

3 Comments on the Draft EIR

This chapter contains copies of the comment letters received on the Draft EIR of the proposed General Plan in 2007 and the Revised Draft EIR in 2011. A total of eight comments were received during the two 45-day public review periods. Table 3-1 lists the names and titles of those who submitted written comments, and the date of the comment. Following the table are the letters and responses to the comments. The responses only address comments on the Draft and Revised Draft EIRs.

Table 3-1: Comments Received on the Draft and Revised Draft EIRs

<i>No</i>	<i>Name and Title</i>	<i>Agency</i>	<i>Comment</i>	<i>Response</i>
1	Larry Lepore, Superintendent of Parks	Hayward Area Recreation and Park District	March 27, 2007	3-27
2	Timothy C. Sable, District Branch Chief	California Department of Transportation	May 22, 2007	3-27
3	David J. Rehnstrom for William R. Kirkpatrick, Manager of Water Distribution Planning	East Bay Municipal Utility District	May 22, 2007	3-28
4	Saravana Suthanithira, Senior Transportation Planner	Alameda County Congestion Management Agency	May 24, 2007	3-29
5	Bruce D. Johnson, Superintendent	Redwood Christian Schools	May 25, 2007	3-29
6	Terry Roberts, Director	State Clearinghouse, Governor's Office of Planning and Research	May 30, 2007	3-29
7	William R. Kirkpatrick, Manager of Water Distribution Planning	East Bay Municipal Utility District	September 12, 2011	
8	Jean Roggenkamp, Deputy Air Pollution Control Officer	Bay Area Air Quality Management District	September 16, 2011	

FROM ALAMEDA COUNTY PLANNING DEPT.

(THU) 3.29.07 16:28/ST. 16:28/NO. 4862943564 P 2



HAYWARD AREA RECREATION AND PARK DISTRICT

10881 Tenthredin Hayward, California 94541-5299 • Telephone (510) 881-6771 • FAX (510) 886 5766

March 27, 2007

Mr. Lou Andrade
Alameda County Planning Department
224 W. Winton Ave., Ste. 111
Hayward, CA 94544

Dear Lou:

The Hayward Area Recreation and Park District would like to thank Alameda County for the opportunity to comment on the Draft EIR for the new Castro Valley General Plan. The comments are related to Section 3.2 Parks, Open Space and Recreation.

Generally, the language is appropriate and provides the necessary information. There are a few minor corrections and suggested deletions. Instead of trying to list the items, I have attached a redlined copy of the section.

If you have any questions, please contact me at 510-881-6716.

Sincerely,

Larry Lepore
Superintendent of Parks

LL:jb

Attachment

Cc: Eric Willyerd, General Manager

BOLEK 3P
CONSULTORS
Louie M. Andrade
Miriam Jameson
Douglas F. Morrison
Carol A. Pereira
Richard H. Sheridan
GENERAL MANAGER
Eric Willyerd

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Castro Valley General Plan Draft Environmental Impact Report

Local and School Parks

HARD defines a local park as a combination playground and park area designed primarily for non-supervised, non-organized recreation activities. These parks generally range from 3 to 10 acres in size and serve an area of approximately ¼- to ½-mile radius around the park. Local parks form an integral part of the neighborhood and create a sense of community by providing a place to engage in informal sports, playground activities and social gathering areas. Local parks typically include children's playground equipment with adjacent sitting areas, individual family picnic areas, open grass areas for multi-generational informal activities, such as kite-flying, dog walking, Frisbee-tossing, bocce ball, and community gardening. (PG1)

Since its formation in 1944 to operate recreation programs on school playgrounds, HARD has continued to coordinate its operations with local school districts. HARD defines school parks as facilities that are developed on school land and are available for use by the recreating public. School parks may be jointly-owned and/or jointly developed. There are four school districts within the Hayward Area Recreation District - Hayward, Castro Valley, San Lorenzo, and New Haven. Ownership and management of school parks within these school districts fall into three categories: those owned and managed by HARD; those owned by the school and managed by the District; and those owned and managed by the school. Ten of Castro Valley's 18 neighborhood parks are school parks that are adjacent to or part of public school facilities.

Table 3.2-2: Existing Local and School Parks

Park Name/Location	Amenities	Acreage
Canyon Middle School, 1960 Cull Canyon Road*	Parking lot, ball fields, basketball courts, soccer fields, open lawn area	3.75
Carlos Bee Park, 1905 Grove Way	Picnic tables, group picnic area, barbecues, play area.	6.9
Castro Valley Elementary School, 20185 San Miguel Ave.	Play field	1.7
Castro Valley High School, 19400 Santa Maria Ave*	Parking lot, ball fields, basketball courts, soccer fields, restrooms, snack bar, swim center, open lawn area	2.5
Chabot School, 19104 Lake Chabot Road	Play field	1.0
Deerview Park, 5780 Thousand Oaks	Picnic tables, group picnic area, ^{barbecues} BBQ, play area, basketball courts, open lawn area, par course.	6.2
Earl Warren Park, 4660 Crow Canyon	Picnic tables, ^{barbecues} BBQ, play area, parking lot, restrooms, open lawn area, ^{dog run area}	8.4

* NEED SOURCE

Chapter 3: Environmental Setting, Impact Analysis, and Mitigation

Road		
Five Canyons Park, Five Canyons Parkway	<i>PAI</i> Youth baseball fields, youth/young adult-sized soccer fields, restroom/snack bar building, a parking lot, <i>baseball fields</i> , basketball court, walking path, picnic tables, children's play area.	12.0
Independent School, 4070 E. Castro Valley Blvd*	Ball fields, soccer fields, open lawn area	1.4
Laurel Park, 2652 Vergil	Play area, open lawn area, tot lot	5.0
Marshall School, 20111 Marshall*	Ball fields, soccer fields, open lawn area	5.6
Palomares Hills Park, 7050 Villareal	Picnic tables, group picnic area, <i>barbenques</i> , BBQs, play area, ball field <i>restrooms</i>	9.3
Parsons Park, Almond and Walnut Roads	Picnic tables, children's play area, open lawn area, walking path.	4.2
Proctor School, 17520 Redwood Road*	Ball fields, soccer fields, open lawn area	4.1
Ridge Trail Park, Rancho Palomares Drive	Half basketball court, sand volleyball, <i>play structures</i> , picnic area, pathway linked w/EBRPD trail system	2.3
Redwood School, 4400 Alma*	Ball fields, soccer fields, open lawn area	2.0
Strobridge School, 21400 Bedford*	Ball fields, soccer fields, restrooms, open lawn area	5.0
Vannoy School, 5100 Vannoy*	Ball fields, soccer fields, open lawn area	5.0
Total Local Parks		81.65

* School park

Source: Hayward Area Recreation and Park District Master Plan, June, 2006; Alameda County Parks, Recreation & Historic Sites Directory, 2003; Larry Lepore, HARD Superintendent of Parks, November 29, 2005; Letter, February 7, 2007

Community Parks and Special Use Facilities

Community parks are larger than local parks and provide for a wider variety and higher intensity recreational uses. The focus is on more active and structured activities for larger segments of the community. In general, community park facilities are designed for organized activities and sports, although individual and family activities are also encouraged. The service area of a community park is roughly a two to three mile radius. Typical facilities found in a community park include a children's playground with distinct areas for preschool and older children, with adjacent sitting areas; water play under controlled conditions, as appropriate; shaded group picnic areas (including shelters); athletic fields (e.g., soccer, softball) and courts (e.g., basketball, tennis, and bocce ball). Castro Valley has six community parks as well as PG&TWO East Bay Regional Park District facilities, Cull Canyon Recreation Area and Don Castro Recreation Area, which are

Chapter 3 Environmental Setting, Impact Analysis, and Mitigation

Table 3.2-3: Community Parks

Park Name	Amenities	Acreage
Adobe Park, 20395 San Miguel	Picnic tables, open lawn area	1.75
Bay Trees Park, 19855 Cull Canyon Road	Picnic tables, group picnic area, <i>barbecues</i> , parking lot, tennis courts, restrooms, handball, sand volleyball	12.3
Cull Canyon Recreation Area, 18827 Cull Canyon Road (partial)	Swimming, fishing, picnicking	120
Don Castro Regional Recreation Area, 22400 Woodroe Avenue, Hayward (partial)	Swimming, fishing, picnicking	50
Douglas Morrison Botany Grounds, 22372 N. Third St., Hayward (partial)	Botanical area, garden center	1.4
Castro Valley Community Park and Community Center, 18988 Lake Chabot Road	Picnic tables, group picnic area, <i>barbecues</i> , play area, parking lot, tennis courts, ball fields, basketball courts, soccer fields, <i>restrooms</i> , horseshoe courts, community center	8.2
Greenridge Park, 6108 Greenridge Road	Picnic tables, <i>barbecues</i> , play area, hiking trails, parking lot, basketball courts, horseshoe courts, restroom, open lawn area	43.1
Kenneth C. Aitken Community Center, 17800 Redwood Road	Picnic tables, parking lot, rest rooms.	3.5
Total Community Parks		240.25

Sources: Hayward Area Recreation and Park District, Recreation and Parks Master Plan, June 2006; Alameda County Parks, Recreation & Historic Sites Directory, <http://www.ebparks.org/parks.htm>

Table 3.2-4: Special Use Facilities and Community Centers

Park Name	Amenities	Acreage
Adobe Art Center, 20395 San Miguel	Art studios and gallery, community center building	See Adobe Art Center above
Castro Valley Community Center, 18988 Lake Chabot Road	Community center and theater.	See Castro Valley Community Park above.

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Castro Valley General Plan Draft Environmental Impact Report

Castro Valley Swim Center, 19400 Santa Maria Ave.	Swimming pool.	See Castro Valley High School above
Rowell Ranch, 9711 Dublin Canyon, Hayward	Picnic tables, <i>barbecues</i> , open lawn area, rodeo park, and concessions.	43.0
Kenneth C. Aitken Senior & Community Center, 17800 Redwood Road	Parking Lot, Community Center Building, Meeting Rooms, Rest Rooms, Senior Center	See Kenneth C. Aitken Community Center above.
Willow Park Golf Course, 17007 Redwood Road	18-hole golf course, snack bar, restaurant	See Chabot Regional Park below.
Total Special Use Facilities		43

Source: Hayward Area Recreation and Park District, Recreation and Parks Master Plan, June 2006.

Regional Parks

Regional parks are much larger than local and community parks, often ranging between several hundred to several thousand acres in size. As the name implies, regional parks serve a large region, usually comprising the surrounding communities within the vicinity of the regional park as well as drawing people from farther afield. Because they include active recreation facilities and are located within walking distance or a short drive from Castro Valley neighborhoods, Cull Canyon and Don Castro Recreation Areas, function like community parks for many residents. Regional parks in the Castro Valley area provide lakes for swimming, fishing and small craft boating; picnic areas; camping; bicycling; horseback riding; and hiking. There are close to 5,500 acres of regional parkland adjacent to the Castro Valley Planning Area.

Table 3.2-5: Regional Parks

Park Name	Amenities	Acreage
Anthony Chabot Regional Park and Lake Chabot Regional Park, 17930 Lake Chabot Road	Fishing, small craft boating, camping, hiking, horseback riding, bicycling, marksmanship range, golf	5,064
Cull Canyon Regional Recreation Area*	Swimming, fishing, picnicking	240 (See Community Parks above)
Don Castro Regional Recreation Area*	Swimming, fishing, picnicking	51 (See Community Parks above)
Five Canyons Open Space and Trail System	Hiking, horseback riding, bicycling	236

3.2-6

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Chapter 3: Environmental Setting, Impact Analysis, and Mitigation

REGULATORY SETTING

State Law

State law allows a city or county to impose fees as a condition of approving any development project if it can demonstrate a relationship between the fee and the purpose for which it is being earmarked. The jurisdiction must conduct studies to demonstrate a reasonable relationship between the need for the public facility and the type of development project. It must also be able to show there is a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development.² Cities and counties are specifically authorized to use such fees for park and recreation facilities.³

These so-called impact fees, which jurisdictions can impose on any type of development for which they can show a nexus or connection between the fee and its use, are distinguished from the fees applicable to subdivisions that the State Subdivision Map Act authorizes. This statute, known as the Quimby Act, allows a city or county to adopt an ordinance that requires the dedication of land or payment of in-lieu fees for park or recreational purposes as a condition of approving a tentative or parcel map. The ordinance must include specific standards for determining the proportion of the subdivision to be dedicated or the amount of the fee to be paid. The dedication or payment may not exceed what is necessary to provide three acres of park area per 1,000 persons unless the amount of existing neighborhood and community park area exceeds that limit. In that case, the ordinance may require fees up to five acres per 1,000.⁴

Alameda County Park Dedication Ordinance

Alameda County's Park Dedication Ordinance is applicable to all residential development regardless of whether it requires approval of a subdivision map. The ordinance requires residential developers (with certain specified exceptions) to dedicate or improve land or facilities or pay in-lieu fees based on the amount of land needed to provide five acres per 1,000 persons or 218 square feet per person. Table 3.2-7 lists the County's current (effective July 1, 2006) requirements for parkland dedication and in-lieu fees.⁵

Table 3.2-7: Alameda County Park Dedication Fee Schedule

Type of Unit	Sq. ft./ Unit	\$ In-Lieu Fee Total	\$ In-Lieu Fee Development Increment
Single Family	628	\$11,550.00	\$2,175.00
Multiple	555	10,200.00	1,900.00
Secondary Unit	314	5,775.00	1,075.00
Mobilehome	434	7,975.00	1,500.00

*Write
In-lieu fees
have been
revised*

² California Government Code, Section 66000 et. seq. (Mitigation Fee Act)

³ Ibid., Section 66002

⁴ California Government Code, Section 66477 et. seq. (Quimby Act)

⁵ Alameda County General Code, Section 12.20.120

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Chapter 3 Environmental Setting, Impact Analysis, and Mitigation

Site Duplicate of 6.2.1

~~Action 8.4-5 Work with the Castro Valley Unified School District to ensure that bond measures include provisions to maximize opportunities for public use of recreational and cultural facilities.~~

Action 4.3-2 Require preparation of a Specific Plan, Precise Plan, or very detailed Master Plan prior to any subdivision of the property at Sydney Way, Stanton Avenue, and Carleton Avenue. As part of any subdivision, public parkland shall be dedicated instead of or in addition to payment of impact fees to meet open space requirements, so that parkland is provided on that site. The appropriate size of the park shall be determined as part of the plan preparation.

Action 4.5-8 Include the vacant and underused properties at the southeast corner of Heyer Avenue and Center Streets in Redevelopment planning for mixed-use development and community facilities such as a neighborhood park.

Action 4.7-4 Create a variety of attractive publicly-owned and privately-owned public spaces throughout the Central Business District including seating areas, landscaping, water-features, and public art.

Mitigation Measures

No additional mitigation measures are required.

REFERENCES

Alameda County General Code, Chapter 12.20 (Park Dedication Requirements)

Alameda County Parks, Recreation & Historical Commission, *Parks, Recreation & Historic Sites Directory*, 2003.

California Government Code

California Public Resources Code

Chavez, Linda J.P., East Bay Regional Park District, July 22, 2004

East Bay Regional Park District. *Master Plan 1997*, adopted December 17, 1996.

East Bay Regional Park District, Website: <<http://www.ebparks.org/parks.htm>>

Hayward Area Recreation & Park District, *Recreation and Parks Master Plan*, June, 2006.

Lepore, Larry, HARD Superintendent of Parks, November 29, 2005; February 7, 2007.

FROM ALAMEDA COUNTY PLANNING DEPT.

(FRI) 5. 25 '07 12:51/ST. 12:50/NO. 4862943719 P 2

~~STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY~~

~~ARNOLD SCHWARZENEGGER, Governor~~

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 288-5505
FAX (510) 286-5559
TTY (800) 735-2929



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May 22, 2007

ALA000215
SCH 2006032036

Mr. Lou Andrade
Alameda County Planning Department
224 W. Winton Avenue, Room 111
Hayward, CA 94544

Dear Mr. Andrade:

Castro Valley General Plan – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the proposed Castro Valley General Plan. The comments presented below are based on the Draft Environmental Impact Report.

We acknowledge and commend your multi-modal approach to circulation that balances the needs of motor vehicles, transit users, pedestrians and bicyclists.

In order to further reduce traffic impacts on the State Highway System (e.g., Interstate 580), consider creating reduced parking requirements for downtown development as a means of encouraging access by alternative modes (biking, walking, transit) and creating a more vibrant pedestrian environment in the downtown area.

Both the proposed General Plan and the No Project (existing General Plan) have significant impacts on the State owned signalized intersections in Castro Valley and either plan would require some kind of mitigation.

Note that the City of Hayward is the lead agency for the proposed Route 238 Corridor Improvement Project to widen/realign Route 238 in the unincorporated area of Alameda County and within the City of Hayward. Inherent in their proposal is the need for the City of Hayward to secure approval for the relinquishment of the affected State highways.

Encroachment Permit

Any work or traffic control within the State Right of Way (ROW) requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

"Caltrans improves mobility across California"

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Mr. Lou Andrade
May 22, 2007
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To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Should you require further information or have any questions regarding this letter, please call Lisa Carboni of my staff at (510) 622-5491.

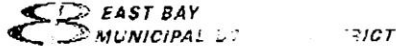
Sincerely,


TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: State Clearinghouse

FROM ALAMEDA COUNTY PLANNING DEPT.

(THU) 5. 24 '07 13:18/ST. 13:18/NO. 4862943718 P 2



May 22, 2007

Lou Andrade, Project Planner
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94554

Re: Draft Environmental Impact Report – Castro Valley General Plan

Dear Mr. Andrade:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Castro Valley General Plan (GP). Although no specific development projects are proposed by the Plan at this time, EBMUD has the following comments.

LAND-USE DESIGNATIONS

The Plan should include land-use designations that recognize EBMUD facilities in the Plan Area. EBMUD suggests that a Utility-Land Use designation be applied wherever EBMUD facilities are sited, and that utility uses allowed under the new land-use designation include water storage, pumping and treatment facilities, as well as related maintenance facilities. A list of EBMUD storage and pumping plant facilities in Castro Valley have been summarized (see enclosure).

WATER SERVICE

The Plan does not reference specific development projects. Any development project associated with the Castro Valley GP update will be subject to the following requirements.

Since the Castro Valley GP update proposes land use and zoning changes but does not identify specific changes to be developed under the plan, EBMUD determined that a Water Supply Assessment (WSA) pursuant to California Water Code, Sections 10910-10915 was not required. However, depending on size and/or square footage of any development projects associated with the Plan update, the lead agency for future development projects in Castro Valley should contact EBMUD to request a WSA. Preparation of a WSA will require that EBMUD contact the project sponsor to gather data and estimates of future water demands for the project area. Please be aware that the WSA can take up to 90 days to complete from the day the request was received.

375 ELEVENTH STREET, OAKLAND, CA 94612-4570 TOLL FREE 1-866-40-EBMUD

FROM ALAMEDA COUNTY PLANNING DEPT.

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Lou Andrade, Project Planner
May 22, 2007
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Main extensions, at the project sponsor's expense, may be required to provide adequate domestic water supply, fire flows, and system redundancy to any specific development plans associated with the Plan update. Pipeline and fire hydrant relocations or replacements due to modifications to existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required based on EBMUD's metering requirements and fire flow requirements set by the local fire department. All project sponsors should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to specific developments. Engineering and installation of water mains and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste, or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. EBMUD will not install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants.

The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater. EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed, and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

WATER CONSERVATION

The proposed Plan presents an opportunity to incorporate water conservation measures. EBMUD would request that Alameda County include a requirement in the Plan, and analysis in the EIR, that the County and project sponsors comply with the California AB 325, Model Water Efficient Landscape ordinance, Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490-495.

FROM ALAMEDA COUNTY PLANNING DEPT.

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Lou Andrade, Project Planner
May 22, 2007
Page 3

If you have any questions concerning this response, please contact David J. Rehnstrom,
Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



WRK William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:TNS:sb
sb07_097.doc

Enclosure

FROM ALAMEDA COUNTY PLANNING DEPT.

(THU) 5. 24 '07 13:19/ST. 13:18/NO. 4862943718 P 5

**East Bay Municipal Utility District
Storage and Pumping Facility Location
Castro Valley**

Facility	Location
Pumping Plant	
Almond	1721 President Drive
Bayview	Mattox Road, 100 feet northeast of Foothill Boulevard
Eden	6650 Jensen Ranch Road
Fire Trail	5600 Crow Canyon Road
Jensen No 1	5600 Crow Canyon Road
Jensen No 2	22061 Center Street
Madison	300 feet north of end of Proctor Road
Miller	Opposite of 16872 Columbia Drive
Norris	54506 Jensen Road
Proctor	18350 Almond Road
Walpert North	East of end of Boulder Canyon Drive
Reservoir	
Almond	Opposite 18083 Lamson Road
Arcadian	End Of Brookdale
Cull Creek	Cull Canyon Road north of High School
Eden	Right-of-way north of Villareal Drive
El Portal	17241 President Dr
Fairview North No. 1	East of the end of Boulder Canyon Drive
Fairview North No. 2	East of the end of Boulder Canyon Drive
Fire Trail No. 1	North end of Greenridge Road
Fire Trail No. 2	North end of Greenridge Road
Jensen	5494 Jensen Road
Madison	Opposite to 16872 Columbia Drive
Miller	20 feet north of 6597 Bellhurst Way
Norris	Alongside of 6650 Jensen Ranch Road
Palomares No. 1	Adjacent to 6421 Sunnyslope Avenue
Palomares No. 2	Adjacent to 6421 Sunnyslope Avenue
Proctor No. 1	300 feet north of end of Proctor Road
Proctor No. 2	300 feet north of end of Proctor Road
South	North of Grove Way and Gail Drive
Stanton	North side of Fairmont Drive, 1/4 mile west of Lake Chabot Road
Walpert North No. 1	East of the end of Boulder Canyon Drive
Walpert North No. 2	East of the end of Boulder Canyon Drive



ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

May 24, 2007

Mr. Louis Andrade
Project Planner
Alameda County Planning Department
224 West Winton Avenue, Room #111
Hayward, CA 94544

SUBJECT: Comments on the Draft Environmental Impact Report (EIR) for the
Castro Valley General Plan

Dear Mr. Andrade:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Castro Valley General Plan in Alameda County. The proposed General Plan is intended to replace the existing General Plan, which was adopted in 1985. The proposed plan is an Area Plan for Castro Valley, which will become part of the Alameda County General Plan. It is composed of goals, policies, a land use diagram, other graphic figures and maps, and implementation actions to guide future development within the Planning Area through the year 2025. The proposed General Plan addresses eight major topics: Land Use and Community Development; Community Character and Design; Circulation; Biological Resources; Parks, Schools and Community Facilities; Public Services and Facilities; Natural Hazards and Public Safety; and Noise and Air Quality.

The ACCMA respectfully submits the following comment:

Page 3.4-41, Impacts and Mitigation measures, Action 6.1-4: Action 6.1-4 proposes to establish an infill opportunity zone within one-third mile of the Castro Valley BART Station and develop an alternative multimodal composite level of service standard or approved list of flexible level of service mitigation option that would apply within the infill opportunity zone. The state legislation related to the infill opportunity zone is set to expire on December 31, 2009. Currently, the CMA does not have a policy on the jurisdictions adopting infill opportunity zones. However, as part of the 2007 Congestion Management Program update, the Plans and Programs Committee of the CMA recommended to the CMA Board that if a jurisdiction wishes to adopt an infill opportunity zone, they are requested to notify the CMA and work towards a mutually agreeable set of mitigation measures or alternative LOS standards. This will go to the

Mr. Louis Andrade
May 24, 2007
Page 2

CMA Board on July 26, 2007. Therefore, it is requested that the County notify the CMA when adopting an infill opportunity zone and work with the CMA in developing a set of mitigation measures or alternative LOS standards.

Thank you for the opportunity to comment on this DEIR. Please do not hesitate to contact me at 510/836-2560 ext. 24 if you require additional information.

Sincerely,



Saravana Suthanthira
Senior Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses - 2007

May 25, 2007

Mr. Lou Andrade, Project Planner
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, California, 94544

E-mailed to Mr. Andrade at lou.andrade@acgov.org and faxed to him at (510) 785-8793.

Dear Mr. Andrade:

Thank you for the opportunity to express our concerns related to the Castro Valley General Plan Draft Environmental Impact Report (“EIR”). Redwood Christian Schools has been serving the Castro Valley area for almost 40 years now and continues to support the community by providing a Christ-centered education to its students, their families and our staff. RCS is committed to being an active participant in community activities and projects.

It is my goal to document just a few concerns in the EIR so that you (or someone else at the County) may address them accordingly. I appreciate the time you spend on this and other important questions raised by the citizens of Castro Valley.

Redwood Christian Schools is a religious entity and a school, which are both basically defined in the EIR as a community facility. Redwood Christian Schools is specifically identified in the EIR; however, some identifications are not so clear and may be implied. So I want clarify that we are not just a school that provides a secular service; we are a religious entity. We continue to offer a Christ-centered education that is considered religious by many in every aspect of our student and staff programs. Even more significant is that we are also one of the largest employers in Castro Valley, so our concerns would be directly impacted by this EIR document.

Since the Castro Valley General Plan is a document used so heavily for land use projects in Castro Valley, it would be very helpful to have a definition section like the one that exists in the current Castro Valley Plan. One has to guess at the meaning of some policies within the EIR and the draft Castro Valley Plan. I believe that a definition section would make the document much more “user friendly.”

I am seeking clarification on three issues. If I have misunderstood anything, please forgive me and point me in the right direction. I am trying to avoid confusion as much as possible.

1. On page 2-31 the document addresses the following issues:

"Civic Uses and Community Facilities in Residential Neighborhoods

- ! Require that new development comply with zoning standards and be compatible with the scale and character of surrounding development.
- ! Review proposed non-residential uses to minimize traffic impacts on residential areas.
- ! Maximize joint use of existing schools, religious uses, and community centers to provide facilities to serve surrounding residents."

The underscored sentence clearly refers to Redwood Christian Schools and numerous other religious entities and private/public schools. It appears to imply that the County as a California State entity may entangle these entities in religion. This may cause some controversy beyond the control of the County and/or the religious entity involved. Is it in fact the goal and/or policy of Alameda County to place conditions on religious entities by requiring that they share their facilities with the local community (or other communities)? How would this be implemented and enforced? Would the County pay or reimburse the religious entity for such a condition? Is this implying that a religious entity would be "told" with whom to share their facilities or would this be strictly "encouraged" with no mandates? If mandated, I am confident that this would not be acceptable to most, if not all, churches, temples, mosques, religious/private schools and others (I may have unintentionally missed some) that are located in the County.

I am confident that the County government would like to avoid any form of involvement with local churches/religious organizations that could possibly be interpreted as mandating acceptance of any directives conflicting with their religious freedoms. There could be misunderstandings of favoring one religion over another, economic benefit to some religions and not to others, directing churches/religious organizations that they would have to make their facilities available to others, including those opposed to the mission of the church/religious organization, and more.

It is true that religious entities, like Redwood Christian Schools, tend to be very generous and good neighbors with their local community when it comes to land use. Yet, would the County actually make condition(s) upon any religious entity in Castro Valley to "maximize" their facility usage by sharing their owned/leased property for uses that are contrary or inappropriate to their religious beliefs?

The potential for abuse under such an unclarified County policy that would violate the religious freedoms and rights under the United States and California's Constitution and Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA") are very concerning.

I want to avoid any appearance that Alameda County would even imply how any religious entity should practice its religion in this great nation of ours. Please protect their religious freedoms by not creating a policy that may jeopardize that freedom.

2. On page 2-37 the document addresses the following issue:
"PARKS, SCHOOLS, AND COMMUNITY SERVICES

This chapter includes goals and policies applicable to specific public and semi-public community facilities but also proposes an overarching strategy to ensure that community services are located, designed, and funded in ways that are equitable and of benefit to all local residents and visitors. The Plan's goals include:

1. Provide and maintain adequate sites and facilities to meet the education, cultural, recreation, health care, and related needs of all present and future Castro Valley residents making optimal use of facilities while minimizing disruption to neighborhoods.
2. Provide and maintain, in coordination with other public agencies, a system of local public park and recreation facilities offering a variety of active, passive, and cultural recreational opportunities to meet the diverse recreational needs of residents and also considering the demands of those who work in the community but are not residents.
3. Provide a system of hiking, equestrian and bicycle trails to connect major park and recreation areas within and adjacent to the Planning Area, to connect neighborhoods, and to provide an alternative means of access between neighborhoods and the downtown.
4. Provide for a system of schools and other educational facilities to meet the needs of community residents or all ages and promote community identity.
5. Provide a variety of affordable childcare facilities to meet the needs of present and future Castro Valley residents and those who work in the community.
6. Develop a new library that will meet the diverse needs of present and future residents and will serve as a focal point and place of civic pride for the Castro Valley.

The primary policies proposed to achieve these goals are:

Bruce D. Johnson
Superintendent

**Document Details Report
State Clearinghouse Data Base**

SCH# 2006032036
Project Title Castro Valley General Plan
Lead Agency Alameda County

Type EIR Draft EIR

Description The proposed Castro Valley General Plan is intended to replace the existing General Plan, which was adopted in 1985. The proposed Plan is an Area Plan for Castro Valley, which will become part of the Alameda County General Plan. It is composed of goals, policies, a land use diagram, other graphic figures and maps, and implementation actions to guide future development within the Planning Area through the year 2025. The proposed General Plan addresses eight major topics: Land Use and Community Development; Community Character and Design; Circulation; Biological Resources; Parks; Schools and Community Facilities; Public Services and Facilities; Natural Hazards and Public Safety; and Noise and Air Quality. These topics fulfill the State requirements for general plan elements, except for the Housing Element, which is part of the countywide Alameda County General Plan.

Lead Agency Contact

Name Lou Andrade
Agency Alameda County
Phone 510-670-5400 **Fax**
email
Address 224 W. Winton Avenue, Room 111
City Hayward **State** CA **Zip** 94544

Project Location

County Alameda
City
Region

Cross Streets

Parcel No.

Township

Range

Section

Base

Proximity to:

Highways I-580

Airports

Railways

Waterways

Schools CV Unified School District, Hayward USD, San Lorenzo USD

Land Use

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Integrated Waste Management Board; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 04/11/2007 **Start of Review** 04/12/2007 **End of Review** 05/29/2007

Note: Blanks in data fields result from insufficient information provided by lead agency.

Sonia Urzua, Senior Planner
September 12, 2011
Page 2

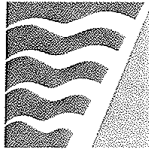
If you have any questions concerning this response, please contact David J. Rehnstrom,
Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

A handwritten signature in black ink, appearing to read "W.R. Kirkpatrick", with a long horizontal flourish extending to the right.

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:DJR:sb
sb11_155.doc



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EXECUTIVE OFFICER/APCO

September 16, 2011

Sonia Urzua, AICP
Senior Planner
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544

Subject: Revisions to the Draft Environmental Impact Report for the Castro Valley General Plan

Dear Ms. Sonia Urzua:

Bay Area Air Quality Management District (District) staff has reviewed your agency's revised Draft Environmental Impact Report (DEIR) for the proposed revision of the 2007 Castro Valley 2005-2025 General Plan (Plan). We understand that the revised draft Plan incorporates a new chapter to address climate change. As an unincorporated area, Castro Valley is subject to Alameda County's (County) General Plan; however, state law allows a county General Plan to be adopted as a series of area plans, such as those the County has produced for Castro Valley. These plans must conform to all countywide general plan elements and be consistent with one another.

District staff has the following specific comments on the Plan's environmental analysis.

Climate Change Analysis

If the intent of the Plan is to serve as a *Qualified GHG Reduction Strategy*, as defined by the District's CEQA Guidelines, then both the Plan and Alameda County's CAP must be consistent with the methodology and thresholds of significance outlined in the District's CEQA Guidelines for *Qualified GHG Reduction Strategies* (Section 4.3) for future tiering purposes. Based on District staff's review of the Plan's analysis in the DEIR, we do not believe it meets the standards of a *Qualified GHG Reduction Strategy* for the following reasons:

- The Plan is not consistent with any of the District's plan-level thresholds for GHG emissions;
- Quantification of emission reductions from each of the Plan reduction measures has not been provided;
- An implementation strategy for the Plan has not been included;
- There are no mandatory/enforceable emission reduction measures;
- An estimation of GHG emissions for 2020, the AB 32 benchmark year has not been provided; and
- A comparison of estimated GHG emissions for the build-out year of the Plan (2025) to the extrapolated efficiency metric for the build-out year (5.44 MT/CO₂e/SP) has not been provided.

We strongly encourage the County to consider adding additional mandatory measures, as this would increase the likelihood that the Plan's GHG emissions will not exceed the State's reduction goals for 2025 and meet the District's thresholds of significance. The District recommends that the Plan include additional feasible measures such as:

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Ms. Sonia Urzua

-2-

September 16, 2011

- A time of sale Residential Energy Conservation Ordinance/Commercial Energy Conservation Ordinance (RECO/CECO) with energy efficiency requirements that exceed Title 24 for existing development;
- Water conservation requirements on new construction and remodels;
- A County-wide pricing program for public parking; and
- Transportation Demand Management (TDM) requirements of employers (for example, transit subsidies; an ordinance similar to San Francisco's Commuter Benefit Ordinance)

Future projects seeking to tier off the environmental review for the Plan will have to apply all relevant measures in the Plan, whether mandatory or voluntary, as conditions of approval for the project. The Plan should include a mechanism for project applicants to demonstrate consistency with the Plan, such as San Francisco's "Compliance Checklist for New Development" (<http://sf-planning.org/index.aspx?page=1886>).

In addition, the revised DEIR utilizes ABAG Projections 2005 for population and employment projections; however, the revised DEIR should have used ABAG Projections 2009 for projecting population and employment for future years. It is also not clear how the term "per capita" is defined in the revised DEIR. Also, Table 3.14-6 does not clearly communicate which units of GHG emissions are being estimated, for example, are the estimates in English tonnes or metric tons. When comparing GHG emissions to the District's plan level threshold of significance, the GHG emissions in the revised DEIR should be expressed in metric tons of CO₂e, divided by the projected service population (residents + employees).

District staff is available to assist County staff in addressing these comments. If you have any questions, please contact Jackie Winkel, Environmental Planner, (415) 749-4933.

Sincerely,



Jean Roggenkamp
Deputy Air Pollution Control Officer

Cc: BAAQMD Chairperson Tom Bates
BAAQMD Director Scott Haggerty
BAAQMD Director Jennifer Hosterman
BAAQMD Director Nate Miley

Responses to Comments

1. Hayward Area Recreation and Park District, Larry Lepore, Superintendent of Parks

- 1.1 *The reviewer states that the discussion of Parks, Open Space and Recreation in Section 3.2 of the Draft EIR is appropriate and provides necessary information and submits a marked-up copy of the section indicating minor revisions.*

Section 3.2 has been revised to incorporate the changes the reviewer lists as well as to update the analysis to reflect changes in the planning area boundary.

2. California Department of Transportation, Timothy C. Sable, District Branch Chief

- 2.1 *The reviewer praises the Plan's multi-modal approach but states that both the proposed General Plan and the No Project (existing General Plan) alternative have significant impacts on State-owned signalized intersections in Castro Valley and that both the proposed plan and the No Project alternative will require some kind of mitigation.*

The transportation impact analysis in the Draft EIR and the Revised Draft EIR uses level of service standards established by the Alameda County Congestion Management Agency to determine whether impacts on freeways, roadway segments, and intersections would be potentially significant. For major streets and highways, including State-owned signalized intersections, the County may allow the level of service to exceed established LOS standards under several circumstances including situations where mitigation of existing or projected congestion would negatively affect transit, bicycle, or pedestrian circulation, would conflict with General Plan goals for alternative transportation modes, or where congestion is a result of efforts to promote transit ridership and/or access, including the development of higher density housing or employment near transit. As such, the threshold of significance for transportation impacts on intersections is whether traffic generated by the proposed Plan causes a change in volume-to-capacity ratio of 3 percent or more or where the Plan would cause the average delay per vehicle at an intersection to exceed the average delay of the No Project condition by 5 seconds or more.

As shown in Table 3.4-9, there is a negligible difference in the length of the delay between the No Project and Proposed Project conditions. The Stanton-Norbridge/Castro Valley Boulevard currently operates at LOS F. The projected delays at this intersection in 2025 are expected to be 4.2 seconds longer during the AM Peak under the No Project alternative and 4.5 seconds longer during the PM Peak with the Project. In 2025 is projected to be slightly longer under the No Project Alternative and is projected to remain. The delay during the PM Peak in 2025 is projected to be 195.1 seconds under the proposed Plan and 188 under the

existing Plan (No Project alternative). Because the delay does not exceed 5 seconds or more, this impact is less than significant.

3. East Bay Municipal Utility District, David J. Rehnstrom for William R. Kirkpatrick, Manager of Water Distribution Planning

3.1 *Land-Use Designations.* The reviewer states that the Plan should include land-use designations that recognize EBMUD facilities in the Plan Area.

Comment *noted*.

3.2 *Water Service.* The reviewer states that the proposed Plan does not require preparation of a Water Supply Assessment pursuant to California Water Code Section 10910 et seq. because the Plan does not identify any specific development projects and identifies various EBMUD requirements that would apply to such projects.

Comment noted.

3.3 *Water Conservation.* The review requests that the County include a requirement in the Plan and analysis in the EIR regarding compliance with the State's Model Water Efficient Landscape Ordinance (AB 325).

The revised Castro Valley General Plan (July 2010) includes new policies and actions that will reduce impacts on water supply systems including the following:

- Policy 9.3-2: Water Conservation. Support efforts to conserve water by encouraging new development to incorporate measures that will reduce water usage and educating the public about the importance of water conservation.
- Action 9.3-2: Water Conservation. Reduce the need for developing new water supply sources by requiring new development to incorporate water conservation measures to decrease peak water use. These measures may include, but are not limited to:
 - Requiring water efficient plumbing fixtures and appliances;
 - Adopting and implementing a water efficient landscaping ordinance in compliance with State law;
 - Requiring efficient irrigation systems; and
 - Facilitating the use of recycled water irrigation systems.

4. Alameda County Congestion Management Agency, Saravana Suthanthira, Senior Transportation Planner

- 4.1 *Reviewer notes that as part of the 2007 Congestion Management Program update, the CMA Plans and Programs Committee recommended that jurisdictions wishing to adopt an infill opportunity zone be requested to notify the CMA and work towards a mutually agreeable set of mitigation measures or alternative LOS standards.*

The revised Castro Valley General Plan (July 2010) includes revised version of Action 6.1-4, which deletes reference to the State program. Action 6.1-3, which will help to reduce the impact of the proposed Plan on regional roadways and segments that serve regional traffic, such as Castro Valley Boulevard, Redwood Road, and Center Street, proposes an alternative approach to analysis for the BART Station Infill Opportunity Zone that states: “Develop an alternative multimodal composite level of service standard or approved list of flexible level of service mitigation options that would apply within the infill opportunity zone.”

5. Redwood Christian Schools, Bruce D. Johnson, Superintendent

- 5.1 *The reviewer expresses concerns regarding a number of the goals and policies of the proposed Castro Valley General Plan concerning Community Facilities, Parks and Schools and land use in residential neighborhoods, because of their potential implications for Redwood Christian Schools, which is a religious entity and a school.*

The reviewer’s comments relate to Section 2.5 of the Draft EIR, which identifies key policies of the proposed plan as part of the project description. The comments are noted but do not require any response.

6. Governor’s Office of Planning And Research, State Clearinghouse, Terry Roberts, Director

- 6.1 *The reviewer acknowledges that the County of Alameda has complied with the State Clearinghouse requirements for draft environmental documents per the California Environmental Quality Act (CEQA) and identifies the State agencies that received the Draft EIR for review.*

The County acknowledges receipt of the State Clearinghouse comment letter that the Castro Valley General Plan Draft EIR has been distributed to State agencies and departments for review. No further response is necessary.

7. East Bay Municipal Utility District, William R. Kirkpatrick, Manager of Water Distribution Planning

7.1 The reviewer noted that the environmental impacts related to assigning a "Public Facilities" land use designation to East Bay Municipal Utility District (EBMUD) -owned surplus properties would need a revised and re-circulated DEIR. The reviewer also noted that the changes to the 2007 DEIR triggered the requirement of recirculation.

The County disagrees with the reviewer's position. Per the California Environmental Quality Act (CEQA) Guidelines, recirculation is required when there is "significant new information", either a project change, or a change in the environmental setting or other additional data or information. Information is not considered "significant" unless the change would deprive the public of a meaningful opportunity to comment on a substantial adverse impact or a feasible way to mitigate or avoid such an impact. (Guidelines Section 15088.5) The information we would need to evaluate here is the change of the land use designation for the EMBUD property from Hillside Residential (HR) to Public Facility (PF). The Guidelines provide that "significant new information" requiring recirculation includes a disclosure showing (a) that a significant new impact would result from the project; or (b) a substantial increase in the severity of an environmental impact.

We disagree with the statement in your letter that recirculation is required just because the DEIR does not analyze an update in the draft general plan with a designation of PF for EBMUD property. To require recirculation, the change of the land use designation from RH to PF would need to cause a new significant impact (or a substantial increase in the severity of an impact). Your letter does not present any evidence and we are unaware of any evidence that this change in land use designation would cause any new significant, environmental impacts. Moreover, the DEIR does identify and describe the proposed PF district (p. 2-18). It also states that the draft Plan includes a proposal to work with HARD to develop a new neighborhood park on the EBMUD property or a comparable location. Because all of the sites the Plan proposes to classify as PF are now used for public facilities, there would be no change in land use as a result of implementing the proposal and no impacts were identified. Finally, to the extent that the EBMUD property is developed in the future, any such proposal would require environmental review under CEQA.

8. Bay Area Air Quality Management District, Jean Roggenkamp, Deputy Air Pollution Control Officer

8.1 The reviewer expressed concerns with the Climate Action Analysis, based on the understanding that the County intended to tier off of the analysis in the future

The County does not intend to rely on the Climate Change chapter of the General Plan as the *Qualified GHG Reduction Strategy*. The County has prepared a Climate Action Plan, which once it undergoes environmental review, may serve as a *Qualified GHG Reduction Strategy*. We will continue to take into consideration your direction on how

the Climate Action Plan may be fortified so that future projects may tier off of the environmental review of the Climate Action Plan. The comment is noted and no further response is necessary.

8.2 *The reviewer also expressed concerns on the proper use of ABAG Projections for population and employment.*

We will also verify that the correct ABAG projections were used. The comment is noted and no further response is necessary.