



Community Services Department
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October 6, 2011

Via electronic mail

Dale Boyer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Tentative Order Comments

Dear Mr. Boyer:

The City of Fremont participated in the formulation of the Special Projects proposal before the Board as a member of the Alameda County Clean Water Program. Fremont supports the concept of Special Projects due to the noted environmental advantages of infill development and need to incentive infill projects in the competitive residential and economic development markets of the Bay Area.

Fremont finds itself in a situation that is common within the Bay Area. We are an urban environment primarily built out in a suburban pattern where encouraging infill development of high density housing and employment uses is critical to supporting strategically urban initiatives. Changing the pattern of a built community has many challenges to its success. Development in cities that do not have high intensity urban downtowns such as San Jose, San Francisco, and Oakland require encouragement and assistance to foster desirable change. Often this requires support of catalytic projects that demonstrate the viability of an urban development and densities in new markets.

We encourage the Board to consider changes to the specific language of Municipal Permit C.3.ii (4) iii for Category C TOD Special Projects. The current language for commercial and mixed use development establishes a high bar of a minimum 200% floor area ratio (FAR) for eligibility of LID treatment credits. The majority of cities in the Bay Area do not have urban environments with high intensity buildings exceeding a 200% FAR and are instead trying to establish new development patterns for high density development. Fremont believes a more moderate minimum FAR is important during the horizon of this permit to help establish new viable TOD neighborhoods.

Fremont recommends two changes in this area. The first is to allow mixed use residential development to qualify based upon either compliance with minimum FAR or minimum density. The second recommendation is for a moderate 100% minimum FAR standard. In our estimation this will allow important initial projects to move ahead and create momentum for TOD neighborhoods, it will not allow extensive undercutting of the Permit's goals. Fremont estimates through 2014 there are only three known projects in



Fremont that may benefit from the Special Projects TOD standards. All three of the projects would be redevelopment projects of existing sites that do not have treatment measures on site and would result in improvements to stormwater treatment while meeting other land use and transportation goals.

Furthermore, regarding the specification of soils for biotreatment and bioretention facilities, we request the Board eliminate the requirement for batch-specific test results and certification for projects installing more than 100 cubic yard of bioretention soil. We believe this requirement is onerous and will unnecessarily delay construction of desirable treatment measurements.

We support the adoption of the Tentative Order with these changes and request the additional allowances for mixed use and commercial projects. We appreciate your attention to these comments, and look forward to ongoing dialogue with the Board as we continue with permit implementation. Please contact Shannan Young at (510)-494-4584 if you would like to further discuss these comments.

Sincerely,



Kathy Cote
Environmental Services Manager

cc: Jeff Schwob, City of Fremont
Nellie Ancel, City of Fremont
Jim Scanlin, Clean Water Program of Alameda County
Shannan Young, City of Fremont

