

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT  
STAFF: Keith H. Lichten  
MEETING DATE: May 19, 2004

ITEM: 7

SUBJECT: **SCHAEFER HEIGHTS ASSOCIATES, SCHAEFER RANCH PROJECT, CITY OF DUBLIN, ALAMEDA COUNTY - ADOPTION OF NEW WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY CERTIFICATION**

DISCUSSION: Schaefer Heights Associates (hereinafter Discharger) has submitted an application for Water Quality Certification and Waste Discharge Requirements to construct a 328-unit mixed-use residential, commercial, and open space development on a 500-acre site in the City of Dublin (hereinafter Project).

The Project will be constructed in the steeply rolling hills immediately to the north of Interstate 580, and will result in significant fill of creeks, ponds, and jurisdictional wetlands on the site, including waters that provide habitat to the federally-protected California Red-Legged Frog (CRLF). To mitigate these impacts, the Project will implement an ambitious mitigation plan that will preserve existing open space under a conservation easement, create additional ponds for CRLF, and enhance the preserved open space by reducing grazing intensity and excluding livestock from creeks and ponds through fencing and restoration work on a portion of the most-impacted creek reaches.

The Project's significant fill of waters has been substantially reduced from earlier project proposals. For example, an earlier Project proposal would have constructed 464 homes and filled 2.8 acres of creeks, ponds, and wetlands, as compared to the 328 homes and 1.7 acres of impacts for the current project. In addition, the project had proposed to dispose significant amounts of excess earth from onsite grading in the site's creeks and canyons. This amount of fill has now been substantially reduced in the site's more sensitive canyons, Marshall and Kelly Canyon, leading to a significant reduction in proposed creek fill as compared to earlier applications.

Comments on the Tentative Order circulated for public comment were received from the Discharger's representative, Alameda County, and three environmental organizations—Friends of San Lorenzo Creek, Citizens' Committee to Complete the Refuge, and Ohlone Audubon Society (Appendix B). Some of the comments were incorporated into the revised Tentative Order (Appendix A). Comments primarily concerned: potential downstream erosion impacts resulting from changes in project runoff once the project is built; potential project impacts to downstream flooding; the design of the proposed stormwater basins; and, the adequacy of proposed mitigation for CRLF.

To mitigate for the Project's post-construction stormwater impacts, the Discharger will construct two water quality ponds to treat runoff from the Project and will also

construct two detention ponds to minimize changes in Project runoff that could cause downstream erosion. While final designs have not been submitted, the Board's approach has been to issue an Order based on acceptable detailed conceptual designs. The Board Order typically requires final designs for the Executive Officer's approval prior to construction. In light of the commenter's comments, the Tentative Order has been revised for the Board to approve the final stormwater designs, if the final designs are significantly different from the conceptual designs.

At this point, the Discharger has made a significant effort to address its potential downstream erosion impacts. As of the date of this Staff Summary Report (SSR), the Discharger is completing additional flow modeling and other work to ensure comments received from the public are appropriately addressed. The Discharger expects to report the results of this additional modeling to staff by May 12.

Separately, revisions to the downstream flood model used by Alameda County suggest that the 100-year flood zone of San Lorenzo Creek will significantly expand once final flood modeling under the County's revised model is completed. This project has the potential to contribute to those downstream flood flows. This issue is one overseen by Alameda County, but has the potential to affect the Board's requirements with respect to changes in detention pond sizing. To clarify this issue and the likely future process between the applicant and the County, as of the date of this SSR, a meeting is scheduled between the County, the Discharger, and Board staff on May 14.

The CRLF mitigation proposed by the Discharger has been accepted by the U.S. Fish and Wildlife Service (USFWS). In this case, staff concurs with USFWS and believes that the proposed mitigation—which is a combination of pond creation and creek restoration and enhancement—will appropriately mitigate Project impacts to CRLF.

RECOMMEN-  
DATION:

Adoption of the Revised Tentative Order

FILE Nos.

2198.11, 2199.9446 (KHL)

APPENDICES:

A: Revised Tentative Order

B: Response to Comments and Comment Letters

C: Figures showing Project site, Project's mitigation sites, and related information.

**APPENDIX A**  
**Revised Tentative Order**

**APPENDIX B**  
**Response to Comments**  
**and**  
**Comment Letters**

**Note: Comment letters follow the table of comments and responses**

# APPENDIX C

## Figures

Figure Number	Title
1	Schaefer Ranch Project Location Map
2	Regional Drainage Map – Project located in upper San Lorenzo Creek watershed
3	Schaefer Ranch Development Plan
4	Project Creek and Wetland Impact Map
5	Creek and Wetland Mitigation Map – Showing Schaefer Ranch and adjacent Machado Mitigation Lands