

**CITY OF TEMECULA  
AGENDA REPORT**

**TO:** City Manager/City Council

**FROM:** Patrick Thomas, Director of Public Works/City Engineer

**DATE:** January 24, 2023

**SUBJECT:** Approve Water Quality Management Plan Alternative Compliance Agreement and Authorize the City Manager to Execute on Behalf of the City

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**PREPARED BY:** Anissa Sharp, Management Assistant  
Ron Moreno, Principal Civil Engineer/City Surveyor

**RECOMMENDATION:** That the City Council adopt a resolution entitled:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TEMECULA APPROVING THE FORM AND AUTHORIZING  
THE CITY MANAGER TO EXECUTE WATER QUALITY  
MANAGEMENT PLAN ALTERNATIVE COMPLIANCE  
AGREEMENTS ON BEHALF OF THE CITY

**BACKGROUND:** On May 8, 2013, the California Regional Water Quality Control Board San Diego Region (“San Diego Water Board”) issued a municipal stormwater permit (Order No. R9-2013-0001; “Regional MS4 Permit”) to the municipal Copermitees. Stormwater management requirements for development projects are derived from the Regional MS4 Permit and implemented by local jurisdictions. Pursuant to the City’s MS4 Permit, the City of Temecula BMP Design Manual and Municipal Code require the Owner to construct and install certain source control, site design, and structural “best management practices” improvements on the Property to manage storm water (“BMPs”). Priority Development Projects (“PDPs”) in the City of Temecula can request that the City consider Alternative Compliance options to meet its MS4 Permit obligations.

Alternative compliance refers to off-site compliance activities conducted by choice or by necessity, or both, when the full Pollutant Control and Hydromodification Performance Standards are not met through Structural BMPs implemented within the PDP site or the off-site public improvement site. Alternative Compliance Projects (ACPs) typically consist of implementing off-site projects in combination with the use of on-site "flow-thru" treatment control BMPs in lieu of some or all on-site structural BMPs such that there is equal or greater benefit to water quality. The alternative compliance program is available only if the PDP applicant enters into a voluntary agreement with the City authorizing this arrangement. In lieu of constructing the BMPs for the Project, including

the BMPs for the Project's off-site public improvements the Owner shall pay to the City an In Lieu Fee. The fee represents the Owner's fair share of the costs of construction, installation and maintenance of ACP.

The Water Quality Management Plan Alternative Compliance Agreement between the Owner and City set forth the obligations of both parties with respect to the design, construction, and the In Lieu Fee.

**FISCAL IMPACT:** There is no fiscal impact associated with the approval of this agreement.

**ATTACHMENTS:**

1. Resolution
2. Agreement