



Special Projects

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J.1 Introduction

On November 19, 2015, the San Francisco Bay Regional Water Quality Control Board (Water Board) re-issued the MRP, revising search and aspects of Provision C.3.e.ii, which allows LID treatment reduction credits for three categories of smart growth, high density and transit oriented development project, described below. Projects that receive LID treatment reduction credits are allowed to use specific types of non-LID treatment, if the use of LID treatment is first evaluated and determined to be infeasible. As described in Section J.6, documentation must be provided to discuss the feasibility and infeasibility of using 100 percent LID treatment onsite and offsite.

The types of non-LID treatment that may be used are:

- High flow-rate media filters, and
- High flow-rate tree well filters (also called high flow-rate tree box filters).

The three categories of Special Projects are:

- Category A: Small Infill Projects (< ½ acre of impervious surface)
- Category B: Larger Infill Projects (< 2 acres of impervious surface)
- Category C: Transit-Oriented Development

Any Regulated Project that meets all the criteria for more than one Special Project Category (such as a Regulated Project that may be characterized as a Category B or C Special Project) may only use the LID Treatment Reduction Credit allowed under one of the categories. For example, a Regulated Project that may be characterized as a Category B or C Special Project may use the LID Treatment Reduction Credit allowed under Category B or Category C, but not the sum of both.

J.2 Category A: Small Infill Projects

The defining criteria and LID treatment reduction credits for Category A projects are described below.

CRITERIA FOR CATEGORY A (SMALL INFILL) SPECIAL PROJECTS

To be considered a Category A Special Project, a Provision C.3 Regulated Project must meet all of the following criteria:

1. Be built as part of the municipality's stated objective to preserve or enhance a pedestrian-oriented type of urban design.
2. Be located in the municipality's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian oriented commercial district, or historic preservation site and/or district.
3. Create and/or replace one half acre or less of impervious surface area.
4. Include no surface parking, except for incidental surface parking. Incidental surface parking is allowed only for emergency vehicle access, Americans with Disabilities Act (ADA) accessibility, and passenger and freight loading zones.
5. Have at least 85% coverage for the entire project site by permanent structures. The remaining 15% portion of the site is to be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping, and stormwater treatment.

LID TREATMENT REDUCTION FOR CATEGORY A (SMALL INFILL) SPECIAL PROJECTS

Any Category A Special Project may qualify for 100% LID Treatment Reduction Credit, which would allow the Category A Special Project to treat up to 100% of the amount of stormwater runoff specified by Provision C.3.d with either one or a combination of the two types of non-LID treatment systems identified in Section J.1. Prior to receiving the LID treatment reduction credits, the applicant must demonstrate, to the satisfaction of municipal staff, that LID treatment is infeasible, as described in Section J.6.

J.3 Category B: Larger Infill Projects

The defining criteria and LID treatment reduction credits for Category B projects are described below.

CRITERIA FOR CATEGORY B (LARGER INFILL) SPECIAL PROJECTS

To be considered a Category B Special Project, a Provision C.3 Regulated Project must meet all of the following criteria:

1. Be built as part of the municipality's stated objective to preserve or enhance a pedestrian-oriented type of urban design.
2. Be located in a permittee's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian oriented commercial district, or historic preservation site and/or district.
3. Create and/or replace greater than one-half acre but no more than 2 acres of impervious surface area.
4. Include no surface parking, except for incidental surface parking. Incidental surface parking is allowed only for emergency vehicle access, ADA accessibility, and passenger and freight loading zones.
5. Have at least 85% coverage for the entire project site by permanent structures. The remaining 15% portion of the site is to be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping, and stormwater treatment.

LID TREATMENT REDUCTION FOR CATEGORY B (LARGER INFILL) SPECIAL PROJECTS

For Category B Special Projects, the maximum LID treatment reduction credit allowed varies depending upon the density achieved by the project in accordance with the criteria shown in Table J-1. Density is expressed in Floor Area Ratios (FARs) for commercial projects, and in Dwelling Units per Acre (DU/Ac) for residential development projects. Density of mixed-use projects can be expressed in either FARs or DU/Ac. The credits are expressed in percentages of the amount of stormwater runoff specified by Provision C.3.d for the Project's drainage area. The Special Project may treat the percentage of the C.3.d amount of runoff that corresponds to the project's density using either one or a combination of the two types of non-LID treatment systems listed in Section J.1. To be eligible to receive the LID treatment reduction credits, the applicant must demonstrate, to the satisfaction of municipal staff, that LID treatment is infeasible, as described in Section J.6. Any remaining amount of stormwater runoff must be treated with LID treatment measures.

Table J-1 Category B LID Treatment Reduction Credits, Based on the Density of Development		
% of the C.3.d Amount of Runoff that May Receive Non-LID Treatment	Land Use Type	Density Required to Obtain the LID Treatment Reduction Credit
50%	Commercial	Floor Area Ratio 2:1
50%	Residential	50 dwelling units/acre
50%	Mixed Use	Floor Area Ratio 2:1 or 50 dwelling units/acre
75%	Commercial	Floor Area Ratio 3:1
75%	Residential	75 dwelling units/acre
75%	Mixed Use	Floor Area Ratio 3:1 or 75 dwelling units/acre
100%	Commercial	Floor Area Ratio 4:1
100%	Residential	100 dwelling units/acre
100%	Mixed Use	Floor Area Ratio 4:1 or 100 dwelling units/acre

J.4 Category C: Transit-Oriented Development

The defining criteria and LID treatment reduction credits for Category C projects are described below.

CRITERIA FOR CATEGORY C (TRANSIT ORIENTED DEVELOPMENT) SPECIAL PROJECTS

To be considered a Category C Special Project, a Provision C.3 Regulated Project must meet all of the following criteria:

1. Be characterized as a non auto-related land use project. That is, Category C specifically excludes any Regulated Project that is a stand-alone surface parking lot; car dealership; auto and truck rental facility with onsite surface storage; fast-food restaurant, bank or pharmacy with drive-through lanes; gas station, car wash, auto repair and service facility; or other auto-related project unrelated to the concept of Transit-Oriented Development.
2. If a commercial development project, achieve at least an FAR of 2:1.
3. If a residential development project, achieve at least a density of 25 DU/Ac.
4. If a mixed-use development project, achieve at least an FAR of 2:1 or a density of 25 DU/Ac.

LID TREATMENT REDUCTION FOR CATEGORY C (TRANSIT-ORIENTED DEVELOPMENT)

For Category C Special Projects, the total maximum LID treatment reduction credit allowed is the sum of three different types of credits for which the Category C Special Project qualifies. These credits are categorized as follows:

- Location Credits,
- Density Credits, and
- Minimized Surface Parking Credits.

The Special Project may use either one or a combination of the two types of non-LID treatment systems listed in Section J.1 to treat the total percentage of the C.3.d amount of stormwater runoff that results from adding together the Location, Density and Minimized Surface Parking credits that the project is eligible for. In addition, to be eligible to receive the LID treatment reduction credits, the applicant must demonstrate, to the satisfaction of municipal staff, that LID treatment is infeasible, as described in Section J.6. Any remaining amount of stormwater runoff must be treated with LID treatment measures.

Location Credits (Transit-Oriented Development)

Location credits are based on the project site’s proximity to a transit hub¹, or its location within a planned Priority Development Area (PDA)². Only one Location Credit may be used by an individual Category C Special Project, even if the project qualifies for multiple Location Credits. In order to qualify for a Location Credit, at least 50 percent or more of a Category C Special Project’s site must be located within the ¼ or ½ mile radius of an existing or planned transit hub, or 100 percent of the site must be located within a PDA. The Location Credits, presented in Table J-2, are expressed in percentages of the amount of stormwater runoff specified by Provision C.3.d for the project’s drainage area.

Table J-2	
Location Credits for Category C, Transit Oriented Development	
(Only one Location Credit may be used.)	
% of the C.3.d Amount of Runoff that May Receive Non-LID	Project Site Location
50%	50% or more of the site is located within a ¼ mile radius of an existing or planned transit hub
25%	50% or more of the site is located within a ½ mile radius of an existing or planned transit hub
25%	100% of the site is located within a PDA

¹ Transit hub is defined as a rail, light rail, or commuter rail station, ferry terminal, or bus transfer station served by three or more bus routes (i.e., a bus stop with no supporting services does not qualify). A planned transit hub is a station on the MTC’s Regional Transit Expansion Program list, per MTC’s Resolution 3434 (revised April 2006), which is a regional priority funding plan for future transit stations in the San Francisco Bay Area.

² A planned Priority Development Area (PDA) is an infill development area formally designated by the Association of Bay Area Government’s / Metropolitan Transportation Commission’s FOCUS regional planning program. FOCUS is a regional incentive-based development and conservation strategy for the Bay Area.

Density Credits (Transit-Oriented Development)

To qualify for any Density Credits, a Category C Special Project must first qualify for one of the Location Credits listed above. The Density Credits are based on the density achieved by the project in accordance with the criteria shown in Table J-4. Density is expressed in Floor Area Ratios (FARs) for commercial development projects and in Dwelling Units per Acre (DU/Ac) for residential development projects. Density of mixed-use projects may be expressed in either FARs or DU/Ac. The credits are expressed in percentages of the amount of stormwater runoff specified in Provision C.3.d. Commercial and mixed-use Category C projects do not qualify for Density Credits based on DU/Ac, and residential Category C Projects do not qualify for Density Credits based on FAR. Only one Density Credit may be used by an individual Category C Special Project, even if the project qualifies for multiple Density Credits.

Table J-3 Density Credits for Category C, Transit Oriented Development (Only one Density Credit may be used.)		
% of the C.3.d Amount of Runoff that May Receive Non-LID Treatment	Land Use Type	Density Required to Obtain the Density Credit
10%	Commercial	Floor Area Ratio 2:1
10%	Residential	30 dwelling units/acre
10%	Mixed Use	Floor Area Ratio 2:1 or 30 dwelling units/acre
20%	Commercial	Floor Area Ratio 4:1
20%	Residential	60 dwelling units/acre
20%	Mixed Use	Floor Area Ratio 4:1 or 60 dwelling units/acre
30%	Commercial or Mixed Use	Floor Area Ratio 6:1
30%	Residential	100 dwelling units/acre
30%	Mixed Use	Floor Area Ratio 6:1 or 100 dwelling units/acre

Minimized Surface Parking Credits (Transit-Oriented Development)

To qualify for any Minimized Surface Parking Credits, a Category C Special Project must first qualify for one of the Location Credits listed above. The LID treatment reduction credit is based on the amount of post-project impervious surface area that is dedicated to at-grade surface parking, in accordance with the criteria shown in Table J-3. The credits are expressed in percentages of the amount of stormwater runoff specified in Provision C.3.d. The at-grade surface parking must be treated with LID treatment measures. Only one Minimized Surface Parking Credit may be used by an individual Category C Special Project, even if the project qualifies for multiple Minimized Surface Parking Credits.

Table J-4 Minimized Surface Parking Credits for Category C, Transit Oriented Development (Only one Minimized Surface Parking Credit may be used.)	
% of the C.3.d Amount of Runoff that May Receive Non-LID	Percentage of the Total Post-Project Impervious Surface Dedicated to At-Grade, Surface Parking
10%	10% or less
20%	0% (except for emergency vehicle access, ADA accessibility and passenger and freight loading zones)

J.5 Calculating the LID Treatment Reduction Credit
(Special Projects Worksheet)

The Countywide Program has prepared a Special Projects Worksheet, which municipal staff may ask you to complete to document that your project meets the criteria for Special Project Categories A, B, and/or C and to calculate the total allowable LID treatment reduction credit for which the project is eligible. Some municipalities may have developed their own forms; contact municipal staff for the appropriate Special Projects Worksheet. To download an electronic version of the worksheet, visit the Program’s website www.cleanwaterprogram.org and click on “Resources,” then “Development.”

If the project meets all the criteria for more than one Special Project Category, it may use only the LID treatment reduction credit allowed under one of the categories. However, the worksheet may be used to compute the credit allowed under each category in order to determine which category would allow the most credit.

J.6 LID Infeasibility Requirement for Special Projects

In order to be considered a Special Project, in addition to documenting that all applicable criteria for one of the above-described Special Project categories have been met, the applicant must provide a narrative discussion of the feasibility or infeasibility of using 100 percent LID treatment onsite, offsite, or at a Regional Project. The narrative discussion is required to address the following:

1. The infeasibility of treating 100% of the amount of runoff identified in Provision C.3.d for the Regulated Project's drainage area with LID treatment measures onsite;
2. The infeasibility of treating 100% of the amount of runoff identified in Provision C.3.d for the Regulated Project's drainage area with LID treatment measures offsite or paying in-lieu fees to treat 100% of the Provision C.3.d runoff with LID treatment measures at an offsite or Regional Project; and
3. The infeasibility of treating 100% of the amount of runoff identified in Provision C.3.d for the Regulated Project's drainage area with some combination of LID treatment measures onsite, offsite, and/or paying in-lieu fees towards at an offsite or Regional Project.

The discussion is required to contain enough technical and/or economic detail to document the basis of any infeasibility that is determined. The Template for Narrative Discussion of LID Feasibility or Infeasibility, included as an attachment to Appendix J, can be used to document the basis of infeasibility.

J.6.1 On-site LID Treatment

The narrative discussion should describe how the routing of stormwater runoff has been optimized to route as much runoff as possible to LID treatment measures. A discussion should also be provided for each area of the site for which runoff must be treated with non-LID treatment measures, and should include the following:

1. Uses of impervious surfaces that preclude the use of LID treatment; and
2. Technical constraints that preclude the use of any landscaped areas for LID treatment, such as:
 - a. Inadequate size to accommodate biotreatment facilities that meet the sizing requirements for the drainage area;
 - b. Slopes too steep to terrace;
 - c. Proximity to an unstable bank or slope;
 - d. Environmental constraints (e.g., landscaped area is within riparian corridor);
 - e. High groundwater or shallow bedrock;
 - f. Conflict with subsurface utilities;
 - g. Cap over polluted soil or groundwater;
 - h. Lack of head or routing path to move collected runoff to the landscaped area or from the landscaped area to the disposal point;
 - i. Other conflicts or required uses that preclude use for stormwater treatment (explain).

J.6.2 Off-site LID Treatment.

The applicant must demonstrate to the municipality performing the project review that it is infeasible to provide LID treatment of an equivalent amount of runoff offsite either by paying in-lieu fees to a regional project or on other property owned by the project proponent in the same watershed (in other words, that alternative compliance, as described in Chapter 9, is infeasible).

Check with the local municipality to determine if there are any regional projects available for alternative compliance purposes (at the time of completion of this Appendix, there were none in Alameda County). These considerations should be documented in the narrative discussion of the feasibility and infeasibility of providing 100% LID treatment.

J.6.3 Combination of On-site and Off-site LID Treatment

The applicant must also demonstrate to the municipality performing the project review that it is infeasible to provide LID treatment of 100% of the amount of runoff specified in Provision C.3.d with some combination of LID measures on-site, offsite, and or paying in-lieu fees to a regional project.

After determining the extent to which stormwater runoff can be optimized to route as much runoff as possible to LID treatment measures, if that amount is less than 100%, and if there are no options to provide LID treatment off-site on a property owned by the project proponent in the same watershed, check with the municipality to determine if there are any regional projects available for alternative compliance purposes for the remainder of the C.3.d amount of runoff. These considerations should be documented in the narrative discussion of the feasibility and infeasibility of providing 100% LID treatment.

J.7 Select Non-LID Treatment Measures Certified by a Government Agency

MRP Provision C.3.e.vi.(3)(i) requires municipalities to report to the Regional Water Board, for each non-LID treatment measure that the municipality approves, “whether the treatment system either meets minimum design criteria published by a government agency or received certification issued by a government agency, and reference the applicable criteria or certification.”

For Special Projects that are allowed to use non-LID treatment measures, applicants are advised to use treatment measures that have been certified by the Washington State Department of Ecology's Technical Assessment Protocol – Ecology (TAPE), under General Use Level Designation (GULD) for Basic Treatment.³ You can identify proprietary media filters and high flow rate tree well filters currently holding this certification at the following link: <http://www.ecy.wa.gov/programs/wq/stormwater/newtech/technologies.html>.

The municipality may require that any non-LID treatment measures used in a Special Project be TAPE-certified, or the municipality may allow the use of non-LID treatment measures certified by another governmental program.

If the TAPE system is used, treatment measures must be sized based on the hydraulic sizing criteria specified in MRP Provision C.3.d and the design operating rate for which the product received TAPE GULD certification for Basic Treatment. If a different certification program is used, specify the design operating rate for which the product received the relevant certification.

³ “General Use” is distinguished from a pilot or conditional use designation. “Basic Treatment” is distinguished from treatment effectiveness for phosphorus removal. Basic treatment is intended to achieve 80 percent removal of total suspended solids (TSS) for influent concentrations from 100 mg/L to 200 mg/L TSS and achieve 20 mg/L TSS for less heavily loaded influents.