



# CITY OF DUBLIN

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October 6, 2011

Mr. Bruce Wolfe  
Executive Director  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Ste. 1400  
Oakland, CA 94612

Subject: Special Projects Comments - Tentative Order No. R2-2011-XXXX Amending  
the Municipal Regional Permit for Stormwater with Regards to Section C.3,  
New Development

Dear Mr. Wolfe:

The City of Dublin appreciates the opportunity to comment on Tentative Order R2-2011-XXXX, proposing amendments to the Municipal Regional Permit (Order No. R2-2009-0074). The proposed amendments would allow exemptions from the requirements in the MRP for limited types of new development to treat all storm runoff using Low Impact Development (LID) methods.

The City of Dublin believes that the proposed exemptions are critical in allowing us to achieve the goals of our recently adopted Downtown Specific Plan. One of the primary goals of the Plan is to transform portions of the Downtown from a 1960's auto-oriented shopping center to a mixed-use community that places residents within walking distance of both shopping and the newly opened West Dublin-Pleasanton BART station.

The LID measures specified under the current MRP require that runoff be treated through infiltration, evapotranspiration, or captured and reused for irrigation or other uses. This results in the need to set aside portions of the site for surface treatment features and/or the need for parallel storage and plumbing systems. The first is not always compatible with tight, dense infill or redevelopment type projects; the latter adds an additional cost to projects that are often already on the cusp of not being economically viable.

The proposed revision would not exempt these projects from storm runoff treatment, but simply allow the use of a broader band of treatment measures. Furthermore, the infill and redevelopment type projects being exempted under the proposed revisions would actually reduce the generation of pollutants associated with development, particularly those adjacent to transit stations. Infill development reduces auto use and the associated water (and air) quality impacts by placing residents close to jobs, schools, and shopping. Transit-oriented developments allow ready access to transit systems, eliminating auto use completely for many commuters. The dense design of infill projects results in covered or underground parking, eliminating storm runoff from these areas. Lastly, infill or redevelopment type projects often result in the removal of existing

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development for which there are currently NO storm runoff measures in place; these areas would remain untreated in perpetuity unless the site were to be upgraded with a new use.

Without the exemptions allowed under the proposed language revisions, we believe that many good infill, redevelopment, or transit-oriented projects will be rendered technically or economically unviable, and will not be completed. This would have the ironic effect of encouraging further greenfield development, along with associated impacts from greater auto use.

Contrary to other comments you may have received, the exemptions will not exclude large swaths of new development from the LID requirements. Analysis by the City of Dublin completed in November 2010, in conjunction with the Bay Area Storm Management Agencies Association (BASMAA), showed that only 0.93% of the land surface area for projects approved by the City of Dublin over the last four years would qualify for the exemptions.

The proposed language was developed following numerous meetings with the Board staff and extended analysis by both the BASMAA and local agency staff. This effort resulted in the proposed exemptions contained in the Tentative Order that your staff supported and took forward to the Board for adoption.

The City is respectfully requesting that the Board adopt the Tentative Order as it is proposed.

We appreciate your attention to these comments, and look forward to ongoing dialogue with the Board as we continue with permit implementation. Please contact Gary Huisingh, Public Works Director, at (925)-833-6630 if you would like further clarification or wish to discuss.

Sincerely,



Joni Pattillo  
City Manager

JL/ml  
Attach.

cc: Thomas Mumley, Assistant Executive Director, Regional Board  
Jim Scanlin, Alameda County Clean Water Program  
Chris Foss, Assistant City Manager  
John Bakker, City Attorney  
Gary Huisingh, Public Works Director  
Mark Lander, City Engineer