THE CITY OF SAN DIEGO
MAYOR JERRY SANDERS

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DATE ISSUED: February 6, 2008 **REPORT NO. PC-08-27**

ATTENTION: **Planning Commission, Agenda of February 14, 2008**

SUBJECT: STORM WATER STANDARDS MANUAL UPDATE

REFERENCE: San Diego Regional Water Quality Control Board Municipal Storm Water Permit, Order No. 2007-0001
Council Resolution No.303352, certifying the Mitigated Negative Declaration, Project No. 134590

APPLICANT: Storm Water Pollution Prevention Division,
General Services Department

SUMMARY

Issue(s): Should the Planning Commission recommend to the City Council adoption of the proposed changes to the 2003 Storm Water Standard Manual?

Staff Recommendation:

1. Recommend that Council **adopt** the updated 2008 Storm Water Standards Manual

Community Planning Group Recommendation: There are no formal community planning group recommendations since the Storm Water Standards are Citywide and don't pertain to a particular community. However, extensive public outreach and community participation efforts have been conducted. These efforts were conducted to solicit input on the draft updated Storm Water Standards Manual (hereafter referred to as "2008 Storm Water Standards Manual") and included two public workshops, multiple meetings with stakeholders, presentation to the Land Use and Housing Technical Advisory Committee, a 30-day public comment period, and an Internet comment form. Public notification methods included postcard mailings, newspaper notices, e-mail notices, notices on the City's Think Blue website (http://www.thinkbluesd.com), media releases, and flyers distributed at City public involvement meetings.

DIVERSITY

The Development Services Department's Environmental Analysis Section also requested public comment via a 30-day comment period on the draft Mitigated Negative Declaration (Project No. 134590) prepared under the California Environmental Quality Act. The draft version of the Mitigated Negative Declaration included a notice inviting stakeholders to attend public workshops on the updates to the Storm Water Standards Manual.

Environmental Review: The City of San Diego, as a Lead Agency under CEQA, has prepared and completed a Mitigated Negative Declaration, Project No. 134590, dated October 19, 2007, and a Mitigation, Monitoring, and Reporting Program covering this activity. The City Council certified the Mitigated Negative Declaration, Resolution No.303352 on January 22, 2008.

Fiscal Impact Statement: No fiscal impact is anticipated with the adoption of the Updated Storm Water Standards Manual.

BACKGROUND

The Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) Permit (Municipal Permit), issued on January 24, 2007, to the City of San Diego, and twenty (20) other cities in the region ("Copermittees"), by the San Diego Regional Water Quality Control Board (Regional Board) as Order No. 2007-0001 ("2007 Municipal Permit"). Municipal Permit require Copermittees to develop and implement storm water regulations addressing storm water pollution issues associated with private and public development projects.

The City of San Diego developed the Storm Water Standards Manual in 2002 in accordance with the 2001 Municipal Permit requirements. The Storm Water Standards Manual identifies the City's storm water-related development permit and construction permit requirements. The 2007 Municipal Permit requires the City to update its Storm Water Standards Manual to incorporate additional requirements. The updated storm water requirements become effective March 24, 2008 as mandated by the 2007 Municipal Permit.

The Storm Water Standards Manual is a component of the Land Development Manual, which may be modified administratively for minor amendments or by the Council for major amendments. The Storm Water Pollution Prevention Division of General Services Department, with advice from the City Attorney's Office, regards these proposed changes as major amendments, to allow for greater public participation process, thus presents this item to the Planning Commission for recommendation to the City Council.

DISCUSSION

The Storm Water Standards Manual identifies the City's storm water related development and construction permit requirements. The 2008 Storm Water Standards Manual incorporates revised

and additional requirements in accordance with 2007 Municipal Permit. These requirements include both temporary measures applicable to grading and construction activities and, if applicable, permanent site design requirements to reduce pollutants associated with the long-term use of the developed site. Both private projects and Capital Improvement Projects are subject to the Storm Water Standards Manual requirements.

The most notable Municipal Permit-required updates that have been incorporated into the 2008 Storm Water Standards Manual are detailed below:

Updated priority project criteria. The Storm Water Standards Manual includes updated "Priority Development Project" (which are larger projects subject to more substantial storm water treatment requirements) criteria in conformance with the 2007 Municipal Permit. Most notably, retail gasoline outlets were added as a priority project category.

Updated Low Impact Development requirements. The 2007 Municipal Permit placed additional emphasis on the incorporation of Low Impact Development BMPs. Low Impact Development is defined as site design practices intended to reduce the quantity of storm water runoff and improve the quality of the remaining runoff by controlling pollutants at their sources and utilizing or mimicking the hydrologic functioning of natural vegetation and soil in designing drainage systems. The proposed updates require increased consideration and use of Low Impact Development techniques, and require a geotechnical study verifying that the amount of infiltration is appropriate for the soils, geologic conditions, proximity to structures, among other safety factors.

Updated treatment control requirements. In accordance with the 2007 Municipal Permit, the criteria for selecting treatment control BMPs for Priority Development Projects was modified to require selection of only those BMPs rated "medium" or "high" for pollutant removal efficiency, with some exceptions provided that additional source control measures are incorporated into the project. The treatment control BMP selection table was updated to reflect "low", "medium" and "high" ratings from the latest California Stormwater Quality Association (CASQA) Best Management Practices Handbook.

Interim hydromodification management requirements. The hardened surfaces of urbanized land causes unnatural increases in stream flow rates, which may adversely affect stream erosion and sedimentation. This problem is referred to as "hydromodification" and the 2007 Municipal Permit requires the City to work with the Copermittees to collaboratively adopt new regulations that require projects to control hydromodification. Interim hydromodification management requirements developed by the Copermittees are incorporated into the updated Storm Water Standards Manual, and apply to Priority Development Projects over 50 acres in size. As required by the Municipal Permit, the interim hydromodification requirements will be replaced in approximately two years by a permanent Hydromodification Management Plan currently under development by the Copermittees.

Grading limitations. The 2007 Municipal Permit requires the City to establish grading limitations on the maximum area that can be disturbed at one time before additional construction Best Management Practices are required, and allows for establishing conditions upon which exceeding this maximum area will be allowed. The updated Storm Water Standards Manual proposes limiting projects to five acres of active grading where grading will occur during the rainy season, unless a plan of additional erosion and sediment control measures are implemented and maintained.

Advanced Treatment. The 2007 Municipal Permit requires the City to evaluate construction sites to determine if they are an "exceptional threat to water quality" and then requires those sites to use a sediment control BMP called "advanced treatment." Advanced treatment uses a combination of flocculation and filtration to remove fine sediment from runoff. The Storm Water Standards Manual has been updated to require advanced treatment at construction sites determined to be an exceptional threat to water quality. The criteria for defining sites that are an exceptional threat to water quality includes the following: the site is likely to release very fine sediments for which other sediment control options are less effective; the discharge of sediments from the site will directly impact a water body that is sensitive to sediment; and the risk cannot be mitigated at the site with more extensive deployment of source control measures.

Environmental Analysis:

A draft Mitigated Negative Declaration (MND) was prepared and distributed for public review on September 10, 2007, which identified potential impacts resulting from implementation of future program activities to Historical Resources (Archaeology), Paleontological Resources and Land Use (MHPA Land Use Adjacency Guidelines). Mitigation measures have been incorporated into the environmental document which would reduce potential impacts to below a level of significance. Subsequent to distribution of the draft environmental document, several comment letters were received addressing issues associated with Paleontological, Archaeological and Native American monitoring, environmental analysis of future program activities related to soil contamination and hazardous materials, summertime dry-weather flow and the City's MSCP, Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. No specific comments were received regarding revisions to the Land Development Manual Stormwater Standards Manual. The City provided written responses to all comments in the final environmental document on October 19, 2007 and the MND was certified by the City Council on Janaury 22, 2008. No objections to the City's approval or environmental document certification have been filed as of this date.

Conclusion:

Staff recommends that the Planning Commission recommend to the City Council approval of the 2008 Storm Water Standards Manual to comply with the Municipal Permit.

ALTERNATIVE

1. **Recommend Council Approve** the updated Storm Water Standards Manual, with modifications. Staff will need to evaluate proposed modifications/edits to ensure compliance with 2007 Municipal Permit. Additionally, incorporation of any proposed modifications must be timely to ensure adoption of the Updated Storm Water Standards by March 24, 2008 as required by the 2007 Municipal Permit.

2. **Recommend Council Deny** the approval of the updated Storm Water Standards Manual, which will result in violation of the 2007 Municipal Permit requirements.

Respectfully submitted,

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General Services Department

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Attachments:

1. Draft 2008 Storm Water Standards Manual – strikeout/underline
2. Mitigated Negative Declaration, Project No. 134590