929 (TEXT TELEPHONE).

ADDITIONAL INFORMATION: For environmental review information, contact Greg Johansen at (619) 446-5372. For information regarding public meetings/hearings on this project, contact the Project Manager, Alex Gostomelskiy, Senior Civil Engineer, at (858) 541-4337. This notice was published in the SAN DIEGO DAILY TRANSCRIPT and distributed on **APRIL 7, 2022**.

Rebecca Malone, AICP
Program Manager
Planning Department

ATTACHMENTS: Figure 1: Regional Location Map

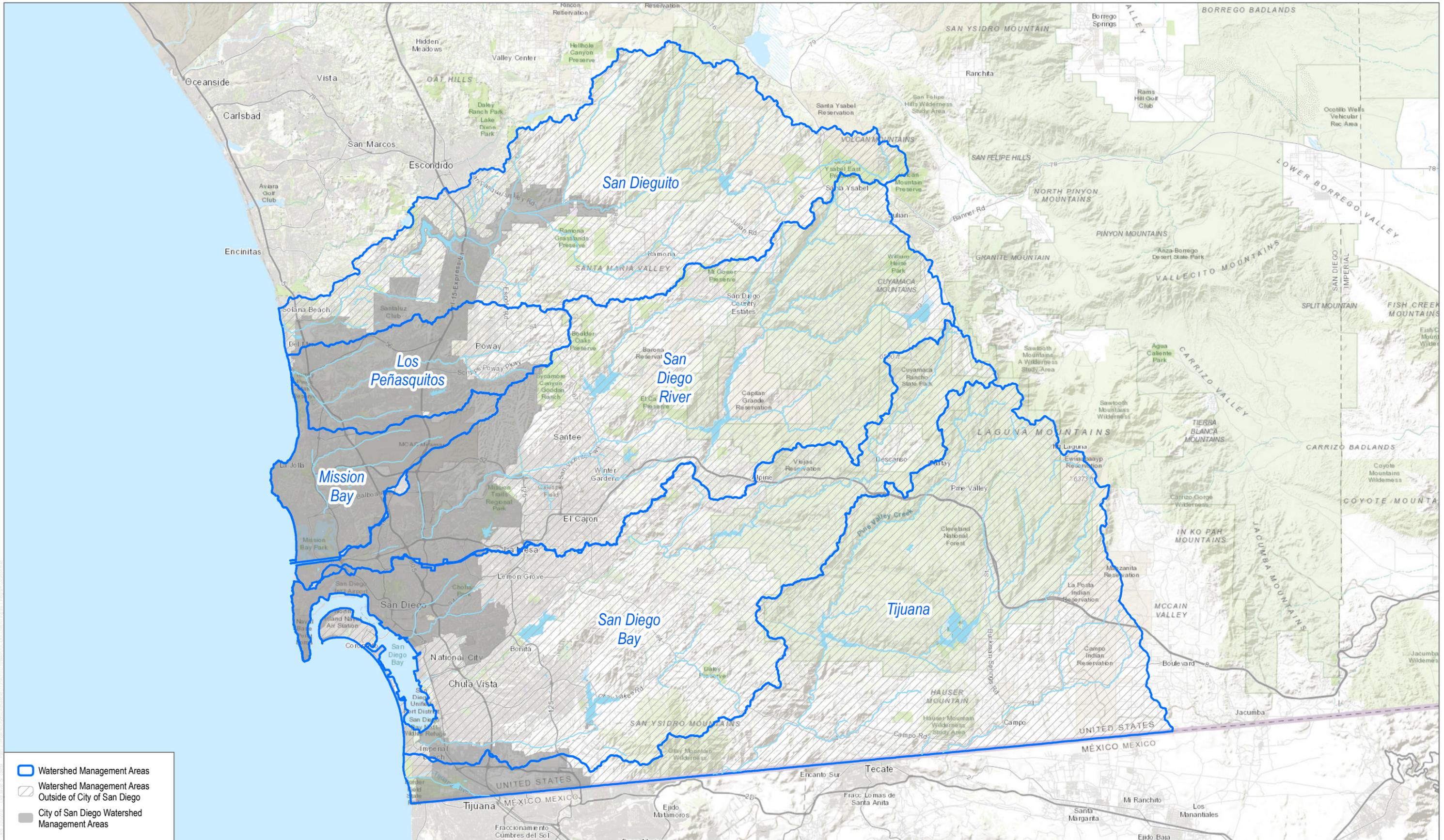


FIGURE 1

Program Location

Alternative Compliance Program