THE CITY OF SAN DIEGO

April 7, 2022

SUBJECT: Scope of Work for Draft Program Environmental Impact Report for the Offsite Stormwater Alternative Compliance Program – Phase 2 ("Project").
SCH No. *Pending*

Based on the review of the project application and pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines, as amended, it has been determined by the City of San Diego (City) Planning Department that the project may have a significant effect on the environment and preparation of a Program Environmental Impact Report (PEIR) is required, in conjunction with City Council approval of Phase 2 of the Offsite Stormwater Alternative Compliance Program (Process 5).

The purpose of this Scoping Letter is to identify specific issues to be addressed in the PEIR and shall be prepared in accordance with the City of San Diego *Environmental Impact Report Guidelines (updated December 2005)* and *California Environmental Quality Act - Significance Determination Thresholds prepared by the Development Services Department (December 2020).* A Notice of Preparation (NOP) is being distributed concurrently to Trustee and Responsible Agencies and others who may have an interest in the project in accordance with CEQA Section 21083.9(a)(2) for projects of statewide, regional, or area-wide environmental impacts. A Scoping Meeting has been scheduled for April 20, 2022. Changes or additions to the scope of work outlined in this letter may be required as a result of input received in response to comments received at the Scoping Meeting and in response to the NOP. Furthermore, should the project scope be modified during the scoping stage or PEIR review process and/or by the applicant, these changes shall be disclosed in the PEIR under the section "History of Project Changes" and be accounted for in the PEIR impacts analysis to the extent required by CEQA.

Each section and issue area of the PEIR should provide a descriptive analysis of the project followed by a comprehensive evaluation. The PEIR should also include sufficient graphics and tables, which in conjunction with the relevant narrative discussions, provide a complete and meaningful description of all major project features, the environmental impacts of the project, as well as cumulative impacts, mitigation of significant impacts, and alternatives to the project.

PROJECT BACKGROUND

Stormwater discharges associated with developed and redeveloped conditions that are conveyed to and from a Municipal Separate Storm Sewer System (MS4) are regulated 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 Stormwater Alternative Compliance Program (Program). The first phase of Program (Phase 1) has been in place since February 16, 2016 and allows project applicants to implement an offsite ACP provided, they are fully responsible for ACP 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 stormwater flows. No credit trading is allowed in Phase 1.

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 of pollutant control and/or 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; 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).

PROJECT LOCATION

The proposed Program would be limited to development and redevelopment projects within the City's corporate boundaries. 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, San Diego River, San Diego Bay, and Tijuana River. Figure 1 shows the WMAs where the Program could be implemented within the City.

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.

PEIR FORMAT AND CONTENT

The PEIR serves to inform governmental agencies and the public of a project's environmental impacts. Emphasis on the PEIR must be on identifying feasible solutions to environmental problems. The objective is not simply to describe and document an impact, but to actively create and suggest mitigation measures or project alternatives that would avoid or substantially reduce the significant adverse environmental impacts. The adequacy of the PEIR will depend greatly on the thoroughness of this effort. The PEIR must be written in an objective, clear and concise manner, and must meet the requirements of CEQA. Wherever possible, use graphics to replace extensive word descriptions and to assist in clarification. Conclusions must be supported by substantial evidence presented in the PEIR or otherwise contained in the administrative record, with quantitative, as well as qualitative information to the extent practicable.

Prior to distribution of the PEIR, the Certification will be attached to the front of the draft document. The Certification cannot be prepared until a PEIR has been submitted and accepted for release by the City. The PEIR should include a Title Page which includes the Project Number, State Clearinghouse Number (SCH No.) and the date of publication and an Executive Summary, reflecting the PEIR outline for each issue area identified below in Section V, but need not contain every element of the PEIR. Additional information regarding specific content and formatting of the PEIR can be found in the City's *Environmental Impact Report Guidelines (December 2005)* as outlined below.

I. INTRODUCTION

Introduce the project with a brief discussion on the intended use and purpose of the PEIR. Describe and/or incorporate by reference any previously certified environmental documents that address the project site. Summarize the discretionary City actions associated with the project and other local, state, or federal approvals or reviews anticipated to occur for the project, with the more detailed description of required approvals to be projects in Section III-Project Description. This section should also describe the basis for how this PEIR will be used for subsequent environmental review of offsite ACPs implemented in accordance with the Program and/or additional required approvals (if applicable).

II. ENVIRONMENTAL SETTING

The PEIR should (i) describe the location of the project and present it on a regional map; (ii) provide a local and regional description of the environmental setting of the project, as well as adjacent land uses, area topography, drainage characteristics and vegetation; and (iii) include any applicable land use plans/overly zones that affect the project area, such as the City of San Diego's Multiple Species Conservation Program (MSCP)/Multi-Habitat Planning Area (MHPA),

environmentally sensitive lands (ESL) regulations such as steep hillsides, wetlands, sensitive habitat, and the Federal Emergency Management Agency (FEMA) 100 year floodplains or floodways that intersect with the project components.

III. PROJECT DESCRIPTION

The PEIR should include a statement of the objectives of the project, including a description of the underlying purpose of the Program. A clearly written statement of the project objectives will assist in defining a reasonable range of alternatives to include in the PEIR, which would avoid or substantially reduce potentially significant impacts. This section of the document should include a discussion of all discretionary actions required for project approval and implementation, including but not limited to a description of all permits and approvals required by local, state, federal, and other regulatory agencies.

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 Program.

IV. HISTORY OF PROJECT CHANGES

This section of the PEIR should outline the history of the project and any material changes that have been made to the project in response to environmental concerns raised during public and agency review of the project (i.e., in response to NOP or public scoping meetings or during the public review period for the PEIR).

V. ENVIRONMENTAL ANALYSIS

The potential for significant environmental impacts must be thoroughly analyzed and mitigation measures identified that would avoid or substantially lessen any such significant impacts. The PEIR must represent the independent analysis of the City of San Diego as Lead Agency; therefore, all impact analysis must be based on the City's current *California Environmental Quality Act - Significance Determination Thresholds prepared by the Development Services Department (December 2020).*

The analysis should include all potential BMPs and credit/trading features associated with Phase 2 of the Program that may be implemented and would provide a comprehensive approach to outlining potential environmental effects. Future projects implemented in accordance with the Program have the potential to impact resources. The PEIR Project Description should include a discussion of the analytical framework proposed for addressing the potential environmental impacts of the Program, recognizing that the PEIR will provide a general evaluation of the impacts associated with implementing the overall Program, while the specific impacts particular to individual ACPs may be further evaluated when subsequent project-level components are proposed.

Mitigation identified in the PEIR should take the form of a Mitigation Framework, which will lay the foundation for how future ACPs are reviewed and documented during the subsequent environmental review process. Considerations to be addressed in the Mitigation Framework should include, but not be limited to:

(1) the Program extends over a very large and diverse geographic area, and the PEIR's description of existing conditions that may be impacted by the project will draw from a variety of existing data sources considered suitable and appropriate for a program level of analysis, and may be supplemented by more current and focused data developed in conjunction with subsequent project-level environmental reviews;

(2) the ability to draw definitive conclusions regarding the significance of potential impacts will in certain cases be influenced by degree of project design specificity available and the nature and amount of data available regarding existing conditions – hence, such significance conclusions will be based on substantial evidence that is reasonable and appropriate for a program level of analysis and subject to further consideration at subsequent project-level environmental reviews;

(3) The PEIR discussion of mitigation measures should be influenced by the amount and degree of specificity of information available at the time of PEIR preparation. In cases where the specifics of a mitigation measure(s) are not possible to define at the program level, the mitigation discussion should include a clear description of the necessary outcome of the mitigation (i.e., establish a specific performance standard(s) for mitigation) and identify the basic elements of, and/or options for, measures that can be implemented to achieve that outcome with the details of those measures to be defined in future project-level environmental reviews. This approach to mitigation at the program level cannot, however, defer to future studies to determine whether a significant impact would actually occur and/or defer a basic assessment of whether there are feasible measures to mitigate anticipated significant impacts; and

(4) The PEIR should address a reasonable range of alternatives for Phase 2 of the Program. Subsequent project-level reviews of ACPs may include an evaluation of alternatives to the specific design and location of the BMPs, it is not anticipated that alternatives to the overall Program will be revisited in subsequent environmental reviews associated with the project.

Below are key environmental issue areas that have been identified for this project, within which the issue statements must be addressed individually. Discussion of each issue statement should include an explanation of the existing site conditions, impact analysis, significance determination, and appropriate mitigation. The impact analysis should address potential direct, indirect, and cumulative impacts that could be created through implementation of the project and its alternatives. Each issue should be summarized along with a summary of whether or not future projects under the Program are required to analyze the issue further during subsequent project-level CEQA review.

Land Use

Issue 1: Would the Program be inconsistent with or conflict with the environmental goals, objectives, and guidelines of the City of San Diego General Plan (General Plan), the City of San Diego Municipal Code, or the various community plans where the Program would be located, or other applicable land use plans?

Issue 2: Would the Program result in a conflict with the provisions of the MSCP or other adopted environmental plans for the area?

Issue 3: Would the Program result in land uses which are not compatible with an adopted Airport Land Use Compatibility Plan (ALUCP)?

The PEIR should evaluate how the Program accomplishes or fails to implement the environmental goals, objectives, and recommendations of the General Plan, the Community, Subarea, Local Coastal Program, Park/Preserve, and other relevant City land use plans, the San Diego Municipal Code, San Diego's City's Land Development Code, and the City's Climate Action Plan . If any inconsistencies are identified, the Land Use Section of this PEIR should also identify if these inconsistencies would result in a direct or indirect environmental impact. The PEIR should also address the land use compatibility with final MSCP Plan, the City's MSCP Subarea Plan, the Vernal Pool Habitat Conservation Plan, Multi-Habitat Planning Area, and other environmental plans.

AIR QUALITY/ODORS

Issue 1: Would the Program result in a violation of any air quality standard or contribute substantially to an existing or projected air quality violation?

Issue 2: Would the Program exceed 100 pounds per day of respirable particulate matter (PM_{10}) or 55 pounds per day of fine particulate matter ($PM_{2.5}$)?

The PEIR should describe the area's climatological setting within the San Diego Air Basin and the basin's current attainment levels for State and Federal Ambient Air Quality Standards (AAQS). The PEIR should include a qualitative description of potential impacts to air quality and compliance with AAQS associated with subsequent activities that implement the Program. While a detailed quantified analysis of future project impacts to air quality cannot be addressed in the PEIR, an approximation of the probable emissions levels should be provided and future project-level impacts will be subject to subsequent environmental review under CEQA. A general quantification of potential construction-related emissions estimated to occur with typical construction activities associated with installing offsite ACPs should be included in the PEIR. The potential for temporary odors during construction activities should be discussed relative to their proximity to sensitive receptors.

The PEIR should identify a Mitigation Framework for implementation with subsequent projects, as well as requirements for minimizing air emissions during grading operations and operational activities, as applicable.

BIOLOGICAL RESOURCES

Issue 1: Would the Program result in impacts to a sensitive habitat or sensitive natural community as identified in local, regional, state or federal plans, policies, or regulations?

Issue 2: Would the Program result in an impact on City, State, or Federally regulated wetlands through direct removal, filling, hydrological interruption or other means?

Issue 3: Would the Program result in a reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals?

Issue 4: Would the Program result in interference with the movement of any native resident or migratory wildlife through linkages or wildlife corridors?

Issue 5: Would the Program conflict with provisions of adopted local habitat conservation plans or policies protecting biological resources?

Issue 6: Would the Program introduce invasive species into natural open space areas?

A series of diverse habitats and sensitive species could potentially be directly or indirectly affected by the Program and, to the extent feasible, should be discussed in this section of the PEIR. An inventory of the potential biological resources that could be affected by the Program should be prepared to address existing conditions, potential constraints, and opportunities related to biological resources within the project study area. The analysis should identify the sensitive habitat types and wetlands and potential for rare and sensitive species, MSCP-covered and narrow endemic flora and fauna, which are known to be, or to have a potential to exist, in the project study area.

The potential for direct and indirect impacts to sensitive communities and wetland habitat should be addressed within this section of the PEIR. If impacts to any wetlands or wetlands buffers are identified, a discussion of the feasibility or infeasibility of avoiding such impacts should be included.

Encroachment into the City's MHPA and Cornerstone Lands could occur with the Program. The biological resources section of the PEIR should disclose potential direct and indirect effects on resources in the preserve lands and associated wildlife corridors that may occur during implementation of offsite ACPs under the Program.

The PEIR should identify a Mitigation Framework for implementation with subsequent projects, as well as requirements for biological monitoring during grading operations and specific mitigation requirements for impacts.

GREENHOUSE GAS EMISSIONS

Issue 1: Would the Program generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Issue 2: Would the Program conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

The PEIR shall provide a description of the existing global context in which climate change impacts are occurring and are expected to occur in the future; a summary of the relevant state laws that address climate change; a description of relevant statewide and/or regional GHG inventories to which the project would contribute; a quantification of the Program's direct and indirect GHG emissions; a discussion of whether the project would enhance or impede the attainment of state GHG reduction targets and its relationship to local plans and policies; and a description of the cumulative, global climate change impacts to which the project would contribute.

Furthermore, an estimate of the Program generated GHG emissions shall be provided in this section. The projected GHG emissions shall be compared and incorporated into a qualitative discussion of the significance of the emissions relative to global climate change. The analysis of greenhouse gas impacts shall include a discussion of the project's compatibility with the City of San Diego Climate Action Plan and the Climate Action Plan checklist shall be included.

HISTORICAL RESOURCES

Issue 1: Would the Program result in the alteration or destruction of a prehistoric or historic archaeological site, or any adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site?

The Program includes improvements that would be located in or near areas where archeological sites have been previously recorded. The project could have a potentially significant impact on these sites. A cultural resources records search should be prepared for the project to address existing conditions, potential constraints and opportunities related to cultural and historic resources within the project area. Based on background research and review of archaeological site records, the PEIR should identify areas of high, moderate or low sensitivity and provide recommendations for further evaluation to determine significance when applicable and include recommendations for appropriate mitigation. The PEIR should identify a Mitigation Framework for implementation with subsequent projects, as well as requirements for archaeological monitoring during grading operations and specific mitigation requirements for discoveries.

HYDROLOGY

Issue 1: Would the Program increase impervious surfaces and associated increased runoff?

Issue 2: Would the Program result in a substantial alteration to on-and off-site drainage patterns due to changes runoff flow rates or volumes?

The Program involves the removal of impervious surfaces, reduction of runoff and installation of stormwater BMPs. The improvements would have the potential to influence the properties, distribution, and circulation of surface water and ground water in the project study area. Watershed management areas could benefit in the long-term from the implementation of the Program. The existing conditions in the PEIR should discuss the characteristics of the watersheds within the project study area, including the shape of the watershed, soil properties, recharge area, and surface relief features that influence the quantity of surface flows. The PEIR should address potential effects on hydrological conditions associated with implementing ACPs, in addition to onsite BMPs, within the project study area.

WATER QUALITY

Issue 1: Would the Program create discharges into surface or ground water, or in any alteration of surface or ground water quality, including, but not limited to, temperature, dissolved oxygen or turbidity? Would there be increases in pollutant discharges including downstream sedimentation?

Issue 2: Would the Program, when considered in combination with past, current, and future projects in the affected watersheds, result in cumulatively significant impacts on hydrology and water quality?

Water quality within watersheds is affected by sedimentation caused by erosion, by runoff from developed lands carrying contaminants, and by direct discharge of pollutants (point-source pollution). Degradation of water quality could impact human health as well as wildlife systems. Sedimentation can cause impediments to stream flow. In addition, oxygen availability is affected by sedimentation, which can significantly influence aquatic and riparian habitats. The PEIR should address the existing conditions and potential effects from ACP implementation related to water quality within the project study area. The PEIR should identify the process for demonstrating water quality equivalency and, if necessary, outline a Mitigation Framework for implementation with subsequent projects.

Noise

Issue 1: Would construction noise associated with implementation of the Program exceed the City's adopted noise ordinance or noise levels as established in the General Plan?

The noise analysis in the PEIR should address potential construction-related impacts, including a general delineation of potential noise-sensitive uses located in the project study area, a description of noise levels associated with typical construction activities including general quantification of typical construction activity type noise levels at interval distances. The PEIR should address existing conditions and potential short-term noise effects associated with implementing ACPs. The PEIR should identify a Mitigation Framework for implementation with subsequent projects, as well as requirements for noise monitoring during construction activities.

Tribal Cultural Resources

Issue 1: Would the Program result in a substantial adverse change in the significance of a tribal cultural resource?

Construction of ACPs in association with the Program could affect tribal cultural resources, as defined in Public Resources Code §21074 consisting of a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. The PEIR should evaluate the potential for tribal cultural resources to exist in the project study area and assess the potential for the Program to impact such resources. Any consultation with the California Native American tribes conducted by the City should be outlined in the PEIR. The PEIR should identify a Mitigation Framework for implementation with subsequent projects, as well as requirements for Native American monitoring during grading operations and specific mitigation requirements for discoveries.

Solid Waste

Issue 1: Would the Program be served by a landfill with sufficient permitted capacity to accommodate the Program's solid waste needs?

Issue 2: Would the Program comply with federal, state, and locate statutes and regulations related to solid waste.

The PEIR should include a discussion of potential impacts to landfills and solid waste transfer facilities. The Program involves construction and maintenance activities associated that would generate solid waste, which would then be taken to local landfills. Maintenance activities would entail removal and disposal of materials/refuse from BMPs over the long-term. The PEIR should also discuss how the Program would comply with local, state, and federal regulations associated with solid waste disposal and identify any conflicts with existing and planned infrastructure.

VI. SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

This section should describe the significant unavoidable impacts of the Program, including those significant impacts that can be mitigated but not reduced to below a level of significance.

VII. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

In accordance with CEQA Section 15126.2(c), the PEIR must include a discussion of any significant irreversible environmental changes which would be caused by the proposed project should it be implemented. The PEIR should also address the use of nonrenewable resources associated with Program implementation. See CEQA Section 15127 for limitations on the requirements for this discussion.

VIII. GROWTH INDUCEMENT

The PEIR should address the potential for growth inducement through implementation of the Program. The PEIR should discuss ways in which the Program could foster economic or population growth, or construction of additional housing either directly or indirectly. This section need not conclude that growth-inducing impacts, if any, are significant unless the project would induce substantial growth or concentration of population.

IX. CUMULATIVE IMPACTS

When the Program is considered with other past, present, and reasonably foreseeable projects in the project area, implementation could result in significant environmental changes which are individually limited but cumulatively considerable. Therefore, in accordance with Section 15130 of the CEQA Guidelines, potential cumulative impacts should be discussed in a separate section of the PEIR.

CEQA requires a discussion of cumulative impacts when they are significant. The determination of cumulative significance calls for reasonable effort to discover and disclose other related projects. The direct and indirect impacts of each related project need to be identified and looked at comprehensively. CEQA provides various alternative methods to achieve an adequate discussion of cumulative impacts (see CEQA Guidelines Section 15130 noting the repealed sections of 15064(i)(4) and 15130(a)(4)). Specific sections of the City's Significance Thresholds provide significance determination criteria for cumulative impacts under individual issue areas (e.g. biology, air quality, traffic). However, in general the following rule of thumb should apply for determining significant cumulative impacts:

1. If there are known documented existing significant impacts occurring in a community, additional increments would exacerbate the impact (e.g. an overloaded transportation system).

2. If a community plan and/or precise plan identifies cumulative impacts in the community wide EIR, individual projects which contribute significantly to the community wide impacts would be considered cumulatively significant.

3. A large scale project (usually regional in nature) for which direct impacts are mitigated by the collective number of individual impacts results in a cumulative impact.

As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the Environmental Impact Report (EIR) together with other projects causing related impacts. An EIR should not discuss impacts which do not result in part from the project evaluated in the document.

The PEIR cumulative analysis should be based on a list of projects to determine the project's contribution to a cumulative effect or can be evaluated using the previously certified General Plan and associated or related community plans.

X. EFFECTS FOUND NOT TO BE SIGNIFICANT

A separate section of the PEIR should include a brief discussion of issues areas that were not considered to be potentially significant, such as **agricultural resources, geologic conditions, health and safety, mineral resources, paleontological resources, public services and facilities, public utilities (excluding solid waste), transportation/circulation, and visual effects/neighborhood character**. If these or other potentially significant issue area arises during detailed environmental investigation of the project, however, consultation with the Planning Department is recommended to determine if these other issue areas need to be addressed in the PEIR. Additionally, as supplementary information is submitted, the PEIR may need to be expanded to include additional issue areas. The Stormwater Department must consult with the Planning Department to determine if subsequent issue area discussions need to be added to the PEIR. The justification for these findings should be summarized in the PEIR.

XI. ALTERNATIVES

The PEIR should analyze reasonable alternatives that can avoid or substantially reduce the Program's significant environmental impacts. These alternatives should be identified and discussed in detail, and should address all significant impacts associated with the Program. The alternative's analysis should be conducted in sufficient graphic and narrative detail to clearly assess the relative level of impacts and feasibility. Preceding the detailed alternatives analysis should be a section entitled "Alternatives Considered but Rejected." This section should include a discussion of preliminary alternatives that were considered but not analyzed in detail. The reason for rejection should also be explained. At a minimum, the following alternatives shall be considered:

A. No Project Alternative

The No Project Alternative should discuss the existing conditions of the project area at the time the Notice of Preparation is published, as well as what would be reasonably

expected to occur in the foreseeable future if Phase 2 of the Program was not approved. This alternative should compare the environmental effects of implementing offsite ACPs under Phase 1 of the Program with those associated with expanding the program to allow for the proposed construction, sale and trade of water quality equivalency credits permitted under Phase 2. Should the No Project Alternative prove to be the environmentally superior alternative, then pursuant to Section 15126.6(e)(2) of the CEQA Guidelines, the PEIR shall also identify an environmentally superior alternative among the other alternatives.

B. **AVOIDANCE OF ENVIRONMENTALLY SENSITIVE AREAS ALTERNATIVE**

The Environmentally Sensitive Areas Alternative should analyze implementing Phase 2 of the Program in a way that would prevent construction of ACPs in undeveloped areas of the project study area. This alternative would analyze the potential environmental consequences of only constructing BMPs on disturbed or developed lands next to environmentally sensitive areas on the environmental issue areas described above in Section V, which ostensibly could avoid or substantially reduce significant impacts depending on the impacts of the project.

C. **REGIONAL ACPS ONLY ALTERNATIVE**

Under the Regional ACPs Only Alternative, the City would chose a location(s) within each of the watershed management areas in the project study area where larger regional ACPs would be constructed, rather than allowing a series of smaller individual ACPs to be constructed on a project-by-project basis within each watershed management area. The regional ACPS would be constructed all at once and WQE credits would be exchanged in advance of project(s) occupancy. The exchange of WQE credits would be limited to the available lands within the regional ACP locations identified by the City.

If through the environmental analysis process, other alternatives become apparent that would mitigate potentially significant impacts such alternatives must be reviewed and discussed with Planning Department staff prior to including them in the PEIR. It is important to emphasize that the alternatives section of the PEIR should constitute a major part of the document. The timely processing of the environmental review will likely be dependent on the thoroughness of effort exhibited in the alternatives analysis.

XII. MITIGATION FRAMEWORK - MITIGATION, MONITORING, AND REPORTING PROGRAM (MMRP)

A Mitigation Framework should be developed which clearly identifies the requirements for review of subsequent projects implemented in accordance with Phase 2 of the Program. The PEIR should describe the significant impact(s) addressed by each measure and the anticipated effectiveness and outcome of the measure as addressed in the PEIR. The Mitigation Framework will be the basis for which future ACPs implemented in accordance with the Program are evaluated or designed to assure compliance with goals, objective and policies contained within the planning documents to be amended. At a minimum, the Mitigation Framework should identify for each mitigation measure: 1) the City department or other entity responsible for implementing the program or monitoring its affects; 2) the monitoring and reporting schedule, and 3) the completion requirements. The MMRP should be presented as a separate chapter at

the back of the PEIR. Formatting of this section must be developed in consultation with the Planning Department's environmental staff.

XIII. OTHER

The PEIR should include sections for references, individuals and agencies consulted, as well as a certification page. Appendices should be included in the Table of Contents, but are bound under separate cover and/or will be included on a CD attached to the back page of the PEIR. In addition, other specific direction regarding formatting, content and processing of the PEIR will be provided by Planning Department environmental staff prior to submittal of the first screencheck PEIR for internal staff review.