

**Comments on the East  
County Area Plan Draft  
Environmental Impact Report  
and  
Response to  
Comments**

**Alameda County Planning Department**

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**Comments on the East County Area Plan  
Draft Environmental Impact Report  
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Responses to Comments**

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**Responses to Comments on the  
East County Area Plan Draft Environmental Impact Report**

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## RESPONSES TO COMMON QUESTIONS Raised in Comment Letters and Testimony

### HOLDING CAPACITY AND GROWTH PROJECTIONS

#### *1. What is the relation of growth projections to the plan's holding capacity?*

The plan's holding capacity represents buildout of the land use diagram at mid-density of the land use designations. The land use diagram was derived from the existing and recently proposed general plans of the cities of Dublin, Pleasanton, and Livermore (see Alternative 2 in the DEIR for a description of the cities' general plan amendment proposals). The initial step in formulating the ECAP's holding capacity consisted of incorporating the land use designations under the cities' existing adopted general plans. The remaining city prospective general plans scenario was then modified in two ways: (1) scaling-back employment potential in order to address transportation incommute constraints and achieve a jobs/housing balance, and (2) shifting the location of some future development to areas more suited for urbanization (e.g., redesignating West Dublin, Pleasanton Ridgelands, and the Doolan/Collier Canyon area for open space and much of the area north of May School Road in North Livermore for Major New Urban Development). The ECAP's land use diagram which resulted from this process has a buildout holding capacity of about the same population and housing units as the city prospective general plans scenario (287,000 compared to 291,000 population; and 108,000 compared to 109,000 housing units) but far fewer jobs (160,000 compared to 223,000 jobs). *(The holding capacity will be slightly revised to reflect the East Dublin Specific Plan adopted in May 1993: in rounded figures, buildout population will be reduced to 280,700, housing units reduced to 105,500, and jobs slightly increased to 161,900.)*

The *East County Area Plan* is a long-term subregional plan intended to accommodate projected growth if it occurs and if plan policies relating to level of service and other development standards can be met (see discussion below as to why ECAP is preferable to a lower growth alternative). The ECAP's buildout holding capacity for the planning area can accommodate projected growth for 2010 (i.e., about 250,700 people and 151,500 jobs) plus additional growth of about 12 percent in population and 7 percent in jobs (i.e., about 30,000 additional people and 10,000 additional jobs). The additional 12 percent in housing capacity over projected twenty year growth provides needed flexibility in the siting of development to hold down the cost of land as well as to provide a framework for ultimate buildout beyond the 2010 time horizon. As noted in the American Planning Association's "Staying Inside the Lines - Urban Growth Boundaries" (Report No. 440):

One important aspect of urban growth area design is the incorporation of a market factor -- an amount of developable land beyond what is called for in development and population projections -- when setting down the initial boundary. Portland, Oregon, has a market factor of 15.8 percent; the Twin Cities urban growth area accommodates an additional five years of development beyond its 20-year projection. Market factors can also help foster the success of an urban growth area in several ways. A sufficient market factor allows flexibility in the siting of development, thereby helping ensure developers that they will be able to build on locations favored by the market. In turn, developers are not encouraged to look to areas outside the urban growth area to satisfy that market. An excess in developable land supply within an urban growth area also can have a positive effect on

housing affordability by easing pressure on the price of land. Without a sufficient market factor, in fact, the very concept of an urban growth area can be threatened. (p.10)

ABAG's population projections for the year 2010 should be viewed as a "benchmark" of potential growth rather than a holding capacity. *(To clarify this distinction, all references in the plan to "achieving the 2010 holding capacity" will be changed to "accommodating the 2010 growth projections".)* The plan's reliance on ABAG data reflects the County's desire to use data widely accepted in the subregion: ABAG projections are currently used by the Metropolitan Transportation Commission, the Bay Area Air Quality Management District, and the Tri-Valley Transportation Council, among others.

Although buildout could conceivably occur at some time in the future if existing constraints to growth are successfully overcome, it is more probable that long-term growth will fall short of the plan's ultimate holding capacity due to the intractability of some constraints. In short, whether or not buildout will occur will be the outcome of currently unknown factors.

## URBAN GROWTH BOUNDARY

### 2. *How was the Urban Growth Boundary drawn?*

The Urban Growth Boundary is designed to provide sufficient land to accommodate the twenty year projected growth in population plus 12 percent additional growth. This additional 12 percent is intended to provide needed flexibility in the siting of development to hold down the cost of land and to provide the framework for ultimate buildout beyond the 2010 time horizon (see question #1).

The Urban Growth Boundary provides a logical and continuous line which, in response to a range of factors, separates areas generally suitable for urban development from areas that are less suitable for such development. The general criteria contained in Table 2 of the proposed plan, as well as the plan's goals, policies and programs, served as guidelines in determining the location of the line. In some areas, such as along the western edge, the Urban Growth Boundary reflects the delineation of urban and non-urban areas established by the cities in the East County as set forth in their adopted general plans. In other areas, the boundary was drawn by following physical features, such as the South Bay Aqueduct. In general, land inside the Urban Growth Boundary can be developed with fewer environmental and quality-of-life impacts and more efficient provision of infrastructure and services than land outside the boundary. The Urban Growth Boundary generally concentrates future development in areas which:

- 1) are closer to employment centers rather than further away;
- 2) are relatively flat rather than hilly;
- 3) have direct access to freeways and planned transit stations;
- 4) are adjacent to existing communities;
- 5) preserve community separators;
- 6) have few biological, public safety, service and resource constraints;
- 7) preserve large contiguous tracts of open space for resource management and habitat protection; and,
- 8) do not include large contiguous blocks of agriculturally valuable soils, except where these areas are already included within city limits or adopted city general plan areas.

(These general planning principles regarding the appropriate location of urban development were outlined in the Planning Issue discussions in *Volume 2 - Background Reports* of the plan.)

In particular, ECAP policies 56 and 57 (regarding open space areas), policy 75 (regarding preservation of prime soils), policy 89 as modified in the DEIR (regarding Williamson Act contract cancellation), policy 106 (regarding preservation of visually sensitive ridgelines), policy 108 (regarding community separators), policy 284 (regarding minimizing development on slopes exceeding 25 percent), and ECAP policies encouraging compact development amplify the Table 2 criteria.

In applying these criteria to the location of the line, the County has balanced the relevant factors, while seeking to include an appropriate amount of land within the boundary to accommodate projected growth. The relevance of each criterion varied from subarea to subarea, depending on unique circumstances and conditions. No single criterion was necessarily determinative of whether a particular property was located inside or outside the Urban Growth Boundary. Where a property has characteristics that might locate that property either inside or outside the Urban Growth Boundary, the competing characteristics of that property were weighed, based upon the best information available, to determine its most appropriate location. In some instances, due to environmental conditions, the Urban Growth Boundary goes through parcels rather than along property lines. This enables development of the parcel inside the line while the land outside the line becomes open space, thus effecting a transition from the built to the unbuilt environment.

Some environmentally sensitive areas are located as islands inside the Urban Growth Boundary. In such instances, policies contained in the *East County Area Plan* will provide appropriate protection for those areas.

A significant benefit of the Urban Growth Boundary is the establishment of large portions of the East County as non-urban areas. The Urban Growth Boundary provides better protection of regional environmental resources than does the usual project-by-project mitigation of impacts. The permanent, continuous band of open-space and resource management lands outside the area designated for urbanization provides advance assurance that important watershed, agricultural, visual, and multi-species biological values will be protected. This large-scale approach to resource management offers more integrated and successful protection of environmental values than does the traditional project-by-project mitigation-based approach which typically results in islands of habitat. Testimony by the California Department of Fish and Game before the Planning Commission (August 19, 1993) supported the Urban Growth Boundary and the ECAP's comprehensive and regional approach to mitigation for impacts to biological resources. The CDFG representative indicated that the Urban Growth Boundary not only meets the goals of the Department of Fish and Game, but should provide for more streamlined permitting.

### **3. How "permanent" is the Urban Growth Boundary? can it be modified?**

As set forth in ECAP policy 1, the Urban Growth Boundary is intended to be a permanent feature of the ECAP. The ability of the Urban Growth Boundary to provide certainty regarding development potential and to assist in long-range planning for infrastructure financing, agricultural investment and environmental protection is dependent upon the durability of this planning mechanism over time. Consistent with the requirements of state law, the Urban Growth Boundary represents a comprehensive, long-term plan for delineating open space and urban development and for protection of natural resources, agriculture and public safety.

Under program 1, ECAP provides for County-initiated review of the Urban Growth Boundary every five years, at which time the County may make adjustments to the Urban Growth Boundary if such amendments are consistent with the policies of the ECAP. Such adjustments may include changes to more accurately reflect topographical characteristics or other relevant factors. Staff concurs with comments from the public indicating that the reference in program 1 to "minor" adjustments in the five year review lacks clarity; accordingly, the word "minor" will be deleted from program 1 and the emphasis in this portion of the program is appropriately shifted to adjustments that are *otherwise consistent with the goals and policies of the plan*.

In addition to the County-initiated five year review referenced in program 1, modifications to the Urban Growth Boundary may also be considered through general plan amendments, subject to state law requirements for public and environmental review. A general plan amendment to modify the Urban Growth Boundary would be evaluated based upon the general criteria provided in ECAP program 1 (see proposed modifications to program 1 below).

It is not anticipated that a general plan amendment that would substantially undermine the protection provided by the Urban Growth Boundary would be adopted during the life of the ECAP. Any general plan amendment, however, would necessarily be subject to future environmental and public review. It should be noted that the precise location of the Urban Growth Boundary can be analyzed at a finer degree of detail and fine-tuned, in light of site-specific characteristics, through the environmental and public review of future specific plans.

Program 1 will be modified as follows (language added to this program in the DEIR appears in *italics*; subsequent new language is underlined and deleted language is ~~struck-out~~):

Proposed Modification to Program 1: The County shall review the Urban Growth Boundary and the land use designations within it every five years. At the time of the five year review, the County may make adjustments to the Urban Growth Boundary, only if such adjustments are ~~minor and~~ otherwise consistent with the goals and policies of the East County Area Plan. *Prior to adjusting the Urban Growth Boundary, through the five year review process or through an amendment to the East County Area Plan, the County shall require findings that the adjustment:* 1) is otherwise consistent with the goals and policies of the plan, 2) would not promote sprawl, or leap-frog development, or induce further adjustment of the boundary, and 3) would not unacceptably affect visual and open space resources, and 4) is justifiable based on a balancing of criteria contained in Table 2. In addition, the Urban Growth Boundary will be adjusted to reflect city land use designations, if different from those in the East County Area Plan, if land is annexed.

## ALTERNATIVES

### 4. Why is the proposed plan preferable to a lower growth alternative such as Alternative 5?

The premise behind the ECAP is that flexibility to meet currently unknowable future conditions is a necessary feature of a long-term plan for the subregion. The ECAP adopts a comprehensive approach to planning that prepares for growth -- whether or not it occurs -- rather than placing an artificial cap on growth which will be susceptible to modification during periods of growth pressure. The extent to which East County will be pressured by growth in the next ten to twenty years and beyond cannot be

reliably predicted because growth pressure is dependent on such future unknowns as the economy, technological innovations, demographic shifts, and political actions. If future growth pressure is low, the proposed plan will be equally as good as the lower growth alternative in containing sprawl and minimizing conversion of open space. If future growth pressure is high, the proposed plan allows for new development to be managed in a comprehensive and efficient way because it has growth controls in place (the Urban Growth Boundary and phasing and concurrency policies).

Unlike the ECAP, a low growth alternative similar to Alternative 5 will likely adapt to pressure by allowing an erosion of its artificial growth cap by incremental approval of development. The environmental effects from this unplanned incremental approval of development by East County jurisdictions would be similar to those resulting from uncoordinated growth as described under Alternative 2, the "No-Project, Prospective General Plans" alternative. In both cases, cumulative impacts could include: scattered development, loss of open space and large contiguous areas for habitat mitigation, loss of community separators, and a lopsided jobs/housing ratio. These types of impacts have already occurred during the past 10 years of uncoordinated growth as urbanization has expanded across the Livermore-Amador Valley (see Figure 3 in the DEIR).

The Tri-Valley Transportation Model assumes that ECAP's 60,000 population plan for North Livermore and the City of Livermore's adopted 30,000 population plan show about the same number of people in the year 2010, illustrating that the County under the ECAP is not anticipating twice as many people in the same time period but is looking at a time horizon beyond 2010. Under the City's plan, land north of May School Road is zoned for agriculture with a 1/2 mile strip of acquired open space. However, the effectiveness of this strip in preventing leap-frog development north of the buffer and adjacent to the urbanized area is questionable if growth pressure occurred past 2010.

A more detailed comparison of the proposed plan with Alternative 5, the lower growth alternative examined in the DEIR, follows below. (The discussion assumes, for the sake of argument, that the lower growth alternative can successfully cap growth under a higher growth pressure future scenario.)

- (a) **traffic:** Although there are no feasible alternatives capable of solving all the traffic problems, the lower growth alternative would cause less congestion in the planning area due to ECAP's higher holding capacity. Traffic coming into East County through the Altamont Pass would be the same for both ECAP and Alternative 5 at peak hour due to the gateway constraint (see question #9). Under Alternative 5, however, growth constrained in East County could feasibly leapfrog into San Joaquin County and east Contra Costa County, increasing the pressure to improve the gateways and increasing incommuting traffic over expanded peak periods. More residences closer to job centers under the ECAP will allow people to reach their job sites without using the constrained gateways, and shorter trip lengths could have beneficial effects on air quality.
- (b) **air quality:** The lower growth alternative would cause less air pollution in the Tri-Valley sub-airbasin than the ECAP due to less traffic congestion in the planning area. From a regional viewpoint, a lower growth alternative could adversely affect the neighboring San Joaquin Valley air basin by not satisfying demand for housing within the planning area. This would shift air quality impacts outside the Tri-Valley, while increasing long-distance commuting.

Roadway improvements under both alternatives would ease congestion and thus improve the flow of traffic. The widening of roadways or freeways to avoid congestion does not

necessarily lead to air quality problems. In most cases capacity improvements result in improved operating conditions (greater average speed, reduced idling) which reduces the total emission of pollutants. This improves air quality on the local scale (along the roadway corridor) and may reduce the regional emissions burden.

- (c) agricultural resources: Under the ECAP, about 9,300 acres of grassland and 700 acres of prime agricultural land within the planning area would be lost to development compared to about 3,000 acres of grassland and 500 acres of prime agricultural land under Alternative 5. This apparent conservation of agricultural resources under the lower growth alternative would be lost when considered from a regional perspective. Much of the demand for housing not provided within the planning area would be transferred to the Central Valley where most of the soils lost to development would be prime rather than grazing land.
- (d) open space acquisition: Alternative 5 is not as effective in protecting open space as the ECAP which requires the dedication of 4,200 acres of Resource Management land adjacent to the North Livermore Major Urban Development area. A report prepared by Economic Planning Systems ("North Livermore Open Space Strategy Revisited", August 9, 1993) for the City of Livermore determined that the 12,000 units in the City's plan (the same number as Alternative 5) would only be sufficient to acquire a 1/2 mile greenbelt (638 acres), staging areas and trails (172 acres), the I-580 viewshed (352 acres), and a visual buffer along the face of the western hills (307 acres) for a total of 1,469 acres.
- Although open space can be partially protected using other methods such as zoning or the restriction of wastewater capacity to development within the Urban Growth Boundary, neither of these methods offers the permanent protection afforded by the acquisition of open space through a combination of easements, fee purchase and internal transfer of development rights. A joint powers agreement or memorandum of understanding among local jurisdictions would be effective but only if it included all relevant jurisdictions. In general, the greater the development pressure, the greater the need to permanently protect open space by acquisition.
- (e) affordable housing: An artificial cap on growth increases land values thereby decreasing the ability to provide affordable housing (refer to the discussion on Affordable Housing below). A cap also increases values of existing homes which then become incrementally less affordable. Furthermore, if East County workers move to adjacent counties, the increased demand could adversely affect the continued affordability for residents of these adjacent areas.
- (f) water and wastewater: Although demand for water and wastewater export capacity would be considerably less under the lower growth alternative, demand would still exceed existing supply under both alternatives. The ECAP's concurrency policies require verification that these services can be adequately provided.
- (g) infrastructure costs: Generally, infrastructure costs would be considerably less under Alternative 5 because the infrastructure would be serving fewer people at higher densities. For some facilities, however, economies of scale possible under the ECAP could make infrastructure cost competitive. Under the plan, phasing policies require financing before development goes forward.

Neither the proposed *East County Area Plan* nor a lower growth alternative can predict the outcome of future uncertainties, or solve the range of environmental problems associated with any level of growth. However, the intent of the ECAP is to provide the flexibility to adapt to a range of possible futures.

## PHASING AND INFRASTRUCTURE PLANNING

### 5. *How is leap-frog development controlled within the Urban Growth Boundary?*

The proposed plan specifically does not adopt an annual growth management limit for development within unincorporated areas (policy 13); rather, market forces will determine the amount and general location of new development within the Urban Growth Boundary subject to plan policies. In order to guide market forces to prevent urban sprawl within the Urban Growth Boundary, the plan has incorporated two new policies recommended as mitigations in the DEIR. The first new policy (see question #10) requires a detailed development phasing plan and community facilities plan for Major New Urban Development prior to approval of the specific development plan for the first phase of development. The second new policy, which follows, ensures that all development proposals within a Major New Urban Development area be integrated into a master plan for the area.

Proposed New Policy: *The County shall require that all development proposals within a Major New Urban Development area be consistent with the Development Phasing and Community Facilities Plan and the specific development plans for each major development phase required for Major New Urban Developments.*

Policy 99, which approves urban development proposals on agricultural land within the Urban Growth Boundary only when the project site is contiguous to existing urban development or when a high density, transit-oriented, community center is provided, will also strengthen the County's ability to prevent leap-frog development on agricultural land.

These policies would prevent inefficient expansion of infrastructure and scattered development and protect agricultural land until needed for development. Development phasing and facility plans would serve to coordinate development, provide for the orderly progression of development and infrastructure in relation to existing development, and guarantee that each phase of development contain a sufficient mix of uses so as to meet the objectives of the plan for Major New Urban Development in the event that further phases were delayed or shelved due to infrastructure or other constraints.

Other important plan policies which ensure availability of infrastructure and public services are as follows: policy 13 states that phasing of development will be contingent on the availability of infrastructure and public services; policy 98 states that development will be geographically phased to minimize the impacts of incompatible uses on continuing agricultural operations; policy 12 states that densities will be maintained to ensure compact development.

### 6. *If growth does not occur as projected, can infrastructure be planned efficiently?*



As discussed under questions #1 and #4 above, growth in East County may or may not be realized as projected. This uncertainty makes infrastructure planning difficult. Although some subregional infrastructure improvements may have to be incrementally added to adjust to growth as it occurs, the plan contains many policies and programs to help maximize efficiency.

In general, subregional planning policies 1 through 5 define a cooperative city/county/special district approach to the planning of land use and infrastructure for the entire planning area. Programs 4 and 5 implement these policies through the funding of a full-time regional planner and the preparation of biennial monitoring reports that include information on population growth, approved projects, infrastructure capacity, and service levels. These policies and programs provide a framework for the timely, cost-effective provision of infrastructure.

Beyond cooperative subregional infrastructure planning, the ECAP requires that each phase of Major New Urban Development plan and pay for its infrastructure needs once it has been established that services can be adequately provided for buildout of the entire phase. Infrastructure needs, and the means by which they are to be provided, will be defined in the development phasing plan and community facilities plan required for Major New Urban Development (see the new policy under question #5 above). Large-scale infrastructure planning appropriate for Major New Urban Development provides efficiencies not possible for incremental, small-scale development where there is usually neither the money nor the approval assurances necessary to plan and finance complete infrastructure systems. For example, under an incremental development scenario, schools usually remain overcrowded until enough fees are generated to build the next school. Because infrastructure decisions would be comprehensive for each phase of development, growth slower than anticipated would not adversely affect the efficient provision of infrastructure (although it may be costly to the developer by deferring return on his/her investment). Some efficiency would be lost, however, in planning the extension of infrastructure from the first phase of development to the second phase because it would be too early to establish if performance standards could be met for additional future development.

## TRAFFIC

### *7. How does this plan ensure that more development won't be approved if LOS standards are exceeded?*

Several roadways within East County currently do not, and will not as a result of this plan, meet the LOS standard of D on major arterial segments and E on CMP-designated roadways (I-580, I-680, Highway 84). Vasco Road, which serves as a major gateway to East County job centers from residential areas in eastern Contra Costa County, also shows LOS F in 1990 in the Tri-Valley Transportation Council's recent plots (Barton Aschman, TVTM Final Plots, July 1993; these plots were generated subsequent to the model runs conducted for the ECAP and reflect more recent information). Although policy 179 (see below) will ensure that new development adequately mitigates its own impacts and, where possible, improves existing congestion through roadway and transit improvements, a certain amount of existing and projected traffic congestion is beyond the control of Alameda County and the ECAP. For example, approximately 50 percent of trips coming through the Altamont Pass at peak hour are pass-through trips, where both origin and destination are outside the planning area ("Planning for Success: Answering the Tri-Valley Transportation Challenge", TJKM Transportation Consultants, October 1993). Measured on I-580 near the I-580/I-680 interchange,

approximately 15 percent of total trips are pass-through trips which originate and end outside East County (Barton Aschman, 1993). These trips substantially contribute to congestion and resultant LOS exceedances within Alameda County.

ECAP includes housing policies to help this situation: for example, provision of housing affordable to the local workforce will reduce commuting distances, relieve freeway congestion, and reduce the cumulative effect of each new development on the regional transportation network. The ECAP policies also require inclusion of neighborhood commercial uses (e.g., small retail stores) and support uses (e.g., child care) in Major New Urban Development in order to further reduce traffic within the planning area. Even with these policies, however, the plan cannot reduce congestion on regional facilities (I-580, I-680, Highway 84, and Vasco Road) to acceptable LOS, due in large part to factors outside the County's control, such as pass-through trips.

ECAP's phasing policies (including policies 13, 14, 179 and 203) work together to ensure that new development is phased in such a way that it can be served by funded infrastructure. Policy 179 specifically addresses phasing as it relates to traffic levels of service. The intent of policy 179 is to ensure that new development is only approved if adequate levels of service are met on all major arterial and highway segments. All detailed development plans (e.g., specific plans) will include traffic impact studies to determine compliance with level of service standards [policy 180]; if the proposed project would contribute to an exceedance of the level of service standard and if the project could not mitigate this impact (due to insufficient funding, technical infeasibility, environmental constraints, or other reasons), the development could not proceed. The phasing requirements of the plan serve as a valve: only the amount of development that can be served by funded, feasible infrastructure can be approved at any one time.

In order to clarify the intent of policy 179, the following will be added (deleted language is ~~struckout~~; new language is underlined):

Policy 179: The County shall ensure that new development ~~that~~ is phased to coincide with roadway improvements ~~to ensure so that (1) that~~ traffic volumes on intercity arterials significantly affected by the project do not exceed Level of Service D on major arterial segments within unincorporated areas, and (2) that traffic volumes on Congestion Management Program (CMP) designated roadways (e.g., Interstate Highways 580 and 680 and State Highway 84) significantly affected by the project do not exceed Level of Service E within unincorporated areas. If LOS E is exceeded, Deficiency Plans for affected roadways shall be prepared in conjunction with the Congestion Management Agency. LOS shall be determined according to Congestion Management Agency adopted methodology.

Since the County only has control over unincorporated areas, the following sentence will also be added to policy 179 to encourage cities to follow the County's lead:

The County shall encourage cities to ensure that these Levels of Service standards are also met within incorporated areas.

As discussed in questions #1 and #4 above, the *East County Area Plan* is a long range plan that can provide flexibility to adapt to a range of possible futures. While traffic modelling shows increased congestion on roadways resulting from new development during the planning period, future technological and/or institutional changes could play a significant role in reducing reliance on automobiles, potentially offsetting the effects of a larger population on the transportation network.

**8. What is the relationship between the Transportation Diagram and the mitigation measures identified in the transportation impact analysis?**

Table 5.4-3 of the transportation analysis of the DEIR (page 18 of *Chapter 5.4 - Transportation*) identifies mitigation measures recommended to improve levels of service on highways and arterials within East County. Although all the mitigation measures shown in Table 5.4-3 would be effective in improving levels of service on East County highways and arterials, funding constraints will limit mitigations to only those which are most cost-effective.

The *East County Area Plan* Transportation Diagram (Figure 6) reflects a transportation network consistent with the expected network for the year 2010 developed by the Tri-Valley Transportation Council, augmented to incorporate additional improvements that would be funded by developers as conditions of approval. The Diagram will be updated to be consistent with network improvements in the City of Dublin's adopted specific plan.

Improvements to four regional facilities (I-580, I-680, Vasco Road and SR 84/Vallecitos Road) identified as mitigations in the ECAP DEIR are not included in the ECAP Transportation Diagram. (These improvements include constructing a 6 lane freeway or expressway along Vallecitos Road between Isabel Avenue and I-680, compared with 4 lanes on the Vallecitos Road portion of SR 84, linked with a 6-lane Isabel corridor alignment shown in the Transportation Diagram; widening Vasco Road to 6 lanes from I-580 to the County line, compared with 4 lanes between I-580 and Cayetano Parkway, and 2 lanes from Cayetano to the County line; widening I-580 to ten lanes plus auxiliary lanes from Vasco Road to Foothill Road, compared with the existing 8 lanes east of Tassajara and 10 lanes between Tassajara and Foothill; and widening I-680 to 8 lanes plus auxiliary lanes from Stoneridge Drive to Fremont compared with 6 lanes.) Currently, there are no evident sources of funding for these major improvements. Decisions about allocating any new sources of funding (e.g., the extension of existing local, state, or federal funding programs or the implementation of a regional transportation impact fee) will require regional consensus about which projects are most cost-effective, in light of competition for available funds and when compared with other mitigation alternatives.

The Tri-Valley Transportation Council is charged with developing a Tri-Valley Transportation Plan to be adopted by each of the seven jurisdictions comprising the Tri-Valley Council. The Transportation Plan will be financially constrained to a transportation network that is affordable between now and the year 2010 and will include improvements that are determined by the TVTC to be cost effective. If improvements to I-580, I-680, Vasco Road and/or SR 84 (Vallecitos Road) are included in the Tri-Valley Transportation Plan, the County will add these improvements to the ECAP Transportation Diagram. The following will be added as a footnote to the number of lanes shown for I-580, I-680, Highway 84 (Vallecitos Road) and Vasco Road on the Transportation Diagram to acknowledge that these improvements may occur in the future:

*Note: These roadways may be widened or otherwise improved subject to the availability of funding and the final transportation network to be adopted by the Tri-Valley Transportation Council as part of the Tri-Valley Transportation Plan, expected to be completed in 1994.*

## ADJACENT COUNTIES

**9. With so much development being planned in Contra Costa County and San Joaquin County, are we being realistic in planning for more, especially if housing prices are lower in adjacent counties? how will the traffic situation in East County be affected by continued development outside the planning area?**

The planning for more housing in the East County is a responsible endeavor by the County. Whether or not growth proceeds as planned in adjacent counties (if there is no market, homebuilders won't build), the ECAP conforms to good planning principles by providing housing near jobs, thereby reducing commute lengths and, in turn, reducing traffic, air, and noise impacts. The adequate provision of housing in the East County by the proposed plan also responds to a specific concern expressed by San Joaquin County over the adverse fiscal effects of continuing to be a "bedroom community" for jurisdictions of Alameda and other East Bay counties (Letter to Adolph Martinelli, Planning Director, May 5, 1993). If affordable housing is available in East County for the people who work in East County, people will probably choose to live in East County instead of further out. If homes are more expensive in the East County, the degree to which people will opt for less expensive homes in the Central Valley and endure the increasingly long commute or pay more to live closer to work will be determined by a variety of factors that include the level of aggravation entailed in the commute, the price of gas, the relative differences in home prices, the range of housing types offered, and other amenities people are looking for in their community. Refer to question #11 for a discussion of affordable housing under the plan.

Continued growth in adjacent counties could significantly affect traffic congestion in the East County. The DEIR traffic analysis of the proposed plan assumes that traffic into East County from San Joaquin County will be constrained at the I-580 gateway at Altamont Pass. This assumption is consistent with the Tri-Valley Transportation Model, on which the traffic analysis was based, and with the Bay Area Metropolitan Transportation Commission's (MTC) adopted Regional Transportation Plan. MTC policy discourages improvements to transportation gateways into the Bay Area beyond those improvements which are already programmed to be funded. In the case of the Altamont Pass gateway, no funding is in place to finance roadway improvements beyond the existing eight lane configuration. The *East County Area Plan*, the Alameda County CMA, and the Tri-Valley Transportation Council have adopted policies consistent with MTC's regarding this assumption.

Restricting the traffic capacity of I-580 at Altamont Pass means that regardless of how many new homes are built east of the pass, there is a finite number of cars that can enter the gateway in a fixed period of time; thus the effect on I-580 in East County from development occurring east of the planning area is limited in a given period of time. However, the practical effect may be that the duration of the peak commute period will lengthen as more Central Valley residents commute through Altamont Pass, resulting in more traffic in East County and greater pressure to improve the gateway. Therefore, even with the capacity constraint, it is vital to reduce incommuting pressure by providing housing inside the planning area that is affordable to the local workforce.

Clearly, land use planning in one location can have direct and indirect effects on housing supply and demand, housing affordability, traffic congestion, conversion of agricultural land, and air quality in another location. For this reason, it is important that jurisdictions examine and address potential effects that cross borders. As an initial effort in cooperative planning, Alameda County and San Joaquin County agreed to:

recognize those environmental, social, and economic characteristics of the region that extend beyond jurisdictional boundaries. To that end, both counties agree to pursue

strategies to attain regional housing share objectives for all income categories, and will encourage cities within the respective counties to do the same; the counties further agree to pursue strategies to achieve a balance of jobs and housing which takes affordability into account, with a good faith effort to create a match between housing types/costs and the incomes of the projected local workforce. (Memorandum of Understanding, August 1993)

The following modification to the new program proposed as mitigation in the DEIR (*Chapter 5.3-1*) is a first step in such a strategy (new language is underlined and deleted language is ~~struck out~~):

*Proposed New Program: All major projects shall be evaluated for their effect on the East County jobs/housing ratio and the provision of housing affordable to East County workers, as well as the potential impacts to adjacent counties, especially in terms of in-commuting. ~~and in~~ Measures to mitigate any impacts shall be included as conditions of project approval.*

## FINANCING INFRASTRUCTURE AND SERVICES

### 10. How will services and infrastructure for Major New Urban Development be paid for?

Developers of Major New Urban Development would pay the capital costs of infrastructure. These costs would be passed on to new residents of the development. Such things as arterial streets, water distribution lines, sewer collection lines, schools and parks would be funded through a combination of development fees and assessment/community facilities districts. These districts are secured by the underlying value of the land.

If the Major New Urban Development remained unincorporated, operating costs for services would be paid by County property taxes and by County Service Areas (which may be necessary for sewage collection and treatment and water supply and distribution). If the Dublin San Ramon Service District or CalWater provides these services, County Service Areas may not be needed. A Landscape and Lighting District would probably be created for open space maintenance.

Policy 29 of the plan states that Major New Urban Developments will be approved only if they do not impose a fiscal burden on the County or cities. A fiscal analysis would be required at the time of a detailed development plan (e.g., specific plan) to determine whether the phase of development covered in the plan would be able to pay the full cost for general services, as well as specific capital improvements and operating costs. (A fiscal analysis was not prepared at this general plan level of analysis because, without more detail about project phasing, unit mix and projected values, required infrastructure costs, etc., such an analysis would not provide meaningful information). The following new policy recommended as mitigation in the DEIR will be modified to clarify the intent of the required financing plan (new language is underlined; deleted language is ~~struck out~~):

*Proposed New Policy: The County shall require a detailed development phasing plan and community facilities plan for Major New Urban Developments prior to approval of the specific development plan for the first phase of development. The plan shall include comprehensive community design standards, a comprehensive circulation and infrastructure plan, the identification of utility systems, and improvement standards and cost estimates for all infrastructure, public services, and facilities, and shall also include a public financing plan. The financing plan shall ensure that development will pay the full cost of all capital*

improvements and shall ensure that revenue generated by the project is sufficient to pay for general services and other operating costs.

## AFFORDABLE HOUSING

### *11. Can affordable housing be provided given the high developer fees for open space, services, and infrastructure?*

The provision of enough affordable housing has always been a rarely achieved goal, in the East County and elsewhere. A major stumbling block to providing affordable housing is high development fees which have come in the wake of Proposition 13. However, the proposed *East County Area Plan* has rigorous affordable housing requirements for Major New Urban Development (see policy 28). Under the plan, at least 25 percent of the housing units must be multiple family units and 21 percent of the units must be for those with moderate-incomes (defined as 80 to 120 percent of median income). In addition, some low (50 to 80 percent of median income) and very-low income housing (50 percent or below median income) must be constructed onsite. All market rate units must pay an in-lieu affordable housing fee to be applied to affordable housing units off-site. An incentive program and sliding scale fee system will be implemented in North Livermore to encourage the development of affordable units (programs 10 and 11). The County is already working with North Livermore property owners and local non-profit developers to formulate a workable plan that makes a significant contribution to East County's regional share of affordable housing. Multiple family units can be used to satisfy both affordable housing obligations and the ECAP's 25 percent multiple family unit requirement.

One advantage to large-scale development such as that proposed for North Livermore is the savings derived from economies-of-scale which can then be applied to public interest goals such as affordable housing. Another important feature of the proposed plan is the additional 12 percent in housing capacity over projected twenty year growth within the Urban Growth Boundary. This "market factor", or surplus land, built into the land use diagram and holding capacity (see question #1 above) will help control land values thereby making housing more affordable.

Through the ECAP, the County will be making a significant contribution to regional housing needs. To date, none of the other jurisdictions in the East County has made a comparable effort to meet their share of the regional housing need. Providing adequate affordable housing in the East County will require the concerted effort of all jurisdictions. It is hoped that the East County cities will work with the County to implement these programs.

## EAST/WEST QUESTIONS

### *12. What are the implications of accommodating growth in the East County rather than in west Alameda County?*

The relative advantages and/or disadvantages of locating growth in the East County compared to west Alameda County is a complicated issue (and incorrectly assumes that growth can be redirected -- see the discussion in the following paragraph). First, the proposed plan responds to an existing need for housing in the East County and adds comparatively little employment generating uses. Second, although there is some sewer and water capacity in west Alameda County, this area has a number of

other capacity and environmental problems which would be severely aggravated by substantial growth. These include: traffic congestion on all major roadways, limited rights-of-way (making roadway improvements difficult and costly), hazardous material contamination of many former industrial properties, overcrowded schools, limited land for new parks, and neighborhood objections over infill development (see question #14 for a more detailed discussion on constraints to infill development).

In conjunction with developing the ECAP, Alameda County contracted with Economic Planning Systems (EPS), an economic consulting firm, to determine the validity of the commonly held assertion that central cities compete with suburban locations for employment. EPS published a study in July of 1992 titled "Regional Economic Growth and Intra-Regional Economic Linkages" which investigates this issue with respect to the development of East County relative to the older, central locations in Alameda County. The study concluded that central city and suburban locations do not necessarily compete for new employment, but rather Alameda County would enhance its regional and global competitiveness by providing for employment in both inner city and suburban locations. In particular, the EPS report recommends that Alameda County provide a skilled labor force, affordable housing for workers, an adequate supply of telecommunications and other technical infrastructure, as well as job training, day care, and other social service programs to increase the technical skills and availability of the workforce. These strategies to attract and maintain employment should be applied both in central city and suburban locations throughout the County in order for the County to remain competitive nationally and globally. These strategies are included as Programs 17 through 20 of the ECAP.

The EPS report concludes by stating:

(T)he research summarized in this paper and the information developed suggests that a geographic approach to economic development, i.e., constraining land use in the suburbs, does not address the underlying economic development dynamics that are sweeping the region and country. Other policy responses, such as providing a well-educated and technically skilled labor force and a diversified housing supply, will do more to ensure that the Bay Area retains its strength and competitiveness and continues to grow and prosper. To view the suburbs and central city as enemies or mutually exclusive types of development, completely overlooks the changes that are taking place in today's economy and the implications of those changes. To constrain development in the suburbs would not necessarily result in that potential growth shifting back to the central city, as some would argue. A more integrated policy response that considers the options available and treats economic development from a regional perspective will do more to ensure that both the suburbs and central cities continue to grow and remain competitive.

This study suggests that while accommodating growth in the East County may generate competition for limited traffic funding between western and eastern Alameda County, job growth in East County will probably not affect job growth in west Alameda County. The existing availability of infrastructure and services in the western part of the County are necessary for the economic development of that area. Limiting growth in East County in the hope that new development will be redirected to the urbanized part of the County where infrastructure is already available is an unlikely outcome of a low growth plan; a more likely outcome is the continued leap-frogging of growth to the Central Valley.

## CLUSTERING POLICY

### 13. What are the implications of the revised agricultural clustering provision?

The staff analysis prepared for the August 19, 1993 Planning Commission hearing proposed that the agricultural clustering provision (Program 36) be revised to add flexibility to the program in order to remove unnecessary obstacles to agricultural investment. The purpose of the proposed agricultural clustering program is to maximize the long-term productivity of the East County's agricultural resources by providing the opportunity for agriculturalists to realize some return on their asset base, while maintaining large blocks of agricultural land to facilitate continuing agricultural activities.

Features of the modified clustering program include changing the minimum parcel size eligible for the clustering program from 400 acres to 200 acres, changing the maximum cluster parcel size from 5 acres to 20 acres, and replacing the provision requiring a permanent easement on the remainder parcel with one requiring a 15-year contract prohibiting development or further division of the remainder parcel for the term of the contract. These proposed changes were addressed in the DEIR and no additional environmental review would be required at this "program" level of analysis; however, any site-specific proposal for clustering would, as a subdivision proposal, be subject to project-level environmental analysis.

Below is the proposed new language for the cluster program : (new language is underlined; deleted language is ~~struckout~~)

Program 36: The County shall amend the Zoning Ordinance and Alameda County Agricultural Preserves Objectives, Uniform Rules and Procedures to allow for clustering of single family homes on parcels of ~~400-200~~ 200 acres and greater in the "A" (Agriculture) District. Each ~~home-site cluster parcel~~ cluster parcel would be limited to a maximum parcel size of ~~5~~ 20 acres, at an overall density of one home per 100 acres, in exchange for ~~dedication of an agricultural easement on the remaining 95 percent of the original parcel committing the remaining large parcel to agricultural use, with no further division, through a contract with the County for a minimum term of 15 years. Discretion will be exercised as to the number of cluster parcels that may be created where it can be shown that a density of one unit per 100 acres would be detrimental to agricultural operations, water quality, or the environment; or where services cannot be adequately provided.~~ A development envelope of no more than two acres shall be identified within which all residential development and residential accessory uses shall be located on each 5-acre parcel, including the large remainder parcel. The clustering should be configured to maximize the amount of contiguous agricultural acreage and minimize the impacts of residential sites on agricultural operations. The size, location, and configuration of the cluster parcels shall be based, at a minimum, on the following factors: access, topography, soil capability, water quality considerations, water supply, fire safety, security, visual impacts, the presence of significant vegetation or habitat, cumulative impacts, and state Williamson Act requirements. Parcels created under the cluster program shall include a real estate disclosure notice attached to the deeds informing owners of potential nuisances generated by adjacent agricultural uses. For parcels created under the cluster program in the Wind Resource Area (as shown on Figure 4), the real estate disclosure shall also inform new owners of existing or potential future wind turbines and associated facilities on adjacent or nearby properties.



The following are two examples illustrating how the cluster program would work:

**200-Acre Parcel:**

A 200-acre parcel is the minimum necessary to qualify for the cluster program. With a total ownership of 200 acres, a property owner would be allowed a maximum of two parcels: one cluster parcel of up to 20 acres and one large remainder parcel. A development envelope of no more than two acres must be designated on each of the two parcels. Under the policy, the number of parcels would be no greater than could potentially exist under current adopted policy. The large remainder parcel of the property must be committed to agricultural uses and precluded from further division through a contract with the County for a term of fifteen years. At the end of the 15-year term, the property owner would be permitted to apply for the subdivision of the remainder parcel in accord with County policies and ordinances at the time of application. If the County's existing 100 acre minimum parcel size is maintained, no further subdivision of the remainder parcel under this example would be allowed, since such a subdivision would result in parcels that are less than 100 acres in size.

**640-Acre Parcel:**

With a total ownership of 640 acres, a property owner would be allowed a maximum of six parcels: five cluster parcels of up to 20 acres and one large remainder parcel. A development envelope of no more than two acres must be designated on each of the six parcels. The large remainder parcel of the property must be committed to agricultural uses and precluded from further division through a contract with the County for a term of fifteen years. At the end of the 15-year term, the property owner would be permitted to apply for the subdivision of the remainder parcel in accord with County policies and ordinances at the time of application. If the County's existing 100 acre minimum parcel size is maintained, five to six 100-acre parcels could be created through the subdivision of the remainder parcel under this example, depending on the size of the cluster parcels, if a site specific environmental review is completed and all criteria applicable to agricultural subdivision are met.

Summary of Cluster Program Examples		
Total Ownership	200 acres	640 acres
Total Maximum Number of Parcels Allowed	2	6
Number of Cluster Parcels Allowed	1	5

Size of Remainder Parcel (assuming cluster parcels are between 1 and 20 acres in size)	Between 180 and 199 acres	Between 540 and 635 acres
--	---------------------------	---------------------------

Neither the creation of cluster parcels nor the subsequent subdivision of the remainder parcel after the expiration of the 15-year contract are entitlements; both are discretionary permits, requiring environmental review, as required by CEQA at the time of the County's approval of the permits.

The EIR's analysis is adequate for the purposes of evaluating the clustering program. It is beyond the scope of the program EIR for this general plan revision to assess in any detail the potential environmental impacts of the clustering program as it might be applied to individual parcels. Generally, replacing the dedication of a permanent easement with the 15-year contract provision could potentially lead to an increase in density on properties on which cluster parcels are created by allowing for the subdivision of the remainder parcel after the expiration of the 15-year contract. This increase in density may increase demand for services such as police and fire, or could break up agricultural land into smaller units which could be more difficult to maintain in active agriculture. Without more information about specific proposals, however, it is not possible to credibly assess and quantify the potential environmental impacts since the number of variables involved and the length of time into the future in which they must be considered would make a detailed assessment extremely speculative. These variables include how many cluster parcels would actually be created (how many applications are received and how many of those are approved), where they would be located (their distribution within the East County and their proximity to each other), when they would be created (determining when the 15-year contract prohibiting further subdivision would expire), what the County's agricultural policies will be at the time of contract expiration, future agricultural market trends, and real estate trends. Without making assumptions about each of these variables far into the future, an environmental assessment of the program is not possible. As noted above, a full environmental review would be required at the time of application for any proposed subdivision. The proposed language for Program 36 above includes a list of factors that must be considered in the review of each cluster application. The Zoning Ordinance revision that would result from the implementation of Program 36 would include more specific standards relating to the factors in Program 36.

#### CITY/COUNTY

**14. What are the costs and benefits of developing unincorporated areas compared to infill development? will there be competition for limited infrastructure capacity and resources between development in unincorporated areas and infill areas within city adopted general plans?**

Opportunities and constraints of infill development are discussed in *Urban Infill: Its Potential as a Development Strategy* by the U.S. Department of Housing and Urban Development, January 1982

and *Infill Development Study* by Southwest Land Research, Inc. for the Planning Department of the City of Albuquerque, March 1988. Often-cited advantages to infill focus on:

- . making full use of in-place infrastructure to reduce the costs of continuous outward extensions of public services;
- . saving energy by reducing average commuting times and increasing public transit ridership;
- . preserving agricultural and environmentally sensitive land at the urban fringe;
- . strengthening the tax base in established central cities and suburbs;
- . limiting total development costs to keep down new housing prices; and
- . targeting more development toward preservation and enhancement of established neighborhoods.

In many instances, however, the benefits of infill are tempered by the following considerations:

- . aging physical infrastructure is often prohibitively expensive to upgrade;
- . the cost of infill land is frequently high in relation to the sale or lease value or the finished project;
- . land assembly can be difficult or impossible;
- . risk and uncertainty in gaining approvals severely restricts the number of applicants from the private and public sectors (the up-front costs to gain approvals on small or medium infill sites are significantly greater on a per lot basis than those at the urban edge);
- . construction costs are higher compared to the economies of scale achievable with large-scale urban fringe development;
- . not all vacant land within existing urban areas may be suitable or available for building; supply may be limited by physical constraints such as irregular topography or size or poor drainage, location problems in marketability, and the unwillingness of some owners to make their land available for development (in a case study analyzing residential infill land supply in three counties, only 25 percent of vacant land was found suitable for development); and
- . neighborhood protest to infill development can make it difficult for local government to proceed with infill projects.

These considerations suggest that both infill of incorporated areas and development of unincorporated land have intrinsic costs and benefits which must be calculated on the merit of specific projects. By providing needed housing, the ECAP responds to deficiencies of the East County cities' existing adopted general plans which have designated far too much land for commercial development. Policy 19 encourages the cities to promote infill development in appropriate locations. Rezoning of excess commercial land for residential or mixed use purposes would also promote efficient use of land by infill. Looked at from this perspective, competition for currently limited resources such as water and wastewater export capacity is not at issue.

**15. *What is the relationship between the proposed plan, the cities' adopted general plans, and the cities' spheres of influence?***

Under state law, the County is legally required to plan for all unincorporated land. The Urban Growth Boundary shown in the proposed Land Use Diagram is a reasonable response to regional growth issues that cannot be comprehensively addressed by individual cities in their planning efforts.

Although city cooperation is strictly voluntary, it is hoped that all jurisdictions in the East County will come together to resolve common problems. The proposed plan can be a vehicle for this purpose.

The Office of Planning and Research's *General Plan Guidelines* alerts jurisdictions to the need for a broader regional perspective as follows:

The courts have become increasingly concerned about the effect of local land use regulations on the welfare of the regional community. In exercising the police power, local government must use its regulatory power to further the health, safety, and general welfare of the community. The courts in recent years have expanded the concept of the community's general welfare to include the welfare of the region.

In formulating the Land Use Diagram for the proposed *East County Area Plan*, the county: (1) recognized all land uses planned in the existing city general plans located within existing city limits, and (2) mapped land uses in the remaining unincorporated areas to achieve regional goals within the context of general environmental criteria described in Table 2 of the draft plan. If a city were to adopt a general plan amendment to designate new areas for urban development inside the city's sphere of influence, the County would modify the Urban Growth Boundary to reflect the city's action upon annexation. It is up to each city to determine its appropriate sphere of influence and to initiate the process of making any necessary modifications. The County hopes that East County cities will evaluate development proposals in their spheres of influence with the same subregional perspective as that shown by the County.

Program 2 states that the County shall work with cities to achieve consistency of local general plans with the proposed plan, especially in terms of holding capacity limits, infrastructure requirements, and open space acquisition programs. Other policies and programs in the plan similarly encourage the cities and County to work cooperatively to achieve common planning goals and objectives.

The County does not intend or direct that a change in the cities' spheres of influence be a follow-up procedure to adoption of the *East County Area Plan*; therefore, the EIR does not provide the analysis necessary for the Alameda County LAFCO to make such changes. However, the ECAP can serve as a guide for all East County jurisdictions and LAFCO in making planning decisions that have subregional implications, and the County hopes that the plan's "big picture" perspective will be considered in conjunction with other area-specific analyses in future city and LAFCO decisions.

Most growth would occur in cities under the ECAP. In fact, the ECAP policies encourage eventual city annexation of all existing and proposed urban development within the Urban Growth Boundary (see policy 17). Even if, however, one of the Major New Urban Developments contemplated by the ECAP were developed in the unincorporated area of the County, over 80 percent of the households and 95 percent of the jobs at buildout of the ECAP would be located within cities.

## MODIFICATIONS TO THE PLAN PROPOSED IN THESE RESPONSES

### Holding Capacity

1. The holding capacity will be slightly revised to reflect the East Dublin Specific Plan adopted in May 1993: in rounded figures, buildout population will be reduced to 280,700, housing units reduced to 105,500, and jobs slightly increased to 161,900.
2. ABAG's population projections for the year 2010 should be viewed as a "benchmark" of potential growth rather than a holding capacity. To clarify this distinction, all references in the plan to "achieving the 2010 holding capacity" will be changed to "accommodating the 2010 growth projections".

### Urban Growth Boundary

3. Program 1 will be modified as follows (language added to this program in the DEIR appears in *italics*; subsequent new language is underlined and deleted language is ~~struck-out~~):

Proposed Modification to Program 1: The County shall review the Urban Growth Boundary and the land use designations within it every five years. At the time of the five year review, the County may make adjustments to the Urban Growth Boundary, only if such adjustments are ~~minor and otherwise~~ consistent with the goals and policies of the East County Area Plan. *Prior to adjusting the Urban Growth Boundary, through the five year review process or through an amendment to the East County Area Plan, the County shall require findings that the adjustment: 1) is otherwise consistent with the goals and policies of the plan, 2) would not promote sprawl, or leap-frog development, or induce further adjustment of the boundary, and 3) would not unacceptably affect visual and open space resources, and 4) is justifiable based on a balancing of criteria contained in Table 2. In addition, the Urban Growth Boundary will be adjusted to reflect city land use designations, if different from those in the East County Area Plan, if land is annexed.*

### Transportation

4. Policy 179 will be modified as follows (deleted language is ~~struckout~~; new language is underlined):

Policy 179: The County shall ensure that new development that is phased to coincide with roadway improvements ~~to ensure so that~~ (1) that traffic volumes on intercity arterials significantly affected by the project do not exceed Level of Service D on major arterial segments within unincorporated areas, and (2) that traffic volumes on Congestion Management Program (CMP) designated roadways (e.g., Interstate Highways 580 and 680 and State Highway 84) significantly affected by the project do not exceed Level of Service E within unincorporated areas. If LOS E is exceeded, Deficiency Plans for affected

roadways shall be prepared in conjunction with the Congestion Management Agency. LOS shall be determined according to Congestion Management Agency adopted methodology. The County shall encourage cities to ensure that these Levels of Service standards are also met within incorporated areas.

5. The *East County Area Plan* Transportation Diagram (Figure 6) reflects a transportation network consistent with the expected network for the year 2010 developed by the Tri-Valley Transportation Council, augmented to incorporate additional improvements that would be funded by developers as conditions of approval. The Diagram will be updated to be consistent with network improvements in the City of Dublin's adopted specific plan.
6. The following will be added as a footnote to the number of lanes shown for I-580, I-680, Highway 84 (Vallecitos Road) and Vasco Road on the Transportation Diagram to acknowledge that these improvements may occur in the future:

Note: These roadways may be widened or otherwise improved subject to the availability of funding and the final transportation network to be adopted by the Tri-Valley Transportation Council as part of the Tri-Valley Transportation Plan, expected to be completed in 1994.

#### Inter-County

7. The new program recommended as mitigation in the DEIR (*Chapter 5.3-1*) will be modified as follows (new language is underlined and deleted language is ~~struck out~~):

*Proposed New Program: All major projects shall be evaluated for their effect on the East County jobs/housing ratio and the provision of housing affordable to East County workers, as well as the potential impacts to adjacent counties, especially in terms of in-commuting, and ~~in~~ Measures to mitigate any impacts shall be included as conditions of project approval.*

#### Phasing

8. The new policy recommended as mitigation in the DEIR (*Chapter 5.1-1*) will be modified as follows (new language is underlined; deleted language is ~~struck out~~):

*Proposed New Policy: The County shall require a detailed development phasing plan and community facilities plan for Major New Urban Developments prior to approval of the specific development plan for the first phase of development. The plan shall include comprehensive community design standards, a comprehensive circulation and infrastructure plan, the identification of utility systems, and improvement standards and cost estimates for all infrastructure, public services, and facilities, and shall also include a public financing plan. The financing plan shall ensure that development will pay the full cost of all capital improvements and shall ensure that revenue generated by the project is sufficient to pay for general services and other operating costs.*

Agricultural Clustering

9. Program 36 will be modified as follows (new language is underlined; deleted language is ~~struckout~~):

Program 36: The County shall amend the Zoning Ordinance and Alameda County Agricultural Preserves Objectives, Uniform Rules and Procedures to allow for clustering of single family homes on parcels of 400-200 acres and greater in the "A" (Agriculture) District. Each ~~home-site~~ cluster parcel would be limited to a maximum parcel size of 5 20 acres, at an overall density of one home per 100 acres, in exchange for ~~dedication of an agricultural easement on the remaining 95 percent of the original parcel committing the remaining large parcel to agricultural use, with no further division, through a contract with the County for a minimum term of 15 years.~~ Discretion will be exercised as to the number of cluster parcels that may be created where it can be shown that a density of one unit per 100 acres would be detrimental to agricultural operations, water quality, or the environment; or where services cannot be adequately provided. A development envelope of no more than two acres shall be identified within which all residential development and residential accessory uses shall be located on each ~~5-acre parcel, including the large remainder parcel.~~ The clustering should be configured to maximize the amount of contiguous agricultural acreage and minimize the impacts of residential sites on agricultural operations. The size, location, and configuration of the cluster parcels shall be based, at a minimum, on the following factors: access, topography, soil capability, water quality considerations, water supply, fire safety, security, visual impacts, the presence of significant vegetation or habitat, cumulative impacts, and state Williamson Act requirements. Parcels created under the cluster program shall include a real estate disclosure notice attached to the deeds informing owners of potential nuisances generated by adjacent agricultural uses. For parcels created under the cluster program in the Wind Resource Area (as shown on Figure 4), the real estate disclosure shall also inform new owners of existing or potential future wind turbines and associated facilities on adjacent or nearby properties.

## GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET  
SACRAMENTO, CA 95814

RECEIVED

LETTER

AUG 04 1993

August 2, 1993

Deborah Stein  
Alameda County Plng. Dept.  
399 Elmhurst Street, Rm. 136  
Hayward, California 94544

Subject: East County Area Plan (Alameda County General Plan), SCH# 92073034

Dear Ms. Stein:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. 1-1

Please call Tom Loftus at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

A handwritten signature in cursive script that reads "Christine Kinne".

Christine Kinne  
Deputy Director, Permit Assistance





**RESPONSE TO COMMENTS  
LETTER 1**

Governor's Office of Planning and Research  
Christine Kinne, Deputy Director

**RESPONSE 1-1**

Comment noted. No response is necessary.





# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Ecological Services  
Sacramento Field Office  
2800 Cottage Way, Room E-1803  
Sacramento, California 95825-1846

**LETTER 2**

In Reply Refer To:  
PPN 1340  
1-1-93-TA-1070

August 4, 1993

Mr. Adolph Martinelli  
Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, California 94544

ALAMEDA COUNTY  
PLANNING DEPARTMENT  
HAYWARD, CALIFORNIA

AUG 6 11 34 AM '93

Subject: Draft Environmental Impact Report for the East County Area Plan; Alameda and Contra Costa Counties, California

Dear Sir:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (DEIR) for the East County Area Plan in Alameda County, California. These comments are intended to assist you in your preparation of the final environmental documents, and will not take the place of any formal comments that may be required under the provisions of the Fish and Wildlife Coordination Act.

The DEIR serves as the environmental review document for the proposed revision of the General Plan for the East County Planning Area, formerly the Livermore-Amador Valley Planning Unit, of Alameda County, for the amendment of the Alameda County Open Space Element, and other changes required in the functional elements of the existing Alameda County General Plan to maintain consistency with the East County Area Plan. The East County encompasses eastern Alameda County, including the cities of Dublin, Livermore, Pleasanton, and part of Hayward, and also incorporated and unincorporated areas of Contra Costa County including Danville, San Ramon, Blackhawk/Alamo and Dougherty and Tassajara Valleys.

The DEIR covers an area approximately 418 square miles in size and development within the planning area could result in the conversion of a significant amount of existing natural habitats and open space to urban use. We are concerned that habitat losses of this magnitude will have deleterious effects on federally listed, proposed, and candidate species undergoing serious population declines in California. Because of the general coverage of this study, the DEIR does not describe impacts and mitigation measures on fish and wildlife resources in detail. Without more specific information, it is not possible for the Service to provide comprehensive comments at this time.

## GENERAL FISH AND WILDLIFE ISSUES

### Services Policies

Under provisions of the Fish and Wildlife Coordination Act, the Service advises the U.S. Army Corps of Engineers (Corps) on projects involving dredge and fill activities in "waters of the United States", of which wetlands and some riparian habitats are subcategories. Since specific projects within the planning area may require a Section 404 permit under the Clean Water Act, the Service subsequently will be involved under the Coordination Act. When reviewing Corps public notices, the Service generally does not object to projects meeting the following criteria:

1. They are ecologically sound;
2. The least environmentally damaging reasonable alternative is selected;
3. Every reasonable effort is made to avoid or minimize damage or loss of fish and wildlife resources and uses;
4. All important recommended means and measures have been adopted, with guaranteed implementation to satisfactorily compensate for unavoidable damage or loss consistent with the appropriate mitigation goal; and
5. For wetlands and shallow water habitats, the proposed activity is clearly water dependent and there is a demonstrated public need.

The Service may recommend the "no project" alternative for those projects which do not meet all of the above criteria, and where there is likely to be a significant fish and wildlife resource loss.

When projects impacting waterways or wetlands are deemed acceptable to the Service, we recommend full mitigation for any impacts to fish and wildlife. The Council on Environmental Quality regulations for implementing the National Environmental Policy Act define mitigation to include: 1) avoiding the impact; 2) minimizing the impact; 3) rectifying the impact; 4) reducing or eliminating the impact over time; and 5) compensating for impacts. The Service supports and adopts this definition of mitigation and considers the specific elements to represent the desirable sequence of steps in the mitigation planning process. Accordingly, we maintain that the best way to mitigate for adverse biological impacts is to avoid them altogether.

Migratory birds are protected under the Migratory Bird Treaty Act (MBTA). Unless otherwise permitted, the MBTA makes it unlawful at any time "to pursue, hunt, take, capture, kill, attempt to take, capture, or kill...any migratory bird, any part, nest, or eggs of any such bird, or any product..." (16 U.S.C. 703).

Specific Comments

Chapter 5.7 - Biological Resources

Wetlands and riparian areas proposed for development should be classified and mapped according to the Service's wetland definition, which is a biological definition. Because this section discusses biological resources, a more biologically-based definition of wetlands should be used. Mapping of wetlands based on probability of Corps jurisdiction may not result in disclosure of all biological wetlands. In reviewing any future development proposals in these areas, the Service will evaluate impacts not just on jurisdictional wetlands, but on all wetlands and other habitats for fish and wildlife. By mapping areas according to the Service's wetlands classification scheme and applying our mitigation policy, the County can minimize Service concerns regarding habitat losses from development of wetlands areas early in the planning process.

2-1

The DEIR states that vernal pools may occur in the planning area. We believe it is highly likely that vernal pool habitat exists in the planning area. There has been a tremendous loss of this habitat type from urban development and agricultural activities. Urban expansion is now destroying vernal pools at an alarming rate. Therefore, we recommend that no development be allowed in any area that would adversely affect vernal pools. All vernal pools within the planning area should be mapped prior to any new development and a coordinated program put into effect to protect this resource.

2-2

This section does not discuss adequately either the primary or secondary impacts to fish and wildlife habitats that may occur as a result of developments. Secondary impacts may result from construction of new or widened roads, utility corridors, and changes in flow patterns as a result of upstream modifications to natural drainages.

2-3

SENSITIVE SPECIES

Specific Comments

The project area is inhabited by a number of federally listed, proposed, and candidate species. The listed species known to occur in the area include the San Joaquin kit fox (*Vulpes macrotis mutica*), large-flowered fiddleneck (*Amsinckia grandiflora*), and the palmate-bracted bird's-beak (*Cordylanthus palmatus*). Section 9 of the Endangered Species Act of 1973, as amended, (Act) prohibits the "take" of any federally listed endangered animal species. As defined in the Act, take means "...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." "Harm" has been further defined to include habitat destruction when it kills or injures a listed species by interfering with essential behavioral patterns such as breeding, foraging, or resting. Thus, not only is a listed animal protected from activities such as hunting or collecting, but also from likely actions that damage or destroy its habitat.

The Act specifically prohibits activities that "remove and reduce to possession any listed plant from areas under Federal jurisdiction; maliciously damage or destroy any such species on any such area; or remove, cut, dig up, or damage or destroy any such species on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law." The term person is defined as "an individual, corporation, partnership, trust, association, or any other private entity; or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or any other entity subject to the jurisdiction of the United States."

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of the project, then initiation of formal consultation between that agency and the Service pursuant to Section 7 of the Act is required if it is determined that the proposed project may affect a federally listed species. Such consultation would result in a biological opinion that addresses the anticipated effects of the project to the listed species and may authorize a limited level of incidental take. Section 7(a)(2) of the Act requires that all Federal agencies must insure that any action they fund, authorize or carry out does not jeopardize a listed species. If a Federal agency is not involved with the project, and federally listed species may be taken as part of the project, then an incidental take permit pursuant to Section 10(a) of the Act would need to be obtained. The Service may issue such a permit upon completion of a satisfactory conservation plan for the listed species that would be affected by the project.

Numerous candidate species that inhabit the planning area likely would be adversely affected by the impacts described in the DEIR. Although candidate species are not protected, the 1988 amendments to the Act require the Service to monitor their status. If any of these candidates decline precipitously, they could be listed under an emergency basis. The Service recommends that adequate surveys be conducted during the proper flowering or activity period. The findings of the surveys and measures that will be taken to avoid/mitigate any adverse impacts to these species should be included in the final environmental documents. In addition, as part of a settlement agreement for a lawsuit brought by an environmental group, the Service will be issuing proposed rules in the near future to list a number of category-1 candidate plant species, including some or all of those in the planning area.

2-4

Table 5.7-2 in the DEIR includes a list of federally listed, proposed, and candidate animal and plant species that are known to occur in the planning area. These lists are incomplete and we have included a list of additional plant species below. However, we caution that adequate surveys still should be conducted for future environmental documents to insure that mitigation is carried out for all species of concern.

2-5

- large-flowered fiddleneck, *Amsinckia grandiflora* (E)
- heartscale, *Atriplex cordulata* (2)
- valley spearscale, *Atriplex joaquiniana* (2)
- brittlescale, *Atriplex parishii* (2)
- Mt. Hamilton harebell, *Campanula sharsmithiae* (2)

Mt. Hamilton thistle, *Cirsium fontinale* var. *campylon* (1)  
 South Bay clarkia, *Clarkia concinna* ssp. *automixa* (2)  
 northcoast bird's-beak, *Cordylanthus maritimus* ssp. *palustris* (2)  
 hispid bird's-beak, *Cordylanthus mollis* ssp. *hispidus* (2)  
 palmate-bracted bird's-beak, *Cordylanthus palmatus* (1E)  
 interior California larkspur, *Delphinium californicum* ssp. *interius* (2)  
 recurved larkspur, *Delphinium recurvatum* (2)  
 Contra Costa buckwheat, *Eriogonum truncatum* (2\*)  
 Hoover's button-celery, *Eryngium aristulatum* var. *hooveri* (1R)  
 diamond-petaled poppy, *Eschscholzia rhombipetala* (2)  
 talus fritillary, *Fritillaria falcata* (2)  
 Diablo rock-rose, *Helianthella castanea* (2)  
 Brewer's dwarf-flax, *Hesperolinon breweri* (2)  
 California hibiscus, *Hibiscus californicus* (2)  
 Contra Costa goldfields, *Lasthenia conjugens* (1)  
 delta tule-pea, *Lathyrus jepsonii* ssp. *jepsonii* (2)  
 Mason's lilaeopsis, *Lilaeopsis masonii* (2)  
 hairless allocarya, *Plagiobothrys glaber* (2)  
 uncommon jewelflower, *Streptanthus albidus* ssp. *peramoenus* (1)  
 showy Indian clover, *Trifolium amoenum* (2\*)  
 caper-fruited tropidocarpum, *Tropidocarpum capparideum* (2\*)

2-5

The two subspecies of the western pond turtle (*Clemmys marmorata*) are incorrectly identified as federally listed as threatened in the DEIR. This species should be correctly identified as a Federal category-2 candidate species. The Service has been petitioned to list the turtle as endangered or threatened under the Act. Furthermore, the Service has been petitioned to list the California red-legged frog (*Rana aurora draytonii*) as endangered under the Act. We anticipate issuing 12-month findings for these species in the near future. In addition, the list does not identify the western spadefoot toad (*Scaphiopus hammondi*), a species recommended for inclusion in the next Federal candidate list, as possibly occurring in the planning area.

Table 5.7-2 notes that the California tiger salamander (*Ambystoma californiense*) inhabits the planning area. The last remaining stronghold of the species occurs in the western portion of its distribution along the inner coast ranges. Much of the habitat losses have been caused by agricultural conversion, urban development, and other natural and anthropogenic factors. The Service has been petitioned to list this animal as an endangered species under the Act. A 90-day finding has been made indicating that substantial information exists indicating the petitioned action may be warranted. We anticipate issuing a 12-month finding in the near future. Mitigation for the California tiger salamander must take into account the different biological and ecological requirements of the aquatic early life stages and the largely terrestrial adults. Failure to adequately consider all life history requirements may lead to elimination or reduction of the animals. The Service recommends that California tiger salamander surveys be conducted for any project in the planning area that may adversely impact the species.

2-7



In addition to policies and programs mentioned on pages 12 through 16 (Chapter 5-7) of the DEIR, the Service recommends the County have a policy that shall require proposed developments to avoid or, if avoidance is infeasible, to minimize disturbance of special status plant populations.

2-8

The Service recommends that plan policies and programs be developed that specifically address the potential indirect effects of development surrounding the Springtown valley sink scrub habitat. The Springtown alkali sink population of palmate-bracted bird's-beak (*Cordylanthus palmatus*) is the largest of the four remaining populations. The Service recommends also that the current regional hydrologic patterns be maintained, including groundwater and surface flow patterns, and that higher density land uses adjacent to the Springtown alkali wetlands not be allowed.

2-9

The Service recommends that complete botanical inventories be made during the pre-construction phase for individual projects. Special attention should be paid to searching for the species listed below, but surveys should not be restricted to those species. Botanical surveys should be conducted by a qualified botanist at intervals throughout the growing season, in order to maximize the likelihood of encountering each species during the season most appropriate for accurate identification. Surveys should be based on field inspection, and not on prediction of occurrence based on habitat or physical features of the site. Guidelines for conducting adequate botanical surveys are available from the Natural Heritage Division of the California Department of Fish and Game.

2-10

The final environmental documents should include a brief discussion of survey methods (including timing of surveys and sampling methods), results (including a list of plant species encountered, maps of vegetation types and populations of species of concern), and conclusions. If it is concluded that sensitive species are not present, the reasons for this conclusion should be fully explained. Should the surveys determine that listed, proposed, or candidate species may be affected by the proposed project, the Service recommends that the project proponent, in consultation with this office and the California Department of Fish and Game, develop a plan that mitigates for the project's direct and indirect impacts to these species and compensates for project-related loss of habitat. The mitigation plan also should be included in the environmental impact report.

Habitat Conservation Plan

Despite the adoption of policies and programs to lessen impacts to special status species, the on-going loss and fragmentation of the habitat of the federally listed, proposed, and candidate species in this area of Alameda and Contra Costa Counties is expected to continue, especially in light of the projected human population growth described in the DEIR. Considering the limited distribution and high degree of habitat fragmentation of these species, such losses are expected to have a highly significant impact. Dealing with these species on a project by project basis likely would result in long-term delays for project proponents. The most logical and efficient way for the County of Alameda to address the federally listed, proposed and candidate species is through a section 10(a) permit for a regional habitat

2-11

conservation plan (HCP) that encompasses most or all habitat of listed species in the County. A section 10(a) permit would allow incidental take resulting from urban development or other activities in return for the long term protection and management of these species in set aside habitat reserves.

The requirements of an HCP for a section 10(a) permit application include 1) a description of impacts that would result from the proposed incidental taking, including a delineation and description of the geographic area that will be included in the boundaries of the HCP, a synthesis of the extant biological and ecological data on the species, and a description of the proposed activities that would occur within the HCP boundaries; 2) the measures that will be taken to monitor, minimize, and mitigate for the proposed impacts; 3) the funding that will be made available to undertake the measures; 4) the alternatives that were analyzed that would not result in take of the listed species and the reasons why they were not adopted; and 5) any additional measure that the Service may require as necessary or appropriate.

2-11

Landowners with property containing habitat within the boundaries of a regional HCP could have a wider array of development options than is presently available to them. A regional HCP also would include all proposed and candidate species that are found within the boundaries of the HCP, making it is less likely that "unlisted" plants and animals could delay projects if they later become protected under the Act. To increase the amount of area included in the planning area, the County of Alameda may wish to cooperate with other local jurisdictions, such as the Counties of Contra Costa, San Joaquin, and Santa Clara, and/or the cities of Livermore, Pleasanton, San Ramon, and Dublin in the development of a regional HCP.

**CONCLUSIONS AND RECOMMENDATIONS**

The Service is concerned that significant adverse impacts to federally listed, proposed, and candidate species will result from the activities described in the DEIR. These species likely would be adversely affected through direct, indirect, and interrelated/interdependent effects, including growth inducement. In addition, other past and future projects in and surrounding the Alameda and Contra Costa Counties would contribute to the cumulative impacts on these plants and animals. Based upon information contained in the DEIR, the Service is unable to determine which alternative would be the least-environmentally damaging alternative. We recommend that the issues regarding wetlands, and listed, proposed, and candidate species be fully resolved prior to certification of the final environmental documents for the East County Area Plan.

2-12

If you have any questions about these comments, please contact Jim Browning at (916) 978-5408 (No. 1) regarding wetlands issues, or Chris Nagano at (916) 978-4866 regarding endangered species issues.

Sincerely,

*James D. Caran*  
*Jr* Wayne S. White  
Field Supervisor

cc: Reg. Dir., ARD-ES, FWS, Portland, OR  
COE, San Francisco, Regulatory Branch  
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## RESPONSE TO COMMENTS LETTER 2

United States Department of the Interior, Fish and Wildlife Service  
Wayne S. White, Field Supervisor

### RESPONSE 2-1

The intent of the ECAP and its EIR is to address subregional growth at a general plan level of detail. Through subsequent environmental review of large development proposals within the Urban Growth Boundary (UGB), the County will require site-specific mapping of all wetland resources in order to evaluate impacts and develop mitigation. The County encourages the Service to provide information on wetland classifications and mitigation policies in its response to the subsequent "Notices of Preparation" issued for specific development proposals.

### RESPONSE 2-2

Comment noted. The DEIR categorizes vernal pools as seasonal wetlands. Loss of riparian and seasonal wetlands is identified as a significant unavoidable impact of the plan because avoidance may not be feasible in all situations. However, in order to lessen the impact if avoidance is infeasible, Mitigation Measure 5.7-2(a) recommends that the County encourage no net loss of riparian and seasonal wetlands; and, Mitigation Measure 5.7-2 (b) encourages a coordinated program to provide mitigation for loss of wetlands in relatively large contiguous areas which are included in, adjacent to, or otherwise linked through open space corridors with lands designated as "Resource Management". As stated in the response above, at the time of project review for specific development proposals, the County will assess potential site-specific impacts on vernal pools and other seasonal wetlands.

### RESPONSE 2-3

See RESPONSE 2-1. Potential impacts 5.7-1, 5.7-2 and 5.7-3 in the DEIR address both primary and secondary impacts to fish and wildlife habitats that may occur as a result of conversion of land to development within the UGB. Potential impacts 5.7-4 and 5.7-5 address secondary effects on fish and wildlife habitats outside the UGB resulting from development within the UGB as well as addressing primary and secondary impacts resulting from allowable non-urban uses of land outside the UGB. The following new policy will help reduce secondary impacts discussed in Potential Impact 5.7-4 (new language is underlined):

Proposed New Policy: The County shall require that roadways be designed to minimize impacts to wildlife corridors and regional trails. Where appropriate, grade-separated crossings and/or other features shall be used to maintain the viability of the affected corridor.

**RESPONSE 2-4**

Comments noted. In developing the plan and for the DEIR, biological data for the planning area was assembled using sources listed on Table 5.7-1 and with interviews with biologists who surveyed portions of the planning area; Figure 20 shows the locations of special status species and communities found in East County from these sources and Table 5.7-2 lists the species. Further biological surveys will be conducted at the specific plan stage of development in conjunction with focused environmental review and mitigation for biological resources as required in programs 54 and 55:

**Program 54:** The County shall develop specific biological survey protocols for special status plants and animals to be used in evaluating proposed activities within the Urban Growth Boundary, in consultation with federal and state resource agencies.

**Program 55:** The County shall establish mitigation measures for biological resources affected by activities and development within the Urban Growth Boundary. To this end, the County shall consult with federal and state resource agencies to establish mitigation measures for specific special status taxa identified within the Urban Growth Boundary (e.g., mitigation fees, relocation, recreation of habitat within open space).

**RESPONSE 2-5**

Comment noted. Plant species provided in this list that are not already included in Table 5.7-2 and have documented locations within the planning area, will be incorporated into Table 5.7-2 as shown at the end of the responses to this letter. The County would appreciate receiving a map or other information from the Service that would allow us to identify the locations of each of these species in the planning area. See RESPONSE 2-4 regarding when field surveys will be conducted.

**RESPONSE 2-6**

Table 5.7-2, as revised at the end of this response letter, reflects the current status of the two subspecies of western pond turtle. Table 5.7-2 only lists special status species that are currently known to exist in the planning area. This list was developed through review of existing documents, data from the California Natural Diversity Base, and discussions with CDFG and local biological experts. As stated on page 7 of the Biological Resources Background Report (*Volume 2 - Draft East County Area Plan*), it is the County's intent to maintain current records of special status species found in the planning area and that these records will continually be updated as information is received. A new table listing special status species potentially found within the Urban Growth Boundary is included at the end of this response letter.

**RESPONSE 2-7**

Comment noted. See RESPONSES 2-1 and 2-4.

## RESPONSE 2-8

The intent of the Urban Growth Boundary is to establish a comprehensive approach to resource management to augment the traditional project-by-project mitigation-based approach which typically results in isolated islands of habitat. As noted in a recent CDFG report prepared by Jones and Stokes (Reassembling the Pieces: A Strategy for Maintaining Biological Diversity in California, September 1992):

The single-species approach, as embodied in the attempts to rescue individual endangered plants and animals that have declined to the verge of extinction, is increasingly recognized by scientists and resource managers as inadequate. What is needed is a more comprehensive approach for conserving natural diversity in the different biological regions of the state, an approach that incorporates protection and sustainable management of California's natural communities and ecosystems, and the larger landscapes within which they occur. Conserving whole, functioning ecosystem units within California's bioregions will not only assist in the recovery of existing endangered species but, more importantly, will prevent new species from becoming endangered.

Although implementation of the plan may result in the loss of portions of plant communities and wildlife habitats in East County, policies and programs built into the plan will mitigate this loss through establishment of a comprehensive mitigation area, protected through acquisition, easements, density transfer, and other appropriate mechanisms and provide for the long term protection and management of biological resources. The mitigation area (land designated as "Resource Management") is designed to be contiguous with other protected and designated open space in and outside of Alameda County. Policy 65 also ensures that management objectives for the open space lands are clearly defined and that funds are available to carry out these objectives. Policy 120 encourages preservation of areas known to support special status species.

## RESPONSE 2-9

We agree with the Service that the Springtown valley sink scrub habitat requires special protection measures. Taken together, the following policies (the last two recommended as mitigations in the DEIR) should adequately address the issue of this habitat's protection:

**Policy 123:** The County shall preserve an open space corridor connecting the Bird's Beak Preserve with lands designated "Resource Management." This open space corridor shall vary in width between 50 and 150 feet.

**Mitigation Measure 5.7-4:** *The County shall designate an approximate 200 yard zone around the perimeter of the defined Bird's Beak Preserve in North Livermore as a Special Management Area. Within this zone, all proposed land uses and project designs shall be evaluated regarding their potential to effect the viability of the Springtown valley sink scrub habitat, and mitigation shall be incorporated into the approval of detailed development plans within this 200 yard zone to avoid the impact. Mitigation may take the form of clustering development to avoid sensitive areas, management practices, land swap with the FCC Monitoring Station, or other appropriate measures.*

**Mitigation 5.12-6:** *The County shall require Major New Urban Development in North Livermore to include designs for managing surface water and groundwater resources to ensure to the extent*

*feasible that there is no net change in the existing hydrologic conditions of the Springtown valley sink scrub habitat resulting from development in the watershed, unless that change is determined to be beneficial for the habitat in question.*

Please also refer to RESPONSE 3-5.

#### RESPONSE 2-10

Comment noted. See RESPONSES 2-1, 2-2, and 2-4.

#### RESPONSE 2-11

Comment noted. The County has integrated the concept of the Habitat Conservation Plan into the proposed *East County Area Plan* through its comprehensive approach to mitigating cumulative impacts to the planning area's biological resources. Lands designated as "Resource Management" for Biological Resource Protection will be acquired through a combination of fee purchase, dedication and easements. Further, management guidelines to implement specific resource management objectives for watershed and biological resource protection will be developed for areas designated for Resource Management under the plan (see program 24).

#### RESPONSE 2-12

To the extent possible, in the context of this general plan level review, and as appropriate for a program EIR, the DEIR analyzes impacts of the ECAP on biological resources. In this analysis, the DEIR considers the reasonably foreseeable impacts of the project on special status species and their habitats. This level of analysis is appropriate for a general plan and a program EIR. Any potential impacts associated with later approvals will be analyzed in connection with site-specific development proposals that allow impacts to be more precisely identified. See RESPONSE 2-1.

TABLE 5.7-2 (Revised)		
Special Status Plant and Animal Species Known to Occur in the East County		
Common Name	Scientific Name	Status
<b>Plant Species</b>		
Sharesmith's Onion	<i>Allium sharsmithae</i>	1B
Large-Flowered Fiddleneck	<i>Amsinckia grandiflora</i>	FE, SE, 1B
Alkali Milkvetch	<i>Astragalus tener</i> var. <i>tener</i>	1B
Heartscale	<i>Atriplex cordulata</i>	C2, 1B
Brittlescale	<i>Atriplex depressa</i>	1B
Parish's Saltbrush	<i>Atriplex parishii</i>	C2, 3
San Joaquin Saltbrush	<i>Atriplex patula</i> ssp. <i>spicata</i>	C2, 3
Mt. Hamilton Harebell	<i>Campanula sharsmithiae</i>	C2, 1B
South Bay Clarkia	<i>Clarkia concinna</i> ssp. <i>automixa</i>	C2, 1B
Palmate-Bracted Bird's-Beak	<i>Cordylanthus palmanus</i>	FE, SE, 1B
Mt. Hamilton Thistle	<i>Cirsium campylon</i>	C2, 1B
Hispid Bird's Beak	<i>Cordylanthus mollis hispidus</i>	C2, 1B
Interior California Larkspur	<i>Delphinium californicum</i>	C2, 3
Mt. Diablo Buckwheat	<i>Eriogonum truncatum</i>	C2, 1A
Diamond-Petaled California Poppy	<i>Eschscholzia rhombipetala</i>	C2, 1B
Stinkbells	<i>Fritillaria agrestis</i>	3C, 4
Talus Fritillary	<i>Fritillaria falcata</i>	C2, 1B
Diablo Helianthella	<i>Helianthella castanea</i>	C2, 1B
Congdon's Tarplant	<i>Hemizonia parryi</i> ssp. <i>congonii</i>	1B
California Black Walnut	<i>Juglans californica</i> var. <i>hindsii</i>	C2, 1B
Delta Tule Pea	<i>Lathyrus jepsonii</i> var. <i>jepsonii</i>	C2, 1B
Mason's Lilaeopsis	<i>Lilaeopsis masonii</i>	C2, SR, 1B
Hairless Allocarya	<i>Plagiobothrys glabra</i>	C2, 1A
Uncommon Jewelflower	<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	C1, 1B
Showy Indian Clover	<i>Trifolium amoenum</i>	C2, 1A
Caper-Fruited Tripidocarpum	<i>Tripidocarpum capparideum</i>	C2, 1A
<b>Animal Species</b>		
<b>Insects</b>		
Curved-Foot Hygrotus Diving Beetle	<i>Hygrotus curvipes</i>	C2
<b>Invertebrates</b>		
Longhorn Fairy Shrimp	<i>Branchinecta longiantenna</i>	FPE
Vernal Pool Fairy Shrimp	<i>Branchinecta lynchi</i>	FPE
California Linderiella	<i>Linderiella occidentalis</i>	FPE



TABLE 5.7-2 (Continued)  
Revised

**Special Status Plant and Animal Species Known to Occur in the East County**

Common Name	Scientific Name	Status
<b>Amphibians</b>		
California Tiger Salamander	<i>Ambystoma californiense</i>	C2, CSC
California Red-Legged Frog	<i>Rana aurora draytonii</i>	C1, CSC
Foothill Yellow-Legged Frog	<i>Rana boylei</i>	CSC
<b>Reptiles</b>		
Northwestern Pond Turtle	<i>Clemmys marmorata marmorata</i>	C2, CSC
Southwestern Pond Turtle	<i>Clemmys marmorata pallida</i>	C2, CSC
Alameda Whipsnake	<i>Masticophis lateralis euryanthus</i>	C2, ST
California Horned Lizard	<i>Phrynosoma coronatum frontale</i>	CSC
<b>Birds</b>		
Cooper's Hawk	<i>Accipiter cooperi</i>	CSC
Sharp-Shinned Hawk	<i>Accipiter striatus</i>	CSC
Tricolored Blackbird	<i>Agelaius tricolor</i>	C2, CSC
Golden Eagle	<i>Aquila chrysaetos</i>	CSC
Burrowing Owl	<i>Athene cunicularia</i>	CSC
Northern Harrier	<i>Circus cyaneus</i>	CSC
Black Shouldered Kite	<i>Elanus caeruleus</i>	CP
Peregrine Falcon	<i>Falco peregrinus anatum</i>	FE, SE
Prarie Falcon	<i>Falco mexicanus</i>	CSC
Bald Eagle	<i>Haliaeetus leucocephalus</i>	FE, SE
<b>Mammals</b>		
San Joaquin Pocket Mouse	<i>Perognathus inornatus inornatus</i>	C2
American Badger	<i>Taxidea taxus</i>	CSC
San Joaquin Kit Fox	<i>Vulpes macrotis mutica</i>	FE, ST

- Notes:
- FE = Listed as Endangered by the Federal Government
  - FT = Listed as Threatened by the Federal Government
  - FPE = Proposed as Endangered by the Federal Government
  - C2 = Category 2 Candidate for Federal listing (Taxa which existing information indicates may warrant listing, but for which substantial biological information to support a proposed rule is lacking)
  - 3C = Taxa Proven to be more widespread than previously believed and are not subject to any identifiable threat
  - SE = Listed as Endangered by the State of California
  - ST = Listed as Threatened by the State of California
  - CSC = California Department of Fish and Game "Species of Special Concern"
  - CP = California fully protected species; individual may not be possessed or taken at any time.
  - 1A = Designation by Plants presumed extinct in California, the California Native Plant Society
  - 1B = Designation by the California Native Plant Society. Plants rare, threatened or endangered in California and elsewhere
  - 3 = Designation by the California Native Plant Society. Plants about which we need more information - a review list
  - 4 = Designation by the California Native Plant Society. Plants of limited distribution - a watch list

**TABLE 5.7-4  
(New)**

**Special Status Plant and Animal Species Potentially Occurring within the Urban Growth Boundary**

Common Name	Scientific Name	Status
<b>Plant Species</b>		
Large-Flowered Fiddleneck	<i>Amsinkia grandiflora</i>	FE/SE/1B
Heart-Leaved Saltbrush	<i>Atriplex cordulata</i>	C2/-/3
Parish's Saltbrush	<i>Atriplex parishii</i>	C2/-/3
San Joaquin Saltbrush	<i>Atriplex patula ssp spicata</i>	C2/3
Hispid Bird's Beak	<i>Cordylanthus mollis spp hispidus</i>	C2/-/1B
Palmate-Bracted Bird's Beak	<i>Cordylanthus palmatus</i>	FE/SE/1B
Hospital Canyon Larkspur	<i>Delphinium californicum ssp interius</i>	C2/-/3
Recurved Larkspur	<i>Delphinium recurvatum</i>	C2/-/1B
Diamond-Petaled California Poppy	<i>Eschscholzia rhombipetala</i>	C2/1B
Fragrant Fritillary	<i>Fritillaria liliacea</i>	C2/-/1B
Brewer Dwarf Flax	<i>Hesperolinon breweri</i>	C2/-/1B
Wedge-Leaved Horkelia	<i>Horkelia cuneata ssp. sericea</i>	C2/-/1B
Northern California Black Walnut	<i>Juglans californica var hindsii</i>	C2/-/1B
Contra Costa Goldfield	<i>Lasthenia conjugens</i>	C2/-/1B
Hairless Allocarya	<i>Plagiobothrys glaber</i>	C2/-/3
Metcalf Canyon Jewelflower	<i>Streptanthus albidus spp albidus</i>	C2/-/1B
Mt. Diablo Jewelflower	<i>Streptanthus hispidus</i>	C2/-/1B
Caper-Fruited Tripidocarpum	<i>Tropidocarpum capparideum</i>	C2/1A
<b>Animal Species</b>		
<b>Invertebrates</b>		
Vernal Pool Fairy Shrimp	<i>Branchinecta lynchi</i>	FPE
California Linderiella	<i>Linderiella occidentalis</i>	FPE
<b>Insects</b>		
Curved-Foot Hygrotus Diving Beetle	<i>Hygrotus curvipes</i>	C2
<b>Amphibians</b>		
California Tiger Salamander	<i>Ambystoma californiense</i>	C2/CSC
California Red-Legged Frog	<i>Rana aurora draytonii</i>	C1/CSC

TABLE 5.7-4 (Continued)  
(New)

**Special Status Plant and Animal Species Potentially Occuring within the  
Urban Growth Boundary**

Common Name	Scientific Name	Status
<b>Reptiles</b>		
Northwestern Pond Turtle	<i>Clemmys marmorata marmorata</i>	C2/CSC
Southwestern Pond Turtle	<i>Clemmys marmorata pallida</i>	C2/CSC
Western Spadefoot Toad	<i>Scaphiopus hammondi hammondi</i>	R2/CSC
<b>Birds</b>		
Short-Eared Owl	<i>Asio flammeus</i>	-/CSC
Golden Eagle	<i>Aquila chryaetos</i>	CSC
Northern Harrier	<i>Circu cyaneus</i>	CSC
California Horned Lark	<i>Eremophila alpestris actia</i>	C2/-
Prairie Falcon	<i>Falco mexicanus</i>	-/CSC
Loggerhead Shrike	<i>Lanius ludovicianus</i>	C2/-
<b>Mammals</b>		
California Mastiff Bat	<i>Eumops perotis californicus</i>	C2/CSC
S.F. Dusky-Footed Woodrat	<i>Neotoma fuscipes annectens</i>	C2/-
Townshend Western Big-Eared Bat	<i>Plecotus townsendii townsendii</i>	C2/CSC
American Badger	<i>Taxidea taxus</i>	CSC
San Joaquin Kit Fox	<i>Vulpes macrotis mutica</i>	FE/ST

- Notes:**
- FE = Listed as Endangered by the Federal Government
  - FT = Listed as Threatened by the Federal Government
  - FPE = Proposed as Endangered by the Federal Government
  - C2 = Category 2 Candidate for Federal listing (Taxa which existing information indicates may warrant listing, but for which substantial biological information to support a proposed rule is lacking)
  - 3C = Taxa Proven to be more widespread than previously believed and are not subject to any indentifiable threat
  - SE = Listed as Endangered by the State of California
  - ST = Listed as Threatened by the State of California
  - CSC = California Department of Fish and Game "Species of Special Concern"
  - CP = California fully protected species; individual may not be possessed or taken at any time.
  - 1A = Designation by Plants presumed extinct in California, the California Native Plant Society
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  - 3 = Designation by the California Native Plant Society. Plants about which we need more information - a review list
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## DEPARTMENT OF FISH AND GAME

POST OFFICE BOX 47  
 YOUNTVILLE, CALIFORNIA 94599  
 (707) 944-5500



RECEIVED

AUG 04 1993

August 2, 1993

LETTER :

Ms. Deborah Stein  
 Acting Assistant Planning Director  
 Alameda County Planning Department  
 399 Elmhurst Street  
 Hayward, California 94544

Dear Ms. Stein:

East County Area Plan  
 Draft Environmental Impact Report (DEIR)  
 Alameda County, (SCH 92073034)

Department of Fish and Game personnel have reviewed the DEIR for the East County Area Plan (ECAP). The objective of the plan is to establish the pattern of future land uses for the planning area. The planning area (East County) encompasses 418 square miles of eastern Alameda County and includes the cities of Dublin, Livermore, Pleasanton, and a portion of Hayward, as well as surrounding unincorporated areas. This document is intended to serve as a program EIR. Subsequent review will be conducted for specific projects. We request that the final EIR include the following information.

Open Space Preservation

The Department strongly supports the inclusion of an open-space preservation program and the proposal of a permanent Urban Growth Boundary in the ECAP. The Department encourages approaching mitigation from a regional perspective rather than project by project. The proposal to develop a permanent, continuous band of open-space/mitigation lands to address impacts to and mitigation for wetlands, kit fox habitat, burrowing owl, tiger salamander, invertebrates, and any other sensitive resources within the planning area, not only meets the goals of the Department but should provide for more streamlined permitting. This type of long-range planning which protects large open-space parcels while accommodating growth is to be encouraged. We recommend that this approach be formalized through a Habitat Management Plan with the Department and U. S. Fish and Wildlife Service (USFWS).

3-1

Consistency with the North Livermore General Plan Amendment

The Department recommends that the ECAP be consistent with the North Livermore General Plan Amendment (GPA) DEIR (June 1993) for the North Livermore planning area. The Urban Growth Boundary, as identified by Alameda County, should be the same as that proposed in the North Livermore GPA and the zoning identified in the North

3-2

Ms. Deborah Stein  
August 2, 1993  
Page Two

Livermore GPA, with the exception of the area north and west of the Springtown preserve, should be reflected in the ECAP.

3-2

#### Springtown Wetlands

The nearly level areas north and west of the Springtown bird's-beak preserve include seasonal wetland habitat. Additionally, a population of palmate-bracted bird'-beak, Cordylanthus palmatus, has been documented in the area south of Hartford Avenue. Impacts to seasonal wetland habitat in this area would require wetland mitigation in accordance with the no-net-loss wetland policies of both the U.S. Army Corps of Engineers and the Department of Fish and Game.

Impacts to palmate-bracted birds beak would require coordination with the USFWS for a Section 7 permit authorizing the "take" of a Federally-listed species, and a 2081 Management Agreement from the Department. Section 2080 of the Fish and Game Code prohibits the take of State-listed threatened or endangered species. Take includes the destruction of individuals and habitat which supports the species. The Department's Management Agreement authorizes the take of State-listed species when it can be shown that habitat areas will be preserved and managed to result in an overall net gain to the affected State-listed species. The agreement may be written only after all measures have been taken to avoid impacts. The Department encourages the development of comprehensive plans which incorporate entire planning areas to avoid the constraints which often result from individual project permitting.

3-3

Areas north and west of Springtown may be more suitable for inclusion in Resource Management zoning. This zoning would provide opportunities for restoration and creation of wetland habitat values that would mitigate impacts anticipated from eventual construction of projects within the planning area. Also, because the land is continuous with the Springtown preservation area, preservation and enhancement of this property would contribute to the overall conservation goals of the Springtown preserve.

The Department recommends that zoning of the watershed lands of the Springtown preserve be consistent with the Management Plan prepared by Philip Williams & Associates (1988). Three management zones are identified in the plan; Zone A comprises existing palmate-bracted bird's-beak habitat and jurisdictional wetlands, no forms of development should be allowed within this area; Zone B serves as a buffer within which no forms of development should be allowed (this area includes part of the property south of Hartford Avenue); Zone C, the watershed for the Springtown wetlands, is considered extremely important in providing groundwater recharge

3-4

and surface runoff to the sink. The Management Plan recommends that only low-density residential development or open-space uses be permitted within Zone C.

The Department supports Mitigation 5.12-6, a proposed new policy which would require "Major New Development in North Livermore to incorporate surface water and groundwater management measures to address impacts on the Springtown Valley Sink Scrub habitat resulting from development in the watershed." This mitigation measure should be consistent with Policy 14 in the North Livermore GPA DEIR which states that "hydrologic studies of the watershed lands (of the Springtown alkali sink scrub community) shall be prepared prior to the approval of Specific Plans for areas within the watershed." The need for a comprehensive watershed study that identifies the hydrologic components of the Springtown wetlands cannot be overemphasized. The Department notes that the ECAP makes reference to a hydrologic investigation of the Springtown watershed by Berlogar Geotechnical Consultants (1993). We request that a copy of this report be made available to the Department for review.

San Joaquin Kit Fox

The document states that "it is the position of the U. S. Fish and Wildlife Service (USFWS) that most of the grasslands in East County are potential habitat for the Federally-endangered San Joaquin kit fox." Proposals for development within the planning area will require kit fox surveys if suitable habitat is present. The recently established USFWS survey protocol should be provided as an Appendix to the EIR so that applicants are informed about USFWS requirements prior to project design.

The document should also discuss mitigation requirements for kit fox habitat. It is the Department's position that unavoidable loss of occupied kit fox habitat be compensated for by preservation and enhancement of existing habitat at a ratio of 3:1. Mitigation requirements for temporary impacts to kit fox habitat are calculated based on the type of the habitat lost and can range from a ratio of 0.3:1 to 1.1:1. Loss of suitable habitat which is determined not to be currently occupied is of concern to the Department for eventual recovery and long-term management of the species. Measures to avoid, minimize, or compensate for unavoidable losses of suitable kit fox habitat should be addressed during the California Environmental Quality Act process. To comply with the requirements of the California Endangered Species Act, a management agreement with the Department is required under the provision of Fish and Game Code Section 2081 to allow "take" of a State-listed, threatened, or endangered species.



Take is also prohibited by the Federal Endangered Species Act (FESA). Projects affecting kit fox and its habitat should be reported to the USFWS to assure compliance with FESA.

#### California Tiger Salamander

The USFWS is currently reviewing a proposal to list the California tiger salamander (CTS). Mitigation for impacts to CTS should take into account the different biological and ecological requirements of the aquatic early life stages and the primarily terrestrial adults. Failure to adequately consider either of these life history stages may lead to elimination or reduction of the animals. Adequate surveys for all life history stages should be conducted by a qualified herpetologist with the necessary permits to accurately assess the potential impacts of any proposed project which may impact CTS habitat.

3-9

Adult salamanders may live for 15 years or more. Most of their lives are spent in rodent burrows (especially ground squirrel burrows) where they estivate during the summer. Suitable underground habitat is essential for the long-term survival of the adults. Locations of burrows should be mapped. We recommend that impacts to CTS habitat be avoided.

#### Burrowing Owl

The DEIR identifies the presence of burrowing owls within the planning area. The Department identifies the burrowing owl as a Species of Special Concern because the population is in peril. If the decline continues unchecked, the species may qualify for listing. The Department recommends a four-step survey protocol to document the presence of burrowing owl habitat and evaluate burrowing owl use of a project site. When surveys confirm occupied breeding habitat, mitigation measures for habitat loss must be implemented. The Department recommends avoidance of impacts. If avoidance is not feasible, relocation and off-site mitigation can be considered.

3-10

The Department prefers on-site passive relocation to off-site relocation. On-site relocation involves encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are beyond 50 meters from the impact zone of the project and within or contiguous to a minimum of 6.5 acres of foraging habitat for each pair of relocated birds. Relocation of owls should only be implemented during the non-breeding season or after the young have fledged. On-site habitat should be preserved in a conservation easement and managed to promote burrowing owl use of the site.

If the project will reduce suitable habitat on site below the threshold level of 6.5 acres per relocated pair or single bird, the habitat should be replaced offsite. Off-site habitat must be suitable burrowing owl habitat and must be approved by the Department. Land should be purchased and/or placed in a conservation easement in perpetuity and managed to maintain suitable habitat.

3-11

#### Other Special Status Wildlife Species

The following special-status wildlife species are either known to occur or potentially occur within the planning area. The Department requests that these species be addressed in the EIR; western spadefoot toad, silvery legless lizard, yellow breasted chat, yellow warbler, loggerhead shrike, California horned lark, ferruginous hawk, merlin, California mastiff bat, pallid bat, and western big-eared bat. Impacts to wide ranging species should include the loss of breeding and foraging habitat over the entire planning area, habitat fragmentation, and cumulative impacts.

3-12

#### Special Status Plant Species

The Department finds the list of special-status plant species known to occur in East County incomplete. The Department requests the inclusion of all California Native Plant Society (CNPS) listed species potentially occurring in the planning area in Table 5.7-2. We recommend that the definition of special-status species provided in the document be broadened to include species identified on CNPS lists 3 and 4. Additionally, these species and their status should not be based on the CNPS inventory published in 1988. Enclosed is a list of those species potentially occurring in the planning area and their status based on current data provided by CNPS botanist, Dr. Mark Skinner.

3-13

#### Riparian and Stream Protection

The Department recommends a policy statement be included requiring a buffer along each creek to preserve the biological integrity and continuity of the habitat. Department staff would be pleased to assist in identifying appropriate setbacks. This is recommended to protect the creek and its vegetation, and to provide a travel corridor for wildlife. No roads, buildings, or yards should be permitted within the buffer. Pedestrian trails should be located along the outside edge of the riparian vegetation.

3-14

As mentioned in the DEIR, any work within the banks of any creek, including road crossings and culverts, will require a streambed alteration agreement with this Department. The Department has regulatory authority over any proposed activities

3-15

that would divert or obstruct the natural flow or change the bed, channel, or bank of any stream pursuant to Fish and Game Code sections 1601-03. Formal notification of proposed channel modifications under Fish and Game Code Section 1603 should be made after all other permits and certifications have been obtained. Work cannot be initiated until a streambed alteration agreement is executed.

3-15

It is the policy of this Department that a project should cause no net loss of either wetland acreage or wetland habitat value. We recommend impacts to creeks and wetlands be avoided where possible. Impacts would include, but are not limited to, road crossings, culverts, channelization, and rip rap. If improvements to the creek must be made for reasons of human health and safety, construction of retention basins would be preferable to channelization of the entire stream. In areas which must be channelized, we recommend the channel be oversized in order to allow for vegetation along both banks. Vegetation removed along the creek should be replaced on a 3:1 in-kind basis using native species.

3-16

The Army Corps of Engineers has jurisdiction over the discharge of fill to streams under Section 404 of the Clean Water Act. If work is to be done in the creek, we recommend the Corps be notified to determine if they have jurisdiction and require a permit.

3-17

Runoff from parking lots and agricultural lands contributes to non-point source pollution in creeks which impacts aquatic species. To mitigate these impacts, we recommend oil/grease separators be required in the storm drain system of all 50-car or larger parking lots. Annual maintenance of the separators as well as a sweeping program for the lot itself should also be required. Properly sized and maintained separators will reduce the amount of oil flowing into the creek, as well as allow time in the summer for the degradation of biodegradable materials such as some detergents used to wash cars.

3-18

The Department is available to assist the County in developing a plan to maintain biodiversity in the area. Such a plan could address impacts to and mitigation for wetlands, endangered plants, kit fox habitat, burrowing owl, tiger salamander, invertebrates, and any other sensitive biological resources within the planning area.

3-19

Ms. Deborah Stein  
August 2, 1993  
Page Seven

If you have any questions or comments regarding any of the above, please contact Ms. Caitlin Bean, Environmental Specialist III, at (707) 944-5570; or Mr. Carl Wilcox, Environmental Services Supervisor, at (707) 944-5525.

Sincerely,

A handwritten signature in black ink that reads "Brian Hunter". The signature is written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Brian Hunter  
Regional Manager  
Region 3

Enclosure

cc: EMAX

U. S. Fish and Wildlife Service  
Environmental Protection Agency  
Zander and Associates



## RESPONSE TO COMMENTS LETTER 3

Department of Fish and Game  
Brian Hunter, Regional Manager, Region 3

### RESPONSE 3-1

Comment noted. The County has integrated the concept of the Habitat Conservation Plan into the proposed *East County Area Plan* through its comprehensive approach to mitigating cumulative impacts to the planning area's biological resources. Lands designated as "Resource Management" for Biological Resource Protection will be acquired through a combination of fee purchase, dedication and easements. Further, management guidelines to implement specific resource management objectives for watershed and biological resource protection will be developed for areas designated for Resource Management under the plan (see program 24). Please also refer to RESPONSE 2-8.

### RESPONSE 3-2

Comment noted. The County does not believe that the City of Livermore's plan for North Livermore would necessarily protect biological resources better than the proposed plan. Please refer to the **Response to Common Question #4(d)** which discusses the greater effectiveness of the ECAP in protecting open space (including lands designated for Resource Management) compared to a lower growth alternative such as the City of Livermore's plan for North Livermore.

### RESPONSE 3-3

We agree with the CDFG that the Springtown valley sink scrub habitat requires special protection measures. Taken together, the following policies (the last two recommended as mitigations in the DEIR) should adequately address the issue of this habitat's protection:

**Policy 123:** The County shall preserve an open space corridor connecting the Bird's Beak Preserve with lands designated "Resource Management." This open space corridor shall vary in width between 50 and 150 feet.

**Mitigation Measure 5.7-4:** *The County shall designate an approximate 200 yard zone around the perimeter of the defined Bird's Beak Preserve in North Livermore as a Special Management Area. Within this zone, all proposed land uses and project designs shall be evaluated regarding their potential to effect the viability of the Springtown valley sink scrub habitat, and mitigation shall be incorporated into the approval of detailed development plans within this 200 yard zone to avoid the impact. Mitigation may take the form of clustering development to avoid sensitive areas, management practices, land swap with the FCC Monitoring Station, or other appropriate measures.*

**Mitigation 5.12-6:** *The County shall require Major New Urban Development in North Livermore to include designs for managing surface water and groundwater resources to ensure to the extent*

*feasible that there is no net change in the existing hydrologic conditions of the Springtown valley sink scrub habitat resulting from development in the watershed, unless that change is determined to be beneficial for the habitat in question.*

Please also refer to RESPONSE 3-5.

#### RESPONSES 3-4 and 3-5

The three management zones recommended in the Management Plan prepared by Philip Williams & Associates (1988) for the watershed lands of the alkali sink were delineated based on review of historical information and limited site sampling. A new report prepared by Berlogar Geotechnical Consultants (1993) is based on more intensive sampling of the existing conditions of the watershed and makes conclusions about the alkali sink hydrology that are different than those presented by Williams.

As noted in the DEIR, Philip Williams and Associates, consultants in hydrology, completed a proposed management plan in 1988 for the Springtown alkali sink (also known as valley sink scrub), for the California Department of Fish and Game. In this management plan PWA acknowledges that the relative importance of surface vs. subsurface flows to the sink is unknown but concludes that the alteration of surface flows and shallow groundwater to the sink have reduced the extent of the sink habitat and affected the viability of the bird's beak. PWA identifies the areas north and northwest of the sink as the contributing watershed and therefore recommends that development be limited in these areas in order to minimize disruption of normal surface flows and infiltration rates and thereby protect the valley sink scrub habitat.

Recently, another hydrologic investigation of the Springtown watershed was completed by Berlogar Geotechnical Consultants (February, 1993) in order to gather information on the surface and subsurface hydrologic conditions that influence the Springtown alkali sink. Using sources similar to those used by PWA, collecting site specific rainfall and stream flow data for several storm events, and mapping surface hydrologic conditions in the sink, Berlogar concluded that groundwater is the major hydrologic contributor to the sink. Berlogar further defines the highlands to the east and southeast of the sink and the flatlands south of I-580 as the primary recharge area for this groundwater and concludes that the lands to the north and west contribute primarily surface flows to the sink.

While the purpose of these hydrologic investigations is to sufficiently understand the existing hydrologic conditions of the Springtown sink so that the habitat values of the area may be maintained or enhanced, it is still unclear how the hydrologic conditions affect the existing bird's beak population. Although the two studies referred to above, as well as studies conducted by the Center for Conservation Biology at Stanford, have not resulted in a conclusive understanding of the bird's beak/hydrologic relationship, they suggest that both groundwater and surface water are important factors.

The ECAP proposes new urban development on lands surrounding the Springtown valley sink scrub habitat. Assessing the impact of this development is difficult given the two different conclusions reached in the studies mentioned above. Although further studies may indicate that a change in hydrologic conditions would maximize rather than reduce the habitat value of the sink, a number of measures can be taken in conjunction with development in the area to maintain existing hydrologic

conditions. For example, (1) surface flows can be engineered and directed to reach the alkali sink at rates and amounts similar to existing conditions, and (2) recharge of the groundwater can be accomplished through active management as well as avoidance of development in areas identified as key to the recharge of the basin. As stated in the DEIR (*Chapter 5.7*, page 24): "If development can provide facilities as part of the project design which will release surface flows into the sink at rates and volumes emulating existing conditions and assure that local groundwater resources are recharged, existing hydrologic conditions of the sink can be maintained."

Mitigation 5.12-6 addresses this impact issue by requiring water management measures to be incorporated into Major New Urban Development:

*Mitigation 5.12-6: The County shall require Major New Urban Development in North Livermore to include designs for managing surface water and groundwater resources to ensure to the extent feasible that there is no net change in the existing hydrologic conditions of the Springtown valley sink scrub habitat resulting from development in the watershed, unless that change is determined to be beneficial for the habitat in question.*

Implementation of this mitigation assumes that further hydrologic study would be undertaken and that the conclusions of the study would provide the basis for site-specific surface and groundwater management measures.

#### RESPONSE 3-6

Comment noted. Copies of the report prepared by Berlogar Geotechnical Consultants were sent to Ms. Caitlin Bean of the CDFG in October 1993.

#### RESPONSES 3-7 and 3-8

Although no San Joaquin kit fox have been observed on grasslands within the Urban Growth Boundary, the County anticipates that these grasslands may be considered by the USFWS as suitable habitat requiring mitigation. Accordingly, the County has designated certain grasslands north of the I-580 corridor as "Resource Management" to be permanently protected through acquisition, easements, density transfer, and other appropriate mechanisms. These lands will remain as open space and will serve to provide a wildlife corridor to the large areas of grasslands in southern Contra Costa County, in the Altamont Hills, and to the San Joaquin County Habitat Conservation Area where kit fox have been observed in the past. Policy 65 ensures that management objectives for the open space lands are clearly defined and that funds are available to carry out these objectives.

The permanent provision of Resource Management lands, managed as habitat for biological resources, is intended to mitigate for cumulative loss of potential habitat within the Urban Growth Boundary. In addition, where land within the Urban Growth Boundary is determined to be suitable kit fox habitat, site-specific surveys will be conducted prior to development, as required by program 54, to ascertain if kit fox are actually present:

**Program 54:** The County shall develop specific biological survey protocols for special status plants and animals to be used in evaluating proposed activities within the Urban Growth Boundary, in consultation with federal and state resource agencies.



The most current survey protocol for the kit fox will be provided to appropriate applicants early in the planning process. If kit fox are determined to be present, additional mitigation may be required. Program 55 of the ECAP states:

**Program 55:** The County shall establish mitigation measures for biological resources affected by the activities and development within the Urban Growth Boundary. To this end, the County shall consult with federal and state resource agencies to establish mitigation measures for specific special status taxa identified within the Urban Growth Boundary (e.g., mitigation fees, relocation, recreation of habitat within open space).

In summary, the cumulative loss of potential habitat for the kit fox within the Urban Growth Boundary will be mitigated on lands designated as "Resource Management" outside the Urban Growth Boundary which possess similar habitat potential.

#### RESPONSE 3-9

Comment noted. This information will be considered (1) when establishing species-specific survey protocols as stated in Program 54 of the ECAP, and (2) when establishing mitigation measures for special status taxa as stated in Program 55. If mitigation for the Tiger Salamander occurs on "Resource Management" land, a management practice that could be employed on lands protected through easement or fee purchase is prohibiting ground squirrel eradication so that their burrows could be used by the salamander and other wildlife species.

#### RESPONSE 3-10 and RESPONSE 3-11

Comment noted. This information will be considered (1) when establishing species-specific survey protocols as stated in Program 54 of the ECAP, and (2) when establishing mitigation measures for special status taxa as stated in Program 55.

#### RESPONSE 3-12

Comment noted. Table 5.7-2 only lists special status species that are currently known to occur in the planning area. This list was compiled from a variety of sources, including records from the California Natural Diversity Data Base administered by the California Department of Fish and Game. As stated on page 7 of the Biological Resources Background Report (*Volume 2 - Draft East County Area Plan*), it is the County's intent to maintain and continually update records of special status species found to occur in the planning area as information is received. These records will be used when reviewing project applications and developing survey and mitigation protocols. As part of this updating process, Table 5.7-2 will be revised as shown at the end of RESPONSE LETTER 2.

The DEIR addresses the loss of special status species as a general category in Potential Impact 5.7-3; the loss of grassland, cultivated land and woodland habitat within the Urban Growth Boundary is discussed in Potential Impact 5.7-1.

**RESPONSE 3-13**

See RESPONSE 3-12. Addressing impacts based on known occurrences of special status species (rather than potential occurrences) is appropriate for the level of analysis required for this general plan and program EIR. Other comments are noted. The list of potentially occurring special status species within the Urban Growth Boundary may be found at the end of RESPONSE LETTER 2 and will be considered in subsequent environmental documents for Major New Urban Developments proposed within the Urban Growth Boundary.

**RESPONSE 3-14**

The ECAP provides for the protection of riparian areas both inside and outside the UGB. Policies 122, 153, 256, 259 and 260 encourage protection of the arroyos and bottomland riparian habitat. In addition, program 92 calls for a cooperative effort among interested agencies (including the CDFG) to integrate multi-use objectives for storm drainage and flood control features. Specific protection measures for the arroyos could be developed at the time program 92 was implemented.

In addition, the following mitigations recommended in the DEIR will guide the County's actions with respect to wetlands:

*Mitigation Measure 5.7-2(a): The County shall encourage no net loss of riparian and seasonal wetlands.*

*Mitigation Measure 5.7-2 (b): The County shall encourage that wetland mitigation be consolidated in areas that are relatively large and adjacent to or otherwise connected to open space. To the extent possible, these areas should be included in, adjacent to, or linked through open space corridors with lands designated as "Resource Management" that are managed specifically for the preservation and enhancement of biological resources.*

**RESPONSE 3-15**

Comment noted.

**RESPONSE 3-16**

Comment noted. Please refer to RESPONSE 3-14.

**RESPONSE 3-17**

Comment noted.

**RESPONSE 3-18**

Program 104 of the ECAP requires the County to implement the Alameda County Urban Runoff Clean Water Program. This program provides guidelines for Best Management Practices (BMP's) to be employed by facilities which release runoff into municipal water ways. The program is also going to provide guidelines for new developments for the design of onsite features that would filter out pollutants from storm waters before they are released into water ways. Program 105 of the ECAP also endeavors to minimize herbicide use by public agencies by applying integrated pest management principles for vegetation control.

**RESPONSE 3-19**

Comment noted. The County will appreciate the Department's assistance in developing biological resource management guidelines for land designated as "Resource Management" as called for under program 24 of the proposed plan.

## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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AUG 03 1993



July 30, 1993

LETTER 4

Deborah Stein  
 Acting Assistant Planning Director  
 Alameda County Planning Department  
 399 Elmhurst Street  
 Hayward, CA 94544

Dear Ms. Stein:

The California Department of Forestry and Fire Protection makes the following comments relative to the East County Area Plan, SCH #92073034.

In Chapter 5.19, page 7, paragraph 3; mention is made of wildland fire safety guidelines. In State Responsibility Areas (SRA), fire safe elements formerly recommended are now codified under PRC 4290. Individual counties can either adopt these state regulations or apply their own regulations as long as they meet or exceed PRC 4290.

4-1

On page 10 of the same chapter, under Policy 294, consider rewording this policy to line up with the Bates Bill (AB 337). Also on this page, consider rewording other policies to conform to PRC 4290.

4-2

Please note one more item. The document refers to "California Division of Forestry" on page 4, Chapter 5.19. This should read, "California Department of Forestry and Fire Protection".

4-3

Please do not hesitate to contact myself or Frank Curry in this office should you have any questions or concerns. Thank you for the opportunity to comment on the document.

Sincerely,

RICHARD J. CLANTON  
 Ranger Unit Chief

By: Dave Wachtel  
 Staff Forester

dh



**RESPONSE TO COMMENTS  
LETTER 4**

California Department of Forestry and Fire Protection  
Richard J. Clanton, Ranger Unit Chief

**RESPONSE 4-1**

Comment noted. Alameda County's "Wildland Fire Safety Requirements", contained in the County's *Fire Protection Master Plan*, were designed to meet the recommendations codified under PRC 4290. These requirements have not yet been adopted by ordinance, but an implementation program will be inserted which reads as follows:

New Program: The County shall adopt by ordinance the "Wildland Fire Safety Requirements" contained in the *Alameda County Fire Protection Master Plan*.

**RESPONSE 4-2**

A new implementation program will be inserted which specifically references the 1992 Bates bill (AB 337). The program will read as follows:

New Program: The County shall work with the California Department of Forestry and Fire Protection to designate "very high fire hazard severity zones" in conformance with AB 337 (1992). The County shall ensure that all zones designated as such meet the standards and requirements contained in this legislation.

We have reviewed policies 295 and 296, as requested, and believe that they are in conformity with PRC 4290.

**RESPONSE 4-3**

The reference to the "California Division of Forestry" on page 4 of *Chapter 5.19* will be changed to read "California Department of Forestry and Fire Protection".

C

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MEMORANDUM

AUG 06 1993

To: Mr. Douglas P. Wheeler  
Secretary for Resources

Date: August 4, 1993

LETTER 5

Ms. Deborah Stein  
Alameda County Planning Department  
399 Elmhurst Street, Room 136  
Hayward, CA 94544

From: Department of Conservation  
Office of Governmental and Environmental Relations

Subject: Draft Environmental Impact Report (DEIR) for the East  
County Area Plan. SCH #92073034

The Department of Conservation's Division of Mines and Geology (DMG) has reviewed the DEIR for the County of Alameda's East County Area Plan. DMG is impressed with the thoroughness and apparent care that has been applied to this plan and EIR. We have the following comments regarding the Plan's Chapter 5.10, dealing with mineral resource policy:

Aggregate deposits constitute a finite mineral resource, and mining is a temporary land use, unlike urbanization, which tends to be an expanding and irreversible phenomenon. Accordingly, DMG approves of the East County Area Plan's mining policies and programs, especially policies 145 and 147, which are intended to protect both mining and other land uses.

5-1

Policy 104 provides for the establishment of Resource Management zones to protect watershed objectives of the San Francisco Water Department in the mineral resource Sector E area. We suggest that County consider the establishment of analogous Mining Management zones around mineral resource areas that are currently remote from urbanizing centers. We feel that to be effective, such actions to preclude future land use conflicts need to be enacted early, based upon long range planning beyond the foreseen Plan period.

5-2

Program 64, which proposes the use of buffering between existing mining operations and residential development, might be improved by establishing a minimum buffer width, such as 2,500 feet, if possible.

5-3

Program 67 would require inclusion of a real estate disclosure notice in deeds of properties to be developed within 1000 feet of a designated resource sector. Because home buyers rarely see their deeds until after the sale is finalized, we suggest the County amend and strengthen Program 67 by requiring by ordinance that the potential use conflict information also be posted at the development site and announced in all sales brochures and associated literature.

5-4



Mr. Wheeler and Ms. Stein  
August 4, 1993  
Page Two

Please address any questions regarding these comments to  
Roger Martin, Division of Mines and Geology Environmental Review  
Project Manager, at (916) 322-2562.



Deborah L. Herrmann  
Environmental Program Coordinator

cc: Roger Martin, Division of Mines and Geology

## RESPONSE TO COMMENTS LETTER 5

Department of Conservation, Office of Governmental and Environmental Relations  
Deborah L. Herrmann, Environmental Program Coordinator

### RESPONSE 5-1

Comment noted. No response is necessary.

### RESPONSE 5-2

The County agrees with the concept set forth in this comment. Land use conflicts between existing quarries and more recent residential developments have already occurred in the East County planning area.

The County maintains that policies 145 through 149 would be more effective in addressing the potential for land use conflicts between mineral resources and other uses than would the designation of a "management zone" policy 147, as modified in the DEIR, would limit development around existing quarries to those that are either not sensitive to the quarry operations, or that would be able to mitigate the conflicts to an acceptable level. Policy 174 would also require review of new surface mining applications with respect to protection of surrounding land uses. Policies 148 and 149 require all quarries located within the Urban Reserve or Water Management areas, respectively, to be reclaimed according to approved plans and established requirements set forth for those areas, with the intent of developing reclaimed land uses in harmony with the surrounding area.

Finally, policy 147 could be made more inclusive by the following amendment, which is recommended here (modifications recommended in the Draft DEIR are in *italics*; new language is underlined):

Proposed Modification to policy 147: The County shall impose conditions on approval of new Surface Mining Permits and Reclamation Plans to protect nearby uses from potential traffic, noise, dust, health and safety, visual and other impacts generated by sand and gravel quarries. *Conversely, the County shall not approve land uses adjacent to any existing quarry or Regionally Significant Construction Aggregate Resource Sector if the development of the new uses would result in exposure of residential or other sensitive uses to possible adverse impacts of the quarry, unless the new uses can effectively mitigate the significant adverse impacts and notify potential homeowners of the risk, as required by policy 146.*

### RESPONSE 5-3

The County agrees with the general concept of a buffer zone between quarries and residential development; however, there are different conditions at each quarry that could make a buffer as large as 2,500 feet, or even 1,000 feet, unnecessarily restrictive. A small quarry on one side of a ridge may be only 500 feet from a residential area, for example, but the intervening ridgeline and size of

the quarry may not necessitate such a large buffer. Further, program 64 does not specify residential development only; a quarry operation near an industrial area, such as near the eastern portion of the City of Livermore, may not require the same setbacks and buffers necessary to protect residential uses.

Finally, the County has at least one Regionally Significant Construction Aggregate Resource Sector where there have been no applications yet for mining permits (Sector C, near the intersection of South Livermore Avenue, Tesla Road and Mines Road). There are some dwellings within several hundred feet of this area, although they are rural and not concentrated. A buffer zone of even 1,000 feet would severely restrict the potential for extraction of this significant resource, while a smaller buffer zone or buffering techniques, determined at the time of application, could accomplish adequate mitigation of significant impacts and land use conflicts.

For these reasons, the County considers program 64 to adequately cover the buffering requirements of most mining/urban use conflict situations in the East County planning area.

#### RESPONSE 5-4

Although the commenter's point is well-taken, existing disclosure laws should be adequate to mitigate this impact. It would be the legal responsibility of a seller and/or the realtor to disclose this information to any potential buyer if the information is in the deed as required under program 67.

## DEPARTMENT OF TRANSPORTATION

BOX 23660  
 OAKLAND, CA 94623-0660  
 (510) 286-4444  
 TDD (510) 286-4454

RECEIVED

AUG 04 1993



August 4, 1993

LETTER 6

ALA-000-var  
 SCH# 92073034  
 ALA000130

Mr. Adolph Martinelli  
 Planning Director  
 Alameda County Planning Department  
 1221 Oak Street  
 Oakland 94621

RE: DRAFT ENVIRONMENTAL IMPACT REPORT - EAST COUNTY AREA  
 PLAN.

Dear Mr. Martinelli:

Thank you for including the California State Department of Transportation in the review process for this proposal. We have reviewed the above referenced document and forward the following comments:

Caltrans is interested in working with Alameda County to develop a transportation infrastructure that is compatible with land use. It is imperative that the connection between land use development and transportation problems be recognized.

The document contains a list of roadway mitigation measures in Table 5.4.3. The implementation of many of these improvements, such as the widening of I-580 and I-680, is questionable due to lack of identified funding, environmental constraints and lack of regional consensus. Figure 15 titled "2010 Peak Hour LOS Deficiencies" clearly shows that without the mitigation identified in Table 5.4.3 the impacts of this proposal on the transportation system will be devastating. The implementation of the needed mitigation must be assured. If the mitigation cannot be assured, Alameda County should consider alternatives to the project that would not require such extensive improvements in the transportation system and would be compatible with a more realistic concept for the future transportation system in eastern Alameda County. In addition an alternative that produces development more compatible with transit and non-motorized transportation should be considered as a means of reducing the traffic impact of this proposal.

The document states on Table 4-1, page 3, that "Project funding of roadway and transit projects from State Federal and other known sources could be inadequate to finance required improvements." In regard to this impact the document also states

6-1

6-2

6-3

that no mitigation is feasible to reduce the impact to less than significant levels. As the agency with discretionary approval over much of the development proposed in this plan, Alameda County could institute programs and policies that would mitigate this impact. The County should make a commitment to raise sufficient funds to implement measures that are needed to mitigate the impacts of the project. Possible funding mechanisms include assessment districts and development fees.

6-3

We appreciate the opportunity to review this document and hope to continue to work with Alameda County in solving and preventing transportation problems. Please send your responses to the above comments, prior to the certification of this environmental impact report, to the following address:

Kit Curtiss  
Transportation Planning Branch  
Caltrans, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

If you have any questions about these comments or wish to meet to discuss this project, please contact Terry Grindall of my staff at (510) 286-5557.

Sincerely,

PRESTON W. KELLEY  
District Director

By 

FOR KIT CURTISS  
CEQA Coordinator

cc: Mike Chiriatti, State Clearinghouse  
Susan Pultz, MTC  
Sally Germain, ABAG  
Dennis Fay Alameda CMA

## RESPONSE TO COMMENTS LETTER 6

Department of Transportation  
Kit Curtiss, CEQA Coordinator

### RESPONSE 6-1

Improvements to four regional facilities (I-580, I-680, Vasco Road and SR 84/Vallecitos Road) were identified in the ECAP DEIR as measures that would be necessary to reduce congestion to acceptable levels. Funding constraints will limit mitigations to only those which are most cost effective. Currently there are no evident sources of funding for these major improvements. Decisions about allocating any new sources of funding (e.g., the extension of existing local, state, or federal funding programs or the implementation of a regional transportation impact fee) will require regional consensus about which projects are most cost-effective, in light of competition for available funds and when compared with other mitigation alternatives.

The Transportation Diagram of this plan does not assume that I-580 and I-680 will be widened, due to the factors noted by the commenter. (See Response to Common Question #8.) To be conservative (and to use an approach consistent with that of the CMA), the County does not call impacts to the transportation network "mitigated" if secure funding sources are not identified. To devise an alternative plan based solely on a funded transportation network, as proposed by the commenter would be short-sighted. A comprehensive plan must necessarily balance social, physical and economic factors and should not be predicated on resolving a single identified constraint. Nevertheless, the County is committed to working with other members of the TVTC in developing a workable, funded transportation network to serve the area.

### RESPONSE 6-2

On pages 24-28 of *Chapter 6 - Evaluation of Alternatives*, the Draft EIR evaluates a "Minimum Growth/High Density" Alternative that is transit-oriented to the extent that it includes a compact development pattern. This alternative would reduce employment in the *East County Area Plan* by 20,000 jobs and reduce housing units by 23,000 units. Why this alternative is not considered preferable to the proposed plan is discussed in RCQ #4.

The dispersed pattern of work sites and residential areas in the East County makes it difficult to achieve high transit ridership, but the ECAP does contain several policies to promote transit-oriented development, including the following:

Policy 36: The County shall encourage high density multiple family housing near transit and in community centers but shall also ensure that some multiple family housing is dispersed throughout new residential areas.

Policy 184: The County shall support investment in transit as an alternative to automobile-intensive transportation improvements.

**Policy 185:** The County shall work with transit providers to complete transit improvements to meet the demand for existing and future development.

**Policy 186:** The County shall encourage high-intensity development in locations convenient to public transit facilities and along transit routes.

**Program 78:** The County shall work with East County cities to designate high density and high-intensity uses along major arterials and within walking distance of transit stops. The County shall work with cities to designate land near proposed BART stations for high density residential uses and personal services (e.g., child care).

### RESPONSE 6-3

Foreseeable funding for transportation improvements will come from a mix of federal, state, local and private sources which may include:

- an aggressive effort by all agencies to attract available federal and state funding to qualifying projects of subregional import;
- supporting the extension of the current subregional funding provided through Measure B;
- funding of local arterial improvements by adjacent development projects; and,
- funding of remaining needed improvements through an equitable subregional transportation fee where improvements are based upon regional consensus on benefit, affect on incommuting and outcommuting, and environmental and air quality considerations. (The ECAP puts a first priority on funding for subregional transportation facilities which will facilitate the movement of local residents to local job centers. Implicit in this emphasis is the efficient movement of those seeking to travel through the Tri-Valley whether by road, light-rail, heavy-rail or diesel transit with minimal effect on local trips.)

Table 5.4-3 indicates the commitment of Alameda County to pursue private funds to supplement public funds identified in the CMA's Capital Improvement Program. The plan and Draft EIR include several policies and mitigation measures ensuring that development will pay for needed roadway and transit improvements, including the following:

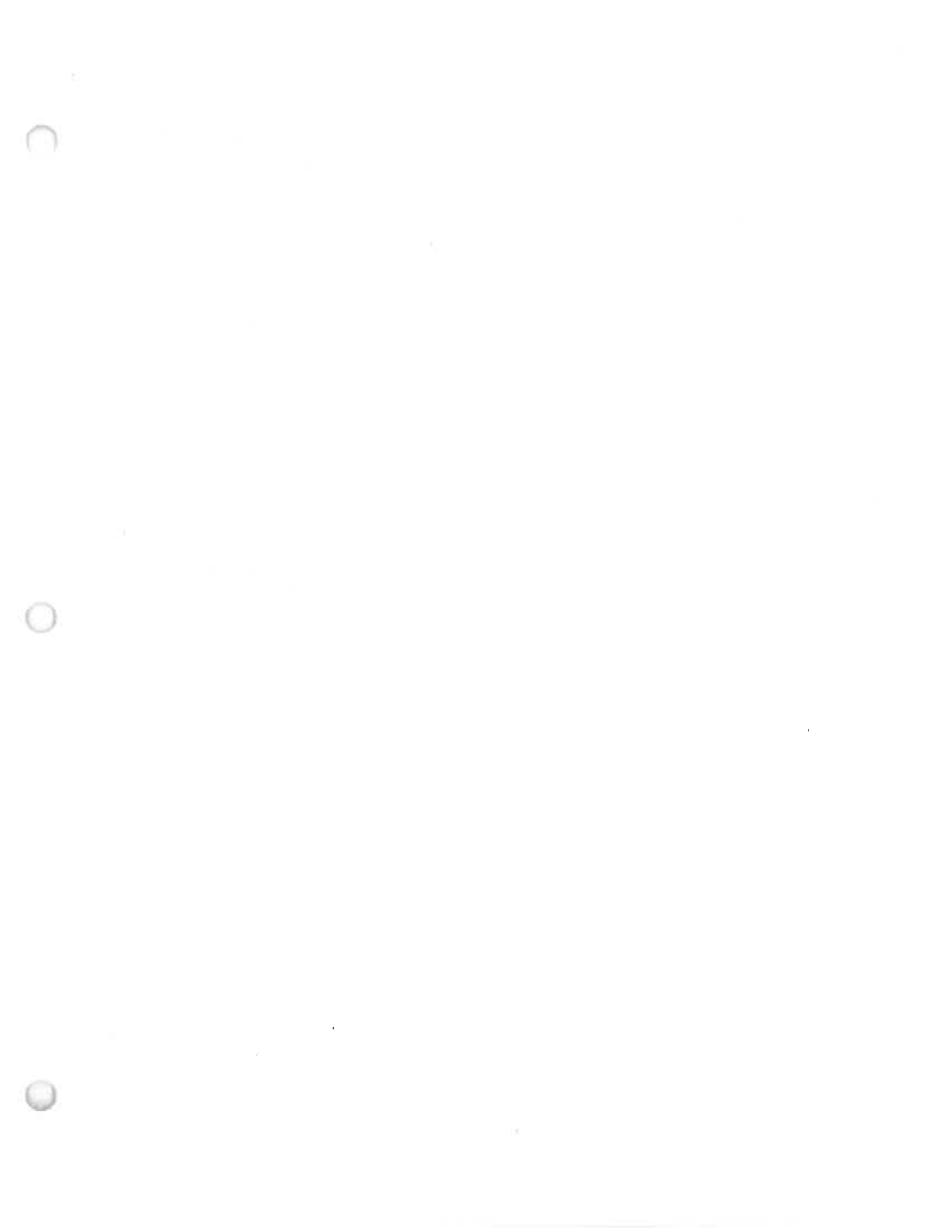
**Policy 167:** The County shall require new developments to pay their fair share of the costs of planned roadway improvements.

**Policy 168:** The County shall work with the Tri-Valley Transportation Council in developing a subregional transportation fee to help finance unfunded transportation improvements in the Tri-Valley area.

**Policy 14:** The County shall work with cities and service districts to plan adequate infrastructure capacity to accommodate development consistent with the *East County Area Plan*. The level of development in the *East County Area Plan* shall depend on the adequacy of transportation and infrastructure improvements and the extent to which these improvements can be funded.

**Mitigation Measure 5.4-3: All new development in areas that are unincorporated as of the adoption of the East County Area Plan shall contribute their fair share towards the costs of transportation mitigation measures shown in Table 5.4-3 for each affected roadway segment, subject to confirmation in subsequent traffic studies, as a condition of project approval.**





**Community  
Development  
Department**

County Administration Building  
651 Pine Street  
4th Floor, North Wing  
Martinez, California 94553-0095

Phone: (510) 646-2035

**Contra  
Costa  
County**



Harvey E. Bredon  
Director of Community Development

**RECEIVED**

**AUG 04 1993**

**LETTER 7**

August 3, 1993

Mr. Adolph Martinelli  
Planning Director  
Alameda County  
399 Elmhurst Street  
Hayward, CA 94544

Dear Adolph:

Thank you for the opportunity to review the Draft EIR on the East County area plan. It is a fairly complete and thought provoking development. First let me support the concept of Alameda County adopting an urban growth boundary as shown on figure 5. The DEIR does not appear to provide the analysis necessary for the Alameda County LAFCO to bring city spheres of influence into conformity with this approach; it should.

7-1

The Open Space diagram shown on Figure 6 appears to be consistent with our Urban Limit Line. If there is any thought on amending this boundary a thorough review of the boundary modification environmental impacts needs to be in the Final EIR. Policies 73 and Program 22 listed on page 15 are good follow through steps to ensure consistency.

7-2

The noise contours shown on Figure 17 for Dougherty and Tassajara Roads do not appear accurate. Why were noise contours only projected for freeways and not for arterial roads?

7-3

The discussion on biological resources appears to overlook the issue of oak tree preservation and replanting. There is a need for additional mitigations to offset the loss of oak trees in the region due to both growth and to five wood dimond.

7-4

The discussion on water and wastewater should acknowledge that DSRSD is a two county district and may expand those services within Contra Costa County and pipelines and facilities should be designed consistent with those anticipated services.

7-5

The proposed project and Alternative 4 appear to provide for a substantial buffer between our counties; this should be supported.

7-6

To	Adolph Martinelli	From	Jim Cutler
Co.	Alameda Plann	Co.	
Dept.		Phone #	(510) 646-2035
Fax #	785-8793	Fax #	

Mr. Martinelli  
August 2, 1993  
Page -2-

On page 5.4.2 the DEIR briefly discussed the Mid-State Toll Road. The FEIR should explain feasibility reasoning of omitting the toll facility project, currently envisioned, in the cumulative analysis as a reasonable foreseeable project, as interpreted in CEQA. 7-7

The FEIR should describe and explain the project traffic cumulative impacts in Contra Costa County, given all the various approved and pending GPA's in the area. The FEIR should address establishing mitigation agreements with affected jurisdictions with project impacted road facilities not included in the TVTP. 7-8

On page 5.4.10, Policy 192 indicated that it will address special travel needs of the elderly, young, handicapped, and environmentally disadvantaged in the public transit systems. The FEIR should discuss paratransit coordination with both Contra Costa and Alameda Countys' Paratransit Coordinating Councils. 7-9

The "what if" section of the EIR is a very creative way to deal with complex issues and I applaud this novel approach. The discussion in Chapter 6 on page 35 on the what if State Route 84 remains a two lane road, appears to well understate the impact of this approach. The Final EIR should quantify or better qualify the areas when service standards would be violated under this scenario. 7-10

Once again congratulations on a fairly thorough EIR.

Sincerely yours,



James W. Cutler  
Assistant Director of Comprehensive Planning

JWC:aw

M61/Alameda.Rr

## RESPONSE TO COMMENTS LETTER 7

Contra Costa County Community Development Department  
James W. Cutler, Assistant Director of Comprehensive Planning

### RESPONSE 7-1

Program 2 states that the County shall work with cities to achieve consistency of local general plans with the proposed plan, especially in terms of holding capacity limits, infrastructure requirements, and open space acquisition programs. Other policies and programs in the plan similarly encourage the cities and County to work cooperatively to achieve common planning goals and objectives. It is up to each city to determine its appropriate sphere of influence and to initiate the process of making any necessary modifications.

The County does not intend or direct that a change in the cities' spheres of influence be a follow-up procedure to adoption of the *East County Area Plan*; therefore, the EIR does not provide the analysis necessary for the Alameda County LAFCO to make such changes. However, the ECAP can serve as a guide for all East County jurisdictions and LAFCO in making planning decisions that have subregional implications, and the County hopes that the plan's "big picture" perspective will be considered in conjunction with other area-specific analyses in future city and LAFCO decisions.

Also, please refer to **Response to Common Question #15** for further discussion of the relationship between the proposed plan, the cities' adopted general plans, and the cities' sphere of influence.

### RESPONSE 7-2

Comment noted. If the location of the Urban Growth Boundary is modified prior to plan adoption, any potential significant environmental impacts would be analyzed prior to certification of the EIR.

### RESPONSE 7-3

Figure 17 shows noise contours for I-580 and I-680 only. This clarification will be made in the text (page 11 of *Chapter 5.6 - Noise*) and on Figure 17. The title of Figure 17 will be changed from **Noise Contours (2010): Roadways** to **Noise Contours (2010): Interstates**. The following note will also be added to Figure 17:

Note: Contours are shown for I-580 and I-680 only.

Noise contour distances for major arterials in unincorporated areas are shown in Table 5.6-3 (1990) and Table 5.6-4 (2010) of the DEIR. Dougherty Road is within an incorporated area and therefore not included in these tables. However, the tables will be revised to include the following noise contour distances for Tassajara Road:

TABLE 5.6-3

**Noise Contour Distances (1990)**

Roadways		Distance to LDN Contour in Feet				
Street	Link	80 db.	75 db.	70 db.	65 db.	60 db.
Tassajara Road	I-580 to future intersection with Fallon Road	-	-	-	-	190
	North of future intersection with Fallon Road	-	-	-	-	140

<sup>1</sup>Midpoint, Road A and Point A, etc. typically represent a location midway between two consecutive roadways.

Source: Measured using 60 db contour from Charles Salter Associates for East Dublin GPA/Specific Plan, 1992.

TABLE 5.6-4

**Noise Contour Distances (2010)**

Roadways		Distance to LDN Contour in Feet				
Street	Link	80 db.	75 db.	70 db.	65 db.	60 db.
Tassajara Road	I-580 to intersection with Fallon Road	--	--	77	166	357
	North of intersection with Fallon Road	--	--	--	76	163

Notes: <sup>1</sup>Midpoint, Road A and Point A, etc. typically represent a location midway between two consecutive roadways.  
<sup>2</sup>Same as existing data

Roadway noise levels were calculated using the Federal Highway Administration's Traffic Noise Prediction Model (FHWA-RD-77-108). In order to accurately reflect noise levels on California roads, California Vehicle Noise Emission Level curves were also incorporated into the model. Peak hour traffic volumes and average travel speeds were used to calculate the peak hour traffic volumes and average travel speeds were used to calculate the Peak Hour Leq, which was assumed to be equivalent to the day/night average sound level (DNL). Contour intervals were based on the calculated reference DNL at 50 feet from the roadway centerline. By applying a 4.5 dB reduction for each doubling of distance from the roadway centerline, the 60, 65, 70, 75 and 80 dB intervals were calculated.

Source: Charles Salter Associates, 1993

**RESPONSE 7-4**

The majority of oak woodlands identified in the planning area will be outside of the Urban Growth Boundary. The preservation of large mature trees, including oak trees is addressed in 109 and program 50 of the ECAP.

**RESPONSE 7-5**

Comment noted. The following note will be added to Figure 26 (Water District Boundaries) and Figure 27 (Sewer Service Areas and Major Facilities) in the DEIR:

Note: The DSRSD is a two county district and its service area extends into Contra Costa County.

**RESPONSE 7-6**

Comment noted. No response is necessary.

**RESPONSE 7-7**

Comment noted. Although the Toll Road per se was not included in the analysis, RESPONSE 11-13 indicates that a generally equivalent highway network was considered. Formal opposition by Contra Costa County as well as other political jurisdictions through which the Toll Road would pass demonstrates the questionable feasibility of the facility.

**RESPONSE 7-8**

Major residential development proposals are being considered in eastern Contra Costa County which, if approved, would likely result in additional incommuting via Vasco Road to job centers in eastern Alameda County. The ECAP DEIR states that Vasco Road would require a major upgrade to 6 lanes to achieve acceptable levels of service given assumptions in the Tri-Valley Traffic Model about projected incommuting from eastern Contra Costa County. (It is noted that the Contra Costa County development is considered in the Tri-Valley Traffic Model, as is all planned development in the entire nine-county Bay Area.)

The ECAP supports the concept that possible inter-county mitigation agreements are desired to fund project impacts not included in the Tri-Valley Transportation Plan. Vasco Road is a good example of a facility linking residential districts in Contra Costa County with employment districts in Alameda and Santa Clara Counties whose improvements may require inter-county funding.

The ECAP strives to achieve a closer match between jobs and housing units priced to match the incomes of the workforce in order to reduce the effects of incommuting from eastern Contra Costa County and from San Joaquin County. As recommended in RESPONSE 8-5, the proposed new program on page 6 (*Chapter 5.3 - Employment and Housing*) will be modified as follows (new language is underlined):

Proposed New Program: *All major projects shall be evaluated for their effect on the East County jobs/housing ratio and the provision of housing affordable to East County workers, as well as the potential impacts to adjacent counties, especially in terms of in-commuting, and ~~To the extent reasonably feasible,~~ measures to mitigate any impacts shall be included as conditions of project approval.*

**RESPONSE 7-9**

Policy 192 will be revised as follows (new language is underlined):

Policy 192: The County shall work with transit providers to address the special travel needs of the elderly, young, handicapped, and economically disadvantaged in public transit systems. The County shall support efforts of the Contra Costa and Alameda Counties' Paratransit Coordinating Councils to coordinate the provision of paratransit services between the two counties.

**RESPONSE 7-10**

The comment underscores the importance of improving SR 84 beyond its current two lane carrying capacity. Without such improvements, congestion would build not only on SR 84 but on many other regional facilities including I-580, I-680, and current and planned arterials linking Pleasanton and Livermore. If maintained as a two-lane roadway, unacceptable levels of service would likely result on Vineyard Avenue, Stanley Boulevard, Stoneridge Drive, Jack London Boulevard, as well as I-580 and I-680.



**SAN JOAQUIN COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT**

1810 E. HAZELTON AVE., STOCKTON, CA 95205-8232  
PHONE: 209/468-3120 Fax: 209/468-3183

30 July 1993

Mr. Adolph Martinelli, Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

ALAMEDA COUNTY  
PLANNING DEPARTMENT  
HAYWARD, CALIFORNIA  
AUG 7 3 32 PM '93

**LETTER 8**

**Subject: East County Area Plan DEIR (SCH #92073034)**

Dear Mr. Martinelli:

This letter contains our comments to the North Livermore General Plan Amendment Draft Environmental Impact Report (DEIR).

In general, we are pleased that the DEIR analysis attempts to analyze cumulative jobs/housing impacts of growth allowed under the plan, especially in the North Livermore and East Dublin area, on the Mountain House New Town project and other growth planned in southwestern San Joaquin County. However, in regard to cumulative transportation impacts, we believe the DEIR fails to adequately quantify inter-regional impacts, specifically underestimating future traffic volumes on the I-580 corridor. We have made similar comments regarding the transportation analysis to the City of Livermore, in response to the North Livermore General Plan Amendment DEIR.

8-1

**Background**

During preparation of the environmental reports for the San Joaquin County General Plan 2010, and the Mountain House New Town, the County has been very cognizant of the need to analyze the relationship of cumulative growth planned in San Joaquin County with the development projects that are now being considered in the Tri-Valley area of eastern Alameda County, including the North Livermore project.

To analyze the cumulative transportation impacts of growth, San Joaquin County directed the firm DKS Associates to update the existing San Joaquin County Council of Governments transportation model, which at that time covered only one county, by reconstructing it into a multi-county transportation model that included land use and transportation assumptions for the nine-county Bay Area, the four-county Sacramento area, and other adjoining counties (Stanislaus, Amador, and Calaveras). During the past two years, San Joaquin County staff has also taken the initiative and organized several meetings with Alameda and Contra Costa County staff; representatives of Caltrans, Districts 10 and 4; the Metropolitan Transportation Commission; and the Association of Bay Area Governments, to discuss some of these inter-regional transportation issues. These discussions specifically focused on the differences in the assumptions used in the transportation computer models for the Bay Area versus San Joaquin County, and attempted to reconcile the differences.

8-2

In addition to spending the resources to adequately address the transportation impacts between the two regions of Northern California, San Joaquin County has also provided a level of analysis in the discussion of project alternatives which takes into account projects in the Tri-Valley area



in recent EIRs. For example, in the Mountain House New Town General Plan Amendment FEIR (March, 1992), one of the project alternatives that was assessed was a "North Livermore Alternative Site." This analysis looked at the relative environmental benefits and disadvantages of locating a Mountain House-sized project in the Las Positas Valley, instead of in San Joaquin County. In the Final Supplemental EIR for the Mountain House New Town project (January, 1993), a North Livermore alternative site was also evaluated.

8-2

### Employment and Housing Analysis

In contrast to the recently reviewed North Livermore General Plan Amendment DEIR, which is virtually silent on the issue of growth planned for San Joaquin County or for the Tracy area, the County's East County Area Plan DEIR makes a good faith effort to assess the inter-relationship of significant housing and jobs growth planned in the Tri-Valley area with growth planned in southwestern San Joaquin County. We appreciate this effort.

8-3

We are very supportive of one of the key policies included in the East County Area Plan, which directs the County to facilitate attainment of Association of Bay Area Governments (ABAG) regional housing share objectives for all income categories within the East County. The project description in the DEIR aptly notes that a jobs/housing analysis of growth planned in East County must take into account housing affordability, since "such a match is critical in the East County to reverse the trend of commute traffic on I-580 through the Altamont Pass" (page 5).

The "Employment and Housing" section of the DEIR analyzes the match between housing and jobs growth for the Tri-Valley area, and concludes that an imbalance could occur (Potential Impact 5.3-1). The following Potential Impact 5.3-2 states:

Lack of an adequate affordable housing supply to house projected employment in the East County could result in additional in-commuting from San Joaquin County and resultant traffic congestion, air pollution, noise impacts, and displacement of agricultural land, and could contribute to urban sprawl in areas east of the Altamont Pass (page 6).

8-4

We agree with the analysis and impact, although we would recommend that the impact be rephrased to more accurately refer to the "premature loss of prime agricultural land" instead of "displacement of agricultural land."

More importantly, we would request that the Proposed New Program language (page 6), that serves to be implement several related policies in the Area Plan, be amended to state:

All major projects shall be evaluated for their effect on the East County jobs/housing ratio and the provision of housing affordable to East County workers, as well as the potential impacts to the adjacent San Joaquin County area, especially in terms of in-commuting, and measures to mitigate any impacts shall be included as conditions of project approval.

8-5

San Joaquin County would also request that the "Employment and Housing" section of the DEIR be augmented to include:

- An analysis of projected 2010 population, housing, and employment for southwestern San Joaquin County (the Tracy Planning Area, as defined by the County), with specific summaries of the Mountain House New Town and the recently adopted Tracy Urban Management Plan [perhaps repeating or referencing the summaries that are already included in the "Land Use and Planning" section (page 9)].

8-6

- While the analysis documents the jobs/housing ratios and median housing prices for cities in the Tri-Valley area, it should be augmented in Tables 5.3-2 and 5.3-3 to also display similar jobs/housing ratio and housing price information for the Tracy area, as well as typical housing prices in eastern Contra Costa County communities such as Brentwood, Oakley, and Antioch. The DEIR should discuss the projected housing prices for the Mountain House New Town project and for the North Livermore and East Dublin projects (if available).

8-7

- The existing levels of in-commuting from the San Joaquin Valley (San Joaquin, Stanislaus, and Merced counties) to the Tri-Valley area should be documented, based on recent U.S. Census data and/or ABAG estimates (or else referred to in the Transportation section). This would give the reader an indication of the existing inter-relationship of the two regions.

8-8

- The analysis should discuss how the projected jobs/housing balance for the year 2010 in the Tracy Planning Area may affect the projected jobs/housing balance in the Tri-Valley area, and vice versa. The section should specifically discuss whether the Mountain House project may be expected to capture some of the demand for affordable and mid-priced housing being sought by Tri-Valley and other Bay Area workers. (As you know, the Mountain House developers have received General Plan approval from San Joaquin County, and may receive approval of a Master Plan, Public Financing Plan, and first phase Specific Plan sometime in 1994.)

8-9

The DEIR should discuss and analyze what the impacts upon the shorter-term (year 2000) projected jobs/housing balance in the Tri-Valley and Livermore areas may be, if there is significant moderate priced housing growth in the Tracy area (either at Mountain House or within the City of Tracy) at the same time that there is a significant delay in housing growth in the Tri-Valley area (in North Livermore or elsewhere) due to infrastructure constraints (e.g., the lack of wastewater disposal capacity or water supply) or political decisions (e.g., if a referendum on the North Livermore project were rejected by the voters, similar to what has recently occurred in Dublin). This point is especially prescient, since the DEIR has done a good job in describing the uncertainty regarding the expansion of wastewater disposal capacity for the Tri-Valley area. In all likelihood, strong development activity in the Tracy area will precede any significant growth in the Tri-Valley by several years.

8-10

### **Cumulative Transportation Analysis**

Both the East County Area Plan and the recently released North Livermore GPA DEIRs state that the transportation analyses are based on model runs prepared by Barton-Aschman, using the recently completed Tri-Valley Transportation Commission (TVTC) travel demand model. Traffic projections in the two documents are very similar.

San Joaquin County has commented previously to the City of Livermore regarding the inadequacy of the transportation analysis in the first North Livermore DEIR (letter dated 27 February 1992). No response to that letter was ever received, since a Final EIR was not prepared. All of the comments on the transportation impacts submitted on the first DEIR are still valid today.

County planning staff has also met with the Tri-Valley Transportation Council (TVTC) Technical Committee in October, 1992, to discuss these specific issues (see enclosed memo to the TVTC TAC).

The main point of the 27 February 1992 letter to the City of Livermore, the memo to the TVTC technical committee, and of this letter to Alameda County is that there are significant differences between the San Joaquin and Tri-Valley transportation models, in terms of the 2010 traffic projections for the I-580 corridor in the Livermore area. These differences are noted in the attached table.

As the table indicates, both the East County Area Plan and the recently released North Livermore DEIRs appear to significantly understate the potential impacts of local plus cumulative regional growth on the mainline I-580 facility, at the Altamont Pass and in the Livermore area, in comparison to the San Joaquin County EIR's.

The Mountain House New Town General Plan Amendment FEIR projected 2010 ADT volumes of 227,000 trips on I-580 west of Vasco and 186,000 daily trips at the Altamont Pass for the worst-case Market Constraint scenario. The more recently certified Mountain House New Town Supplemental FEIR contains lower 2010 traffic projections, 204,600 ADT west of Vasco Road and 191,000 ADT at the Altamont Pass corridor, due to slightly lower countywide land use assumptions.

Thus, the North Livermore and East County DEIRs contain future 2010 traffic volume estimates that are lower than San Joaquin County estimates by 50,000 to 70,000 trips at the base of the Altamont Pass (near Vasco and Greenville roads). The differences between the four sets of 2010 traffic projections range between 30 to 50 percent. Similar large discrepancies in 2010 projected traffic volumes for I-580 in the previous North Livermore and Dougherty Valley DEIRs, as compared to the San Joaquin County projections, have been noted in the memo from the Tri-Valley Transportation Council (TVTC) Technical Committee in October.

The major difference between the projections is that the TVTC model used in both the North Livermore and East County DEIRs apparently assumes no more than 50,000 daily in-commuters from the San Joaquin Valley over the Altamont Pass in 2010 (all modes of travel). Currently, there are already approximately 32,000 in-commuters, according to 1990 census journey-to-work data for San Joaquin, Stanislaus, and Merced counties.

8-11

This assumption of no more than 50,000 in-commuters in 2010 translates into a "cap" on the amount of traffic that is assumed within the TVTC model to travel on the I-580 freeway into Livermore. This artificial cap is 131,500 vehicles per day, or about 11,000 peak hour commuters. Theoretically, the capacity of an eight-lane freeway such as I-580 is about 158,000 ADT (assuming level grade). The technical basis for these assumptions is described on pages 2-3 of the Transportation chapter in the East County DEIR. (If these assumed in-commute peak hour numbers have changed, then the FEIR should reflect this and discuss why they have been changed.)

These Altamont "gateway" assumptions have been apparently adopted and endorsed by the TVTC. However, the net result is that the assumed cap on future in-commuting and future traffic at the Altamont Pass fails to adequately reflect growth that could occur under the adopted General Plan in San Joaquin County. While the high projected volumes that the San Joaquin County EIRs have documented could not occur without improvements or changes in commute behavior (spreading of the peak hour, added lanes, and rail and bus service), we believe the DKS model runs are more indicative of the inter-relationship of 2010 land uses in San Joaquin and adjacent Bay Area counties than the analysis in either the North Livermore or East County DEIRs. Thus, a major deficiency of both DEIRs is that the transportation analysis does not adequately analyze the cumulative impacts of planned growth in the region, including cumulative growth impacts due to development in southwestern San Joaquin County.

- The County strongly urges that these issues related to differences in traffic modelling assumptions and results are thoroughly discussed and, if possible, reconciled in the FEIR.

#### Other Transportation Analysis Comments

- The DEIR transportation analysis does not include any projected 2010 traffic volumes for roadways under the "No Project" scenario. A second table similar to Table 5.4-2 should be added to indicate 2010 volumes without implementation of the East County Area Plan.

- The 2010 land use assumptions for the East County Area Plan are higher than the North Livermore General Plan Amendment, and the projected roadway volumes are consequently higher on most regional facilities, with the exception of I-680 north of I-580. The North Livermore General Plan Amendment DEIR analysis projects an ADT of 149,200 on this segment, and specifically indicates that the degradation of Level of Service (LOS) from D to E at this location is due to the project and represents a "significant and unavoidable impact" (page 4.5-17).

Yet, the analysis in the East County Area Plan DEIR indicates a 2010 ADT volume of only 148,600 and indicates a one way peak hour LOS of B/B (AM) and B/A (PM). Why are the ECAP volumes not somewhat higher, consistent with the other freeway volumes, compared to the North Livermore DEIR? Did the North Livermore DEIR incorrectly call out a degradation of LOS based on a total two-way peak hour volumes analysis, instead of looking more closely at the almost equal split between directional volumes? Why the big difference in LOS calculations?

- Similarly, there are large discrepancies in the two sets of projected volumes for Vasco Road north of the I-580 freeway. The East County Area Plan DEIR shows volumes of 43,000 on Vasco north of I-580, dropping to 29,500 south of the Contra Costa County line. The North Livermore DEIR indicates 2010 volumes of only 20,400 north of I-580. Is this large difference explained only by the difference in the two DEIR assumptions for future land use in the Las Positas Valley (population of 45,000 persons versus 30,000 persons)?
- It would be helpful if both the EIR's contained some discussion and analysis of the "internal trip" rate for the North Livermore growth area, so that a lay reader could understand how impacts to the freeway can be reduced due to a planned match of on-site employment or nearby housing with on-site job opportunities. Because the DEIR does not now include a "2010 Volumes Without the Project" table (which presumably would represent the City's proposed land use plan in North Livermore?), it is not possible to directly compare the relative transportation benefits or impacts between the 30,000 and 45,000 population alternatives.
- The transportation analysis in the DEIR should also be amended to discuss in general terms the relationship between the high projected amount of job growth in the East Dublin and North Livermore areas, and the potential impacts to the regional roadway system. The analysis should discuss how these impacts would be different, i.e., higher or lower projected volumes on the freeways, if the anticipated amount of job growth did not materialize by 2010, but the projected amount of housing did.

8-13

8-14

8-15

While the City land use plan for North Livermore indicates a 30,000 resident population at buildout (or 2010), accompanied by 12,500 employees on 690 acres of commercial land, the County assumption of job growth is a more reasonable 7,800 jobs over the period. Coupled with job growth in North Livermore, commercial and industrial development in the adjacent East Dublin area is expected to add much more employment, over 20,000 jobs. The projection for job growth in the entire Tri-Valley (East County) area, an increase of 83,570 jobs by 2010, is consistent with the most recent Association of Bay Area Governments (ABAG) projections.

However, if this growth in employment is delayed because of infrastructure or other constraints, and does not actually occur by 2010, especially in the East Dublin area, would the impacts to the freeways be worse or better?

8-16

### Cumulative Impacts Analysis

As already indicated, we applaud the attempt in the DEIR to generally describe the cumulative growth impacts and the inter-relationship between the East County and Tracy areas. We have these two minor points:

- The "Land Use and Agricultural Resources" section of Cumulative Impacts (page 2) accurately describes the amount of land that could be lost due to urban development in the two areas. However, the estimate of prime farmland loss under the City of Tracy's

8-17

Urban Management Plan should be changed to "over 21,000 acres of agricultural land, about 17,000 acres of which is prime." This change is needed, since more than one half of the land in the 6,000 acre Tracy Hills "new town" is west of the I-580 freeway and is not irrigated prime land).

8-17

- In the "Traffic" portion of the Cumulative Impacts analysis (page 3), we would once again argue with the characterization of the TVTC model as including cumulative growth projections for San Joaquin County. The TVTC model limits the amount of assumed in-commuting over the Altamont Pass, and so does not really model the full impacts of planned growth in the Tracy area.

8-18

We have attached, for your reference, a letter we recently received from the Livermore mayor, Cathie Brown. In that letter she states that the City of Livermore is concerned about the lack of a clear monitoring program for the Mountain House New Town project, and lack of specific assurances regarding the funding of the improvements required for the new town. We are hopeful that any major projects in the North Livermore or East Dublin areas that undergo further analysis by Alameda County will include a detailed monitoring program and specific provisions relative to funding of improvements that is as clear and as detailed as that requested of us. We will also look for financing provisions that can provide the necessary assurances regarding the funding and timing of regional transportation improvements that may impact San Joaquin County.

8-19

Thank you for the opportunity to comment on this EIR. If you have any questions regarding these comments, you may contact me at (209) 468-3144.

Sincerely,



Kitty Walker  
Senior Planner

KW/EP ala.ltr  
Enclosures

Mr. Adolph Martinelli  
30 July 1993  
Page 8

cc: Chet Davisson, San Joaquin County Community Development Department  
Henry Hirata, San Joaquin County Public Works Department  
Andrew Chesley, San Joaquin County Council of Governments  
Barry Hand, City of Tracy  
Adolph Martinelli, Alameda County Planning Department  
Tri-Valley Transportation Council (c/o Van Gelder)  
Bill Van Gelder, City of Pleasanton  
Dennis Fay, Alameda County Congestion Management Agency  
Jim Cutler, Contra Costa County  
Chuck Purvis, John McCallum, MTC  
Ray Brady, ABAG  
Ron Gross, Trimark Communities  
Steve Pickrell, CSI  
Mike Kennedy, DKS

**PROJECTED I-580 ADT VOLUMES FROM FOR YEAR 2010  
FROM RECENT EIR'S**

<u>EIR</u>	<u>Location</u>	<u>Volume</u>	<u>Land Use Assumptions</u>
No. Livermore	e/o Vasco	130,600	30,000 pop. in No. Liv.
	e/o Vasco	143,300	"No project"
East County	e/o Greenville	131,500	45,000 pop. In No. Liv.
No. Liv/E. Cty.	Altamont Pass	131,500	Assumed gateway capacity for both DEIR's
Mountain House FEIR	w/o Vasco	227,000	2010 MTC Inputs, Sacto COG, SJ Co. w/ "market constraint" project & 4 other "new towns" (SJC pop. of 865,000)
(same)	Altamont Pass	186,000	(same)
Mountain House SEIR	w/o Vasco	204,000	same as above w/ full buildout of 19,000 jobs, 2 "new towns" (SJC pop. of 841,000)
(same)	Altamont Pass	191,000	(same)

EIR's cited:

North Livermore General Plan Amendment DEIR (June, 1993); East County Area Plan DEIR (June, 1993); Mountain House General Plan Amendment FEIR (March, 1992); Mountain House GPA Final Supplemental EIR (January, 1993).





April 19, 1993

Kitty Walker  
Community Development Department  
San Joaquin County  
1810 E. Hazelton Avenue  
Stockton, CA 95205

**RECEIVED**  
APR 21 1993

CATHIE BROWN  
or

COMMUNITY DEVELOPMENT DEPT.  
PLANNING DIVISION

SUBJECT: Mountain House "New Town" Project

Dear Ms. Walker:

The Livermore City Council has reviewed the above referenced project and is concerned about a variety of issues. The majority of the City's concerns are summarized in the attached letter of April 7, 1993, from Adolph Martinelli, Planning Director, Alameda County.

The City of Livermore is most concerned about the mitigation measures contained in the environmental impact report (EIR) for Mountain House. The EIR makes a number of assumptions about the feasibility and reliability of achieving the mitigation funding proposed. The City is particularly concerned about the lack of a clear monitoring program to ensure that the necessary funding of transportation impacts (within the project, and extending into other jurisdictions) are both feasible and implemented. These funding mechanisms are neither well defined, nor assurances of their feasibility specified.

The City of Livermore believes there must be adequate assurance that the mitigations proposed are fully implemented with the project. In the event that new or modified mitigation programs become necessary, there must be adequate public review of any amendments to those mitigations. The City of Livermore and the members of the Tri-Valley Transportation Council (TVTC) should be appraised of any changes to the project or its mitigation programs in order to respond to the transportation impacts of Mountain House residents commuting in large numbers to the Tri-Valley or beyond.

If you have any questions with regards to this matter, please do not hesitate to contact me at (510) 373-5149.

Sincerely,



CATHIE BROWN  
Mayor

cc: Dave Clemens, Assistant Planning Director  
Carol Greany, City Clerk

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CITY OF  
LIVERMORE





SAN JOAQUIN COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT

1810 E. HAZELTON AVE., STOCKTON, CA 95205-4232  
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PLANNING PHONE: (209) 468-3120  
BUILDING PHONE: (209) 468-3123  
NEIGHBORHOOD PRESERVATION PHONE: (209) 468-3021

October 19, 1992

MEMORANDUM:

TO: Tri-Valley Transportation Council

FROM: Eric Parfrey, Senior Planner

SUBJECT: Differences in 2010 traffic projections for  
I-580 corridor

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As we see from the comparison of recently published EIR's, the various Tri-Valley 2010 traffic projections are consistently lower than San Joaquin County's projections, by a factor of 30% to 60%.

The San Joaquin County regional travel demand model includes land use data for a 15+ county area in Northern California. The model incorporates 2010 MTC "auto person trip ends" (based upon ABAG's Projections '90), plus Council of Governments 2010 housing and job projections for the Sacramento metro region; for Stanislaus and San Joaquin Counties; and for the foothill counties (Amador, Calaveras, etc.).

The model results for the Mountain House project FEIR and the updated Supplemental EIR show 2010 projected volumes for the I-580 corridor at the Altamont Pass of 186,000 to 191,000 ADT. This translates into a volume/capacity ratio of about 1.32 (32% over capacity). Adding one more lane in each direction (perhaps a truck-climbing lane), plus a 5% reduction in trips due to TDM measures, would drop the v/c ratio to about 1.14.

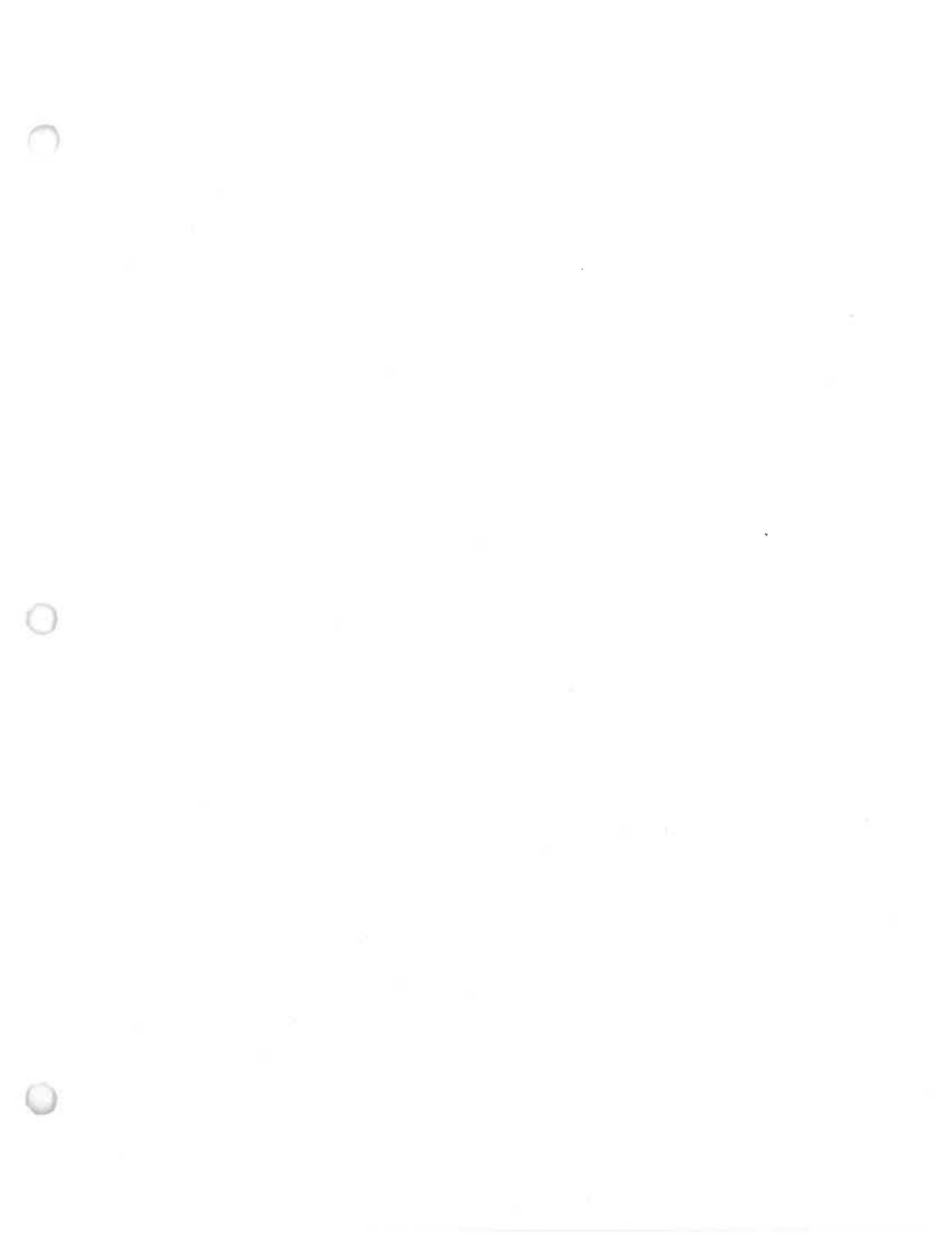
Although the zonal structure of the SJ County model becomes much less detailed in the Tri-Valley area, the model does indicate 2010 traffic volumes near Vasco Road that are approximately 31% to 46% higher than the Eastern Dublin DEIR projections for I-580 west of Vasco Road. The projections in the Dougherty Valley DEIR are closer to the SJ County projections, only 14% to 27% lower. However, the 2010 projections in the North Livermore DEIR are absurdly low, up to 60% below the San Joaquin County volumes.



Projected I-580 ADT volumes from Recent EIR's  
for year 2010 and Buildout

<u>EIR</u>	<u>Location</u>	<u>Volume</u>	<u>Land Use Assumptions</u>
No. Livermore	e/o Collier	141,900	2010 ABAG w/ 10,000 pop. project (same)
	e/o Vasco	109,800	
Dougherty Valley	e/o Tassaj.	176,300	2010 ABAG w/o Do. Vly. 2010 ABAG w/ Do. Vly. Buildout w/ Do. Vly.
	e/o Tassaj.	179,900	
	e/o Tassaj.	187,300	
East Dublin	e/o Airway	141,000	2010 ABAG w/o E. Dublin 2010 ABAG w/ E. Dublin Buildout w/ E. Dublin
	e/o Airway	155,000	
	e/o Airway	179,000	
Mountain House	w/o Vasco	227,000	2010 MTC inputs, Sacto COG, SJ Co. w/ "market constraint" project & 4 other "new towns" (SJC pop. of 865, ) (same)
	Altmnt Pass	186,000	
Mountain House ASEIR	w/o Vasco	204,000	same as above w/ full buildout of 19,000 jobs, 2 "new towns"  (same)
	Altmnt Pass	191,000	

EIR's cited: North Livermore General Plan Amendment (Jan., 1992),  
analysis by TJKM; Dougherty Valley GPA (June, 1992),  
analysis by TJKM; Eastern Dublin GPA (August, 1992),  
analysis by DKS; Mountain House GPA (March, 1992)  
analysis by DKS; Mountain House GPA Supplemental  
(October, 1992) analysis by DKS.





**SAN JOAQUIN COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT**

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February 27, 1992

Susan Frost, Associate Planner  
City of Livermore Planning Dept.  
1052 South Livermore Avenue  
Livermore, CA 94550

Dear Ms. Frost:

These comments are in response to the Draft Program EIR (DEIR) for the North Livermore General Plan Amendment.

Briefly, we feel the DEIR analysis contains two serious deficiencies:

- (1) the document fails to address the market feasibility of the four land use scenarios, and thus fails to identify and analyze "worst case" land use alternatives, especially in terms of regional transportation impacts;
  - (2) the DEIR does not accurately analyze cumulative impacts of growth in the region, including southwestern San Joaquin County, and thus significantly understates the potential impacts of local plus cumulative regional growth on the mainline I-580 facility.
1. Although the DEIR is a "Program" document, there is little discussion of the process by which subsequent detailed development plans would be analyzed and approved by the city, and which mitigation measures would be implemented at that next phase. On page I-1, the text states that "development that could result from implementation of one of the four population plan alternatives proposed by the General Plan Amendment will receive detailed environmental evaluation in project-specific EIR's."

Does the City intend to require subsequent EIR's for any future development applications in the North Livermore area, regardless of size? Does the City intend to require that all future development applications must prepare Specific Plans? Will future development proposals be required to submit public financing plans?

We would suggest that these subsequent plan issues are



Letter to Susan Frost  
February 28, 1992

addressed through additional policies included in the draft General Plan Amendment text, with references in the Final EIR.

2. The project descriptions for each of the four land use alternatives studied fail to indicate when the planned growth is anticipated to build out, although the cumulative impacts section of the DEIR seems to suggest that buildout would occur by 2010. There is no discussion of phasing of growth, and how specific impacts and mitigation measures could be tied to phasing of residential or commercial/industrial growth. The Final EIR and General Plan Amendment text should be augmented to clarify in the project description section the expected or proposed phasing schedule.

3. Related to the phasing issue is the DEIR's lack of discussion of the market feasibility of the four land use scenarios, and identification of "worst case" impacts under less than full build-out of planned commercial/industrial land uses.

Has or will the City require that market studies be prepared to test the viability of the proposed land uses? Specifically, has the City yet tested the financial and market feasibility of approving business park development in North Livermore ranging between 4.82 and 7.68 million square feet of space?

Given the very slow absorption rates of prime business park space at the Hacienda Business Park, and given the immense amounts of additional industrial and business park space that is either built and unoccupied, or already planned, in the Tri-Valley area, is it reasonable to assume that another 5 to 8 million square feet of space could be absorbed in the North Livermore area?

4. The DEIR should document what portion of the total projected trips for each alternative would be "internal" trips, i.e., residents of the North Livermore area commuting to jobs within the area. The DEIR transportation analysis should also answer the question: What happens under the "worst case" scenario if only a portion of the planned business park jobs in North Livermore are created by the year 2010? Will any of the impacts and proposed mitigation measures related to infrastructure facilities be significantly different if only a portion of the commercial/industrial space is actually built by 2010?

Letter to Susan Frost  
February 28, 1992

In our environmental study of the proposed Mountain House New Town development in San Joaquin County, we have deliberately tested two separate land use alternatives for their differing transportation impacts: a "Proposed Project" scenario (full buildout by 2010 of all planned housing and jobs) and a "Market Constraint" scenario (only 44% buildout of commercial/industrial uses by 2010, based upon market studies prepared by our consultant, Economic and Planning Systems). We have found that the impacts upon the local and regional transportation facilities are greater for the Market Constraint scenario, since there are fewer "internal" trips projected to occur within the New Town, and hence more trips added to the regional freeways as New Town residents commute to jobs elsewhere.

The projected traffic volumes for the I-580 freeway included in the DEIR (Figures D-1 through D-4 in the appendix) seem to confirm this inverse relationship, since the lower growth commercial/industrial land use alternative 1 will cause higher traffic volumes on the freeway than the other higher growth alternatives.

We would request that the City of Livermore test a Market Constraint land use alternative, assuming less than 100% buildout by the year 2010 of all the commercial/industrial square footage for all alternatives, to determine whether there may be "worst case" impacts to the I-580 and other regional roads if fewer residents of the North Livermore area commute short distances to nearby jobs within the project site. In the absence of such further transportation analysis, we request that the Final EIR justify, through a market study, whether the large amount of commercial/industrial acreage could be absorbed by 2010, given competition within the Tri-Valley area, as well as from other areas, including San Joaquin County.

5. The transportation analysis and mitigation measures do an adequate job of identifying and resolving local and county road issues, but the DEIR significantly understates the potential impacts of local plus cumulative regional growth on the mainline I-580 facility. A major deficiency of the DEIR is that it does not adequately analyze the cumulative impacts of planned growth in the region, including cumulative growth impacts due to development in southwestern San Joaquin County.

The DEIR contains future traffic projections for 2010 for the I-580 facility which are significantly lower than similar 2010 traffic projections that have been documented in the two

Letter to Susan Frost  
February 28, 1992

DEIR's for the Mountain House General Plan Amendment (SCH # 90020776) and for the updated San Joaquin County General Plan (SCH # 01012072, both of which were sent to the City for review last month). The North Livermore DEIR estimates that 2010 average daily two-way trips on I-580 west of the Vasco Road interchange will be 137,400 trips and will be 109,800 trips east of the Vasco Road interchange for Alternative 1. However, the Mountain House DEIR projects 2010 ADT volumes of 227,000 trips on I-580 west of Vasco and 186,000 daily trips at the Altamont Pass for the "worst case" Market Constraint scenario (see attached figure).

Thus, the City's DEIR seems to underestimate future traffic levels by about 90,000 trips west of Vasco Road and about 80,000 trips at the Altamont Pass. The difference between the two sets of traffic projections is an incredible 65% to 70%!

The problem apparently lies in the use of inaccurate and outdated assumptions for year 2010 commuting behavior over the Altamont Pass, based upon faulty ABAG projections. As you know, various jurisdictions in San Joaquin County are currently completing General Plan revisions, which could result in very aggressive growth occurring in the county over the next twenty years.

In particular, the County is considering adoption of a new General Plan with designation of five New Town sites (including the Mountain House and New Jerusalem projects in the Tracy area), and the City of Tracy is studying a new plan that also considers high growth. The County's land use projections indicate that San Joaquin County could grow from the present 490,000 population to between 750,000 to 830,000 residents by the year 2010. The Tracy area alone could grow from approximately 43,000 people to over 168,000 by 2010, if the proposed New Towns are built as proposed.

6. Related to the points raised above, we would request that general Land Use Goal (g) in the draft General Plan Amendment text (page 4-1, July 24, 1991 draft), be amended as follows: "It is a goal of the City to coordinate regional planning efforts with Contra Costa County, Alameda County, San Joaquin County, and the cities and towns of Pleasanton, Dublin, San Ramon and Danville."

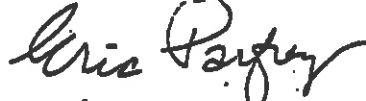
It would seem prudent that the cities in the Tri-Valley area, in conjunction with Alameda, Contra Costa, and San Joaquin Counties, make arrangements to meet and confer in the near future, in order that we may better understand each

Letter to Susan Frost  
February 28, 1992

jurisdictions' growth projections, and agree how to analyze cumulative impacts in future EIR's.

If you should have any questions regarding these comments, or need further clarification, please feel free to contact me at (209) 468-3153.

Sincerely,



Eric Parfrey,  
SENIOR PLANNER

EP/ep  
Attachment  
File: EIR-OA 92-4

cc: Henry Hirata, SJ County Public Works  
Andy Chesley, SJ County Council of Governments  
Caltrans, Districts 10 and 4  
Adolph Martinelli, Alameda County Planning  
Don Labelle, Alameda County Public Works  
Dennis Fay, Alameda County Congestion Management Agency  
Mike Walford, Contra Costa County Public Works  
Steve Goetz, Contra Costa County Community Development  
Larry Tong, City of Dublin  
Brian Swift, City of Pleasanton  
Ray Brady, Chuck Purvis, ABAG, MTC

eric\lvrmmr.ltr

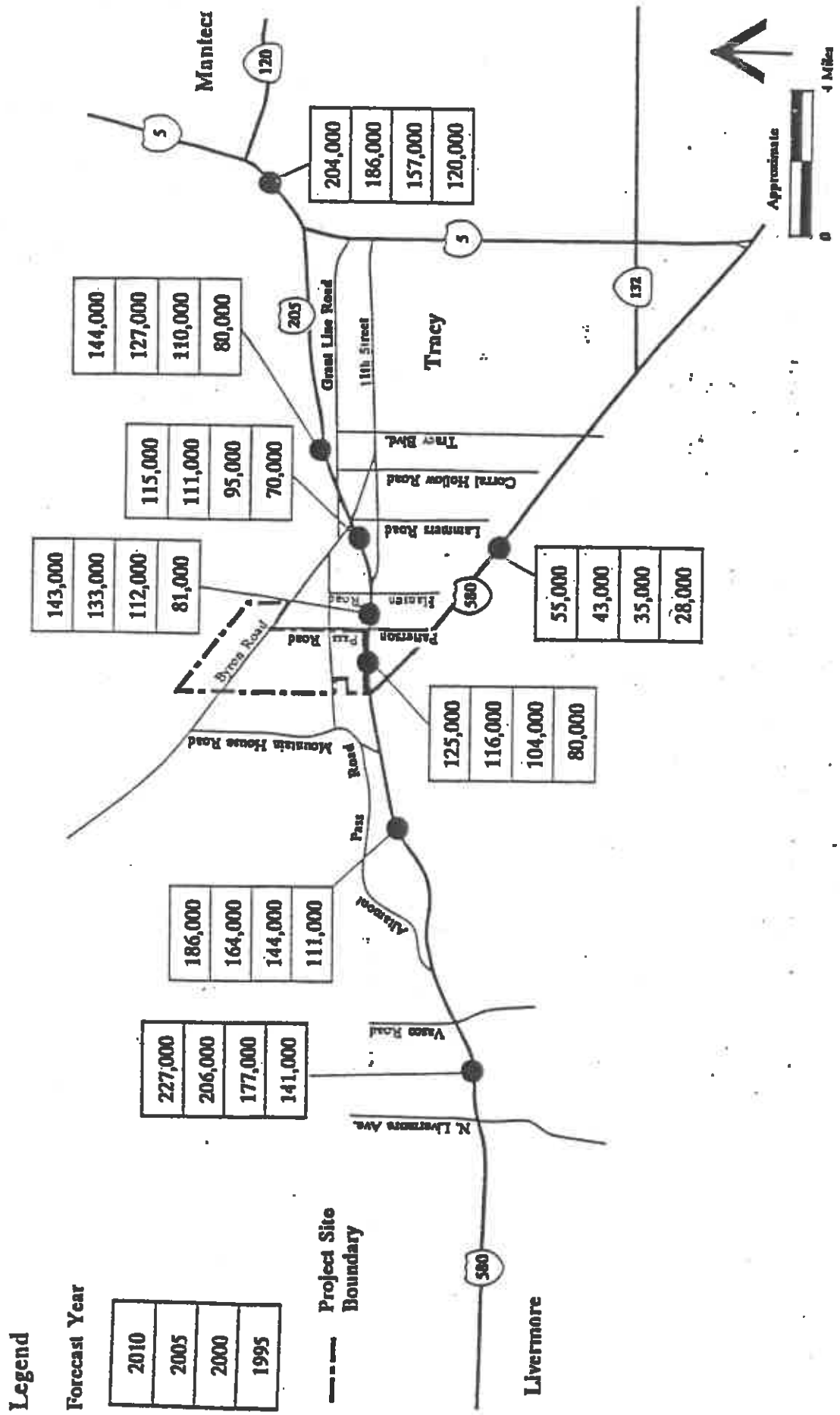
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**FUTURE FREEWAY TRAFFIC VOLUMES  
 AVERAGE DAILY TRAFFIC (Both Directions):  
 MARKET CONSTRAINT SCENARIO'  
 (Cumulative Growth with Reduced Project Jobs)**

**Figure 4.14-7B**



<sup>1</sup>See Table 4.14-13(B)



**RESPONSE TO COMMENTS  
LETTER 8**

San Joaquin County Community Development Department  
Kitty Walker, Senior Planner

**RESPONSE 8-1**

Comment noted. Please refer to RESPONSE 8-11 below.

**RESPONSE 8-2**

Comment noted.

**RESPONSE 8-3**

Comment noted.

**RESPONSE 8-4**

We concur with your suggestion. Potential Impact 5.3-2 will be rephrased as follows:

Potential Impact 5.3-2: Lack of an adequate affordable housing supply to house projected employment in the East County could result in additional in-commuting from San Joaquin County and resultant traffic congestion, air pollution, noise impacts, and ~~displacement of~~ premature loss of prime agricultural land, and could contribute to urban sprawl in areas east of the Altamont Pass.

**RESPONSE 8-5**

The County acknowledges your concerns and concurs with your proposed amendment, although we propose to broaden the language to refer to all adjacent counties. As recommended in RESPONSE 7-8, the new program on page 6 (*Chapter 5.3- Employment and Housing*) will be modified as follows:

*Proposed New Program: All major projects shall be evaluated for their effect on the East County jobs/housing ratio and the provision of housing affordable to East County workers, as well as the potential impacts to adjacent counties, especially in terms of in-commuting, and ~~measures~~ Measures to mitigate any impacts shall be included as conditions of project approval.*

Other assurances as to the intent of Alameda County to mitigate impacts on San Joaquin County include the Memorandum of Understanding between our two counties (August 1993) as well as the proposed plan's stringent affordable housing policies required at each phase of Major New Urban Development.



**RESPONSE 8-6**

The following text will be added to page 3 of *Chapter 5.3 - Employment and Housing* under the heading **Adjacent Counties**:

Several major projects in adjacent counties would also affect the relationship between jobs and housing in Alameda County. These include the Dougherty Valley and Tassajara Valley projects in Contra Costa County and the Mountain House and Tracy Urban Management Plan projects in San Joaquin County. Table 5.1-2 on page 9 of *Chapter 5.1 - Land Use and Planning* summarizes the jobs and housing components of these projects.

**RESPONSE 8-7**

A new table will be created (Table 5.3-4) as follows to show jobs/housing information for the City of Tracy's Urban Management Plan, Mountain House, and the eastern Contra Costa cities of Pittsburg/Antioch and Brentwood, Oakley and Discovery Bay.

Area	1990			Buildout/Horizon*		
	Households/ Employed Residents	Jobs	Jobs/ Housing Ratio	Households/ Employed Residents	Jobs	Jobs/ Housing Ratio
City of Tracy Urban Mgmt. Plan	12,582/ 15,908	13,271	1.14	57,107/ 90,229**	153,264	1.70
Mountain House (San Joaquin County)	---	---	---	16,003/ 19,204	19,880	0.97
<u>Eastern Contra Costa County</u>						
Pittsburg-Antioch	n.a.****	n.a.	0.43	n.a.	n.a.	0.51
Other East Contra Costa***	n.a.	n.a.	0.17	n.a.	n.a.	0.20

\*Buildout for Tracy and Mountain House areas expected to be 2010 or later; "horizon" for Contra Costa County is 2005.

\*\*Number of employed residents based on ECAP assumption of 1.58 residents per household for year 2010.

\*\*\*Brentwood, Oakley, Discovery Bay

\*\*\*\* n.a. is an abbreviation for "not available"

Although housing price information has not been gathered for these new development areas in adjacent counties, it is assumed that overall housing prices will be generally lower in these locations compared to the East County.

Table III-9, developed in a report by Economic and Planning Systems (EPS) and titled "Alameda County General Plans: Land Use and Jobs/Housing Analysis" (July 1992), is inserted at the end of responses to this letter. This table summarizes potential housing and rental prices under the ECAP land use policies in each of the Tri-Valley communities. (EPS's model forecasts occupational and household income distributions based on the projected sectoral distribution of employment and estimates the future price distribution of housing supply, based on development density/product type/price relationships.) The report concludes that the Alameda County portion of the Tri-Valley has the potential to be adequately supplied in all price categories, except those affordable to households earning less than \$28,400 annually - the income range which could afford for-sale housing costing no more than \$107,000, or for-rent units renting for no more than \$700 per month.

Major New Urban Development in North Livermore will be required to meet affordable housing goals as defined in policy 28 (as modified in RESPONSE 58). Major New Urban Development in Eastern Dublin will contribute to the stock of affordable housing, as specified in the Eastern Dublin Specific Plan, adopted by the Dublin City Council and ratified by the voters on November 2, 1993.

#### RESPONSE 8-8

The following text will be added to page 3 of *Chapter 5.3 - Employment and Housing* under the heading **Adjacent Counties**:

According to the 1990 census journey to work data, the existing level of incommuting from the Central Valley counties of San Joaquin, Stanislaus, and Merced amounted to 32,000.

This is consistent with the data cited in the last paragraph on page 4 of the letter from San Joaquin County.

#### RESPONSE 8-9 and RESPONSE 8-10

Although the rate and amount of growth in adjacent counties may affect growth in the planning area, the *East County Area Plan* is a long-term subregional plan intended to accommodate projected growth if it occurs and if plan policies relating to level of service and other development standards can be met. The premise behind the ECAP is that flexibility to meet currently unknowable future conditions is a necessary feature of a long-term plan for the subregion. The ECAP adopts a comprehensive approach to planning that prepares for growth -- whether or not it occurs -- rather than placing an artificial cap on growth which will be susceptible to modification during periods of growth pressure. The extent to which East County will be pressured by growth in the next ten to twenty years and beyond cannot be reliably predicted because growth pressure is dependent on such future unknowns as the economy, technological innovations, demographic shifts, and political actions. If future growth pressure is low, the proposed plan will be equally as good as the lower growth alternative in containing sprawl and minimizing conversion of open space. If future growth pressure is high, the proposed plan allows for new development to be managed in a comprehensive and efficient way

because it has growth controls in place (the Urban Growth Boundary and phasing and concurrency policies).

Whether or not growth proceeds as planned in adjacent counties (if there is no market, homebuilders won't build), the ECAP conforms to good planning principles by providing housing near jobs to attain a jobs/housing balance, thereby reducing commute lengths and, in turn, reducing traffic, air, and noise impacts. The adequate provision of housing in the East County by the proposed plan also responds to a specific concern expressed by San Joaquin County over the adverse fiscal effects of continuing to be a "bedroom community" for jurisdictions of Alameda and other East Bay counties (Letter to Adolph Martinelli, Planning Director, May 5, 1993). If affordable housing is available in East County for the people who work in East County, people will probably choose to live in East County instead of further out. If homes are more expensive in the East County, the degree to which people will opt for less expensive homes in the Central Valley and endure the increasingly long commute or pay more to live closer to work will be determined by a variety of factors that include the level of aggravation entailed in the commute, the price of gas, the relative differences in home prices, the range of housing types offered, and other amenities people are looking for in their community. Refer to **Response to Common Question #11** for a discussion of affordable housing under the plan.

#### RESPONSE 8-11

On page 35 of *Chapter 6 - Evaluation of Alternatives*, the Draft EIR discusses the effects of using San Joaquin County's assumptions for traffic traveling through the Altamont Pass. On page 2 and 3 of *Chapter 5.4 - Transportation*, the Draft EIR discusses the key modeling assumptions contained in the Tri-Valley Transportation Model (TVTM). The key feature of the TVTM that explains the difference between it and the San Joaquin County Transportation Model (SJCTM) is the assumption of a constrained gateway at the Altamont Pass. This is summarized on page 3 of the Draft EIR. The basis for the assumption is founded in Bay Area public policy at all levels of government. The Metropolitan Transportation Commission (MTC) has adopted the Regional Transportation Plan that contains a policy limiting the assumed capacity of the Altamont gateway to that which is programmed to be funded. In this case, no funding is in place to finance roadway improvements beyond the existing 8 lane configuration. The *East County Area Plan* is consistent with MTC's policy. The Alameda County CMA and the Tri-Valley Transportation Council have adopted policies consistent with MTC's regarding this assumption. (See page 2 of the CMA letter explaining its adopted policy regarding the need to have full funding before a project mitigation will be considered adequate.) Therefore, The *East County Area Plan* is consistent with the adopted policies of MTC, the Alameda County CMA, and the Tri-Valley Transportation Council regarding the constrained gateway at the Altamont Pass. In order to receive funding for transportation projects and to be consistent with the Alameda County Congestion Management Program, the TVTM must be, of necessity, consistent with this policy.

The alternative traffic information cited in the San Joaquin County letter is hereby incorporated by reference as a "what if" scenario for purposes of full disclosure in this EIR.

Refer also to **Response To Common Question #7** regarding revisions to the Transportation Diagram to accommodate future improvements to I-580 and to **RCQ #9** regarding gateway capacity at the Altamont Pass.

**RESPONSE 8-12**

The No Project condition would be the build-out of the existing general plans for the planning area. As of this date the Tri-Valley Transportation Council has not prepared a model run for this condition. The traffic situation under this scenario is however addressed in general terms under the discussion of ECAP Alternative 1. As a further reference the commenter might refer to the existing general plan buildout transportation model results presented in Chapter 16 of the Tri-Valley Wastewater Agency (TWA) Subsequent EIR, 1992. It would not be appropriate to include the results presented in the SEIR in a table in the ECAP EIR as the TWA analysis was performed using a different transportation model and mitigations were not constrained by funding limitations.

**RESPONSE 8-13**

As a general statement, the Tri-Valley Transportation Model has greater accuracy when used to analyze peak hour conditions than to analyze daily traffic conditions. This is because the model actually forecasts peak hour volumes but factors daily volumes from the peak hour volumes based on predetermined representative peaking and directional split characteristics. In this situation, both the daily volumes and the daily capacities are representations of typical conditions. At the particular location cited in this comment (I-680 north of I-580), the directional split is 45-55, much less pronounced than elsewhere in the region, resulting in a much greater than usual daily capacity.

The difference in the volumes on Vasco Road is probably due to two factors: 1) the difference between the land use assumptions in the two plans and 2) the possible difference in the specific location of the future forecast in the two plans, i.e., "south of county line" versus "north of I-580". The difference in traffic at these locations may be explained merely by the location of centroid connectors.

**RESPONSE 8-14**

The Tri-Valley Transportation Council (TVTC) model does not use preconceived trip internalization rates. The TVTC Model is a gravity model which calculates origin and destination patterns for all trips within the study area by matching trip generators (e.g., homes) with trip attractors (e.g., stores) on the basis of several factors but largely on the basis of proximity. The model output does not include an estimate of trip internalization but it can be inferred that the rate for this type of project is relatively high due to the jobs/housing balance of the plan and the mixed use pattern of Major New Urban Developments in East Dublin and North Livermore. See RESPONSE 9-49 for a comparison of traffic volumes generated under various model assumptions.

**RESPONSE 8-15 and 8-16**

In Table 3-3 on page 12 of *Chapter 3 - Project Description*, the Draft EIR indicates that East Dublin is projected to generate about 22,550 new jobs (this number reflects the City of Dublin Specific Plan adopted May 10, 1993) and North Livermore about 7,800 new jobs between now and buildout. Job generation at 2010 would be about 6% less, as shown on Table 3-2 on page 9. At the year 2010 and at buildout the East County area is planned for a virtual jobs/housing balance, as shown in Table 6-6 on page 30 of *Chapter 6 - Evaluation of Alternatives*. A reduction in the amount of job growth

relative to housing at the year 2010 would worsen the jobs/housing relationship resulting in more out-commuting from homes in East County to jobs outside the area. However, the reduction of the number of jobs would also reduce the number of in-commuters with job destinations in East County. Because of the geographic spread of origins and destinations in a suburban location such as East County, the reduction in jobs would probably outweigh the imbalance in jobs/housing resulting in similar traffic volumes.

**RESPONSE 8-17**

The text on page 2, second sentence, third paragraph (*Chapter 7 - CEQA Considerations*) will be changed as follows:

Development of the urban centers proposed under the Tracy Urban Management Plan would result in the loss of about over 21,000 acres of agricultural land, about 17,000 acres all of which is prime.

**RESPONSE 8-18**

Please see RESPONSE 8-11.

**RESPONSE 8-19**

Mitigation Measure 5.4-4 in the DEIR requires that all new development in areas that are unincorporated as of the adoption of the *East County Area Plan* contribute their fair share towards the costs of transportation mitigation measures shown in Table 5.4-3 for each affected roadway segment, subject to confirmation in subsequent traffic studies, as a condition of project approval. A monitoring program will be developed to implement this mitigation. The additional mitigation added in RESPONSE 8-5 specifies that impacts to adjacent counties, including San Joaquin County, will also be included as conditions of project approval. The Memorandum of Understanding between Alameda and San Joaquin Counties (August 1993) is a mechanism to assure that the two counties will be in communication in the future so that appropriate mitigations can be developed and refined.

**Table III-9  
Projected Potential Housing Supply at Buildout of Residential Land Uses, by Subarea and Price/Rent Range (1):  
Draft East County Area Plan  
Tri-Valley Jobs/Housing Study**

**Price Range Categories (1990 Constant Dollars):**

	\$0 to \$56,999	\$57,000 to \$106,999	\$107,000 to \$177,999	\$178,000 to \$248,999	\$249,000 to \$355,999	\$356,000 and up	Total
Tri-Valley Subareas	\$0 to \$377	\$378 to \$709	\$710 to \$1,182	\$1,183 to \$1,654	\$1,655 to \$2,364	\$2365 and up	

**Monthly Rent Range Categories:**

	37	124	396	316	1,229	6,364	8,486
Alamo							
Danville	48	319	1,240	1,346	3,907	6,364	13,224
San Ramon	66	892	3,557	2,095	5,228	4,042	15,880
Dougherty Valley	1	7	2,207	1,330	4,570	1,486	9,601
Tassajara Valley	0	5	378	72	2,866	1,022	4,343
CCC Remainder	2	21	65	39	96	85	308
CCC Subtotal	154	1,368	7,843	5,198	17,896	19,363	51,822
Dublin	145	492	1,910	1,873	1,292	647	6,359
East Dublin	1	645	10,551	15	3,007	1,431	15,650
West Dublin	20	68	241	259	194	97	879
Pleasanton	293	2,144	5,380	4,431	7,605	8,698	28,551
Pleasanton Ridge	0	2	6	10	11	28	57
Livermore	670	3,620	6,965	6,703	6,772	1,152	25,882
North Livermore	4	615	6,422	7,559	21	7,524	22,145
South Livermore	5	95	773	80	1,717	9	2,679
AC Remainder	3	20	61	33	135	5	257
AC Subtotal	1,141	7,701	32,309	20,963	20,754	19,591	102,459
Tri-Valley Total	1,295	9,069	40,152	26,161	38,650	38,954	154,281

(1) Price/Rent equivalents are for housing estimated to be affordable to households having similar annual incomes; see Chapter IV for more information.



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AUG 04 1993

LETTER 9

August 4, 1993

Deborah Stein, Acting Assistant Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

Re: Comments on the Proposed East County Area  
Plan Draft Environmental Impact Report

Dear Ms. Stein:

The following comments concerning the Draft Environmental Impact Report ("DEIR") for the proposed East County Area Plan ("ECAP" or "Plan") are submitted by the City of Livermore. General comments are followed by more specific comments related to the adequacy of the DEIR.

I. INTRODUCTION

The ECAP proposes to accommodate a population of 287,00 people and employment of 160,000 people, or more than double the existing population and jobs in the planning area. The build-out holding capacity of the proposed ECAP is 14% higher than ABAG year 2010 population projections and 6% higher than 2010 employment projections. Said another way, only 8,600 acres would be needed to accommodate 2010 projections. However, the plan anticipates urban development of 10,000 acres and an additional 3,600 acres designated for urban reserve. Not only does the ECAP propose to accommodate substantial amounts of new urban development, but it calls for that development to occur outside of existing cities. This is a major departure from the County's former and consistent general planning stance--that new urban development belongs within cities.

9-1

Indeed, as the ECAP DEIR acknowledges, the three incorporated cities contain 96 percent of the planning area's population, or 135,589 people. The three cities and their sphere's of influence's constitute virtually 100% of the 69,180 jobs in the East County. Yet, the County proposes to brush aside the benefits of city centered growth purportedly to ensure ABAG "plus" growth projections are met. To meet these projections, the County's approach is to open up substantial additional acreage for development. Without detailed plans and implementation measures to ensure orderly growth, this approach is environmentally and

9-2

LIVERMORE



fiscally unsound. Additionally, the Plan precludes the cities' ability to realize their long term growth objectives in a manner which meets the needs and desires of its citizens.

9-3

The County's DEIR concedes that the environmental implications of the ECAP are very serious. Significant unavoidable impacts of the proposed Plan include but are not limited to the following:

- Conversion of prime agricultural land to urban uses;
- Inadequate freeway and highway capacities to meet increased traffic demand;
- Inadequate arterial capacities to meet increased traffic demand;
- Exceedance of air quality standards;
- Loss of rare, threatened and endangered species;
- Exposure of existing residences to significant increased noise;
- Substantial alteration of the Livermore-Amador Valley's visual character; and
- Water demand in excess of the state's limited water resources.

9-4

Moreover, the planning and environmental review process underlying the proposed ECAP is flawed. The goal of accommodating population projections overreaches other legitimate and required general planning objectives. Indeed, there is no evidence that the other legitimate planning objectives, including acknowledging and accommodating community attitudes and concerns, were appropriately considered in the development of the ECAP.

9-5

Following its review, Livermore has concluded that the ECAP DEIR fails to comply with the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines in at least the following major respects:

- The Plan and DEIR base the ECAP on accommodating growth projections that do not take into account

the specific nature of the East County's unique growth constraints and community choices. Specifically, the DEIR makes clear that the primary objective of implementing the ECAP is to meet projected, long-term demands for population growth, plus an additional amount of growth to provide "flexibility" for the location of growth. Moreover, the ECAP itself is growth inducing because it proposes to remove numerous obstacles to growth not the least of which is replacing open space/agricultural use designations with urban designations. Thus, it appears that the ECAP is a principal factor enabling urban growth, above and beyond existing planned growth within the cities.

9-5

9-6

- o The land area and land use designations contained in the ECAP are purportedly necessary because the project objectives have been defined solely to accommodate growth projections. The assumption that growth projections should underlie the planning process and be attained no matter what the social, economic and environmental costs, leads to improper exclusion of other reasonable alternatives which address the area's realistic opportunities and constraints.

9-7

- o Many of the DEIR's conclusions that impacts are insignificant are unsupported and contrary to the evidence. For example, the DEIR declares that growth inducing impacts of the project are insignificant notwithstanding the fact that the ECAP would remove barriers to substantial growth outside of existing cities.

9-8

- o The DEIR contains virtually no analysis of cumulative impacts. The cumulative impacts of this project in connection with other projects on traffic, air quality, loss of agricultural land, open space and wildlife habitat are among the most significant adverse impacts of this project.

9-9

- o A key aspect of the ECAP is the proposed open space fee program. Yet the DEIR contains none of the information necessary to analyze whether the proposed policy and implementation program will be successful.

9-10

- o The DEIR omits feasible mitigation measures which could further reduce or eliminate significant and significant unavoidable project impacts. Measures to reduce or eliminate cumulative impacts are largely omitted or overly generalized. 9-11
- o The description of the project is incomplete and misleading. It is impossible to determine many of the project's environmental impacts because the DEIR fails to contain either a complete or consistent project description. 9-12
- o The DEIR fails to analyze impacts based on build-out of the ECAP. 9-13
- o The DEIR fails to include a list of the specific amendments to other elements of the County general plan necessary to maintain internal consistency/adequacy. Therefore, the DEIR cannot substantiate its claim that it will suffice for these actions. Nor are the impacts related to necessary County general plan amendments analyzed in the DEIR. 9-14

These are just a few of notable examples of the errors and omissions that pervade the DEIR. The City's comments detailing the inadequacies of the DEIR are set forth below. Detailed comments on the ECAP itself will be submitted separately during the hearing process. 9-15

II. THE GROWTH ACCOMMODATION OBJECTIVE OF THE ECAP RESULTS IN AN IMPROPER PLANNING PROCESS AND INADEQUATE ENVIRONMENTAL REVIEW

The ECAP's main objective is to accommodate ABAG growth projections as revised upward by the County. Ignoring community attitudes and environmental constraints, the ECAP and DEIR's consideration of growth improperly starts and finishes with modified ABAG growth projections. The ECAP and the DEIR's primary concern appears to have been to accommodate at any cost the growth projections developed by the County. The Draft Plan's and DEIR's reliance on these growth projections ignores real constraints to growth such as public service and roadway infrastructure capacity, environmental hazards, environmental limits (air, water, fish and wildlife protection and agricultural and open space protection), and community quality of life choices (rural atmosphere, aesthetic factors, open space and views). These 9-16

constraints should have been acknowledged during the planning process and used to modify growth projections.

Indeed, growth projections are one piece of data in the planning process which must be questioned, studied and ultimately modified as other pieces of critical information and data are assembled and analyzed.

There is no evidence in the Plan or DEIR that growth projections have been balanced against other competing interests including environmental, social and political interests. Nor is there any evidence that growth projections have been adjusted to reflect the approval of projects in other parts of Alameda County or the region. In addition, there is no evidence that growth projections included in the ECAP are reasonable approximations of future growth. Until these steps have been accomplished, the growth projections should not be the basis for a "preferred" Plan. Nor should growth projections be the basis (as they are) for the rejection of environmentally superior alternatives.

9-16

Other reasons why the ECAP growth projections are an improper basis for the preferred Plan include:

- The assumption is made that city projections for jobs will not be realized because of commute constraints and other reasons. However, the ECAP is providing for additional job growth while reducing assumptions concerning job growth within the cities.
- The projections do not account for other current conditions including the recession, commensurate downturn in housing starts, the recent drought, and other economic, environmental and social trends which may limit growth in California in the future.
- The projections do not account for the developments recently approved in the immediate area including but not limited to Mountain House. Stated another way, there is no analysis of whether growth should be directed to other parts of the County or region for environmental, economic, political and/or social reasons.

9-17

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For these reasons, we believe the major premise for the ECAP DEIR's evaluation of the project and project alternatives is flawed. Coupled with the DEIR's inadequate description and analysis of environmental characteristics of the planning area, there is no basis for informed decision-making.

9-20

### III. THE DEIR IS INADEQUATE

The DEIR for the proposed ECAP is deficient in at least the following additional respects:

#### A. Stated Project Objectives Are Inadequate

A clear statement of project objectives is a prerequisite to the completion of an adequate EIR. CEQA Guidelines section 15124. The ultimate decision on a project should be based upon a series of alternatives which are capable of achieving the objectives of the project with the least amount of harm to the environment. If the project objectives are not clear or valid, a critical standard for the selection and analysis of adequate alternatives is missing. In the absence of adequate project objectives, decision-makers cannot properly weigh the choices between alternatives set forth in the DEIR. In addition, since the project objectives are among the main criteria for selection of project alternatives, the range of alternatives is likely to be inadequate or contrived.

9-21

#### B. The DEIR Contains An Inadequate Project Description

An EIR must contain an accurate description of the project. County of Inyo v. City of Los Angeles, 71 Cal.App.3d 185, 193 (1977) (Inyo II). Section 15378 of the CEQA Guidelines defines "project" as "the whole of the action, which has the potential for resulting in a physical change in the environment, directly or ultimately . . ." (Emphasis added.) In addition, the project description must contain a general description of the project's technical, economic, and environmental characteristics. CEQA Guidelines section 15124.

9-22

An accurate and complete project description is a critical part of an EIR. "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." Santiago County Water District, (1981) 118 Cal.App.3d 818, 830 (quoting Inyo II,

71 Cal.App.3d at 192-93). The court in Inyo II explained why a thorough project description is necessary:

A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project' alternative) and weigh other alternatives in the balance.

9-22

71 Cal.App.3d at 192-93.

The DEIR's description of the ECAP project omits information that is key to an adequate evaluation of project-related and cumulative impacts. Specific information missing from the DEIR includes but is not limited to specific infrastructure requirements including necessary roadway improvements and all other essential public services and facilities to support the permitted growth under the ECAP. For example, the project description fails to describe in sufficient detail how the project will be served by public infrastructure (e.g. sewer, roads schools, etc.).

9-23

Each of these critical components of the project has the potential to create significant adverse environmental impacts not adequately analyzed in the DEIR.

More importantly, the DEIR does not use a consistent project description for all its impact analyses. The analysis of air and traffic impacts is based on 2010 growth projections, while other impacts are based on buildout. There is a substantial difference in population between the two different project descriptions. Traffic, air quality and noise impacts are significantly underestimated as a result of the DEIR's analysis of 2010 projections.

9-24

C. The DEIR Contains Inadequate Setting Information

An EIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, from both a local and regional perspective. CEQA Guidelines section 15125. If impact analyses are based on an incomplete, out-dated or

9-25

inaccurate project setting, the results of those analyses cannot be accurate.

9-25

The DEIR's environmental setting information is too vague to permit adequate analysis of environmental impacts for either the project or project alternatives. Among the defects in the DEIR's description of the ECAP's project setting are the following:

9-26

1. Lack of detail regarding the geotechnical conditions to permit informed planning and hazard avoidance. 9-27
2. Lack of information regarding the Zone 7 existing and projected water supply situation. 9-28
3. Lack of information regarding existing and projected sewer capacity. 9-29
4. Lack of a comprehensive biological survey of biota in the plan area. 9-30
5. Lack of information regarding the classification of agricultural soils within the Urban Growth Boundary. 9-31
6. Artificially narrow study area. CEQA requires that the setting be described for both the local area and the region. While the DEIR does not specify the "study area" for describing the project setting, it appears that the area was limited to the ECAP limits. This limitation of the study area is inappropriate, for it results in the omission of information which is critical to the completion of adequate impact analyses. For example, Contra Costa and San Joaquin Counties are contemplating substantial land use development. The DEIR fails to consider the effects of growth in these counties on the plan area and fails to consider impacts generated from the planning area on Contra Costa and San Joaquin Counties. 9-32
7. Failure to recognize the ECAP's inconsistency with jurisdiction's plans and policies. Specifically the DEIR does not acknowledge or analyze Livermore's development objectives and policies and the impacts of the ECAP on these programs. 9-33

D. The EIR Fails to Adequately Analyze Project Impacts

In judging the legal sufficiency of an EIR, the focus is on adequacy, completeness and a good faith effort at full disclosure. The document should provide a sufficient degree of analysis to allow decision-makers to make intelligent judgments. CEQA Guidelines section 15151.

9-34

A major flaw in the DEIR's approach to impact analysis is that it fails to evaluate a worst case scenario for all impacts and in particular for noise, traffic and air quality impacts. Specifically, the DEIR states:

"In order to evaluate the credible worst-case scenario, the EIR analysis focuses on potential impacts arising from: (1) population growth as reflected in the buildout holding capacity (calculated at lower than maximum intensities as explained in Appendix A); and, (2) the geographical distribution of new development as reflected in the Land Use Diagram." DEIR at 15.

However, the impact analyses for traffic, air quality and noise focus on the year 2010. DEIR at 16. The DEIR explains that "[w]ithout any agreed upon assumptions regarding regional land use distribution, transportation network and air quality emissions, it is impossible to conduct a meaningful analysis of impacts for traffic and air quality (and noise, since it is directly tied to traffic) beyond the 2010 horizon. "For this reason, the three topics areas [traffic, air quality and noise] are analyzed at the 2010 horizon, while all other potential impacts are analyzed at buildout." DEIR at 16.

9-35

This explanation lacks credibility since the DEIR and Plan already make numerous assumptions on which they base the 2010 evaluation. Although the analysis of buildout may be in less detail than for 2010, it is essential that these impacts be analyzed, particularly since the 2010 analysis indicates there will already be significant adverse impacts in the areas of transportation and air quality.

Impacts are underestimated for all impact analyses because "buildout" figures are based on less than maximum densities (one-half the maximums). Air quality, traffic and noise impacts are further underestimated because they are based on 2010 projections. Full development under the proposed plan (excluding the urban reserve area) might reach

9-36



or exceed the year 2010 capacities by 14% for population and 6% for jobs respectively. Finally, all impacts are further underestimated because there is no analysis of the potential for development of an additional 3,600 acres designated for "Urban Reserve" and located within the Urban Growth Boundary.

9-36

9-37

1. The DEIR Fails to Support Numerous Conclusions That Impacts Will Be Insignificant

The DEIR concludes that all of the following impacts will be less than significant: conflicting land uses with adjacent plans; traffic impacts resulting from the increase in housing and employment; jobs/housing imbalances; sprawl in areas east of Altamont Pass; premature loss of agricultural land, loss of grasslands; cultivated lands and woodlands; mass grading and view degradation development in hazard areas; insufficient water supply; and the long-term depletion of the groundwater basin. Yet, in almost every case, the DEIR lacks analysis to support these conclusions. Indeed, in some cases, the evidence points to exactly the opposite conclusion.

9-38

A number of likely significant impacts do not appear on any summary tables or in the summary text. It is therefore unclear whether these impacts are insignificant, significant but mitigatable or significant and unavoidable. Such impacts include but are not limited to: growth inducing impacts, and all cumulative impacts except water.

9-39

Kings County Farm Bureau et al. v. City of Hanford suggests that reviewing courts will require agencies to produce rigorous analysis and substantial evidence before upholding EIR determinations that project impacts are insignificant, at least where the impacts in question clearly are not minor or trivial. Further, in determining whether particular impacts are significant, the lead agency must look to CEQA Guidelines section 15065 (specifying impacts that must be considered significant) and Appendix G to the CEQA Guidelines (specifying impacts normally considered significant).

9-40

The DEIR fails to support with substantial evidence its conclusions that the following impacts will not be significant:

- a. The apparent conclusion that growth-inducing impacts will be insignificant.

The DEIR provides no analysis to support this conclusion. To the contrary, by removing planning designations which are barriers to growth, and encouraging the provision of necessary services, the ECAP will have major growth inducing impacts.

9-41

- b. The conclusion that the increase in housing and employment will not result in significant traffic impacts.

The DEIR erroneously concludes, without adequate analysis, that the traffic impacts resulting from the increase in housing and employment growth will not be significant. The EIR relies upon other jurisdictions to adopt trip reduction ordinances ("TRO"), transportation demand management ("TDM") programs and several Plan policies in its determination that no significant impact would result. The DEIR acknowledges, however, that TRO and TDM are rarely effective in reducing project impacts. DEIR at 5.5-15.

9-42

- c. The conclusion that the ECAP's inconsistency with the Clean Air Plan is less than significant.

The DEIR identifies a few of the programs that the Clean Air Plan ("CAP") proposes for implementation by local jurisdictions and concludes that the ECAP includes most of these "in one form or another." DEIR at 5.5-20. Absent the identification of all of the CAP programs which contemplate implementation by jurisdictions correlated with the jurisdictions' positions with regard to the implementation of these programs, the DEIR does not have the evidence before it to conclude that the Plan is consistent with the CAP. Moreover, an analysis of the potential results in the region's failure to achieve federal air quality standards should be included in the DEIR.

9-43

2. Significant Impacts Are Inadequately Analyzed

The DEIR fails to adequately analyze the following impacts found to be significant:

a. Transportation. The DEIR's analysis of traffic impacts is deficient for the following reasons:

(1) As discussed above, the traffic analysis does not evaluate the impacts from post 2010 buildout conditions. CEQA requires an EIR to analyze the environmental effects of the proposed project. Guidelines section 15126. The DEIR includes, in its project description, the holding capacities of the ECAP at buildout. Despite this fact, the DEIR claims that it cannot analyze post 2010 buildout conditions because it lacks the necessary information related to the roadway and transit network to serve buildout given the current limitations on funding and technology. DEIR at 5.4-12. Clearly if the EIR has the capability to identify the population, housing units and number of jobs at buildout, it has the capability to analyze the likely traffic impacts resulting from this level of development. This analysis can be done using the year 2010 road network or other reasonable, supported assumptions about post 2010 transportation systems.

9-44

Although the DEIR provides no analysis, it concludes that buildout of the ECAP will result in significant traffic impacts. DEIR at 5.4-12 and 16. Specifically, I-580 and I-680 will operate at or beyond level of service ("LOS") E after 2010 and intersections within North Livermore will operate at or beyond LOS D. DEIR at 5.4-12 and Table 5.4-2. It is not sufficient to conclude that roadways will be significantly impacted; the revised EIR must provide the necessary impact analysis to identify possible mitigations.

(2) The DEIR underestimates traffic impacts because the LOS analyses are made for roadway links, rather than for overall intersection operations. DEIR at 5.4-12. Although the DEIR acknowledges that arterial intersections are usually the point of limited capacity, it concludes that a link analysis is appropriate for a general plan update. Id. The DEIR's link analysis identifies volume-to-capacity ratios on twenty links within the planning area and concludes that fourteen arterial links are operating at LOS E or F. DEIR at Table 5.4-2. Thus, despite the fact that the majority of the arterial links operate at excessive levels of service, the EIR defers the intersection level of analysis to "follow-up studies." DEIR at 5.4-13. Furthermore, the Tri-Valley Transportation Plan, on which the Plan and the DEIR rely, analyzes intersection

9-45

and not arterial links. The DEIR should be revised to include an intersection level of analysis. 9-45

The DEIR's traffic analysis is inconsistent with numerous provisions in the Tri-Valley Transportation model. For example, the DEIR's 2010 forecast shows that the I-580 a.m. peak hour in-bound commute is near capacity at about 7,400 vehicles. The Tri-Valley model, on the other hand, identified 46% more vehicles (or 10,800) for the same period. The DEIR is also inconsistent with the Tri-Valley model with regard to the I-580 "through" commutes or those vehicles which travel through, and do not stop in, the East County area. The DEIR's analysis identifies the through commute on I-580 as 55% whereas the Tri-Valley model identifies only 20% as through commutes. In addition, the DEIR's analysis includes several arterial roads which are not assumed in the Tri-Valley Plan. These roads include the extension of Las Colinas Road and the eastern extension of North Canyons Parkway to Las Colinas Road. 9-46

(3) The DEIR identifies numerous significant impacts resulting from the ECAP, and concludes with an insufficient attempt at mitigation that such impacts are significant and unavoidable. Specifically, the Draft EIR concludes that the following are significant unavoidable adverse impacts:

- o funding of roadway and transit projects could be inadequate;
- o arterial, highway and freeway capacities may be inadequate to meet traffic demand; and,
- o public transit may not be available to serve the Livermore area. 9-47

DEIR at 5.4-19, 21, 22 and 28.

Nor does the DEIR seriously consider an alternative capable of either eliminating or reducing the significant traffic effects to a level of insignificance. Clearly, a reduced amount of development would result in fewer constraints on the roadway system. 9-48

(4) The analysis fails to adequately consider impacts to the City of Livermore on all roadways south of I-580. Implementation of the ECAP will generate substantial traffic at numerous intersections along 9-49

these roadways. The DEIR should be revised to include an adequate analysis of project traffic impacts at intersections along the following roadways: Las Positas Road south of Las Colinas Road; North Livermore Avenue south of I-580; Vasco Road south of I-580; Portola Avenue south of I-580; Isabel Expressway (Cayetano Parkway) east and west of Vasco Road; and State Route 84 (First Street) south of I-580. In addition, the DEIR should include a screening analysis to determine whether there will be significant impacts to other roads in the area. Mitigation measures and funding mechanisms for needed improvements must also be identified.

9-49

(5) The DEIR does not include an analysis of potential impacts to interchanges along I-580. A full analysis of the project's contribution to increased traffic at each affected interchange must be developed and included in a revised DEIR. Mitigation measures and funding mechanisms for needed improvements must also be identified.

9-50

(6) Though the projected population of North Livermore in 2010 analyzed in the DEIR is approximately fifty-percent greater than the City's proposed General Plan Amendment ("GPA"), it appears that traffic impacts will be comparable to the City's GPA. Assumptions underlying the County's analysis appear to be flawed both with respect to trip distribution and an inflated internal trip capture rate for traffic within North Livermore.

9-51

(7) The DEIR looks to the fee being developed by the Tri-Valley Transportation Council to mitigate the cost of those transportation improvements that are remaining after funding by local development and current state and federal funding programs. DEIR at 5.4-17. The DEIR provides no evidence that this fee will be sufficient to mitigate impacts nor proposes alternative funding sources should be fee not be adopted.

9-52

b. Air Quality

The DEIR's analysis of air quality impacts is deficient for the following reasons:

(1) The DEIR's air quality analysis fails to analyze emissions associated with buildout of the East County Plan. Instead, the EIR bases its analysis only on the 2010 holding capacity. DEIR at 5.5-11. The DEIR's project description clearly contemplates a

9-53

buildout level of development; the DEIR must consequently analyze the impacts from buildout. 9-53

(2) The DEIR assumes that the increase in emissions associated with direct, indirect and area sources are significant and unavoidable adverse impacts of the proposed project. DEIR at 5.5-15. The EIR also assumes as significant and unavoidable the project's contribution toward the exceedance of state air quality standards for PM-10. Id. The EIR makes no attempt however to adequately consider an alternative capable of eliminating or reducing the project's significant adverse impacts. 9-54

(3) The carbon monoxide ("CO") analysis was apparently conducted at several intersections within the plan area, but it is unclear how this analysis could have been prepared without an intersection level of service analysis. The air quality analysis is based on the EIR's traffic analysis which did not assess traffic operations at intersections. (See 2-a-ii above). The revised draft EIR should discuss the methodology behind its CO analysis. 9-55

c. Biological Resources.

The DEIR's analysis of biological impacts is deficient for the following reasons:

(1) The DEIR acknowledges that development within the plan area may result in the filling or alteration of riparian and seasonal wetlands, yet the DEIR defers the determination of the extent of lands subject to the California Department of Fish & Game and Army Corp of Engineers jurisdiction until specific sites are proposed for development. DEIR at 5.7-20 and 21. Simply acknowledging the existence and potential taking of wetlands is insufficient and does not constitute an impact analysis. Despite the fact that the DEIR has not identified specific wetland and riparian sites and has conducted no impact analysis, it concludes that the Plan could result in significant and unavoidable adverse impacts. It is not sufficient to conclude that wetlands will be significantly impacted; the revised EIR must provide the necessary impact analysis and proposed mitigations. 9-56

(2) The DEIR concludes that the implementation of the Plan may result in the loss of grasslands, cultivated lands and woodlands but concludes that the Plan will mitigate the loss through the 9-57

establishment of a comprehensive mitigation area. DEIR at 5.7-19. Thus, the Draft EIR concludes that this potential impact is insignificant without providing any documentation as to the extent of the loss of these important habitats. Furthermore, it is not possible to effectively mitigate this impact by establishing a "mitigation area" until a survey is undertaken and an analysis prepared which indicates the location and extent of impacts.

9-57

(3) The DEIR concludes that any impacts to grasslands and woodlands would have to be insignificant since only a small proportion of these habitats exist in the Urban Growth Boundary. DEIR at 5.7-19. For this conclusion to be correct, the DEIR should identify the amount of this habitat outside the Urban Growth Boundary. Otherwise, any loss would result in a significant impact.

(4) The DEIR acknowledges that at least nine rare, threatened or endangered plant and animal species are known to occur within the Urban Growth Boundary. DEIR at Table 5.7-3. The DEIR further acknowledges that development within the plan area will result in a loss of some of these species and without any analysis concludes that impacts to these species will be significant and unavoidable. DEIR at 5.7-22 and 25. At a minimum, the revised DEIR should include a biological resources map depicting existing resources, overlaid with a schematic showing where likely development will be concentrated in the Urban Growth Boundary, so that the public can discern which resources will be taken or threatened by development. The revised biological analysis should also include a discussion of wildlife migration corridors. Migration is critical to wildlife for gathering of food, as well as for ensuring species' continuing viability with a steady turnover of new breeding stock.

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### 3. Other Probable Significant Impacts Not Addressed

As a result of its incomplete project description and flawed assumptions, the DEIR fails to adequately address a number of probable significant effects including but not limited to the following:

9-60

a. Impacts associated with competing housing and employment in the County with City planned urban development. Such impacts could include economic stagnation and commensurate physical deterioration of existing city

properties as a result of locating urban development in the County.

9-60

b. Growth inducing impacts as a result of extending and enlarging infrastructure necessary to support the growth projections accommodated by the ECAP within the County. The DEIR acknowledges that "[p]reventing urban sprawl within the Urban Growth Boundary requires strong phasing policies and programs." DEIR at 21. Yet, neither the DEIR nor the ECAP contain specific land use policies or plans. Without such detail, the ECAP DEIR cannot support the conclusion that urban sprawl will not be a significant unavoidable impact of the project.

9-61

c. Growth inducing impacts of locating urban development in areas outside cities and adjacent to open space and agricultural lands.

d. Impacts to the character of the Livermore community as a result of the location of a massive new town in North Livermore.

9-62

e. Impacts of numerous policies including but not limited to policies 12 and 58. Policy 12 states that "if average densities of approved new development do not meet or exceed the mid-point of the density range within a land use category (except Very High Density Residential), the County shall redesignate parcels in unincorporated areas within the Urban Growth Boundary to compensate for reductions in holding capacity, and shall work with cities to do the same within unincorporated areas." The growth inducing and environmental implications of this policy must be analyzed in the DEIR.

9-63

In regard to Policy 58, the revised DEIR should discuss what constitutes low intensity institutional development, limited infrastructure and the basis for evaluating impacts of this policy.

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f. The apparent conclusion that the project will not exceed wastewater capacity. The DEIR acknowledges that existing wastewater pipeline will be at capacity by the turn of the century. Notwithstanding this conclusion and other evidence that insufficient export capacity exists to serve new development in the County, the DEIR concludes that wastewater impacts will be insignificant.

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g. The apparent conclusion that impacts to other services including parks and recreation, fire and police, schools and solid waste will be insignificant. Neither the proposed policies nor mitigation measures ensure that these services will be provided.

9-66

h. Impacts to City services including but not limited to schools, fire and police, parks and recreation, wastewater, water, as well as other services and facilities likely to be utilized by new residents of North Livermore under the County proposal. Moreover, the fiscal impacts of County's plan on the City should be evaluated since inadequate funds to develop necessary service improvements could result in those services declining in quality and/or costing existing residents more than they are currently paying.

9-67

E. The DEIR Fails to Adequately Analyze Cumulative Impacts

A cumulative impact analysis must include the following elements: (1) either (a) a list of past, present, and reasonably anticipated future projects, including those outside the agency's control, that have produced, or are likely to produce, related or cumulative impacts, or (b) a summary of projections contained in an adopted general plan or related planning document that is designed to evaluate regional or areawide conditions, provided that such documents are referenced and made available for public inspection at a specified location; (2) a summary of such individual projects' expected environmental effects, with specific reference to additional information stating where such information is available; and (3) a reasonable analysis of all of the relevant projects' cumulative impacts, with an examination of reasonable options for mitigation or avoiding such effects. CEQA Guidelines section 15130(b).

9-68

Cumulative analyses have been held to be inadequate when they understate the severity of impacts, when they omit information that should reasonably have been included, and when they have not covered a reasonable geographic scope. E.g., Kings County Farm Bureau et al. v. City of Hanford, supra; San Franciscans for Reasonable Growth v. City and County of San Francisco (1984) 151 Cal.App.3d 61, 74-77. The cumulative impact analysis for the proposed project contains few of these required components. First, the DEIR fails to include a complete list of projects or to adequately describe planned growth as

9-69

called for in existing plans as a basis for adequate cumulative analyses. 9-69

Second, the geographic study area used for the analysis of traffic impacts is limited. While the DEIR does include a partial identification of cumulative impacts within the limited planning area, the identification does not extend beyond the boundaries of the planning area. 9-70

Third, the cumulative analysis should have evaluated the impacts of development within the 3,600 acre area designated "urban reserve." This designation is likely to spawn requests for development. Therefore, a worse case cumulative impact evaluation would analyze impacts as a result of development in this area. 9-71

The result is a cumulative "analysis" that is misleading and elusive. In fact, the DEIR identifies cumulative water demand as the only significant and unavoidable impact. Substantial evidence is lacking to support the omission of other cumulative impacts on the list of significant unavoidable impacts including but not limited to: biological, traffic and air quality impacts. 9-72

F. The DEIR Fails to Identify Feasible Mitigation Measures

The DEIR must address mitigation measures both for significant project-related and cumulative impacts. Mitigation measures included in the DEIR are inadequate for the following reasons:

1. Mitigation measures identified in the DEIR may be infeasible due to the following circumstances which were not disclosed or evaluated in the DEIR:

a. There may not be local, state and federal funding for roadway and transit projects needed to support the growth permitted by the ECAP. This is acknowledged in the DEIR. In addition, the costs of roadway improvement appear to be grossly underestimated. However, no additional mitigation measures are identified. 9-73

b. There may be insufficient funding for all of the necessary services to adequately meet the needs of 62,000 new residents in the North Livermore area. There is no evidence in the DEIR to suggest this level of development can generate funding for necessary services and facilities. 9-74

2. Certain mitigation measures call for additional studies or plans, or the development of implementation programs, which may not prove successful in reducing or eliminating project-related impacts. Many of these unproven measures--including plan policies--are relied upon to support conclusions that impacts will be insignificant. These unproven measures must be subject to successful demonstration prior to reliance on them to reduce significant impacts. Examples of such mitigation measures include but are not limited to:

Policy 11: "The County shall ensure that adequate land remains within the Urban Growth Boundary to accommodate buildout and to achieve state mandated housing targets. . . ."

9-75

Policy 31: "To encourage compact development, the County shall provide economic incentives to developers who provide higher densities and affordable housing."

Policy 60: "The County shall require the dedication of approximately 4,200 acres of land designated "Resource Management" as a condition of developing Major New Urban Development in North Livermore."

3. The DEIR provides no meaningful mitigation for impacts to views such as those proposed in the City's North Livermore GPA (e.g. prohibitions on development over certain slopes, etc.). Clearly there are feasible measures available which would ensure visual impacts could be reduced or eliminated. The revised DEIR should include these.

9-76

4. The DEIR provides no meaningful mitigation for the loss of open space, agricultural and habitat lands. For example, the proposed fee program to ensure the Urban Growth Boundary is secure apparently relies on reduced housing densities. In other words, the proposed mitigation comes with other significant impacts such as sprawl. This is not acceptable mitigation and should be replaced with specific measures including but not limited to: (a) retention of protective land use designations on open space, habitat and agricultural lands; (b) a specific fee proposal on all new development; (c) specific requirements for dedication in return for density bonuses; as well as other specific techniques.

9-77

5. Finally, a major defect in the proposed ECAP and the DEIR's conclusions is its lack of specific implementation measures. State law requires that such measures be included in general plans. If adequate implementation measures had been included in the ECAP, there would be less necessity for the DEIR to include detailed mitigation measures. In light of the ECAP's failure to include such measures, it is critical to the adequacy of the DEIR to propose such measures be incorporated into the Plan. 9-78

G. The DEIR Fails to Adequately Analyze Alternatives

The DEIR must analyze a reasonable range of alternatives. In purporting to "analyze" a "reasonable range of alternatives," the DEIR has not adequately focused on options which could substantially lessen or avoid the significant environmental effects associated with the project as proposed. See Pub. Resources Code section 21002; CEQA Guidelines section 15126(d)(3). Instead, the various alternatives, viewed from an environmental perspective, appear to be based primary on other planning efforts currently underway or foreseeable. 9-79

The fact that the alternatives analysis falls short in serving its intended function also reflects the fact that the County has defined "project objectives" in a manner that virtually precludes serious consideration of other planning solutions. By linking the proposed project to the "objective" of accommodating growth projections, the DEIR narrows the range of alternatives that could be considered "feasible."

The DEIR's range of feasible alternatives is insufficient in at least the following respects:

1. None of the alternatives are the result of systematically addressing significant impacts of the project. In other words, the alternatives considered are not focused on eliminating identified impacts, but instead reflect current planning efforts. The DEIR should include at least one alternative which is focused specifically on reducing or eliminating significant impacts. Such an alternative would likely include a combination of the following: (a) reduced overall growth of jobs and housing which in turn would reduce air quality, traffic impacts and public service impacts; (b) retention of protective land use designations on prime agricultural lands, viewshed lands, and lands of high habitat value; (c) compact development 9-80

areas - e.g. city centered development; (d) specific mechanisms for open space/agricultural land protection including regulatory and acquisition techniques; and other components targeted at avoiding the significant impacts of the project. This alternative should also include other areas of the County where additional growth could be accommodated in an environmentally superior fashion (e.g. further densification of cities within the County).

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2. The DEIR fails to discuss an off-site alternative which would accommodate additional growth over existing general plans, if necessary, in the remainder of the County or region. The description and analysis of such an alternative is particularly critical since the DEIR proposes rejection of environmentally superior alternatives on the basis that they do not accommodate growth projections. The DEIR should have evaluated environmentally suitable locations for projected growth other than those targeted by ECAP in this limited area of the County.

9-81

Finally, most of the alternatives considered are not adequately evaluated. Specifically, the elimination from the discussion of alternatives of impacts related to geologic and flood hazards and public services including schools, police and fire, parks and recreation, and solid waste disposal is not supported by evidence that these issues would not affect the choice of alternatives.

9-82

Moreover, the analysis of both alternatives 4 and 5 is misleading and inadequate. Alternative 5 is rejected for reasons unsupported by the evidence including that it would have an unacceptable jobs/housing ratio (nearly identical to the project); that it would not accommodate growth projections; that it will result in air quality and traffic impacts due to in-commuting from San Joaquin County and that it provides insufficient housing to generate adequate open space fees. Moreover, the DEIR claims that it would impact habitat areas. No justification for these conclusions is provided. More importantly, the DEIR should have made adjustments in the alternative necessary to eliminate these impacts.

9-83

Alternative 4 is simply not representative, as indicated, of Livermore's current North Livermore GPA proposal. For example, it includes a higher number of jobs than the City's proposal. The City does not consider the North Livermore area to be a significant employment generating area due to the amount of land currently

9-84

Deborah Stein  
August 4, 1993  
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designated for commercial and industrial development within  
Livermore and other Tri-Valley cities. 9-84

In short, the County DEIR sets forth "straw man"  
alternatives, complete with sufficient flaws to make the  
proposed ECAP appear to be a reasonable accommodation of  
competing interests. This erroneous approach must be  
corrected by the inclusion of fair alternatives and  
reasonable objectives in a revised DEIR. 9-85

#### IV. CONCLUSION

For all of the foregoing reasons, the County  
should correct the above described deficiencies and  
recirculate a revised DEIR for public comment. The City  
also urges the County to reconsider its proposal to promote  
large scale urbanization in the unincorporated area adjacent  
to Livermore. City staff are available to discuss the  
matters raised in this letter should the County wish to do  
so. 9-86

Very truly yours,

*Lee Horner*

Lee Horner  
City Manager

cc: Cathie Brown, Mayor  
Livermore City Council Members  
Tom Curry, City Attorney  
Bob Brown, Planner Director  
Rich Ambrose, City Manager, City of Dublin  
Deborah Acosta, City Manager, City of Pleasanton



## RESPONSE TO COMMENTS LETTER 9

City of Livermore  
Lee Horner, City Manager

### RESPONSE 9-1

The ECAP is a comprehensive document that provides a framework for the ultimate development of the sub-region and, accordingly, encompasses the entirety of the Planning Area. The ECAP does not anticipate full buildout at 2010. The ECAP's land use, traffic and other assumptions for 2010 are based on ABAG's 2010 projections and all elements are correlated for 2010.

In order to develop a sensible and reasonable land use plan for the 2010 horizon, the County determined that the most sound approach was to develop a comprehensive framework that could accommodate buildout of the area. This approach allows for a logical, regional approach to planning for the 2010 benchmark that prepares for growth in a comprehensive manner, in light of longer-term growth projections. This method of planning is superior to placing an artificial cap on growth that could be susceptible to piecemeal modification in response to future growth pressures. In order to proceed with development beyond the 2010 benchmark, the ECAP will have to be updated to include information relevant to circulation and other issues that is not currently available.

The ECAP appropriately looks at the subregional and regional consequences of previous planning decisions made by cities and the County. The ECAP does not alter the existing general plans of the cities but suggests a sub-regional build-out holding capacity consistent with job creation, open space protection, resource protection and other policies of the plan.

As stated in the Response to Common Question #1 (RCQ), the *East County Area Plan* is a long-term subregional plan intended to accommodate projected growth if it occurs and if plan policies relating to level of service and other development standards can be met. The ECAP's buildout holding capacity for the planning area can accommodate projected growth for 2010 (i.e., about 250,700 people and 151,500 jobs) plus additional growth of about 12 percent in population and 7 percent in jobs (i.e., about 30,000 additional people and 10,000 additional jobs). *(The holding capacity will be slightly revised to reflect the East Dublin Specific Plan adopted in May 1993: in rounded figures, buildout population will be reduced to 280,700, housing units reduced to 105,500, and jobs slightly increased to 161,900.)* The additional 12 percent in housing capacity over projected twenty year growth provides needed flexibility in the siting of development to hold down the cost of land as well as to provide a framework for ultimate buildout beyond the 2010 time horizon. As noted in the American Planning Association's "Staying Inside the Lines - Urban Growth Boundaries" (Report No. 440):

One important aspect of urban growth area design is the incorporation of a market factor -- an amount of developable land beyond what is called for in development and population projections -- when setting down the initial boundary. Portland, Oregon, has a market factor of 15.8 percent; the Twin Cities urban growth area accommodates an additional five years of development beyond its 20-year projection. Market factors can also help foster the success of an urban growth area in several ways. A sufficient market factor allows



flexibility in the siting of development, thereby helping ensure developers that they will be able to build on locations favored by the market. In turn, developers are not encouraged to look to areas outside the urban growth area to satisfy that market. An excess in developable land supply within an urban growth area also can have a positive effect on housing affordability by easing pressure on the price of land. Without a sufficient market factor, in fact, the very concept of an urban growth area can be threatened. (p.10)

ABAG's population projections for the year 2010 should be viewed as a "benchmark" of potential growth rather than a holding capacity. *(To clarify this distinction, all references in the plan to "achieving the 2010 holding capacity" will be changed to "accommodating the 2010 growth projections".)* Most growth would occur in cities under the ECAP. In fact, the ECAP policies encourage eventual city annexation or incorporation of all existing and proposed urban development within the Urban Growth Boundary. See ECAP policy 17. Even if one of the Major New Urban Developments contemplated by the ECAP were developed in the unincorporated area of the County, over 80% of the households and 95% of the jobs at buildout of the ECAP would be located within cities.

We concur that the County's proposed plan is a departure from previous plans for the East County. Although the County has taken on the responsibility of comprehensively planning for the entire subregion, including its own unincorporated land, the proposed plan supports city annexation of all new urban development (policy 18).

#### RESPONSE 9-2

Rather than "brushing aside" the benefits of city-centered growth, the ECAP places a higher priority on the creation of jobs (primarily within lands already designated for jobs within the cities) and the provision of moderately priced housing near those jobs. Further, ECAP policies call for the preservation of open space and resource conservation areas which will benefit all residents of the planning area.

The ECAP provides sound planning to accommodate projected growth. As described in RCQ #5, the proposed plan does not "open up" substantial acreage for development. Plan policies would prevent inefficient expansion of infrastructure and scattered development and protect agricultural land until needed for development. Development phasing and facility plans would serve to coordinate development, provide for the orderly progression of development and infrastructure in relation to existing development, and guarantee that each phase of development contain a sufficient mix of uses so as to meet the objectives of the plan for Major New Urban Development in the event that further phases were delayed or shelved due to infrastructure or other constraints.

Other important plan policies which ensure availability of infrastructure and public services are as follows: policy 13 states that phasing of development will be contingent on the availability of infrastructure and public services; policy 98 states that development will be geographically phased to minimize the impacts of incompatible uses on continuing agricultural operations; policy 12 states that densities will be maintained to ensure compact development.

**RESPONSE 9-3**

Under state law, the County is legally required to plan for all unincorporated land. The Urban Growth Boundary shown in the proposed Land Use Diagram is a reasonable response to regional growth issues which cannot be comprehensively addressed by individual cities in their planning efforts. Although city cooperation is strictly voluntary, it is hoped that all jurisdictions in the East County will come together to resolve common problems. The proposed plan can be a vehicle for this purpose. Please refer to RESPONSE 10-1 for further discussion.

**RESPONSE 9-4**

The commenter is correct that there are certain significant unavoidable impacts associated with the ECAP. However, there are significant environmental, social and economic benefits that will be derived from the project. These include, among others:

- Establishment of a comprehensive, integrated, long-term plan for development of the planning area;
- Establishment of policies that promote subregional coordination and cooperation by facilitating land use planning among the East County jurisdictions;
- Establishment of an Urban Growth Boundary, which will provide long-term protection of open space, agriculture, biological habitat, resource protection and recreation and other benefits;
- Establishment of policies encouraging compact development and discouraging urban sprawl. These policies include level of service and general design guidelines for Major New Urban Developments, the Urban Growth Boundary and policies encouraging pedestrian and transit-oriented development;
- Establishment of policies directing the County to facilitate attainment of regional fair share housing objectives. ECAP policies require a mix of housing types and price levels, including moderate and low income housing will be provided to accommodate the range of income categories in the planning area.
- The ECAP will provide significant public revenues to the County and East County cities.
- The ECAP policies will mitigate many potentially significant adverse environmental effects and will have many positive environmental effects. For example, the comprehensive and permanent open space protection provided by the Urban Growth Boundary provides more effective mitigation for cumulative habitat loss than project-by-project, single species mitigation that would occur without the boundary.

**RESPONSE 9-5**

As stated in RCQ #4, the premise behind the ECAP is that flexibility to meet currently unknowable future conditions is a necessary feature of a long-term plan for the subregion. The ECAP adopts a comprehensive approach to planning that prepares for growth – whether or not it occurs – rather than placing an artificial cap on growth which will be susceptible to modification during periods of growth pressure. The extent to which East County will be pressured by growth in the next ten to twenty years and beyond cannot be reliably predicted because growth pressure is dependent on such future unknowns as the economy, technological innovations, demographic shifts, and political actions. If future growth pressure is low, the proposed plan will be equally as good as the lower growth alternative in containing sprawl and minimizing conversion of open space. If future growth pressure is high, the proposed plan allows for new development to be managed in a comprehensive and efficient way because it has growth controls in place (the Urban Growth Boundary and phasing and concurrency policies).

Although accommodating growth, if it occurs, is a key objective of the ECAP, numerous other planning objectives are equally important. The primary goal of the plan is to provide a realistic and effective plan that guides growth and preservation with equal emphasis. As noted in paragraph 3.6 on page 3 of the DEIR's *Chapter 3 - Project Description*, a major objective of the ECAP is to accommodate growth in a manner which provides for housing close to jobs and achieves a jobs/housing balance, provides for acquisition and management of resource areas, protects limited resources, provides economic incentives to place or retain agricultural lands in production, provides fiscal benefits to the cities and the County and preserves a high quality of life for existing and future County residents. In describing the ECAP's primary objective as one of meeting long-term demands for population growth to the exclusion of other legitimate concerns, the commenter is overlooking (or misinterpreting) the other important objectives of the ECAP discussed in the DEIR's Project Description.

**RESPONSE 9-6**

The EIR recognizes that the ECAP will have growth-inducing impacts (see pages 7 and 8 of *Chapter 7* of the DEIR). Moreover, realistic accommodation of growth in the region necessarily will require redesignation of currently undeveloped lands for urban uses.

**RESPONSE 9-7**

Please refer to RESPONSES 9-1 and 9-5. As noted in RESPONSE 9-5, project objectives are not limited to accommodation of growth. A reasonable range of alternatives was analyzed in light of plan objectives.

**RESPONSE 9-8**

It is clear from our discussion on page 4 of *Chapter 7* of the DEIR that growth-inducement is indeed a significant unavoidable impact of the plan. Table 4-1 in *Chapter 4 - Impact and Mitigation Summary* will be appended to clarify this conclusion. Features of the ECAP will reduce but not eliminate the significance of this impact: (1) by providing for housing in the planning area, growth

inducement in the Central Valley will be reduced (that San Joaquin County agrees with this assessment is attested to in COMMENT 8-4); (2) by creating the Urban Growth Boundary, growth can be effectively contained; and (3) by implementing policies which require phasing based on availability of infrastructure and which promote compact development, other sprawl and infrastructure inefficiencies can be minimized.

#### RESPONSE 9-9

The DEIR analyzes the reasonably foreseeable cumulative impacts of the project that are potentially significant. The project-impact analysis is in itself cumulative because it examines the effects of the project in the entire planning area, including growth in the cities and in unincorporated areas. The "Cumulative Impacts" discussion in *Chapter 7* of the DEIR broadens that analysis by analyzing impacts in light of growth outside the planning area (e.g., in San Joaquin and Contra Costa Counties). Appropriately, the geographical focus of an impact varies by topic. For example, the cumulative air quality analysis is conducted for the air basin, while the land use analysis is based upon jurisdictional boundaries and the relevant planning efforts of jurisdictions in the region. To clarify this point, the following note will be added to the Potential Significant Impact column of Table 4-1 in *Chapter 4 - Impact and Mitigation Summary* of the DEIR.

Note: The topic area impact analyses contained in *Chapter 5* of this DEIR identify, in effect, cumulative impacts because they examine the effects of growth in the entire planning area, i.e., growth in East County's incorporated cities in addition to growth in unincorporated areas. Therefore project-related significant impacts in this summary should also be considered as cumulative impacts especially when exacerbated by growth in adjacent counties. (Water supply has been separately identified as a cumulative impact because it was not identified as an East County significant impact.)

#### RESPONSE 9-10

Several features of the ECAP ensure the success of the open space program: (1) the dedication by Major New Urban Development in North Livermore of 4,200 acres in the Resource Management area north of I-580; (2) the creation of Alameda County Open Space Land Trust to acquire open space easements with funds derived from new development within the Urban Growth Boundary, from new major public facilities outside the Urban Growth Boundary, and from mitigation for biological habitat impacts both inside and outside the Urban Growth Boundary; (3) the presence of the Urban Growth Boundary to contain urban development; (4) the designation of land for resource management and large-parcel agriculture outside the Urban Growth Boundary; and, (5) the open space features of the South Livermore Valley Area Plan.

#### RESPONSE 9-11

The basis of the commenter's assertion is not clear. However, in developing the ECAP, great care was taken to incorporate mitigation measures into the plan's goals, policies and programs. Where significant effects would result despite implementation of the ECAP, the DEIR recommends mitigation measures, where feasible, to lessen these impacts. Mitigation measures to address

cumulative impacts, where appropriate, are incorporated into the DEIR's discussion of project impacts. See RESPONSE 9-9.

**RESPONSE 9-12**

The basis of the commenter's assertion is not clear. The DEIR's project Description is clear and consistent throughout the DEIR's analysis.

**RESPONSE 9-13**

As required by CEQA, the DEIR analyzes the reasonably foreseeable impacts of the ECAP. Each section of the DEIR analyzes the ECAP's impacts to the extent they can now reasonably be foreseen. Where it is possible with current information to analyze the effects of buildout, the DEIR has conducted such an analysis. Impacts that are too speculative for reasoned analysis with currently available information have not been analyzed. See CEQA Guidelines §§ 15144, 15145.

In this regard, with respect to traffic, noise and air quality, the reasonably foreseeable impacts to the year 2010 have been analyzed. The DEIR uses the Tri-Valley Transportation Model (the "TVTM"), to analyze traffic impacts to the year 2010. The DEIR's air quality and noise studies also rely on the TVTM for their conclusions. The TVTM is being cooperatively developed by the Tri-Valley Transportation Council, which includes representatives of the County, all cities in the planning area, Contra Costa County and the cities of San Ramon and Danville. In developing the TVTM, the Tri-Valley Transportation Council has relied upon ABAG growth projections, which currently extend only to the year 2010. Due to a lack of reliable growth projections beyond the year 2010, the Council has chosen the year 2010 as the outer boundary of its modeling.

The TVTM provides a common, detailed model for determining the effects of land use decisions on transportation issues. Utilizing the output of the TVTM in the DEIR furthers the consistency goals of this subregional council and provides an analysis that will be readily understood by all agencies in the region.

Currently available information does not provide a strong basis for reasoned analysis beyond 2010 for traffic, noise and air quality. Generally speaking, because buildout represents about a twelve percent increase in housing levels and a seven percent increase in jobs over projections for the year 2010 land uses assumed in the TVTM, it is reasonable to assume that proportional increases in traffic and traffic-related impacts, including noise and air quality would result at buildout. Such increases in traffic would require increased capacity on arterials and collectors within the planning area, particularly at key intersections. However, it is not possible to model these impacts precisely because of the lack of an identified roadway and transit network to serve the buildout population. In addition, future levels of traffic, air pollution and noise may be lessened by changes in automobile and transit technology or other conditions which cannot be reasonably predicted beyond the 2010 scenario.

The ECAP recognizes that further analysis will be required before development beyond the 2010 scenario can go forward.

**RESPONSE 9-14**

Amendments to other elements of the County General Plan that are needed to maintain internal consistency are summarized in paragraph 3.13, Consistency with Other General Plan Elements on page 16 of the DEIR's Project Description. The impacts associated with these amendments are analyzed in the applicable sections of the DEIR.

**RESPONSE 9-15**

Comment noted.

**RESPONSE 9-16**

The commenter makes four related assertions: (A) that the plan's reliance on growth projections ignores constraints to growth; (B) that the plan does not adjust projections to reflect growth in adjacent areas; (C) that there is no assurance that ECAP's growth projections are reasonable approximations of future growth; and (D) that the DEIR rejected environmentally superior alternatives on the basis of the growth projections. These assertions are addressed below as follows:

(A) Please refer to RESPONSES 9-1 and 9-5. The ECAP and the DEIR recognize that there are constraints to growth, such as public services and infrastructure, and ECAP policies directly address these concerns, providing for phasing and performance standards for Major New Urban Developments to ensure that adequate services are available to support any new growth. There are also impacts from attempting to curtail growth. The Response to Common Question #4 discusses the tradeoffs with a lower growth alternative. Unlike the ECAP, a low growth alternative similar to Alternative 5 will likely adapt to pressure by allowing an erosion of its artificial growth cap by incremental approval of development. The environmental effects from this unplanned incremental approval of development by East County jurisdictions would be similar to those resulting from uncoordinated growth as described under Alternative 2, the "No-Project, Prospective General Plans" alternative. In both cases, cumulative impacts could include: scattered development, loss of open space and large contiguous areas for habitat mitigation, loss of community separators, and a lopsided jobs/housing ratio. These types of impacts have already occurred during the past 10 years of uncoordinated growth as urbanization has expanded across the Livermore-Amador Valley (see Figure 3 in the DEIR).

The Tri-Valley Transportation Model assumes that ECAP's 60,000 population plan for North Livermore and the City of Livermore's adopted 30,000 population plan show about the same number of people in the year 2010, illustrating that the County under the ECAP is not anticipating twice as many people in the same time period but is looking at a time horizon beyond 2010. Under the City's plan, land north of May School Road is zoned for agriculture with a 1/2 mile strip of acquired open space. However, the effectiveness of this strip in preventing leap-frog development north of the buffer and adjacent to the urbanized area is questionable if growth pressure occurred past 2010. A more detailed comparison of the proposed plan with Alternative 5, the lower growth alternative examined in the DEIR, can be found in RCQ #4.

(B) The ABAG projections used for the proposed plan (Projections '92) reflect projections for growth in East County. ABAG Projections '92 for Contra Costa County reflect the Dougherty and Tassajara

projects; the same projections for San Joaquin County do not reflect the Mountain House project. The RCQ #9 discusses the relationship of development under the proposed plan with planned growth in adjacent counties. The planning for more housing in the East County is a responsible endeavor by the County. Whether or not growth proceeds as planned in adjacent counties (if there is no market, homebuilders won't build), the ECAP conforms to good planning principles by providing housing near jobs, thereby reducing commute lengths and, in turn, reducing traffic, air, and noise impacts. The adequate provision of housing in the East County by the proposed plan also responds to a specific concern expressed by San Joaquin County over the adverse fiscal effects of continuing to be a "bedroom community" for jurisdictions of Alameda and other East Bay counties (Letter to Adolph Martinelli, Planning Director, May 5, 1993). If affordable housing is available in East County for the people who work in East County, people will probably choose to live in East County instead of further out. If homes are more expensive in the East County, the degree to which people will opt for less expensive homes in the Central Valley and endure the increasingly long commute or pay more to live closer to work will be determined by a variety of factors that include the level of aggravation entailed in the commute, the price of gas, the relative differences in home prices, the range of housing types offered, and other amenities people are looking for in their community.

(C) ABAG projections were used in the proposed plan. It is not clear what form of growth projections the commenter would prefer to those provided by ABAG. ABAG is widely acknowledged as providing the best available regional population and job growth data. ABAG's information is relied upon by the Metropolitan Transportation Commission, the Bay Area Air Quality Management District, the Livermore-Amador Valley Wastewater Management Agency, the Tri-Valley Wastewater Agency, the Alameda Congestion Management Agency and the Tri-Valley Transportation Council, among others. Moreover, the City of Livermore used ABAG data in the draft EIR for the North Livermore General Plan Amendment that currently is under review.

(D) The DEIR analyzed a reasonable range of alternatives which consider different population scenarios. Growth projections do not provide the sole basis for rejecting other project alternatives. Rather, none of the project alternatives would accomplish the project objectives as effectively as the project. For example, Alternative 5, which is identified as the "environmentally superior alternative," would fail to accomplish a number of the project objectives, as described in *Chapter 6*, page 29 of the DEIR.

#### RESPONSE 9-17

The job creation assumptions of the ECAP are based on a detailed analysis presented in the appendix to the plan. In summary, this data is based on constrained job creation analyses prepared for the first Tri-Valley Wastewater Agency SEIR and subsequently updated in the report, Alameda County General Plans: Land Use and Jobs/Housing Analysis, by Economic & Planning Systems, Inc. in 1992. These studies suggest that there is an overabundance of land designated for employment uses in existing city general plans. This analysis was used in evaluating the likelihood of that all such land will be developed under the existing industrial/commercial designation. It should be noted, however, that the ECAP does not change any city's general plan.

With regard to new job growth in the unincorporated areas of the County, this result would only occur if both East Dublin and North Livermore areas are developed under the County's jurisdiction. A general plan amendment and specific plan for the East Dublin area have been approved by the City of Dublin, and it is expected that this area will be annexed and developed in the City. With respect

to North Livermore, the only jobs created under the ECAP are those associated with the commercial center of the Major New Urban Development.

**RESPONSE 9-18**

See RESPONSES 9-16 and 9-17.

**RESPONSE 9-19**

See RESPONSE 9-16.

**RESPONSE 9-20**

See RESPONSES 9-16, 9-17, 9-21-9-33.

**RESPONSE 9-21**

The DEIR contains a clear statement of project objectives. The major objectives of the plan are set forth in paragraph 3.6 of the project Description in the DEIR. See also RESPONSE 9-5.

**RESPONSE 9-22 and 9-23**

The Project Description provides a clear, accurate and complete statement of the project. The DEIR analyzes the reasonably foreseeable impacts of the project throughout.

The EIR's level of analysis is appropriate for the general plan level and is consistent with the requirements for a program EIR. See CEQA Guidelines §§ 15146, 15152 and 15168. The ECAP requires specific plans for development, which will set forth more detailed plans and implementation measures consistent with the ECAP. Pursuant to CEQA, environmental review will be conducted in connection with such plans, and the degree of specificity of such review will correspond with the specificity of the underlying plans.

**RESPONSE 9-24**

See RESPONSE 9-13.

**RESPONSE 9-25 and 9-26**

The DEIR's environmental setting discussions accurately describe the existing physical setting of the project from both a local and regional perspective. The physical setting described varies in discussion of the various impacts in order to provide a basis for evaluating each impact in the appropriate



context. The level of detail provided for the environmental setting discussions is appropriate for general plan level document and program EIR. See RESPONSES 9-22 and 9-23.

**RESPONSE 9-27**

In *Chapters 5.11 and 5.15*, the DEIR provides a complete discussion of the geotechnical conditions in the planning area that is appropriate for a general plan level document and a program EIR. See RESPONSES 9-22 and 9-23.

**RESPONSE 9-28**

In *Chapter 5.13*, the DEIR provides a complete discussion of the environmental setting in light of Zone 7 existing and projected water supply that is appropriate for a general plan level document and a program EIR. See RESPONSES 9-22 and 9-23.

**RESPONSE 9-29**

In *Chapter 5.14*, the DEIR provides a complete discussion of the environmental setting with respect to existing and projected sewer capacity that is appropriate for a general plan level document and a program EIR. See RESPONSES 9-22 and 9-23.

**RESPONSE 9-30**

In *Chapter 5.7*, the DEIR provides a complete discussion of the biota in the planning area that is appropriate for a general plan level document and a program EIR. See RESPONSE 9-22 and 9-23.

**RESPONSE 9-31**

In *Chapter 5.2*, the DEIR provides a complete discussion of agricultural soils within the Urban Growth Boundary that is appropriate for a general plan level document and a program EIR. See RESPONSES 9-22 and 9-23.

**RESPONSE 9-32**

The DEIR discusses the environmental setting from both a local and regional perspective in all appropriate chapters. See in particular, *Chapter 2 - Regional Context* which describes current land use trends and issues in the Tri-Valley subregion and as they relate to growth in adjacent counties.

**RESPONSE 9-33**

Please refer to *Potential Impact 5.1-2: Implementation of the plan could conflict with adjacent land uses designated in adopted general plans of neighboring jurisdictions in Chapter 5.1 - Land Use and Planning* where the DEIR discusses consistency with city adopted plans and policies. Refer also to RCQ #15.

**RESPONSES 9-34 and 9-35**

CEQA does not require a "worst case scenario" analysis. Reasonable analysis is required, and this requirement is more than satisfied by the DEIR. In fact, ABAG Projections present the credible worst case scenario for analysis. See RESPONSES 9-1 and 9-13.

**RESPONSE 9-36**

As explained in *Chapter 3.12* of the DEIR, using the midpoint of land use designations in calculating the holding capacity is considered the "credible" worst case scenario. Even if development occurs at higher than average densities, it is highly probable that some parcels within the Urban Growth Boundary will be skipped over resulting in a lowering of average densities. Please refer to RESPONSES 9-13 and 9-44.

**RESPONSE 9-37**

As noted in the definition of Urban Reserve at page 37 of the ECAP, these lands are designated with a minimum parcel size of 100 acres and a maximum development density of one single family home per parcel. Although it is possible that these areas will be considered for urban uses at some future date, the location, density and type of development that may be appropriate for these areas has not been determined. Accordingly, the DEIR has appropriately analyzed effects of the Urban Reserve designation under its currently foreseen use as an agricultural area. A general plan amendment, and accompanying environmental review, would be required for any urban development proposal within this land use category.

**RESPONSE 9-38**

The DEIR contains evidence to support its conclusions.

**RESPONSE 9-39**

Please refer to RESPONSE 9-8 for a discussion of growth inducement and to RESPONSE 9-9 for a discussion of cumulative impacts.

## RESPONSE 9-40

Comment noted.

## RESPONSE 9-41

Please refer to RESPONSE 9-8.

## RESPONSE 9-42

Several roadways within East County currently do not, and will not as a result of this plan, meet the LOS standard of D on major arterial segments and E on CMP-designated roadways (I-580, I-680, Highway 84). Vasco Road, which serves as a major gateway to East County job centers from residential areas in eastern Contra Costa County, also shows LOS F in 1990 in the Tri-Valley Transportation Council's recent plots (Barton Aschman, TVTM Final Plots, July 1993; these plots were generated subsequent to the model runs conducted for the ECAP and reflect more recent information). Although policy 179 (see below) will ensure that new development adequately mitigates its own impacts and, where possible, improves existing congestion through roadway and transit improvements, a certain amount of existing and projected traffic congestion is beyond the control of Alameda County and the ECAP.

ECAP's phasing policies (including policies 13, 14, 179 and 203) work together to ensure that new development is phased in such a way that it can be served by funded infrastructure. Policy 179 specifically addresses phasing as it relates to traffic levels of service. The intent of policy 179 is to ensure that new development is only approved if adequate levels of service are met on all major arterial and highway segments. All detailed development plans (e.g., specific plans) will include traffic impact studies to determine compliance with level of service standards [policy 180]; if the proposed project would contribute to an exceedance of the level of service standard and if the project could not mitigate this impact (due to insufficient funding, technical infeasibility, environmental constraints, or other reasons), the development could not proceed. The phasing requirements of the plan serve as a valve: only the amount of development that can be served by funded, feasible infrastructure can be approved at any one time.

In order to clarify the intent of policy 179, the following will be added (deleted language is ~~struckout~~; new language is underlined):

Policy 179: The County shall ensure that new development ~~that~~ is phased to coincide with roadway improvements ~~to ensure so that~~ (1) that traffic volumes on intercity arterials significantly affected by the project do not exceed Level of Service D on major arterial segments within unincorporated areas, and (2) that traffic volumes on Congestion Management Program (CMP) designated roadways (e.g., Interstate Highways 580 and 680 and State Highway 84) significantly affected by the project do not exceed Level of Service E within unincorporated areas. If LOS E is exceeded, Deficiency Plans for affected roadways shall be prepared in conjunction with the Congestion Management Agency. LOS shall be determined according to Congestion Management Agency adopted methodology.

Since the County only has control over unincorporated areas, the following sentence will also be added to policy 179 to encourage cities to follow the County's lead:

The County shall encourage cities to ensure that these Levels of Service standards are also met within incorporated areas.

#### RESPONSE 9-43

The regional Clean Air Plan (CAP) currently includes 23 Transportation Control Measures (TCMs). Of these the following identify cities and counties as an implementing agency:

- TCM 1: Expand Employer Assistance Programs
- TCM 2: Adopt Employer-Based Trip Reduction Rule
- TCM 9: Improve Bicycle Access and Facilities
- TCM 12: Improve Arterial Traffic Management
- TCM 13: Transit Use Incentives
- TCM 15: Provide Carpool Incentives
- TCM 16: Indirect Source Control Program
- TCM 18: Zoning for Higher Densities near Transit Stations
- TCM 19: Air Quality Elements for General Plans

The DEIR identifies inconsistency between ECAP and the CAP as a significant impact. The discussion at the bottom of page 5.5-20 and top of 5.5-21 describes the relationship between the ECAP air quality policies and CAP TCM's. The conclusion is that the consistency can be improved with the addition of a new policy and revision to program 80.

The CAP is concerned with the attainment of the state, rather than federal air quality standards. Current federal law allows the imposition of sanctions (e.g. withholding of federal highway project funding) for areas not making progress towards attaining the national standards. The Bay Area, however, has been making steady progress towards attaining the national ambient air quality standards. Redesignation of the Bay Area as an attainment area for ozone and carbon monoxide has been requested, although the non-attainment planning process is being continued should the request be denied.

#### RESPONSE 9-44

On page 11 of *Chapter 5.4 - Transportation*, the Draft EIR explains the selection of year 2010 for the analysis of impacts, as follows:

"The traffic impact analysis, as well as the air quality and noise analyses, was developed for the plan's 2010 holding capacity based on traffic model runs using the Tri-Valley Transportation Model (TVTM) and *East County Area Plan* land uses for the year 2010. The year 2010 is the last year for which an identified transportation network has been developed for the Tri-Valley and for which land uses have been developed for the nine-county Bay Region, as projected by ABAG, and for the San Joaquin Valley, as projected by San Joaquin County. The year 2010 is also the last year for which an identified transportation network has been developed for the Bay Region (the Metropolitan Transportation System as described in MTC's Regional Transportation Plan) and for which rules have been promulgated for air quality emissions by the Bay Area Air Quality Management District.

"Model runs using the Tri-Valley Transportation Model have not been conducted to evaluate the impacts of full buildout (beyond 2010) of the Tri-Valley on I-580, I-680, and Highway 84. This is due to the lack of an identified roadway and transit network to serve buildout given current limitations on funding and technology. As a result, definitive levels of service cannot be calculated."

On page 35 of *Chapter 6 - Evaluation of Alternatives*, the Draft EIR provides a qualitative evaluation of traffic impacts beyond the 2010 to buildout, as follows (revisions reflect the change in holding capacity shown in RESPONSE 10-4):

"Buildout of *East County Area Plan* land uses represents about a 14.12 percent increase in housing units and a 6.7 percent increase in jobs over projections for the year 2010 land uses assumed in the Tri-Valley Transportation Model. This is equivalent to about a 10 percent increase in traffic over year 2010 conditions. On arterials and collectors within the planning area, it would be necessary and possible to increase the capacity available to motorists, particularly at key intersections. Along facilities such as I-580 and I-680, full mitigation suggested in *Chapter 5.4 - Transportation* would be required to accommodate traffic at buildout, although LOS F conditions would still occur at least along I-580, and perhaps parallel arterials, particularly Dublin Boulevard."

In order to clarify the relationship between traffic projections for 2010 and buildout and their effect on air quality and noise, the following will be added to page 35 of *Chapter 6 - Evaluation of Alternatives*,

"Since buildout represents about a ten percent increase in traffic levels over the year 2010, it is reasonable to assume that proportional increases in air pollutants, noise, and other traffic related impacts would be generated at buildout. *However, it is not possible to model these impacts precisely because of the lack of an identified roadway and transit network to serve buildout. Also, future levels of air pollution and noise may be affected by changes in automobile and transit technology which cannot be predicted beyond the year 2010. In addition, localized emissions such as CO levels at individual intersections and noise contours along specific roadway corridors will vary according to local conditions which cannot be foreseen at this time. Absent this detailed information for buildout, it is reasonable to assume that overall levels of noise and air emissions as well as regional pollutants (such as ozone) will generally be proportional to the ten percent increase in traffic volumes between 2010 and buildout.*"

**RESPONSE 9-45**

The commenter is correct in pointing out the Tri-Valley Transportation Model is capable of producing intersection analysis, but is incorrect in insisting that this methodology is appropriate for a general plan update. Most analyses, including the EIR for the North Livermore General Plan Amendment prepared by the City of Livermore, utilize link analyses. The primary reason for this is that the Tri-Valley Transportation Model does not include all future intersections and, therefore, tends to allocate traffic that is normally spread over two or more intersections onto a single intersection. While it is true that intersections are the limiting factors in most already urbanized areas, in areas where the major roadway system is as yet unbuilt and consists of two-laned roadways needing future widening to four, six, or more lanes, the major costs and environmental issues result from the long sections of roadways (links) rather than the intersections. Further, the Tri-Valley Transportation Model has not used intersection analysis in either its calibration runs or in any major runs to date.

**RESPONSE 9-46**

The ECAP DEIR traffic analysis used the approved Tri-Valley Transportation Model and all modeling was prepared by the authorized traffic consultant, Barton-Aschman Associates. The Tri-Valley Transportation Model has been updated from time to time since its approval in 1992. Each update can result in somewhat different traffic forecasts. The ECAP analysis used the most current model information at the time of the analysis. Naturally, each model run of the Tri-Valley Transportation Model differs from others because the land use or highway network is changed to reflect the conditions of the particular scenario being analyzed.

The percentage of pass-through traffic depends on the location sampled. The TVT model indicates 40 percent (TVT Model 1993) and TJKM (Success, November 1993) cites 50 percent at the Altamont Pass.

The DEIR included more streets in the Tri-Valley network than the base network for the Tri-Valley Transportation Model in order to analyze the specific major streets in the proposed development areas. Analyzing streets such as Las Colinas and North Canyons Parkway was, in fact, a key purpose of the analysis.

**RESPONSE 9-47**

In Tables 5.4-3, 5.4-4, and 5.4-5, the Draft EIR discusses possible measures that could mitigate traffic congestion within East County. The tables provide a comprehensive attempt to reduce congestion on every roadway segment which is projected to experience congestion in the year 2010. The tables list roadway widenings, addition of intersection turn lanes, HOV lanes on freeways, and any other improvements which could conceivably be considered a mitigation given existing right-of-way constraints.

The tables go beyond the typical listing of mitigations required by CEQA by evaluating the potential for funding, describing potential sources for funding, and explaining the rationale for the improvements. As requested by the CMA, only those measures which are fully funded have been included in the Final EIR as mitigations. Therefore, the analysis of potential measures considered to

reduce traffic congestion is comprehensive although the final list of mitigations is realistic in that it is limited to those that are or will be fully funded.

#### RESPONSE 9-48

Although there are no feasible alternatives capable of solving all the traffic problems, the lower growth alternative (Alternative 5) would cause less congestion in the planning area due to ECAP's higher holding capacity. Traffic coming into East County through the Altamont Pass would be the same for both ECAP and Alternative 5 at peak hour due to the gateway constraint. Under Alternative 5, however, growth constrained in East County could feasibly leapfrog into San Joaquin County and east Contra Costa County, increasing the pressure to improve the gateways and increasing incommuting traffic over expanded peak periods. More residences closer to job centers under the ECAP will allow people to reach their job sites without using the constrained gateways, and shorter trip lengths could have beneficial effects on air quality. To devise an alternative plan based solely on a funded transportation network would be short-sighted. A comprehensive plan must necessarily balance social, physical and economic factors and should not be predicated on resolving a single identified constraint. Please also refer to Response To Common Question #4 and #9.

#### RESPONSE 9-49

Due to the nature of the general plan analysis, it is not appropriate to prepare intersection level of service analyses at the indicated locations. However, one indicator is the comparison of daily traffic volumes at various locations south of I-580 under three scenarios: ECAP, City of Livermore North Livermore GPA DEIR and the Tri-Valley Transportation Model base case. All of these scenarios utilized the same traffic model with different land use and highway networks, although south of I-580, most Livermore streets would have similar cross sections. The daily traffic volumes under the three scenarios are as follows:

Location	ECAP	N. Livermore GPA DEIR	Tri-Valley Trans. Model
Vasco Road south of I-580	36,100	38,600	44,800
Greenville Road south Patterson Pass Road	9,800	9,100	9,400
First Street south of I-580	33,300	31,700	35,600
North Livermore Ave. south of I-580	37,800	50,300	43,800
Portola Avenue south of I-580	24,500	Not disclosed	18,000
Las Positas east of North Livermore	21,800	Not disclosed	21,600
I-580 east of North Livermore Avenue	137,000	155,500	173,600

It can be noted that, in general, traffic volumes associated with the East County Area Plan tend not to be significantly higher than those associated with either the North Livermore GPA or the base case analysis of the Tri-Valley Transportation Model.

## RESPONSE 9-50

The impact to interchanges on I-580 was analyzed as a part of the traffic modeling work. The following new table will be added to the EIR after Table 5.4-4.

**Table 5.4-4 (a)**  
**(New)**

**Discussion of Mitigation Measures: I-580 Interchanges**

<b>Interchange</b>	<b>Mitigation</b>	<b>Mitigation Measures Funded?</b>	<b>Comments</b>
Greenville Road	Construct new facility east of current location	By Livermore Traffic Improvement Fee (TIF)	A Project Study Report (PSR) has been prepared. The City is planning to fund with TIF.
Vasco Road	Increase capacity	No (but TIF is a potential funding source)	A PSR has been funded and will investigate required improvements. Major changes will be required.
First Street	Upgrade interchange	First Phase, Yes	The first phase interchange improvements are completed. The second phase will be funded by TIF.
North Livermore Avenue	Widen underpass, add signals to off-ramps	No (but could be funded by developers as a condition of approval)	A PSR has been funded and will investigate required improvements. Will be required by North Livermore development.
Portola Avenue	Remove connection to I-580, convert to overpass.	No (but could be funded by developers as a condition of approval)	This interchange will need to be removed when the Isabel interchange is added. It will be funded either by TIF or by developers.
Isabel Avenue	Construct new interchange	No, was to be Measure B. Special federal funding a possibility.	A new interchange is needed for the Rt. 84 connection with I-580. Could be funded by Measure B, by special federal match, by developers, or by TIF (or combination). This is a regional need.
Airway Avenue	Upgrade existing interchange	No (but TIF is a potential funding source)	Improvements needed include widening of overpass, and improvements and signaling of ramps.



Interchange	Mitigation	Mitigation Measures Funded?	Comments
El Charro Road/Fallon Road	Upgrade existing interchange	No (but TIF is a potential funding source and/or could be funded by developers as a condition of approval)	Major upgrades are required: 4 to 6 lanes plus improved ramps. Funded by TIF, Dublin & E. Pleasanton developers.
Santa Rita Road Tassajara Road	Rebuild northbound overpass	No, but BART will require upgrade	This interchange will need to be upgraded when BART is extended to Livermore. Subregional issue.
Hacienda Drive	No improvements are required	Was funded by NPID, with Alameda County participation.	This interchange was constructed by north Pleasanton developers through the NPID, augmented by Alameda County.
Hopyard Road	Upgrade existing interchange	Is funded by BART	An upgrade is under construction, funded by BART to improve southbound overpass.

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**RESPONSE 9-51**

The greater number of housing units (23,000) generated by the ECAP compared to the City's Plan (12,700) for North Livermore is spread over a larger geographic area with an enhanced roadway network. The number of housing units in the ECAP south of May School Road is similar to that proposed in the City's Plan. However, the City's plan proposes more jobs (11,500) than the ECAP (8,100) and, therefore, generates more traffic south of May School Road. The additional population north of May School Road is handled by the enhanced road network in this area and by the widening of arterials south of May School to handle this additional traffic. For example, North Livermore Avenue is a six lane arterial running through most of North Livermore in the ECAP while it is only a four lane arterial for most segments in the City's Plan.

**RESPONSE 9-52**

The DEIR proposes mitigation measures that are feasible and consistent with those available to a general plan document. In addition to subregional fees (if approved by the TVTC), funding will be available from impact fees on development projects (see policy 179 as modified in RESPONSE 9-42) as well as some funding through the extension of existing local, state and federal funding programs. The biennial monitoring program (see programs 4 and 75) will monitor level of service on existing roadways. If sufficient funds are unavailable for needed improvements to meet level of service standards, development will not be approved in unincorporated areas. Please also refer to RESPONSE 6-3 for further discussion of funding for transportation improvements.

**RESPONSE 9-53**

Please refer to RESPONSE 9-44.

**RESPONSE 9-54**

All of the alternatives to the proposed plan, including the "no-project" alternative, would have significant and unavoidable air quality impacts. Growth of any kind related to a general plan update or buildout of existing general plans would likely exceed BAAQMD daily emission standards (potential impact 5.5-1). All alternatives will similarly contribute to the existing exceedance of state air quality standards for PM-10 (potential impact 5.5-2). Alternative 1 ("no-project"), which has the smallest population increase (39,000) and thus most greatly reduces the impact in comparison to the other alternatives, would nevertheless still have the significant and unavoidable air quality impacts described above. Alternative 5, the other low-growth alternative, would similarly reduce air quality impacts but not to the level of less-than-significant.

Although the low-growth alternatives would reduce air quality impacts in comparison to the proposed plan, they would accelerate the current trend towards urbanization of areas to the east and north of the planning area. Increased through-commuting would reduce the air quality benefits in East County derived from a lower growth scenario and longer commuting distances would result in overall increases in air quality impacts in the region.

The DEIR does not consider an alternative that would eliminate the project's significant adverse impact because such an alternative would require severe curtailment of growth in the East County cities which are outside the County's jurisdiction.

**RESPONSE 9-55**

The methodology used in estimating carbon monoxide concentrations near intersections is described in Appendix C of the DEIR.

**RESPONSE 9-56**

The specific identification of wetland areas will be addressed in subsequent environmental documents prepared for Major New Urban Developments proposed within the UGB. The level of analysis provided is appropriate for this general plan level document and program EIR. The plan policies and programs provide that appropriate mitigations on wetlands for projects proposed within the UGB area will be implemented. See RESPONSES 2-1 and 2-2.

**RESPONSE 9-57**

The level of analysis is appropriate for a general plan level document and a program EIR. More detailed review will be conducted, as necessary, for specific developments. Please refer to RESPONSE 2-8 which explains the concept of the mitigation Resource Management area; also refer to RESPONSES 3-7 and 3-8 which discusses mitigation for conversion of grassland habitat.

RESPONSE 9-58

Species-specific impacts are not identified in this EIR for two reasons:

1. This program EIR will serve as an "umbrella" document for future environmental review. The level of analysis was sufficient for determining general development footprints and for proposing policies and programs to address potential impacts to biological resources. Future environmental documents for Major New Developments within the UGB will need to specifically address impacts to special status species.
2. Biological resources are dynamic and therefore specific locations of special status species can change. To prepare an impact analysis based on specific species occurrences is misleading and is not the intent of this document. The DEIR assumes, based on the background information compiled, that there will be special status species within the UGB. Therefore, the impact analysis, without identifying specific species, concludes that removal of these species and/or their habitat would result in a significant impact. Applying the criteria provided at the beginning of the impact analysis section, we determined that this impact would be significant.

The comparison of Figures 19 and 20 in the DEIR with the Land Use Diagram will reveal areas of potential habitat loss.

RESPONSE 9-59

The ECAP applies a regional approach to planning for biological resources by establishing a boundary to differentiate between lands suitable for development and lands suitable for other uses. Policy 57 calls for the preservation of "...a continuous band of open space consisting of a variety of plant communities and wildlife habitats to provide comprehensive, rather than piecemeal, habitat conservation for all East County...". Wildlife migration corridors will continue to exist because large areas of open space will be contiguous outside of the UGB and will be connected with designated resource areas within the UGB through the maintenance of wildlife corridors. The proposed new policy in RESPONSE 2-3 helps to reduce any potential impacts to wildlife corridors.

RESPONSE 9-60

The impacts suggested by the commenter are not reasonably foreseeable potential impacts of the ECAP. The ECAP does not present a scenario that would put land uses in the unincorporated areas in competition with city-planned urban development. The Jobs and Housing Background Report (*Volume 2 - Draft East County Area Plan*) sets forth the need for housing to support the excessive amount of land currently designated by cities for employment generating land uses. Under the ECAP, enough housing is provided to allow both regional shopping and employment uses to develop within the cities. In the North Livermore Major New Urban Development, commercial uses are limited to the local-serving commercial center.

**RESPONSE 9-61**

The ECAP contains numerous policies providing for phasing and for minimizing the potential for urban sprawl. Please refer to **Response to Common Question #5**.

Please refer to **RESPONSES 9-6, 9-8, 9-39 and 9-41** for a discussion of growth-inducing impacts.

**RESPONSE 9-62**

The DEIR analyzes potentially significant impacts of the ECAP on the City of Livermore. However, it is unclear what the commenter means with respect to "[i]mpacts to the character of the Livermore community."

**RESPONSE 9-63**

The level of detail in the DEIR's analysis is appropriate for general plan level document and a program EIR.

**RESPONSE 9-64**

Policy 58 will be modified as follows in order to clarify the intent of the policy as allowing only low-intensity and other appropriate uses outside the UGB:

**Policy 58:** The County shall only approve only open space, park, recreational, agricultural, ~~low intensity institutional, limited infrastructure, public facilities (e.g., limited infrastructure, hospitals, research facilities, landfill sites, jails, etc.)~~ and other similar and compatible ~~low intensity~~ uses outside the Urban Growth Boundary.

In the policy, "limited infrastructure" could include, for example, roads and utility corridors. No significant cumulative impacts are anticipated from allowing these uses outside the UGB. Project-specific impacts would be analyzed at the time of project-specific environmental review.

**RESPONSE 9-65**

As discussed in the DEIR (*Chapter 5.4*, pages 8 through 10), there is insufficient export capacity to serve development designated under the existing city general plans, or that proposed under ECAP. However, as indicated in Table 5.14-1, the recently proposed new LAVWMA export pipeline, combined with the proposed expansion of Livermore's Advanced Reclamation Plant, would provide more than enough capacity for projected ECAP buildout. Furthermore, ECAP policy 13 requires that development be phased according to availability of infrastructure, so that if additional export/reclamation capacity is not available, further development will not be approved until capacity is available.

In addition, the DEIR identifies several proposed new policies to further clarify the need to phase development so that export/reuse capacity is not overburdened, and so that additional export/reuse

capacity is provided. These proposed new policies, together with identified ECAP policies regarding phasing, will ensure that the project will not exceed wastewater capacity.

**RESPONSE 9-66**

ECAP policies and programs provide sufficient general plan level requirements to ensure provision of the services noted by the commenter. For example, ECAP Policies 23, 24 and 29 allow development of Major New Urban Development (such as is proposed for North Livermore) only when such a development can provide the services listed by the commenter. Furthermore, ECAP Tables 6 and 7 set performance and level of service standards for such developments. As another example, ECAP policy 13 requires that development be phased according to the availability of infrastructure and public services in conformance with ECAP policies. More detailed requirements for public services will be considered in the context of more specific development proposals. See RESPONSE 9-2.

**RESPONSE 9-67**

See RESPONSE 9-66. In addition, it should be noted that the fiscal impact of the Major New Urban Development proposed for the North Livermore area will provide a benefit to the City of Livermore and other area cities. This development would consist of some 23,000 housing units and only enough commercial and retail related land uses as appropriate to serve this residential community. The vast majority of area jobs and regional retail facilities will be located in cities such as Livermore. Thus, the cities will receive significant sales and property tax revenue from these uses.

**RESPONSES 9-68 and 9-69**

The cumulative analysis contains the required elements. The Cumulative Impacts discussion in *Chapter 7* of the DEIR, together with the topic impact analyses (*Chapter 5*), adequately describes cumulative impacts resulting from the proposed plan. Please refer to RESPONSE 9-9.

**RESPONSE 9-70**

The DEIR does not address traffic conditions outside the immediate Tri-Valley area because the forecast model utilized for this analysis, the Tri-Valley Transportation Model, does not include detailed networks outside the Tri-Valley. Also, most of the locations outside the ECAP study area would experience insignificant traffic increases from inside East County. The transportation network used in the Tri-Valley Transportation Model was agreed to by a consensus of the seven member jurisdictions which comprise the Tri-Valley Transportation Council, including the City of Livermore, and cannot be altered by Alameda County alone. The Alameda Countywide Transportation Demand Model, developed for the Congestion Management Agency may be useful to the City of Livermore in exploring these issues.

**RESPONSE 9-71**

See RESPONSE 9-37.

**RESPONSE 9-72**

See RESPONSES 9-9, 9-39, and 9-41.

**RESPONSE 9-73**

See RESPONSE 6-3 and Response to Common Question #7.

**RESPONSE 9-74**

The ECAP requires that, if the Major New Urban Development for the North Livermore area is developed under the County's jurisdiction, adequate services must be provided prior to development. The ECAP's conditions to development are sufficient general plan level requirements to ensure the provision of funding for these services. See RESPONSE 9-66.

**RESPONSE 9-75**

The level of analysis is appropriate for a general plan level document and a program EIR. The County is committed to implementing its policies and programs in order to meet the goals of the plan and to mitigate potential impacts. The mitigation monitoring program will direct these efforts.

**RESPONSE 9-76**

The Urban Growth Boundary and other ECAP features provide mitigation for views. For example, policies encouraging clustering, providing new residential development standards, Major New Urban Development design guidelines (Table 8 of the plan), and restricting grading and cut and fill provide such mitigation. Visually sensitive ridgeline policies are provided for ridgelines above Collier Canyon and Vasco Road and the ridgelines surrounding Brushy Peak (policy 106). Also, no structures permitted above visually-sensitive major ridgeline (policy 107). Policy 111 maximizes views on prominent visual features.

**RESPONSE 9-77**

ECAP policies encourage clustering and the protection of agricultural lands, and discourage urban sprawl (see RCQ #5). The basis for the commenter's assertion regarding reduced densities is unclear. The open space fee program does not rely on reduced densities. The open space fee program provides an appropriate level of detail for a general plan level document. Specific fee plans, incentive proposals (such as density bonus), financial analyses and dedication requirements will be developed in connection with more specific development proposals. The Resource Management land use designation will be managed for the protection of habitat and watersheds.

**RESPONSE 9-78**

The ECAP contains implementation programs for the policies set forth in the ECAP. These programs satisfy state general plan requirements and provide an appropriate level of detail for a general plan level document. The DEIR's analysis is adequate for general plan level document and program EIR. See RESPONSE 9-2.

**RESPONSE 9-79**

The DEIR analyzes a reasonable range of alternatives. The DEIR's use of other planning efforts is appropriate for providing a basis for informed decisionmaking. The fact that several alternatives are under consideration by other jurisdictions, which have committed planning resources to developing these proposals, demonstrates the reasonableness of these choices.

As required by CEQA, the DEIR includes a range of alternatives which could (i) feasibly attain the basic objectives of the project and (ii) reduce environmental effects.

The DEIR's description of project objectives is adequate. See RESPONSE 9-5. The inclusion of accommodating projected growth as a project objective is appropriate and does not unduly limit the range of alternatives analyzed.

**RESPONSE 9-80**

The analysis of alternatives is reasonable and provides sufficient detail for informed decisionmaking. CEQA does not require project alternatives to be analyzed in the same level of detail as the project.

A reasonable range of alternatives is analyzed, which satisfies CEQA. See RESPONSE 9-79. Alternative 5 "Minimum Growth/High Density" is identified as the environmentally superior alternative; it is not based on an existing plan and it does reduce environmental impacts relative to the proposed plan. The commenter proposes discussion of an additional alternative, but does not provide a specific proposal. An EIR need not consider such an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

**RESPONSE 9-81**

An EIR's analysis of off-site alternatives is subject to a rule of reason. Although DEIR does not analyze an "offsite" alternative per se, the alternatives consider the effects of development in different portions of the planning area. In this context, such an alternatives discussion is wholly reasonable, particularly as it considers a range of distinct development sites, each within the County's jurisdiction.

**RESPONSE 9-82**

As stated on page 1 of *Chapter 6* of the DEIR, "Potential impact areas that do not have a direct bearing on the choice of alternatives are not evaluated. These include cultural and mineral resources, geologic and flood hazards, and services (schools, police and fire, park and recreation, and solid

waste disposal). Impacts associated with these topic areas can be mitigated and are generally correlated to the buildout population of the alternative where a higher population would result in a comparatively greater impact." The evidence supporting this statement can be found in the analyses for each potential impact topic area listed above. This level of analysis satisfies CEQA's requirements for a program EIR.

**RESPONSE 9-83**

The DEIR's comparison between Alternative 5 and the ECAP is supported by the evidence in the DEIR. As noted by the commenter, the jobs/housing balance is for all practical purposes identical between the two alternatives. This is not the issue. As stated on page 29 of *Chapter 6*, Alternative 5 does not provide a needed range of housing types. Please refer to **Response to Common Question #4** which discusses the rationale of preferring the ECAP to a lower growth alternative.

**RESPONSE 9-84**

Alternative 4 is a reasonable alternative for analysis in the DEIR. The commenter's assertion that it "does not consider the North Livermore area to be a significant employment generating area due to the amount of land currently designated for commercial and industrial development within Livermore and other Tri-Valley cities" is noted. However, it also should be noted that the North Livermore alternative presented in the North Livermore General Plan Amendment recently proposed by the City proposes land uses which theoretically would generate 13,000 new jobs in this area.

**RESPONSE 9-85**

The DEIR does not set forth "straw man" alternatives. The fact that several alternatives currently are considered for adoption by other jurisdictions illustrates their reasonableness.

**RESPONSE 9-86**

Comment noted.







# CITY OF DUBLIN

P.O. Box 2340, Dublin, California 94568

City Offices, 100 Civic Plaza, Dublin, California 94568

July 27, 1993

Mr. Adolph Martinelli  
Planning Director  
Alameda County Planning Department  
224 W. Winton Avenue  
Hayward, California 94544

LETTER 10  
JUL 27 11 49 AM '93  
ALAMEDA COUNTY  
PLANNING DEPARTMENT  
HAYWARD, CALIFORNIA

SUBJECT: Comments on the East County Area Plan Draft General Plan Amendment and Draft Environmental Impact Report.

Dear Mr. Martinelli:

Thank you for the opportunity to comment on the Draft GPA and Draft EIR. Comments on the Draft East County Area Plan (ECAP) GPA and Draft EIR will be made separately in this letter.

DRAFT GENERAL PLAN AMENDMENT

The Draft GPA contains several policies which interfere with Dublin's ability to determine land uses within its Sphere of Influence and are therefore unacceptable.

Policy 1. This policy states that "the County shall identify and maintain an Urban Growth Boundary that defines areas suitable for urban development and open space areas for long-term protection of natural resources, agriculture and other productive resources, recreation, buffers between communities, and public health and safety. The Urban Growth Boundary circumscribes an area inside of which urban development will be encouraged and outside of which urban development will be prohibited." The placement of an Urban Growth Boundary around the City of Dublin which prohibits urban development within the City's Sphere of Influence is unacceptable. The Dublin General Plan states with regard to the Extended Planning Area, which would be impacted by Policy 1, that it would consider residential development proposals whose location, extent and density would be determined when municipal services could be provided and through General Plan refinement studies. These studies would permit the City of Dublin to determine the appropriate land uses within its Sphere of Influence. The placement of an Urban Growth Boundary should properly be made by the City based on such studies.

10-1

Program 3. This program indicates that the County shall prepare and adopt a countywide regional element of the County General Plan to promote consistency among local general plans. The element shall be developed in cooperation with cities and shall include a common land use and environmental database, transportation model, and performance standards for new development. The City of Dublin is concerned that policies may be promulgated that would interfere with local land use control. In addition, land use and environmental databases and transportation models are quite costly. How would the costs of these be borne?

10-2

Policy 11. Policy 11 states that the County shall monitor the densities and intensities of development approved by the County and cities. If development is being approved at densities lower than what is needed to achieve buildout, the County shall increase the densities for unincorporated lands designated for urban development, rather than modify the Urban Growth Boundary. This policy is unacceptable to the City because it interferes with the land use planning process of the City and puts the City at a disadvantage when negotiating with potential land developers who say they can get a better deal from the County. The function of County government with regard to land use is to provide a comprehensive, long-term general plan for the physical development of unincorporated lands outside of the spheres of influence of cities. Lands which lie within the spheres of influence of cities should be planned by the cities to which they belong, not the County.

10-3

Policy 25. This policy supports the development of a Major New Urban Development in Eastern Dublin with a holding capacity of approximately 16,000 housing units and approximately 20,000 jobs consistent with the Draft Eastern Dublin Specific Plan as this plan is proposed to be modified by the East County Area Plan. The City has several concerns about this policy.

1. The Eastern Dublin General Plan Amendment and Specific Plan were adopted by the City Council on May 10, 1993. The project as approved would have 13,941 dwelling units and 22,785 jobs in the year 2010 and 13,941 dwelling units and 31,369 jobs at buildout. This should be reflected in the ECAP.

10-4

2. It is not appropriate for the East County Area Plan to "modify" the Eastern Dublin GPA/SP. The GPA and SP were approved after several years of studies and public hearings and meetings and represent the efforts of hundreds of concerned citizens of Dublin and surrounding areas.

Program 8. This program would encourage Dublin to modify its general plan when it is being updated to achieve consistency with the ECAP policies regarding holding capacity, affordable housing and open space protection and acquisition. The City is encouraged that the County seeks a measure of cooperation in land use planning on a regional basis but would point out that the process works both ways. The cooperation of the County and the Cities within the ECAP should be mutual with the views and policies of the cities holding equal weight with those of the County.

10-5

Policies 70 and 71. These policies would encourage the City of Dublin to designate Western Dublin for agricultural or open space uses to serve as a community separator and to reserve a regional trail corridor connecting the San Ramon westside hills with Pleasanton Ridge where consistent with the ECAP. These policies conflict with Policy 1 and the ECAP Land Use Diagram which provide an Urban Growth Boundary which prohibits urban development beyond the boundary. The spirit of cooperation of Policies 70 and 71 is belied by Policy 1 which interferes with Dublin's ability to determine its land uses within its Sphere of Influence.

10-6

Policy 72. This policy would designate approximately 3,200 acres in Eastern Dublin as "Resource Management" (agriculture, grazing, open space) towards the establishment of a continuous open space system in East County. To accomplish this, the County would:

a. Encourage the City of Dublin to re-designate in the Eastern Dublin Specific Plan and General Plan Amendment all Rural Residential land east of Fallon Road, as well as Doolan Canyon as "Resource Management", consistent with the ECAP. Allowable uses may include agriculture, grazing, recreational, and open space.

10-7

b. Encourage the City of Dublin to work with the Alameda County Open Space Land Trust to acquire parcels designated Rural Residential in Eastern Dublin, through purchase of fee title or easements with open space fees, by means of dedication and/or through density transfer or other funding mechanisms.

c. Require that land use activities conducted within this area adhere to management guidelines developed for the protection of biological resources.

This policy conflicts with the adopted Eastern Dublin General Plan Amendment and Specific Plan and with Dublin's ability to determine its land uses within its Sphere of Influence.

Policy 172. This policy states that the County shall prepare a Congestion Management Plan in accordance with Congestion Management Program (CMP) guidelines. The CMP guidelines will allow the removal of through traffic and low income family traffic from the traffic counts of congested roadways. That means in reality the road could have an LOS of F but be shown as having an acceptable LOS in the deficiency report. This allows an unrealistic representation of roadway impacts and their mitigation.

10-8

Policy 179. It is stated that the County shall insure that new development is phased to coincide with roadway improvements to insure that traffic volumes on major arterials do not exceed LOS D and that traffic volumes on Freeways do not exceed LOS E. How is the County going to insure if the LOS reaches D that no additional building permits will be issued?

10-9

Figure 6. This figure shows Hacienda Road as extended north of Gleason Drive to Contra Costa County. The figure should be corrected to show Hacienda Drive as extending from I-580 to Gleason Drive only. The TVTC model shows that Tassajara Road and Fallon Road need to be 6 lanes north of Dublin Boulevard and eight lanes from Dublin Boulevard to I-580. Based on the TVTC model and your EIR, I-580 from Tassajara to Vasco Road needs to be 10 lanes. State Route 84 or a four to six lane arterial generally following the proposed path of the Toll Road should be shown on figure 6 from I-580 to Antioch. Please correct Figure 6 and any other figures or tables referring to these facilities.

10-10

DRAFT ENVIRONMENTAL IMPACT REPORT

The City is concerned about inaccuracies in information in tables, mitigation measures which propose land use programs unacceptable to the city, and transportation issues.

Table 3-3. This table should be corrected to show 13,941 housing units rather than 16,473 and 31,369 jobs rather than 20,572 for Eastern Dublin. 10-11

Table 3-4. The total population, housing and employment figures in this table should be revised to reflect the corrected figures for Eastern Dublin in Table 3-3. 10-12

Table 5.1-1. It is unclear if this table refers to the year 2010 or buildout for Eastern Dublin. Households should be shown as 13,941 for either year 2010 or buildout. Jobs should be shown as 22,785 for the year 2010 and 31,369 for buildout. 10-13

Mitigation Measure 5.1-1(a).

This mitigation measure proposes a modification to Program 1 which would state "Prior to adjusting the Urban Growth Boundary the County shall require findings that the adjustment: 1) is consistent with the policies of the plan, 2) would not promote sprawl or induce further adjustment of the boundary, and 3) would not unacceptably affect visual and open space resources. The City is concerned that development within it's Sphere of Influence, especially any development proposing a change to the Urban Growth Boundary, would be constrained by the County and subject to findings made by County legislative bodies. This policy modification would be unacceptable to the City. 10-14

Mitigation Measures 5.1-1(b) and (c). These mitigation measures propose a new land use policy that would require a detailed development phasing plan and community facilities plan for Major New Urban Developments prior to approval of specific development plans for the first phase of development. The City is in favor of phasing plans for development, however the lack of clarity about what areas would be subject to this policy is a concern to the City. Would all unincorporated areas be subject to the policy? Would unincorporated areas within the sphere of influence of a city and proposed to be annexed to that city be effected by means of unfavorable tax sharing agreements? Would areas inside existing cities be effected? The policy should be clarified to state that it would only apply to projects which are proposed to remain within unincorporated areas. 10-15

Impact 5.1-2. The impact, "Implementation of the plan could conflict with adjacent land uses designated in adopted general plan of neighboring jurisdictions", is shown in the EIR to be mitigated to a less than significant level by ECAP policies. This is an exercise in circular logic. The City feels that the ECAP policies in themselves conflict with the Dublin General Plan and in no way mitigate conflicts between County Policies and Dublin's ability to determine land uses within its Sphere of Influence. 10-16

**TRANSPORTATION**

Chapter 5.4, Pages 1 and 11. The text of the DEIR shows Hacienda Drive as continuing north to Contra Costa County. The City's General Plan shows Hacienda Drive extending only from I-580 to Gleason Drive. This should be changed in the text of the DEIR and on any diagrams in either the GPA or EIR. Table 5.4-2 should be changed to incorporate traffic volumes from Hacienda Drive into other roadways. 10-1

Mid State Toll Road, Page 5.4-2. It is stated that SR84 will be extended all the way from I-680 to Antioch. Also in the same paragraph it is stated that a four or six lane arterial generally following the path of the toll road has been included in the transportation system analysis. Why are neither of the two roads shown in Figure 6? 10-18

Table 5.4-2. This table shows Dublin Boulevard east of Tassajara Road as having an unacceptable level of service. The DEIR should show how this facility will be mitigated to an acceptable level of service. Also, the TVTC model and the Dublin General Plan show Tassajara Road and Fallon Road north of Dublin Boulevard as six lane facilities and between Dublin Boulevard and I-580 as eight lane facilities. This table should be corrected. 10-19

Table 5.4-3. This table shows I-580 from Vasco Road to Foothill Road as a ten lane facility. This conflicts with Figure 6 of the General Plan Amendment. Figure 6 should be corrected. 10-20

Page 5.4-19, fourth and fifth paragraph. These paragraphs state that because of funding, environmental, political and physical limitations or increasing roadway capacity that TDM and TRO programs will help improve regional levels of service and relieve congestion on East County roadways. The use of TDM and TRO is already included in the TVTC model. Therefore, any improvements to levels of service should come facility improvements or reduction of land use intensity. 10-21

If you have any questions regarding these comments, please contact Dennis Carrington, Senior Planner; Mehran Sepehri, Senior Civil Engineer or me.

Sincerely yours,

*Dennis H Carrington AEP*

Laurence L. Tong  
Planning Director

LLT/DHC

cc: Richard Ambrose, City Manager  
Lee Thompson, Director of Public Works  
Mehran Sepehri, Senior Civil Engineer  
Dennis Carrington, Senior Planner

/ECAP1

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**RESPONSE TO COMMENTS**  
**LETTER 10**

City of Dublin  
Laurence L. Tong, Planning Director

**RESPONSE 10-1**

Comment noted. Under state law, the County is legally required to plan for all unincorporated land. The Urban Growth Boundary shown in the proposed Land Use Diagram is a reasonable response to regional growth issues which cannot be comprehensively addressed by individual cities in their planning efforts. Although city cooperation is strictly voluntary, it is hoped that all jurisdictions in the East County will come together to resolve common problems. The proposed plan can be a vehicle for this purpose.

The Office of Planning and Research's *General Plan Guidelines* alerts jurisdictions to the need for a broader regional perspective as follows:

The courts have become increasingly concerned about the effect of local land use regulations on the welfare of the regional community. In exercising the police power, local government must use its regulatory power to further the health, safety, and general welfare of the community. The courts in recent years have expanded the concept of the community's general welfare to include the welfare of the region.

In formulating the Land Use Diagram for the proposed *East County Area Plan*, the county: (1) recognized all land uses planned in the existing city general plans located within existing city limits, and (2) mapped land uses in the remaining unincorporated areas to achieve regional goals within the context of general environmental criteria described in Table 2 of the draft plan. If a city were to adopt a general plan amendment to designate new areas for urban development inside the city's sphere of influence, the County would modify the Urban Growth Boundary to reflect the city's action upon annexation. The County hopes that East County cities will evaluate development proposals in their spheres of influence with the same subregional perspective as that shown by the County. Please also refer to **Response to Common Question #15**.

**RESPONSE 10-2**

Comment noted. The County respects local land use control within all incorporated areas; policies prepared for the countywide regional element would not interfere with the autonomy of cities to regulate land within their city limits. Although the source of funding for shared databases and transportation models has not been specified, it is anticipated that the money saved from avoiding unnecessary duplication and costly litigation could be applied to setting up a shared database system.



**RESPONSE 10-3**

The intent of policy 11 is two-fold: to encourage compact development and to assure the long-term durability of the Urban Growth Boundary. It is unclear why the commenter believes that this policy interferes with the City's land use control of its incorporated area or why it puts the City at a disadvantage in dealing with potential land developers.

As noted in RESPONSE 10-1, it is the legal obligation of the County to plan for all unincorporated areas and to consider the welfare of the region.

**RESPONSE 10-4**

At the time the draft plan was released (February 1993), the present Eastern Dublin General Plan Amendment/Specific Plan had not yet been adopted. Because it is the intention of the County to reflect the City's Specific Plan (adopted May 10, 1993) in the *East County Area Plan*, appropriate changes will be made to the plan and EIR. These include:

- amending the Land Use Diagram to conform to land use designations in the Eastern Dublin Specific Plan area;
- changing the number of dwelling units in Eastern Dublin to 13,941 and the number of jobs to 22,551, adjusted to reflect unrealized employment due to incommute constraints (without changing land uses, the County reduced the number of jobs in all East County city general plans to more realistically reproduce future employment and traffic generation) -- see Economic and Planning Systems, Alameda County General Plans: Land Use and Jobs/Housing Analysis, July 1992);
- changing the proposed plan's buildout holding capacity as follows: population will be reduced from 287,000 to 280,680; housing units will be slightly reduced from 108,047 to 105,510; and jobs will be slightly increased from 159,903 to 161,882

The Future Study Area, which is included in the City's general plan amendment but which lies outside the City's sphere of influence, is designated for Resource Management under the County's proposed plan. The City's Rural Residential land within its Specific Plan area is also designated as Resource Management; the County's Resource Management designation and the City's Rural Residential designation under the Specific Plan have the same density (1 du/100 acres). No CEQA impacts are identified as a result of this slight reduction in the plan's holding capacity.

**RESPONSE 10-5**

Comment noted.

**RESPONSE 10-6**

Policies 70 and 71 are not inconsistent with policy 1. Please refer to RESPONSE 10-1.

**RESPONSE 10-7**

Comment noted. Please refer to RESPONSE 10-4 which describes how the proposed plan and EIR will be changed to reflect the City's adopted Specific Plan. Please refer to RESPONSE 10-1 for a general response to the City's concern regarding its sphere of influence.

**RESPONSE 10-8**

The Alameda County Congestion Management Agency is required by state statute to prepare a Congestion Management Program which includes provisions for Deficiency Plans. The allowance for low income housing and pass through traffic have been adopted by the CMA Board, of which Dublin is a member. Alameda County has no authority to change the requirements of the Congestion Management Program.

**RESPONSE 10-9**

The biennial monitoring program (see program 75) will monitor level of service on existing roadways. If sufficient funds are unavailable for needed improvements to meet level of service standards, detailed development plans will not be approved in unincorporated areas.

ECAP's phasing policies (including policies 13, 14, 179 and 203) work together to ensure that new development is phased in such a way that it can be served by funded infrastructure. Policy 179 specifically addresses phasing as it relates to traffic levels of service. The intent of policy 179 is to ensure that new development is only approved if adequate levels of service are met on all major arterial and highway segments as measured by CMA adopted methodology described in RESPONSE 10-8. All detailed development plans (e.g., specific plans) will include traffic impact studies to determine compliance with level of service standards [policy 180]; if the proposed project would contribute to an exceedance of the level of service standard and if the project could not mitigate this impact (due to insufficient funding, technical infeasibility, environmental constraints, or other reasons), the development could not proceed. The phasing requirements of the plan serve as a valve: only the amount of development that can be served by funded, feasible infrastructure can be approved at any one time. The practical effect of the phasing requirements will apply only to unincorporated land because the pre-annexation agreement is already in place for Eastern Dublin.

**RESPONSE 10-10**

Figure 7 (Transportation Diagram) will be revised to incorporate these revisions to be consistent with the Eastern Dublin General Plan Amendment and Specific Plan, as adopted by the Dublin City Council in May of 1993 and as affirmed by Dublin voters on November 2, 1993. With respect to regional facilities, please refer to Response to Common Question #8.

**RESPONSE 10-11**

Comment noted. Please refer to RESPONSE 10-4.

**RESPONSE 10-12**

Comment noted. Please refer to RESPONSE 10-4.

**RESPONSE 10-13**

Table 5.1-1 in the DEIR refers to buildout for Eastern Dublin. These numbers will be corrected as noted in RESPONSE 10-4 above.

**RESPONSE 10-14**

Comment noted. Please refer to RESPONSE 10-1.

**RESPONSE 10-15**

As stated in Mitigation Measure 5.1-1(b), development phasing and community facilities plans would be required in areas of Major New Urban Development prior to approval of the specific plan. The City's Specific Plan for Eastern Dublin would be exempt from this requirement because the Specific Plan has already been approved by the City of Dublin.

**RESPONSE 10-16**

Comment noted. Please refer to RESPONSE 10-1 for a general response to the City's concern regarding its sphere of influence. Refer also to **Response to Common Question #15**.

**RESPONSE 10-17**

See RESPONSE 10-10.

**RESPONSE 10-18**

The point of the Open Space Diagram (Figure 6 of the DEIR) is to illustrate the extent and different categories of open space planned in the ECAP. The base map used for this figure includes a simplified roadway network (I-580, I-680, and the existing alignment of SR 84) for orientation purposes only; the diagram is not intended to convey information about transportation routes.

**RESPONSE 10-19**

The mitigation for the portion of Dublin Boulevard having unacceptable level of service is described in the second row of Table 5.4-5. Tables 5.4-3 and 5.4-5 will be revised to reflect changes to the network adopted in the Eastern Dublin Specific Plan.

**RESPONSE 10-20**

Please refer to **Response to Common Question #7**.

**RESPONSE 10-21**

Comment noted. Improvements to level of service ultimately can be accomplished only through a combined strategy of roadway improvements, transit improvement, mixed use and higher densities -- particularly at transit nodes, and strengthened TDM measures. Strategic land use planning (e.g., encouraging infill, converting surplus commercial/industrial land to residential use, providing affordable housing close to job centers) would be more effective in improving level of service than simply reducing land use intensity.





**CITY OF PLEASANTON**  
P.O. BOX 520 PLEASANTON, CALIFORNIA 94566-0802

RECEIVED  
AUG 04 1993

August 3, 1993

LETTER 11

CITY OFFICES  
123 MAIN STREET

CITY COUNCIL  
484-8001

CITY MANAGER  
484-8008

CITY ATTORNEY  
484-8003

CITY CLERK  
484-8285

FINANCE  
484-8085

PERSONNEL  
484-8012

Deborah Stein, Acting Assistant Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

Re: Comments from the City of Pleasanton Regarding the  
East County Area Plan Draft Environmental Impact  
Report

Dear Ms. Stein:

CITY OFFICES  
200 OLD KERNAL AVE.

PLANNING  
484-8023

ENGINEERING  
484-8041

BUILDING INSPECTION  
484-8015

COMMUNITY SERVICES  
484-8163

WATER - BILLING  
484-8058

FIELD SERVICES  
3333 BOSCH RD.

SUPPORT SERVICES  
484-8067

PARKS  
484-8056

SANITARY SEWER  
484-8061

STREET  
484-8066

WATER  
484-8071

FIRE  
4444 RAILROAD AVE.  
484-8114

POLICE  
4833 KERNAL AVE.  
P.O. BOX 909  
484-8127

Thank you for the opportunity to provide written comments on the Draft EIR prepared for the East County Area Plan. In response to this document, we request that the Final EIR address the list of comments provided below.

In addition, regarding the General Plan update process, we feel that the County should be coordinating more closely with the East County Area cities. City involvement in the process should be more broad based. We would like to work more closely with the County on all policy decision matters rather than just selected ones. We feel that the County should act as the coordinator of work rather than simply soliciting city responses.

EIR Comments

1. How does the County intend to resolve actual Urban Growth Boundary lines and implementation regulations with the three East County Cities (Policy 1)?
2. What alternative programs is the County considering for "equalizing the costs and benefits of development to encourage a regionally beneficial land use pattern and minimize competition among local jurisdictions" (Policy 6)?
3. What alternative programs is the County considering for distributing property tax revenues and development fees for services
4. What alternative programs is the County considering for developing fees to fund subregional facilities

11-1

11-2

11-3

11-4

11

5. As indicated in previous correspondence, the City of Pleasanton is opposed to the creation of "Major New Urban Developments" in unincorporated areas of the County as referenced in Policy 23. Such development only leads to conflict between jurisdictions and results in a compromise in the quality of development. Future residents of urban areas would be better served by coordinated city services rather than by special districts (as per Policy 201). In addition, since cities would be substantially impacted by such development, they should have the benefit of receiving the full tax revenues to off-set the impacts. 11-6
6. Policy 179 is not easily understandable. Please further articulate the purpose of this policy. The City recommends that the Level of Service (LOS) E objective for the Congestion Management Plan designated roadways in unincorporated areas be modified to not exceed LOS D. 11-7
7. What alternative programs is the County considering for including recovery of County capital facility costs as a part of City growth management programs (Program 99)? 11-8
8. Major General Plan amendments proposed for the East Dublin and North Livermore areas are substantially ignored in the EIR in terms of traffic, water supply, wastewater disposal, storm water drainage and air quality impacts. In order to become adequately informed as to the potential environmental impacts of these amendments, we request that the following environmental issues posed by buildout of the projects on Pleasanton be fully addressed in the Final EIR in terms of potential impacts, appropriate mitigation measures, and alternatives: 11-9
- A. What is the potential impact on traffic level of service at each of the I-580 interchanges in Pleasanton? Also, how will traffic mitigations be funded? 11-10
- B. What is the potential increase in cut-through traffic on Pleasanton streets at times when freeway traffic capacity limits are reached? 11-11
- C. Would an extension of Isabel Avenue provide adequate capacity for North Livermore traffic? If not, then would the potential six-lane expressway project be easily converted to a six-lane freeway as currently 11-12

- proposed by the Alameda County Long Range Transportation Plan? 11-12
- D. How is the proposed North Livermore circulation system compatible with the planned future extension of a north/south regional transportation facility connecting to eastern Contra Costa County? 11-13
- E. Please attempt to identify the anticipated project water service providers, water source, and the resultant potential impacts on the Pleasanton water supply. Also, please evaluate a mitigation measure that would permit the Plan area to be served by known water supplies only after water capacity adequate to accommodate existing general plan buildout of the Tri-Valley cities can be satisfied. 11-14
- F. Please evaluate potential wastewater impacts of the projects on Pleasanton in terms of export facilities. Also, please evaluate an alternative for new reverse osmosis treatment plants. 11-15
- G. Please prepare and evaluate conceptual storm water detention plans for each of the two projects, and demonstrate how the Plans would cause no increase in flood water at the Plan area boundaries during the 100 and 500-year floods. Also, evaluate the volume and timing of increased storm water resulting from the projects as it passes through Pleasanton. 11-16
- H. Please address the potential air quality impacts within the Tri-Valley air basin, both as to the ability of the Tri-Valley area to meet ozone air quality standards and to the potential increase of carbon monoxide concentrations resulting from increased "cold starts" in the air basin coupled with projected traffic congestion. 11-17
9. Several technical errors on General Plan figures exist within the vicinity of Pleasanton. The Pleasanton staff would be pleased to meet with County representatives in an effort to identify these areas and make appropriate changes. 11-18
10. Only the eastern portion of the Pleasanton Ridgeland area is currently included within the ECPA. Although the County has indicated in the past that this area should be included, this has not been accomplished to date. The City recommends 11-19



Deborah Stein  
August 3, 1993  
Page Four

that all of the Ridgeland's be included within in the ECPA order to allow for coordinated planning and program implementation to occur. Please respond to this issue in the final EIR.

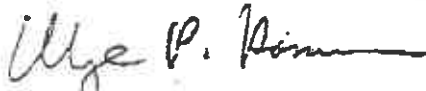
11-19

11. In response to Policy 246, the City does not support the this Tri-Valley Wastewater Authority concept.

11-20

Thank you for the opportunity to review the ECAP and Draft EIR. If you need further clarification, please call.

Sincerely,



Wayne P. Rasmussen  
Principal Planner

CC: Pleasanton City Council  
Deborah Acosta, City Manager  
Brian W. Swift, Planning Director

**RESPONSE TO COMMENTS  
LETTER 11**

City of Pleasanton  
Wayne P. Rasmussen, Principal Planner

**RESPONSE 11-1**

Comment noted. We look forward to working with the City of Pleasanton on major policy decisions affecting East County jurisdictions.

**RESPONSE 11-2**

The City's question is answered in Response to Common Question (RCQ) #15 which describes the relationship between the proposed plan, the cities' adopted general plans, and the cities' spheres of influence. Refer also to RCQ #2 which describes how the Urban Growth Boundary can be modified and gives amended text for program 1, the program which implements modifications to the boundary.

**RESPONSE 11-3**

As with many General Plan policies, policy 6 refers to developing programs to achieve certain objectives. Following adoption of the *East County Area Plan*, County staff will begin defining these programs in more detail and begin the implementation process. We look forward to working with the City of Pleasanton in further defining and implementing these programs.

**RESPONSE 11-4**

Please refer to RESPONSE 11-3.

**RESPONSE 11-5**

Please refer to RESPONSE 33-17, 33-18, and 33-19.

**RESPONSE 11-6**

Comment noted. As stated in policy 18, annexation of urban development is encouraged.

**RESPONSE 11-7**

ECAP's phasing policies (including policies 13, 14, 179 and 203) work together to ensure that new development is phased in such a way that it can be served by funded infrastructure. Policy 179 specifically addresses phasing as it relates to traffic levels of service. The intent of policy 179 is to

ensure that new development adequately mitigates its own traffic impacts and where possible, improves existing congestion through roadway and transit improvements. All detailed development plans (e.g., specific plans) will include traffic impact studies to determine compliance with level of service standards [policy 180]; if the proposed project would contribute to an exceedance of the level of service standard as specified and if the project could not mitigate this impact (due to insufficient funding, technical infeasibility, environmental constraints, or other reasons), the development could not proceed. The phasing requirements of the plan serve as a valve: only the amount of development that can be served by funded, feasible local serving infrastructure can be approved at any one time.

Refer also to **Response to Common Question #7** regarding revisions to policy 179.

With respect to the CMA's adopted Level of Service E on designated roadways, only the CMA Board may revise this adopted standard. Alameda County, as a member of the CMA, will adhere to whatever LOS standard is adopted by the Board and included in the CMP. See also RESPONSE 9-42.

#### RESPONSE 11-8

On page 58, the Draft ECAP contains the following program:

**Program 99:** The County shall work with cities to include recovery of County capital facility costs as part of city growth management programs.

The intent of this program is to seek cities' voluntary cooperation to assess new development for the costs of providing County facilities that serve a subregional population such as public health facilities, social service centers, and jails. Since these facilities are used by residents in both incorporated and unincorporated areas, such an assessment should apply to new development in all areas. The County can only require such an assessment in unincorporated areas, but requests that cities follow suit.

#### RESPONSE 11-9

The environmental effects of the general plan amendments for Eastern Dublin and North Livermore by the respective cities have been addressed in the Eastern Dublin General Plan Amendment and Specific Plan EIR (May 1992) and the North Livermore General Plan Amendment (June 1993). The EIR for the *East County Area Plan* considers the environmental effects of the proposed plan's alternative development for those same areas. In fact, the DEIR for ECAP represents a cumulative analysis for the entire planning area because the impact analyses are all based on a development scenario that combines plans of the County with plans of the three East County cities. Concerns about the effects of the County's proposal for Major New Urban Development in Eastern Dublin and North Livermore are addressed in RESPONSES 11-10 through 11-17.

**RESPONSE 11-10**

The impact at the interchanges in Pleasanton is indicated in the new table to follow Table 5.4-4 in *Chapter 5.4* of the DEIR and included in RESPONSE 9-50. A discussion of funding sources is included in this table.

**RESPONSE 11-11**

Any "cut through" traffic would likely use Stanley Boulevard/First Street/Sunol Boulevard and/or combinations of streets including Stoneridge Drive and its extension, Santa Rita Road, Hopyard Road, and possibly Main Street. Another "cut through" possibility would be El Charro Road, particularly if it were connected with Stanley Boulevard.

**RESPONSE 11-12**

A six-lane expressway on the Isabel Avenue alignment would provide adequate capacity in most sections, but could be converted to a full freeway in the future. This is consistent with the City of Livermore's Circulation Element. ECAP policy 181 explains the County's intent to maintain Highway 84 for local access: "The County shall design and locate intercity arterials to minimize impacts on adjacent uses and provide adequate local access to encourage local trips and reduce dependency on freeways...".

**RESPONSE 11-13**

As noted on Figure 7 (Transportation Diagram) and page 2 of *Chapter 5.4* of the DEIR, the ECAP includes four and six lane arterials in the corridor connecting I-680 to Vasco Road and a two lane arterial along Vasco Road to eastern Contra Costa County. Although this is the general alignment of the proposed Toll Road, the roadways in the ECAP will be local-serving, not limited access as is the proposed Toll Road. It is possible that these facilities, as they traverse North Livermore, could be upgraded in width and function in the future. However, ECAP policy 181 (see RESPONSE 11-12) ensures that local access will be provided.

**RESPONSE 11-14**

Please refer to RESPONSE 22-2 which identifies probable water service providers of Major New Urban Development. As noted in *Chapter 5.13* of the DEIR, the existing water supply is insufficient to meet all new urban development. Although new sources of water will have to be found to supplement existing supply, these sources have not yet been specifically identified. While policy 236 encourages developers of Major New Urban Development to seek new sources of water to supplement existing sources so that there will be sufficient water for smaller infill projects, this is not a requirement of new development. Please refer to RCQ #14 for a discussion of the pros and cons of infill development and the issue of competition for limited resources. Reserving the known water supply for adopted general plans isn't necessarily good public policy, since many past planning approvals considered only local needs, without regard to subregional needs and implications. The ECAP recognizes that new housing is needed over and above what's included in adopted general plans

to address a subregional need; the ECAP also recognizes that there is currently an oversupply of commercial and industrial land uses in the planning area.

#### RESPONSE 11-15

As stated in the City of Pleasanton's 1993 Growth Management Report, and as noted on page 10 of *Chapter 5.14* of the DEIR, Pleasanton does not have sufficient wastewater export capacity in the existing LAVWMA export pipeline to build out its adopted General Plan. With anticipated expansion of export facilities, the City should have a sufficient allocation to enable continued growth under its adopted plan.

The alternative of recycling water use within the Valley as an adjunct or as an alternative to additional wastewater export is discussed on pages 11-12 of *Chapter 5.14* of the DEIR.

#### RESPONSE 11-16

The environmental document for the proposed *East County Area Plan* is a program EIR; therefore, detailed analysis of storm water detention plans for future development is beyond the scope of this EIR and will be (or has been re. Major New Urban Development in Eastern Dublin) addressed at the specific plan stage. (See the Eastern Dublin General Plan Amendment/Specific Plan EIR (May 1992). Policy 258 states that: The County shall regulate new development on a case-by-case basis to ensure that peak rate flow of storm water from new development will not exceed the rate of runoff from the site in its undeveloped state.

#### RESPONSE 11-17

Impacts to air quality within the Tri-Valley sub-air basin for carbon monoxide, ozone precursors and PM-10 are addressed on pages 16 to 19 of *Chapter 5.5* of the DEIR. The carbon monoxide analysis is based upon the traffic analysis, and reflects both the effects of cold starts and projected congestion levels. The ozone and PM-10 analysis of sub-air basin emissions is based on statistics of Vehicle Miles Travelled (stratified by speed and roadway type) that includes the effect of congestion and vehicle mode fractions (cold start, hot start, hot stabilized).

#### RESPONSE 11-18

Comment noted. County staff has met with city staff to resolve mapping discrepancies. County base maps will be updated accordingly.

#### RESPONSE 11-19

The commenter is correct. Much of the eastern Pleasanton Ridgeland area is in the Castro Valley Plan planning area. The East County and Castro Valley planning areas have been historically divided by the Eden Township line. Rather than change the planning area boundaries, we think it is appropriate to adopt parallel policies governing the ridgeland area (including programs to implement

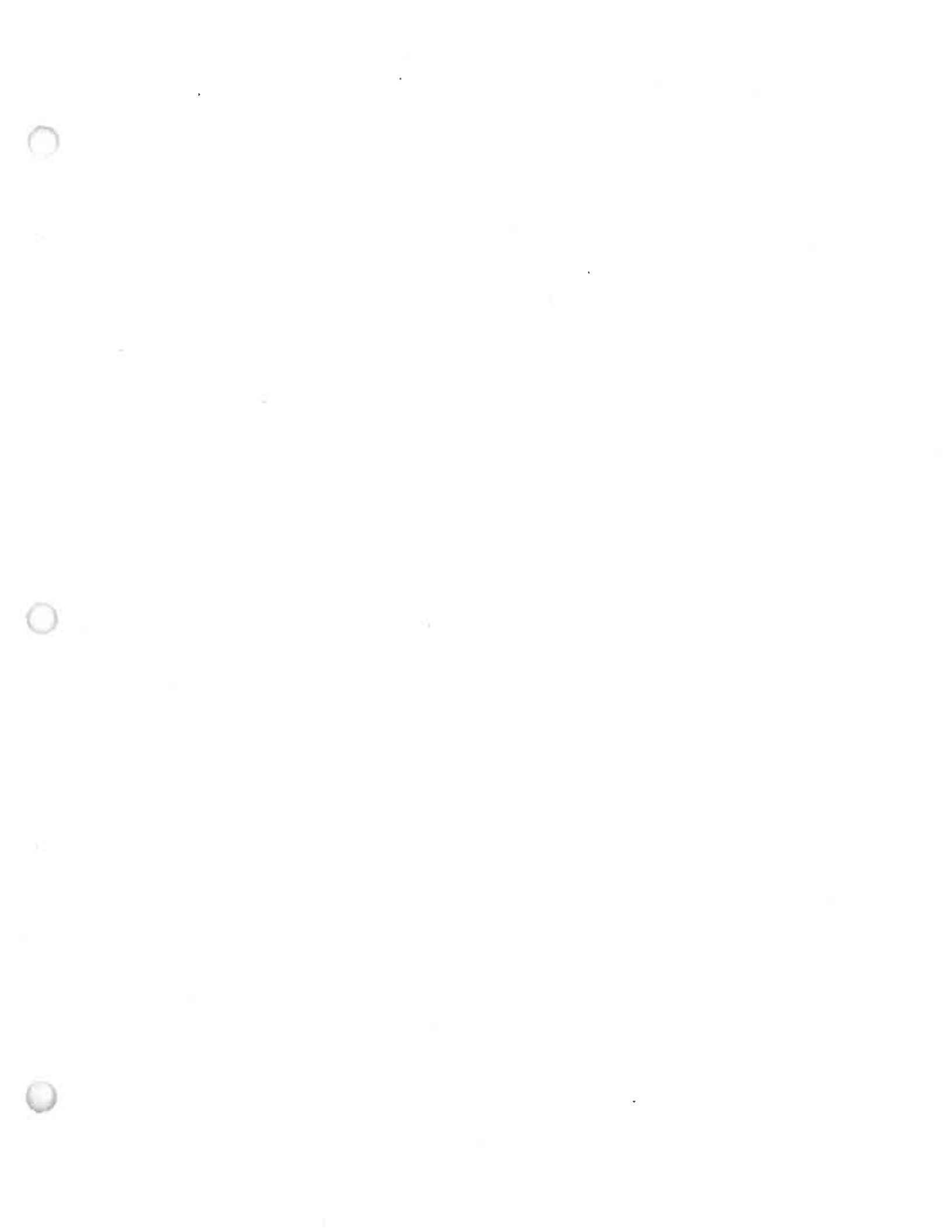
these policies, such as the recent agreement between Hayward, Pleasanton, and the County) in both area plans. The process of amending the Castro Valley Plan to incorporate parallel policies governing the ridgelands area has been initiated in accordance with the Board of Supervisors signing of the three-way agreement.

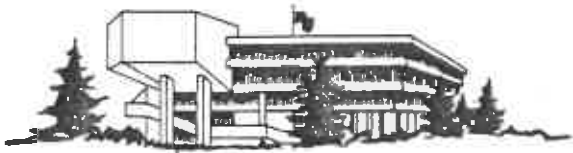
#### RESPONSE 11-20

Comment noted. Since publication of the Draft ECAP and accompanying DEIR, the Livermore-Amador Valley Water Management Agency, comprised of the Cities of Pleasanton and Livermore and the Dublin-San Ramon Services District, is now pursuing a 12.7 million gallon per day export pipeline that would provide capacity for incorporated areas of East County. The Tri-Valley Wastewater Authority (TWA), however, continues to exist and has stated that there could still be a TWA sewer project to serve County development. If TWA is disbanded, the County could also pursue alternative export or on-site treatment facilities.

In light of these recent developments, policy 247 should be modified to read (new language is underlined; deleted language is ~~struckout~~):

Policy 247: The County shall continue to ~~participate in the Tri-Valley Wastewater Authority (TWA) to secure~~ to pursue adequate sewage export capacity for unincorporated residential, commercial, and industrial development, consistent with the East County Area Plan, through participation in the Tri-Valley Wastewater Authority (TWA), or by other means.





# City of Fremont

City Government Building  
39700 Civic Center Drive  
Fremont, California 94537

**LETTER 12**

ALAMEDA COUNTY  
PLANNING DEPARTMENT  
HAYWARD, CALIFORNIA

Aug 4 10 30 AM '93

August 4, 1993

Adolph Martinelli  
Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

**RE: Draft Environmental Impact Report for the East County Area Plan**

Dear Mr. Martinelli:

The City of Fremont appreciates this opportunity to comment on the Draft Environmental Impact Report for the East County Area Plan. Based on staff's review of the document, we have only two brief comments to submit at this time. These comment are as follows:

**Figure 3: Urban Expansion & Figure 8: City Limits & Spheres of Influence -**

According to the Alameda County Sunol Valley Base Map prepared by MacKay & Somps in 1988, Fremont's Sphere of Influence and Pleasanton's Planning Area have been expanded to include slightly large areas than shown on Figure 3 and 8. A copy of the referenced map is attached. **12-1**

**Land Use and Planning, Chapter 5, page 8 -** In the first paragraph on page 8 there is discussion of a study being prepared by Fremont and Union City to assess the development potential of the Niles Hill area. This study has been prepared by Union City. Fremont did not participate in the preparation of the study. Fremont's position has and will continue to be that it is only appropriate for Fremont to study the development potential of its hill area, and inappropriate for another jurisdiction to do so. Additionally, the Fremont City Council has expressed the opinion that this portion of the Fremont hill area should remain open space without urban development. **12-2**





Alameda County Planning Department  
August 4, 1993

Page 2

Should you have any questions regarding these comments, please contact me at (510) 494-4438.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet Harbin".

JANET HARBIN  
Associate Planner

cc: Leonard Banda, Senior Planner

**RESPONSE TO COMMENTS  
LETTER 12**

City of Fremont  
Janet Harbin, Associate Planner

**RESPONSE 12-1**

Corrections noted. The County Planning Department's sphere of influence base map for the East County planning area will be modified to reflect the most recent City of Fremont sphere of influence boundaries. The following note will be added to DEIR Figures 3 and 8:

Note: This figure does not show the City of Fremont's sphere of influence which extends slightly into the East County planning area.

Figures 3 and 8 show East County city limits and spheres of influence; they do not show the cities' expanded planning areas.

**RESPONSE 12-2**

Correction noted. The reference to the City of Fremont will be deleted from the text.





Office of Mayor Michael Sweeney



July 30, 1993

LETTER 13

COUNTY OF ALAMEDA  
AUG 6 AM 9:30  
CITY OF HAYWARD

Alameda County Board of Supervisors  
1221 Oak Street  
Oakland, CA 94612

Honorable Board of Supervisors:

Re: Draft East County Area Plan and Draft Environmental Impact Report

Thank you for the opportunity to comment on the Draft East County Area Plan and Draft Environmental Impact Report. This letter incorporates comments of the City Council during its review on July 27, 1993.

The City applauds the substantial planning effort represented by these documents and the principles of compact development with permanent urban growth boundaries espoused. It is in our common interest to manage growth protecting the amenity of the Bay Area. There are several areas of impact, however, on which we wish to comment. One is traffic and related transportation issues. The other relates to the recent request by the Tri-Valley Wastewater Authority for increased export capacity in the East Bay Dischargers Authority sewer outfall.

Circulation

- 1. The DEIR evaluates impacts and proposes mitigation measures only for the ECAP area. Many significant transportation impacts will occur outside the ECAP area. These impacts should be evaluated, and suitable mitigation measures identified.

One example of such an impact is the forecasted level of service (LOS) on I-580 west of Foothill Road. The DEIR lists the forecasted LOS as "F" during the peak hours, but no mitigation measures are listed. This extreme congestion is likely to stretch westward to Hayward and Castro Valley, so the absence of a reasonable mitigation for this congestion is a serious deficiency in the DEIR. The impact analysis section of the DEIR should be expanded to include freeway segments outside the ECAP area. Specifically, I-580 from Foothill Road to I-238, I-238, I-880 from I-238 to Route 92, and Route 92 (San Mateo Bridge) should be added. The impact analysis on these segments should be equivalent to that applied to freeway segments within the ECAP area. Mitigation measures such as rail transit on the San Mateo Bridge should be evaluated.

13-1

13-1

Not mentioned in any form in the Plan or DEIR are the likely traffic impacts on the local street systems in Hayward, Castro Valley, and other communities from the traffic increases resulting from ECAP buildout. The likely impacts of this traffic should be addressed in the DEIR. The DEIR should include LOS analysis for the following critical street intersections: B Street-Center Street/Kelly Street; Foothill Boulevard (Route 238)/'A' Street; Foothill Boulevard (Route 238)/'B' Street; Foothill Boulevard (Route 238)-Jackson Street (Route 92)/Mission Boulevard (Route 185); and Jackson Street (Route 92)/Santa Clara Street.

2. The Plan and the DEIR recognize that the transportation capacity of I-580 at the Altamont Pass is a key constraint to employment development in the ECAP area. In fact, the amount of employment included in ECAP was reduced to reflect this capacity constraint. The Plan and DEIR rightly recognize that the Pass will limit the in-commute capacity to the ECAP area. However, similar consideration is not given to the capacity constraint on out-commuting vehicles which the I-580 corridor west of ECAP, and I-680 to the south, represents. It is unquestionable that the residential development included in ECAP will substantially increase the total out-commute from the ECAP area. Based on data provided in the Plan, the total out-commute will increase over 70 percent from 1990 to ECAP buildout.

13-2

The ability of major transportation corridors like I-580 west of ECAP, and I-680 to the south, to accommodate the out-commuting vehicles from ECAP to jobs in western Alameda, Santa Clara, San Mateo, and San Francisco Counties should be factored into the Plan as capacity constraints. If the expected capacity of these freeway segments is inadequate to accommodate the forecasted out-commute from ECAP, the residential development levels should be reduced.

3. One significant inconsistency in the DEIR should be clarified for the benefit of DEIR reviewers. In Chapter 5.4 on page 1, it is suggested that the traffic forecasts were based on "Maximum Growth" land uses in the ECAP area, which suggests ECAP buildout. On page 12 of this chapter, though, it is stated that ECAP buildout actually includes 14 percent more residential and 6 percent more employment development than was assumed in the 2010 traffic forecasts. For this reason, the traffic impact analysis understates the full impacts of ECAP buildout and as presented it is misleading. The impact analysis should be expanded to include an "ECAP Buildout" scenario; matched with the 2010 transportation network, plus any improvements reasonably expected to be complete at ECAP buildout.

13-3

**Sewer Capacity**

13-4

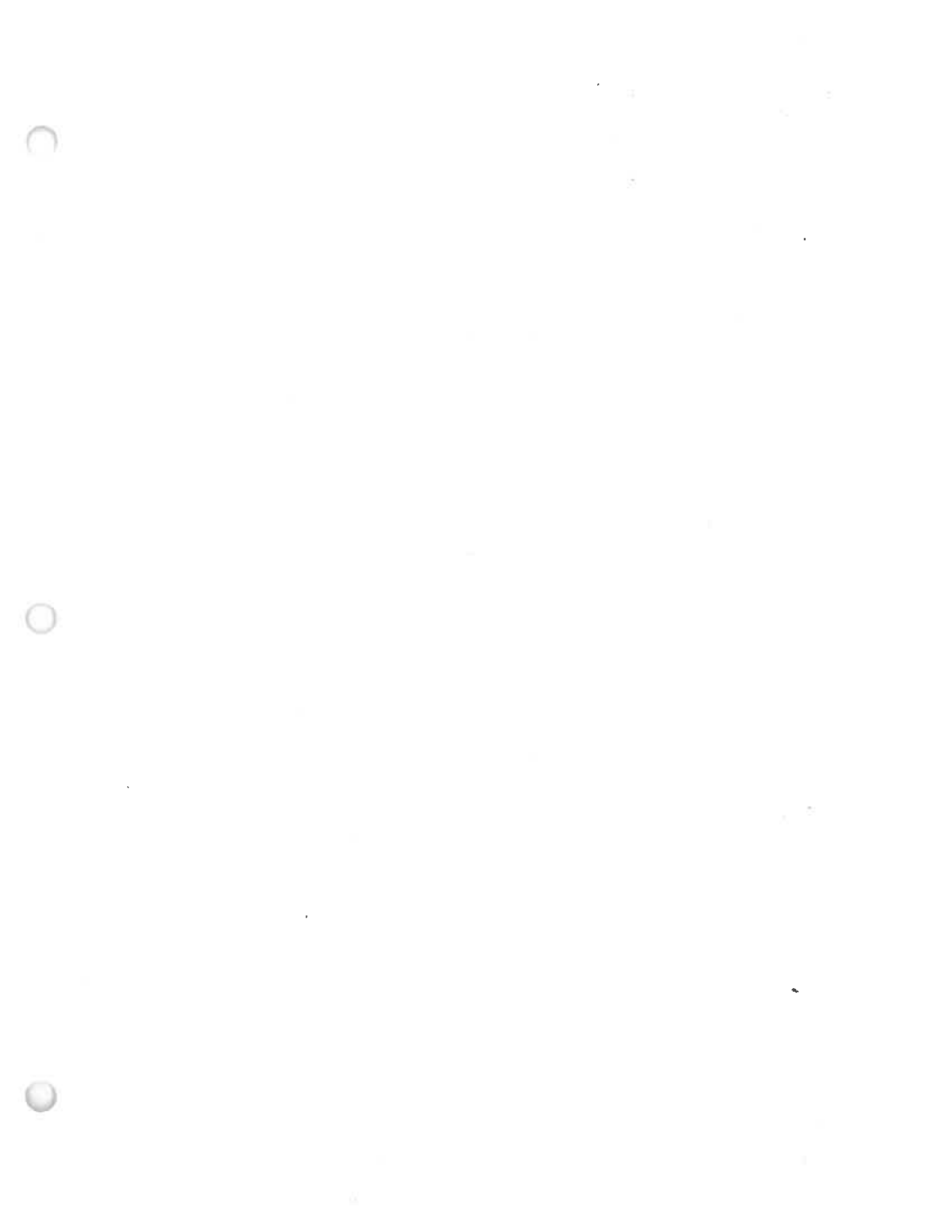
The East County Area Plan identifies a holding capacity of 250,000 people in 2010 and a Buildout holding capacity of 287,000 people. However, these numbers appear to contradict the population projection cited in the Tri-Valley Wastewater Authority nearest to the East Bay Dischargers Authority for increased export capacity in the sewer outfall. The request indicates the ultimate population for its service area is approximately 228,000. Clarification is needed as to the appropriate figure for planning and discussion purposes.

We understand that public hearing will begin in the Fall before the Planning Commission and Board of Supervisors. We look forward to participating in this continuing process. If you have any questions regarding our comments, please do not hesitate to contact Gary Calame, Senior Planner, at 293-5408.

Sincerely,



Michael Sweeney  
Mayor



## RESPONSE TO COMMENTS LETTER 13

City of Hayward  
Michael Sweeney, Mayor

### RESPONSE 13-1

Traffic analysis for ECAP utilizes the Tri-Valley Transportation Council sub-regional traffic model. This is a computerized traffic forecasting model which includes land use and transportation network assumptions of the five cities and two counties in the Tri-Valley area. It is being developed as a subregional model for purposes of meeting Congestion Management Plan (CMP) land use analysis requirements. In this regard it functions in a similar manner as Alameda County Congestion Management Agency's (CMA) Mid-County Travel Model does in the Hayward area. It incorporates County-wide and Bay Area data of a coarse nature for inputs at gateways consistent with CMA methodology. Analysis within the area modelled considers what would be described by CEQA, as the reasonably foreseeable impacts of the project.

Roadway access into and out of the East County is primarily by four major access points: San Ramon Valley (north); Mission Pass (south); Altamont Pass (east); and Dublin Canyon (west). These points function as gateways for the two major Interstate freeway corridors through East County, I-580 and I-680, which intersect at the westerly edge of East County.

I-580 is the principal connector of Central Valley cities (via Routes 5 and 205) and the East Bay area, including the Bay and San Mateo Bridges. I-680 extends from I-280 and U.S. 101 in San Jose to I-80 near Fairfield, connecting Contra Costa and Santa Clara Counties with Alameda County. Impacts in the Dublin corridor are caused by broad regional influences beyond the ability of ECAP to address. Traffic generated from sources outside the valley will grow regardless of Tri-Valley development plans (see Response to Common Question #7).

The I-580 connection with Hwy 238 is about ten miles from the I-580/I-680 interchange at the westerly edge of ECAP. Most of the locations cited in the comment are remote to the study area and would experience insignificant traffic increases from growth in the ECAP area beyond what would occur with already adopted city general plans. It is not possible for an EIR to analyze the effect of each and every trip origin or destination in the region. However, these complex interrelationships are being addressed from a regional perspective by the Metropolitan Transportation Commission and congestion management agencies. It is noted that the Alameda County CMA, in partnership with MTC and ABAG, is conducting a joint study of the connection between land use and transportation and specifically is participating in an I-580 corridor study which may address these broad issues.

The commentor is correct in noting that LOS F is predicted on I-580 west of Foothill Road (eastbound, evening peak hour). We share your concerns that impacts of urban development extend beyond jurisdictional boundaries. This impact is reflective of the inability of Bay Plain communities with large employment centers to provide adequate affordable housing consistent with the requirements of their employees. ECAP is attempting to address a similar potential imbalance in the Livermore Valley.



Having said this, we assume that some of the mitigation measures identified by the DEIR, including widening I-580 to ten lanes, could alleviate this impact by removing the queue through the Valley. However, because secure funding for this measure has not yet been identified, and because regional consensus on implementing this regional improvement has not yet been achieved, the ECAP is not including this mitigation in its Transportation Diagram (see Response to Common Question #8). As noted in the transportation analysis, congestion on I-580 is identified as a significant and unavoidable cumulative impact of the plan.

#### RESPONSE 13-2

Comment noted. The ECAP DEIR utilized the Tri-Valley Traffic Model in its analysis. The group controlling this model, the Tri-Valley Transportation Council, determined that the Altamont gateway should be constrained but that other gateways should not be constrained. The assumptions used in the Tri-Valley Transportation Model were agreed to by a consensus of the seven member jurisdictions which comprise the Tri-Valley Transportation Council and cannot be altered by Alameda County alone.

The practical effects of reaching LOS F on the east bound I-580 lanes would be that some of the traffic trying to use this corridor would be shifted onto other routes, or would be shifted to other times (i.e., the duration of the peak hour would be extended), or would experience delays on I-580.

#### RESPONSE 13-3

We concur that the last paragraph on page 1 of *Chapter 5.4 - Transportation* is confusing. The following sentence shall be clarified as follows (new language is underlined):

For purposes of this EIR, the existing conditions report reflects traffic conditions within East County as they existed in 1990 while the forecasts report reflects traffic conditions similar to those which could be expected under this DEIR's Alternative 2, the "Maximum Growth" scenario (existing adopted city general plans plus prospective general plans) due to about the same population at buildout. However, the traffic analysis discussed in this EIR reflects the 2010 population projections rather than full buildout for reasons given on p.16 of Chapter 3 - Project Description.

Please refer to RESPONSE 9-13 for a discussion of why the 2010 analysis was conducted rather than full buildout.

#### RESPONSE 13-4

The March 17, 1993 letter from TWA to the East Bay Dischargers Authority requesting an additional 12.7 mgd of dry-weather capacity does not state that the ultimate population for its service area is approximately 228,000. This number was cited for reference to indicate that in the Subsequent Environmental Impact Report that was certified for the TWA project, both the "Existing General Plan" and "Constrained General Plan" scenarios that were developed to indicate possible growth inducing impacts of the project projected this population level. The reference was made to indicate that even under existing plans, or "default" planning, significant population growth will occur.

As the March 17, 1993 letter clearly states, TWA is not a land-use planning agency. The letter states that the TWA request is "equivalent to about 58,000 residential units". Using standard unit multipliers, this could allow an increased population of 162,400 people which could result in a Valley population of over 304,000 if allocated completely for residential use. However, as the letter states, "the exact future distribution of various types of residential, commercial, institutional and industrial users is unknown to TWA."

For planning and discussion purposes, the proposed *East County Area Plan* is the most complete and comprehensive examination of future population growth and location for the Livermore-Amador Valley.





7/30 12:55 PM '93

ALAMEDA COUNTY  
PLANNING DEPARTMENT  
HAYWARD, CALIFORNIA

**LETTER 14**

July 30, 1993

Adolph Martinelli, Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

**Subject: Comments on Draft EIR for the East County Area Plan**

Dear Mr. Martinelli:

Thank you for the opportunity to comment on the Draft EIR for the East County Area Plan.

We understand that the area with the plan consists of 418 square miles of eastern Alameda County and includes the cities of Dublin, Livermore, Pleasanton as well as surrounding unincorporated areas. The East County Area build-out is projected at 108,047 housing units with a population of 287,405 and 159,903 employees.

In general, the CMA is concerned that there is a lack of discussion on the proposed funding sources of the circulation/transportation mitigation measures. Given the limited resources at the state and federal levels, it would be speculative to assume funding of an improvement unless it is consistent with the project funding priorities established in the Capital Improvement Program of the Congestion Management Program, therefore we are requesting that the Final EIR include a financial program for all improvements.

14-1

The 1993-94 workplan for the CMA includes the development of corridor studies which would assist in assessing longer term land use impacts and possible solutions, identify comprehensive approaches to congestion management to aid in the development of deficiency plans and provide a basis for developing inter-agency corridor management agreements. Participation in the corridor management agreement should be included as a general mitigation measure for transportation/circulation impacts.

The following are concerns of the CMA regarding the project which should to be addressed in the Final EIR:

14-2

1. Potential impacts of the project on the CMP designated roadway system and on CMP roadway levels of service. (See 1991 CMP, Chapter 2 and Chapter 3). The CMP designated roadways in the vicinity of the project are Interstate 580, Interstate 680 and State Route 84. *These are satisfactorily identified in the EIR.* The CMP roadway level of service standard is LOS E for designated roadways except

those that exceeded LOS E at the time the CMP was adopted (October 24,1991). Such roadways are "grandfathered in" at the then existing LOS.

14-2

*The Draft EIR analyzes the existing (1990) and future 2010 LOS at numerous links along the designated roadway system. Because the Draft EIR analyzes traffic impacts at the year 2010, we are unable to determine if LOS standards will be exceeded by the year 2000 – the CMP horizon year for land use analysis. For purposes of this letter, the year 2010 forecasts will be addressed as if they represent traffic volumes in the CMP horizon year. Alternatively, you may wish to provide 2000 projections in the Final EIR.*

*From your analysis (summarized in your Table 5.4-2), we understand that these facilities would be over the adopted level of service if no mitigations are provided:*

- *State Route 84, west of Isabel Ave*
- *Interstate 580, east of Greenville Road*
- *Interstate 580, west of N. Livermore Ave*
- *Interstate 580, west of Foothill Rd*
- *Interstate 680, south of Sunol Blvd*

14-3

*Based on the East County Area Plan analysis, it appears that the project will generate traffic volumes at several roadways and ramps that will exceed the LOS standard unless mitigations are implemented. According to the CMP, designated roadway segments must either meet the LOS E standard or a deficiency plan must be developed. Compliance with LOS standards should be monitored closely and included in a mitigation monitoring program for the project.*

**2. Adequacy of project mitigation measures.** On February 25, 1993 the CMA Board adopted three criteria for evaluating the adequacy of EIR project mitigation measures, as follows:

- Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
- Project mitigation measures must be fully funded in order to be considered adequate;
- Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP.

14-4

*The expected cost of mitigations proposed, along with the sources should be identified in the Final EIR. The Final EIR should clearly identify state and federal funding assumed and note that such funding is subject to approval by the CMA, MTC and other funding agencies. The EIR endorses the pursuit of specific fund-raising mechanisms such as Policy 168 (subregional transportation fee) however no explanation of the fee implementation, amount or revenue estimate is provided. The addition of lanes on CMP facilities may prove to be difficult because of air quality considerations. With the mitigations*

14-5

*provided, one segment is still forecast to be operating below Level of Service E-- Interstate 580 east of Vasco Road. The Final EIR should address mitigation actions on Interstate 580 east of Vasco Road, as well as provide more information on the subregional fee program.* 14-6

**3. Potential Impacts of the project on CMP transit levels of service.** (See 1991 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours.

In addition for existing and future services, LAVTA proposes the following standards; 95% of the population should be within one quarter mile of the transit route; and 90% of major employment centers with 100 or more employees should be served by 30 minute peak hour headways.

*The Draft EIR notes that BART may not be available to adequately serve the Livermore area until beyond 2010 (Chap 5.4 - page 28). Also, much of the study area would not be served by the extension of BART to Livermore. Although the CMA endorses Policies 184, 185, and 188, the proposed plan does not fully explain specific coordination with LAVTA.* 14-7

*The proposed mitigation measure (for Potential Impact 5.4-5) addresses transit concerns, but funding remains a problem. The Final EIR should include a discussion of funding for the proposed LAVTA service expansion to accommodate the project needs. In addition, the Final EIR should discuss other transit service options in the context of the CMA's policies as discussed in Item #2 above.*

**4. Potential impacts of the project on trip reduction measures.** (See 1991 CMP, Chapter 5).

All jurisdictions in Alameda County have adopted TROs that require cities and the unincorporated areas of East County to reduce traffic.

*The Draft East County Area Plan has developed TDM policies and programs 169, 170, 171, 172 and 176 to reduce ADT and peak hour trips, and to require non-residential and residential developments in unincorporated areas to include TDM measures. The CMA supports these TDM policies and encourages the development of a program to achieve these goals.* 14-8

**5. Feasibility of funding roadway and transit improvements.** The CMP establishes a Capital Improvement Program (See 1991 CMP Chapter 7) that assigns priorities for funding roadway and transit projects throughout Alameda County. The improvements called for in the proposed project should be consistent with the CMP Capital Improvement Program. 14-9

*The Draft EIR includes Policy 167 to require new developments to pay a share of the costs of roadway improvements, and 168 to develop a subregional transportation fee. The plan calls for several improvements which are not completely funded by developer or regional fee sources. Finally, the Draft EIR recognizes no mitigation is available to reduce the impact of a lack of guaranteed funding.*

Adolph Martinelli  
July 30, 1993  
Page 4

*The CMA is concerned about the limited amount of State and Federal resources to fund these and other improvements in Alameda County. The assumption inherent in this project, and in many other projects, that funding will be available from that State and Federal sources must recognize that such funding is severely limited. The Final EIR should discuss the likelihood of transportation improvements in light of this lack of funding.*

14-9

6. Comparison to North Livermore GPA EIR. *Because we received an EIR covering a portion of the same area as the East County Area Plan, we have assembled a comparison between the two for CMP facilities (Interstate 580, Interstate 680 and State Route 84). The comparison is displayed in Table 1.*

*As the table shows, the two EIRs provide forecast volumes at different locations for different time periods, so a comparison is difficult to make; the East County Area Plan EIR analyzed Peak Hour LOS while the North Livermore EIR reported ADT LOS for road links. The forecasted volumes on links with the same location appear to differ in forecasted volumes from 5 percent to 10 percent. Different levels of service forecasted for Interstate 680 in 2010 differs between the two studies.*

14-10

*The roadway network also varies in many areas, including the number of lanes assumed on CMP routes in the horizon year. The assumed number of lanes on Interstate 680 south of Interstate 580 is 8 lanes in the East County Area Plan EIR as compared with 6 lanes in the North Livermore General Plan Amendment EIR, and on State Route 84 with 4 lanes as compared with 6 lanes.*

*Based on this comparison, some clear differences with the other study exist. While we understand that the East County Area Plan encompasses a larger area than the North Livermore GPA, consistent assumptions regarding the future availability of transportation facilities should be used, particularly in light of limited state and federal transportation funds. We recommend that the inconsistencies we have identified here be analyzed and resolved in the Final EIR. We would be happy to work with your staff to clarify reasonable expectations for future state and federal funding of areawide transportation facilities.*

If you have any questions, please feel free to call me at 510-785-2710.

Regards,



Jean G. Hart  
Deputy Director

cc: File\ East County Area General Plan Amendment

**Table 1**  
**Comparison of North Livermore GPA EIR to**  
**East County Area Plan EIR -- Year 1990**

CMP Roadway	Location	North Livermore GPA EIR		East County Area Plan EIR	
		Lanes	Volume	Lanes	Volume
State Route 24	North of North Livermore Ave	4	29,675	-	-
	North of Portola Ave	-	-	4	27,200
Interstate 580	Altamont Pass	8	92,000	-	-
	East of Vasco Road	8	97,000	-	92,400
	West of North Livermore Ave	8	117,000	-	-
Interstate 680	North of Interstate 580	6	115,170	-	107,600
	South of Interstate 580	6	85,000	-	-

**Note:** North Livermore GPA EIR LOS based on ADT;  
 Most East County Area Plan EIR data not provided in report



**Table 2**  
**Comparison of North Livermore GPA EIR to**  
**East County Area Plan EIR — Year 2010**

CMP Roadway	Location	North Livermore GPA EIR Lanes    Volume    LOS	East County Area Plan EIR Lanes    Volume    LOS
State Route 84	North of North Livermore Ave West of Isabel Ave	6    31,700    D	-    -    -
Interstate 580	East of Vasco Road East of Greenville Road	8    113,100    C	-    -    -
Interstate 680	West of North Livermore Ave	8    183,700    F	8    168,300    F
	North of Interstate 580	8    149,200    E	8    148,600    B
	South of Interstate 580	6    128,900    F	8    133,300    B

**Note:** North Livermore GPA EIR LOS based on ADT;  
 East County Area Plan EIR LOS based on peak hour

## RESPONSE TO COMMENTS LETTER 14

Alameda County Congestion Management Agency  
Jean G. Hart, Deputy Director

### RESPONSE 14-1

Comment noted and we agree. We have followed the CMA approach and, where funding has not been secured, we have revised the DEIR to delete unfunded mitigations and to indicate that a significant impact will result because identified mitigations are not completely funded. In order to clarify that the mitigations included in the DEIR are completely funded, the title of Table 5.4-3 will be relabeled as follows:

"Table 5.4-3: East County Area Plan Mitigation Measures and Financial Program"

We also agree with the approach specified in the CMP's Inter-Agency Corridor Agreements.

### RESPONSE 14-2

Table 5.4-2 on pages 14 and 15 of *Chapter 5.4 - Transportation* in the DEIR contains traffic projections for the year 2010. Since this is the horizon year for planning in the East County area, no traffic model analysis was conducted for the year 2000. Therefore, Alameda County accepts the CMA's use of year 2010 traffic projections in-lieu of those for the year 2000.

### RESPONSE 14-3

Policy 179, as amended in RESPONSE 9-42, is consistent with CMA policy (deleted language is ~~struckout~~; new language is underlined):

Policy 179: The County shall ensure that new development ~~that~~ is phased to coincide with roadway improvements ~~to ensure so that (1) that~~ traffic volumes on intercity arterials significantly affected by the project do not exceed Level of Service D on major arterial segments within unincorporated areas, and ~~(2) that traffic volumes on~~ Congestion Management Program (CMP) designated roadways (e.g., Interstate Highways 580 and 680 and State Highway 84) significantly affected by the project do not exceed Level of Service E within unincorporated areas. If LOS E is exceeded, Deficiency Plans for affected roadways shall be prepared in conjunction with the Congestion Management Agency. LOS shall be determined according to Congestion Management Agency adopted methodology.

A mitigation monitoring program will be included in the environmental documentation accompanying the Final Plan, at the time it is adopted by the Alameda County Board of Supervisors. The County's biennial monitoring report (see program 75) will also monitor level of service.

**RESPONSE 14-4**

The ECAP and its EIR address subregional growth at a general plan level of detail. This EIR is not to be used to provide final approvals for large development projects. Any major project, such as a Major New Urban Development in East Dublin or North Livermore, must prepare and submit specific plans as a condition of policy 27 of the ECAP. Tables 5.4-4 and 5.4-5 of the EIR do, however, address the cost of impacts and sources of funding to the level required of this general plan document. Such funding is subject to approval by the CMA, MTC and other funding agencies.

The subregional fee program discussed in the DEIR is a draft proposal of the Tri-Valley Transportation Council (TVTC). The TVTC is currently working on a program to define which facilities should be paid for by such a subregional fee. Before local facilities are defined as candidates for such a subregional fee, other funding mechanisms such as possible extensions of existing state and federal funding programs will be taken into account. The facilities then defined as unfunded will be candidates for construction via a subregional fee.

As of this date the TVTC is preparing to run a version of its traffic model corrected for recent changes to assumptions concerning the 2010 transportation network. It is anticipated that once this model run is completed a mechanism for spreading this cost across the sub-region will be proposed. It now appears that local jurisdictions will ensure that most needed arterial improvements are paid for by adjacent development. Major facilities which might be candidates for the sub-regional fee include I-580 and I-680 mainline improvements and SR-84 and Vasco Road.

Participation in any such officially adopted sub-regional fee program by future development projects on unincorporated lands would be required under policies 167 and 168 of the ECAP.

Please also refer to **Response to Common Question #7**.

**RESPONSE 14-5**

The widening of roadways or freeways to avoid congestion does not necessarily lead to air quality problems. In most cases capacity improvements result in improved operating conditions (greater average speed, reduced idling) which reduces the total emission of pollutants. This improves air quality on the local scale (along the roadway corridor) and may reduce the regional emission burden.

Nevertheless, air quality is one of several potential constraints that may limit the ability to make regional improvements to I-580, I-680, and SR 84 (others being funding limits, lack of regional consensus, and physical impediments). This is why we say traffic impacts to these routes are not fully mitigated.

**RESPONSE 14-6**

With respect to the LOS F projected on I-580, east of Vasco Road, the DEIR discusses the potential for widening I-580 to ten lanes in order to meet the LOS E standard (Table 5.4-4 on page 23 of *Chapter 5.4 - Transportation*). Although this mitigation would reduce the LOS to acceptable levels, the improvement is unfunded and not likely to be funded given other improvement priorities throughout the CMP designated roadway system. The high cost of this improvement (in the hundreds

of millions of dollars) and the relatively small improvement in LOS indicates that this segment of I-580 probably will exceed the LOS standard in the year 2010 and a deficiency Plan will need to be prepared, in compliance with the Congestion Management Program. Therefore, this measure is not shown on the ECAP (see the Transportation Diagram Response to Common Question #8 and RESPONSE 6-1. See also RESPONSE 14-4 re. the subregional fee program.

#### RESPONSE 14-7

For transit to be effective, newer growth portions of the ECAP area require a transit network that will maximize patronage. This will require transit on all arterials and collector streets as well. These streets should be provided with frequent bus turnouts and shelters at convenient neighborhood collection points. Transit should be primarily geared to serve work, school and shopping trips with destinations such as the Livermore Laboratories, East Dublin BART, major business parks, Stoneridge Mall and other major shopping areas, Las Positas College and major recreational destinations.

LAVTA's current fully allocated operating cost is \$55 per revenue hour. Using these figures as a base of calculation, an expanded transit system could be designed which could be funded by annual operating subsidies in the range of \$150 to \$200 per new dwelling unit per year. For such costs to be achievable, currently planned residential developments in North Livermore, East Dublin, Dougherty Valley, and Tassajara Valley could jointly support an efficient and expanded transit service.

ECAP policy 190 states: "The County shall require all new development to pay its fair share of the costs of meeting East County transit needs." To further clarify the county's intent to promote local transit opportunities in the planning area, the following new policy is proposed:

New Policy: The County shall promote opportunities to develop trunkline transit service to serve local trips between Major New Urban Developments, regional job centers, major shopping areas, Las Positas College, major recreational destinations, and East Dublin BART.

In addition, policy 181 will be revised as follows (new language is underlined):

Policy 181: The County shall design and locate intercity arterials to minimize impacts on adjacent uses and provide adequate local access to encourage local trips and reduce dependence on freeways. The County shall provide for street rights-of-way that are large enough to accommodate landscaping and street furniture such as bus shelters and light standards to maximize attractiveness to pedestrians, and where appropriate, to accommodate transit corridors.

Finally, to be consistent with the proposed revision to policy 181, a note will be added Table 13 of the plan to say that right-of-way requirements may be wider to accommodate transit where appropriate.

**RESPONSE 14-8**

Comment noted.

**RESPONSE 14-9**

The EIR recognizes that state and federal funding sources cannot be relied upon to construct all the required mitigation measures. This eventuality is addressed in Potential Impact 5.4-1 which finds this could be a significant unavoidable adverse impact of the project.

**RESPONSE 14-10**

The North Livermore GPA DEIR and the ECAP DEIR both use the Tri-Valley Traffic Model (TVTM) to analyze their respective impacts. While information is not available as to what land use information was used by the City for areas other than North Livermore, it is possible that their assumptions for growth in, for example, Pleasanton or San Ramon differ from those in the ECAP model run.

As both DEIR's used the TVTM, roadway configurations away from the North Livermore area should be consistent. The only differences between the TVTM baseline and the ECAP model run are those facilities identified in the second paragraph on page one of *Chapter 5.4* of the ECAP DEIR. It is possible that the specific roadway sections cited in the comment are in fact consistent between the two documents. The differences may be in the way each document refers to the number of lanes in question. For example, the ECAP DEIR notes that I-680 south of I-580 is either six or eight lanes depending on which section one analyzes. There are eight lanes between Stoneridge Drive and I-580 but only six lanes between Stoneridge and Sunol. The North Livermore document only states that there are six lanes "south of I-580."



COUNTY OF ALAMEDA  
PUBLIC WORKS AGENCY

399 Elmhurst Street • Hayward, CA 94544-1395  
(510) 670-5480

August 2, 1993

ALAMEDA COUNTY  
PLANNING DEPARTMENT  
HAYWARD, CALIFORNIA

Aug 3 4 30 PM '93

Adolph Martinelli, Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, California 94544

LETTER 15

Re : Alameda County Planning Department Draft Environmental Impact  
Report (DEIR) for the East County Area Plan

Dear Adolph:

The following Clean Water Program comments are submitted with regard to impacts upon the unincorporated Alameda County area as well as comments pertaining to transportation impacts of the above-referenced document:

I. Clean Water Program comments

1. Program 104 of the ECAP (Vol. 1, pg. 62, Draft of Feb.'93): The text of this Program is incomplete. Substitute for existing text: "The County shall implement all federal, state and locally imposed statutes, regulations, and orders that apply to storm water quality. Examples of these include, but are not limited to:

" National Pollutant Discharge Elimination System (NPDES) storm water permit issued by the California Regional Water Quality Control Board (RWQCB) to the Alameda County Urban Runoff Clean Water Program (ACURCWP) and amendments thereto,

" State of California NPDES General Permit for Storm Water Discharges (General Industrial Permit, General Construction Permit) and amendments thereto,

" Coastal Zone Management Act (CZMA),

" Coastal Zone Act Reauthorization Amendments (CZARA),

" Water Quality Control Plan, San Francisco Bay Basin Region (Basin Plan) and amendments thereto, and

" Letters issued by the RWQCB under the California Porter-Cologne Water Quality Act."

2. The DEIR does not appear to have evaluated the likely adverse environmental impacts upon storm water quality of increased motor vehicle use associated with residential development allowable under the East County Area Plan (ECAP). The DEIR states only that "Once construction is complete, subsequent uses of the area may result in addition of pollutants such as motor oil...and other chemicals to enter the storm drain" (DEIR, pg. 12, chap. 5.12). To adequately evaluate these impacts,

15-1

15-2

the DEIR should estimate increases in vehicle-related pollutants, including metals (especially copper) and motor oil to San Francisco Bay that can be expected as the result of development allowed by the ECAP. The DEIR should also describe any feasible measures that might mitigate the adverse impacts of such substances.

The California Regional Water Quality Control Board (San Francisco Bay Region) has recently (July 1993) determined that copper carried by Alameda County's creeks to San Francisco Bay is in excess of that which can be tolerated by Bay ecosystems.

Preliminary findings of studies conducted by the Alameda County Urban Runoff Clean Water Program and the Santa Clara Valley Nonpoint Source Program suggest that, in addition to motor oil, substantial proportions of heavy metals such as zinc (tires), lead (motor fuel -- including unleaded fuel), and copper (brake and clutch linings) found in creeks and the San Francisco Bay probably originate from motor vehicles.

## II. Transportation comments

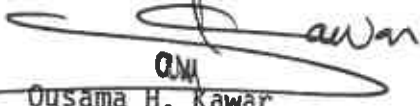
1. Chapter 5.4 of the Draft EIR, page 2, last paragraph: "The future trip capacity estimates reflect all feasible roadway improvements (i.e., improvements which are shown in cities' General Plans but which may or may not have committed funding, programmed improvements shown in regional and State improvement plans, and all other improvements which can feasibly be made to the roadway network to maximize the capacity)". Please enumerate these "all other improvements" and identify potential funding sources to construct these improvements. 15-3
2. Chapter 5.4 of the Draft EIR, page 9, Policy 187: (The suggested additions to the paragraph are written in *italics*.) "The County shall support construction of a light rail or other transit system along *either the I-680 corridor or the former Southern Pacific San Ramon branch line, or a combination of each*, from Pleasanton to Walnut Creek, and, if feasible, along the *County's Transportation Corridors and remaining Southern Pacific rail line* from Tracy to Fremont, and rail extension of the BART system along the I-580 corridor." 15-4
3. Chapter 5.4 of the Draft EIR, page 18, Table 5.4-3 shows that Vasco Road needs to be widened to 6 lanes from I-580 to County Line to mitigate the impact of the Plan to this roadway. However, Table G-7, page 20 of Appendix A, shows the future capacity of Vasco Road to be 12,000 vehicles over a three-hour period or 4,000 vehicles per hour. Using a peak hour capacity of 1,000 vehicles per lane for a major arterial, the mitigation measure required appears to be in the order of 8 lanes rather than 6 lanes. Is this mitigation feasible? Does Vasco Road need to be widened from the County Line to Brentwood? 15-5
4. Chapter 5.4 of the Draft EIR, page 18, Table 5.4-3: The table suggests that mitigation to Vasco Road be funded by a possible regional fee. At the same time, a footnote indicates that Vasco Road has been identified 15-6

by the Tri-Valley Transportation Council as a roadway which should be improved with regional, as opposed to local, funding sources. Page 20 of Appendix A, Table G-7 shows only about 15% of the traffic volume on Vasco Road can be attributed to trips with non Tri-Valley destination. If Tri-Valley's share of the future capacity equals 85% of the future traffic volume, then funds to improve this roadway should come at least partially from a subregional funding source. 15-6

5. Appendix A, Draft East County Area Plan, page 13: The buildout holding capacity for the East County Area Plan has just about the same population and housing as the "Prospective General Plans" (alternative 2) scenario but scales back employment potential to realistically address the in-commute constraint on the transportation gateways leading into East County. In spite of using a commute constraint methodology to scale back employment potential in the East County, the Plan still calls for the widening of Vasco Road to at least a 6-lane major arterial. This may not be feasible without the availability of funds, as well as support from Contra Costa County to improve their section of Vasco Road. An alternative mitigation measure is to convert Vasco Road to a high-capacity 4-lane expressway (lane capacity = 1,400 vphpl) to mitigate the traffic impact of the plan. 15-7
6. Our Agency is currently awaiting approval of ISTEA funds to perform an alternative study to improve Vasco Road from the new realigned Vasco Road (CCWD-Los Vaqueros project) to the Livermore City limit. The study will propose possible alignments along the Vasco Road corridor including a direct connection to the extension of Isabel Avenue at I-580 (see attached drawing). We plan to perform the study in 1994 and will ask for your input prior to the study. 15-8
7. Public Transit: The cities of Dublin and Pleasanton are also served by County Connection buses originating from the Walnut Creek BART station. 15-9

Thank you for the opportunity to respond. If you have any questions regarding the Clean Water Program comments, please contact Robert Hale at x56479. For questions regarding the transportation issues, please contact Ferdinand Del Rosario of Project Planning at x55551.

Very truly yours,

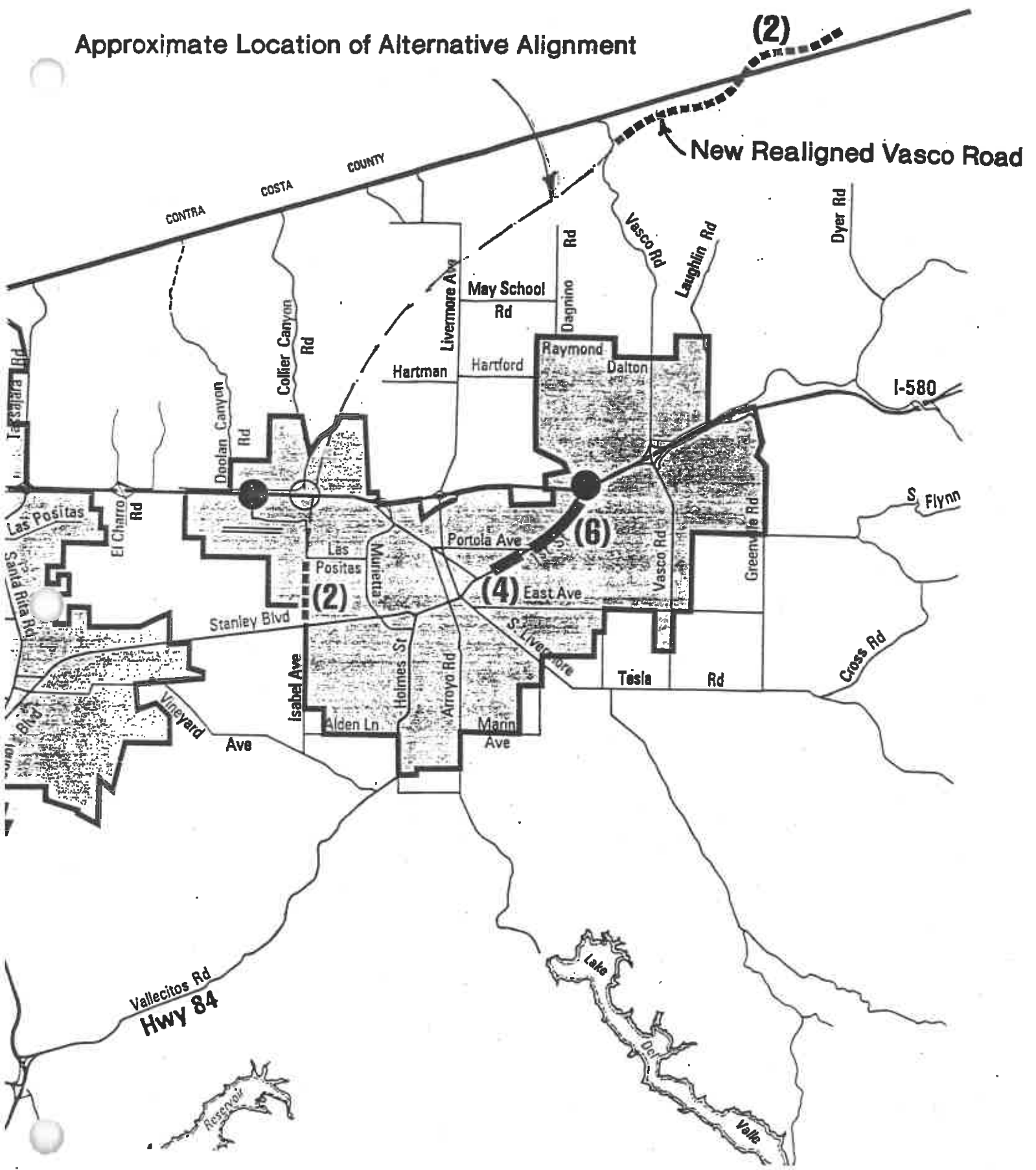
  
Ousama H. Kawa  
County Engineer

Attachment

c: Donald J. LaBelle



# Approximate Location of Alternative Alignment



## RESPONSE TO COMMENTS LETTER 15

County of Alameda, Public Works Agency  
Ousama H. Kawar, County Engineer

### RESPONSE 15-1

Comment noted. The text of Program 104 will be modified as follows (new language is underlined; deleted language is ~~struckout~~):

Program 104: The County shall implement ~~the Urban Runoff Clean Water Program and Storm Water Management Plan~~ all federal, state and locally imposed statutes, regulations, and orders that apply to storm water quality. Examples of these include, but are not limited to:

- National Pollutant Discharge Elimination System (NPDES) storm water permit issued by the California Regional Water Quality Control Board (RWQCB) to the Alameda County Urban Runoff Clean Water Program (ACURCWP) and amendments thereto;
- State of California NPDES General Permit for Storm Water Discharges (General Industrial Permit, General Construction Permit) and amendments thereto;
- Coastal Zone Management Act (CZMA);
- Coastal Zone Act Reauthorization Amendments (CZARA);
- Water Quality Control Plan, San Francisco Bay Basin Region (Basin Plan) and amendments thereto, and;
- Letters issued by the RWQCB under the California Porter-Cologne Water Quality Act.

### RESPONSE 15-2

The commenter is correct that motor oil as well as copper and other metals will enter the San Francisco Bay (via the storm drain system and Alameda Creek) from runoff from roads in the planning area; and that these and other vehicle-related non-point source pollutants will increase as the number of vehicles on the road network increases. Because estimating increases in the amount of motor oil and copper entering the Bay from the project cannot be achieved with any degree of accuracy given the complexity of the calculation, an estimation has not been done. Nevertheless, policies and programs in the plan (including program 104 as modified in RESPONSE 15-1) significantly reduce the potential effect of the impact by minimizing vehicle use and containing sprawl by means of policies which: (1) promote public transit (see policies 184-192); (2) encourage high density housing near transit stops (see program 78); (3) provide convenient bicycle and pedestrian systems (see policies 193 to 196); (4) provide affordable housing to reduce incommuting (see policy 28); (5) delineate an Urban Growth Boundary to contain and concentrate new development (see policy

1); and (6) ensure that development within the Urban Growth Boundary is phased so as to prevent leap-frog development within the line (see policies 12 to 15).

The commenter's statement that copper found in creeks and the San Francisco Bay "probably originate(s) from (brake and clutch linings of) motor vehicles" is misleading. As noted in the California Environmental Insider (June 30, 1993), runoff into the riverine system and thus into the Bay from 6 abandoned mines in the Central Valley accounts for approximately 60 percent of the existing copper loading in the Bay; wastewater/industrial discharges and nonpoint sources being the other sources of the pollutant.

#### RESPONSE 15-3

In Table 5.4-5 on pages 24 through 27, the Draft EIR describes all roadway improvements required by the ECAP and indicates current funding status.

#### RESPONSE 15-4

Policy 187 will be revised as follows (new language is underlined):

Policy 187: The County shall support construction of a light rail or other transit system along either the I-680 corridor or the former Southern Pacific San Ramon branch line, or a combination of each, from Pleasanton to Walnut Creek, and, if feasible, along the County's Transportation Corridors and remaining Southern Pacific corridor rail line from Tracy to Fremont, and rail extension of the BART system along the I-580 corridor.

#### RESPONSE 15-5

As noted on page 2 and Figure 7 (Transportation Diagram) of *Chapter 5.4* of the DEIR, the ECAP includes four and six lane arterials in the corridor connecting I-680 to Vasco Road and a two lane arterial along Vasco Road to eastern Contra Costa County.

Refer also to **Response to Common Question #8.**

#### RESPONSE 15-6

Improvements to Vasco Road identified as a mitigation in the ECAP DEIR are not included in the ECAP Transportation Diagram. (This improvement includes widening Vasco Road to 6 lanes from I-580 to the County line, compared with 4 lanes between I-580 and Cayetano Parkway, and 2 lanes from Cayetano to the County line.) Currently, there are no evident sources of funding for this major improvement. Decisions about allocating any new sources of funding (e.g., the extension of existing local, state, or federal funding programs or the implementation of a regional transportation impact fee) will require regional consensus about which projects are most cost-effective, in light of competition for available funds and when compared with other mitigation alternatives.

The Tri-Valley Transportation Council is charged with developing a Tri-Valley Transportation Plan to be adopted by each of the seven jurisdictions comprising the Tri-Valley Council. The Transportation Plan will be financially constrained to a transportation network that is affordable between now and the year 2010 and will include improvements that are determined by the TVTC to be cost effective. If improvements to Vasco Road are included in the Tri-Valley Transportation Plan, the County will add these improvements to the ECAP Transportation Diagram. The following will be added as a footnote to the number of lanes shown for Vasco Road (in addition to I-580, I-680, Highway 84) on the Transportation Diagram to acknowledge that these improvements may occur in the future:

*Note: These roadways may be widened or otherwise improved subject to the availability of funding and the final transportation network to be adopted by the Tri-Valley Transportation Council as part of the Tri-Valley Transportation Plan, expected to be completed in 1994.*

Refer also to Response to Common Question #8.

RESPONSE 15-7

Please refer to RESPONSE 15-6.

RESPONSE 15-8

Comment noted.

RESPONSE 15-9

Comment noted.

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Thomas M. Martinsen  
Executive Director

ALAMEDA COUNTY  
PLANNING DEPARTMENT  
HAYWARD, CALIFORNIA

AUG 7 2 43 PM '93

August 2, 1993

Mr. Adolph Martinelli, Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA. 94544

RE: Draft East County Area Plan of the Alameda County General Plan  
Draft Environmental Impact Report [DEIR]

Dear Adolph,

We have reviewed the referenced DEIR and find it comprehensive in scope, readable and generally foresighted. As the agency tasked with preparing and implementing the Countywide Integrated Waste Management and Hazardous Waste Management Plans for Alameda County, the Authority has an interest in coordinating and assisting its member agencies in developing General Plan consistency with regard to waste management planning. With this in mind, the Authority has the following comments:

- 1.) The Authority recognizes that many General Plans do not currently incorporate waste management issues and policies and commends the integrated approach to this subject found in the proposed East County Area Plan. 16-1
- 2.) The Authority requests that the Plan designate or authorize waste management facility sites, as detailed in its June 14th letter to your Planning Commission and reiterated in a motion at its July 28th Board Meeting (see attachments). 16-2
- 3.) The Draft Plan and its DEIR should provide accurate figures for remaining permitted landfill capacity for both of the landfills in the East County Area consistent with existing land use permits and associated background documents. Documents available to the Authority indicate that the total permitted capacity of the Altamont Landfill is 41.6 million cubic yards with a remaining capacity of between 14 - 20 million cubic yards. For the Vasco Landfill, documents indicate the total permitted capacity at approximately 21 million cubic yards with a remaining capacity of 14 million cubic yards. 16-3

Mr. Adolph Martinelli - August 2, 1993

Page 2

4.) The Draft Plan and its DEIR should provide accurate figures for the acreage of the total site and the fully permitted fill area for both landfills. Based on documents available to the Authority, the total site acreage for the Altamont landfill is 1,528 acres. The currently permitted fill areas for the Altamont and Vasco landfills respectively are 225 acres and 222 acres.

16-4

5.) The Draft Plan and its DEIR should reference or incorporate the policies of the Alameda County Hazardous Waste Management Plan [HWMP]. The HWMP has been locally approved by Alameda County municipalities, including the County. This being the case, mention and/or incorporation of the HWMP's policies and Siting Criteria in the East County Area Plan would be appropriate.

16-5

The Authority is committed to coordinating and facilitating waste management planning with its member agencies to achieve required waste reduction goals. We look forward to working with you on this. If you have any questions, please contact Dick Edminster or me here at the Authority offices. Thank you for your consideration.

Sincerely,

  
Joanne Manson  
Associate Planner

cc: Deborah Stein  
Alameda County Planning Commission

ccapres



**alameda county**

**WASTE MANAGEMENT  
AUTHORITY**

Thomas M. Martinsen  
Executive Director

June 14, 1993

Muriel Schilling, Chairperson  
Alameda County Planning Commission  
339 Elmhurst Street  
Hayward, California 94544

**SUBJECT: County General Plan, Solid Waste Facilities**

Dear Ms. Schilling:

On May 26, 1993, the Alameda County Waste Management Authority adopted Resolution #241 (enclosed), requesting that the County General Plan be revised to identify the Authority's proposed Altamont Hills Integrated Waste Management Facility [IWMF]. This action followed the Planning Commission's April 19, 1993 finding that the IWMF is not consistent with the County General Plan "because the proposed use and location are not designated on the County General Plan."

The Authority considers it imperative that the IWMF be designated on the County General Plan as quickly as possible. To meet State mandates for waste reduction, the Authority's green waste compost project must be in operation by late-1994. Other programs, such as recycling, co-composting with wastewater sludge, landfill, energy development, public education, recreation and open space management may also be scheduled for 1994 or subsequent years. The public interest here is clear and compelling. The Authority IWMF program has been in development since 1985 and there is a countywide consensus to move forward on this project as the critical component in the County's integrated, systems approach to the reduction and management of solid waste.

The April 19, 1993 Planning Department staff report described the IWMF as consistent with the policies of the Livermore-Amador Valley Planning Unit General Plan. These same policies are contained in the draft East County Area General Plan. The only significant remaining matter is the need to actually designate the IWMF on the General Plan. There are at least two alternative ways to do this:

- a) Designate the IWMF with a symbol on the General Plan map and add specific descriptive language in the Plan text.



- b) Designate a "Waste Management Resource Area" that includes most or all of the area in the 1989 Authority Altamont Hills Landfill study and EIR. [The draft East County Area Plan already has a similar "Wind Resource Area."] The IWMF and other solid waste facilities, such as the existing Altamont and Vasco Road landfills, would be authorized within this area.

With either approach, the General Plan could include performance and siting criteria that must be met prior to issuance of a conditional use permit for IWMF structures and activities.

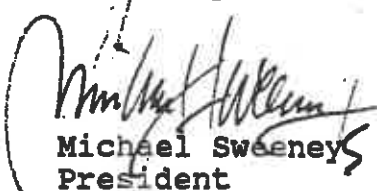
The Authority's Altamont Hills Landfill Program EIR provides sufficient environmental analyses, as contemplated by CEQA, to undertake either approach. If determined to be necessary, any other needed analyses might be incorporated into the EIR now being prepared for the East County Area Plan.

The Authority assumes that the most efficient way to designate the IWMF is to revise the draft East County Area Plan. However, the Authority will request amendment of the LAVPU General Plan, if that would be needed in order to meet the Authority's schedule for near-term project development.

The Authority commits its staff and resources to work with the Planning Commission and Commission staff in a cooperative fashion to revise the County General Plan, as requested herein. To this end, the Authority has budgeted \$46,200 to the County Planning Department for "Planning Practices and Reduction of Wastes," a grant to enable the Planning Commission to modernize the County General Plan, Zoning Ordinance and other regulations and codes, specifically to provide for the Authority's IWMF, as well as facilities and activities proposed by other agencies and private industry.

Thank you for your consideration of this important public agency request. Any questions or comments are welcomed, and should be directed to me or Dick Edminster, Planning Manager, at the Authority offices.

Sincerely,



Michael Sweeney  
President

data/progs/fac/ds/acqpcnt4

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY**

**RESOLUTION #241**

**MOVED BY: WITHROW  
SECONDED BY: RUBIN**

**AT THE MEETING HELD MAY 26, 1993**

**CONFORMANCE OF THE PROPOSED AUTHORITY INTEGRATED WASTE MANAGEMENT FACILITY WITH THE ALAMEDA COUNTY GENERAL PLAN**

**WHEREAS, the Alameda County General Plan, Livermore-Amador Valley Planning Unit, as amended in 1983, states that:**

- a) an objective of the General Plan is "to ensure that solid waste facilities are provided as needed",**
- b) a principle of the General Plan is that "availability of landfill capacity for the disposal needs of the county beyond the 20-year planning period must be ensured", and**
- c) a General Plan implementation measure is to "coordinate County solid waste management planning with the Alameda County Solid Waste Management Authority and Authority policies and plans"; and**

**WHEREAS, the Authority's Joint Exercise of Powers Agreement for Waste Management empowers the Authority to acquire, hold and dispose of property; and to acquire, construct, manage, maintain, operate and control buildings, works and improvements; and**

**WHEREAS, since 1985 the Authority has undertaken an ongoing process of planning, program evaluation and property appraisal and acquisition for an Authority Altamont Hills Integrated Waste Management Facility that may include recycling, green waste composting, co-composting with wastewater treatment plant sludge, sanitary solid waste landfilling, energy resource development, public education and recreation activities, and open space and habitat preserve; and**

**WHEREAS, the Authority certified the Final Environmental Impact Report for the Altamont Hills Landfill Program, February, 1989 [SCH No. 88110108]; and**

**WHEREAS, the Authority proposes to develop portions of the Altamont Hills Integrated Waste Management Facility in the near-term, including some of the proposed activities cited above; and**

**WHEREAS, the State Integrated Waste Management Act requires that new or expanded solid waste landfills must be "designated or authorized" in the applicable local General Plan; and**

WHEREAS, prior to issuance of a Conditional Use Permit for the activities contemplated at the Authority's Integrated Waste Management Facility, the County Planning Commission will need to find that the project is in conformance with the County General Plan; and

WHEREAS, on April 19, 1993 the Alameda County Planning Commission issued a General Plan Conformance Report on the Authority's program which found that property acquisition was not inconsistent with the Alameda County General Plan but that "the location and purpose of the acquisition are not consistent with the Plan, because the proposed use and location are not designated on the County General Plan"; and

WHEREAS, the Alameda County Planning Commission has circulated for review and comment by the public and concerned agencies a "draft East County Area Plan", containing proposed revisions to the County General Plan, Livermore-Amador Valley Planning Unit; NOW THEREFORE,

BE IT RESOLVED that this Authority does hereby request that the County Planning Commission revise the draft East County Area Plan to designate or authorize the Authority's Altamont Hills Integrated Waste Management Facility; and

BE IT FURTHER RESOLVED that this Authority commits its staff and resources to work with the Planning Commission and Planning Commission staff in a cooperative fashion to identify the most efficacious means to revise the draft East County Area Plan, as requested herein.

ADOPTED BY THE FOLLOWING VOTE:

AYES: WITHROW, RUBIN, WOODWORTH, SNYDER, BUKOWSKI, MORRISON,  
SWEENEY, WIESKAMP, NAGY, FOULKES, MOHR, FARIA,  
GARFINKLE, MARTIN, LANDIS  
NOES: NONE  
ABSENT: MILEY, CARSON  
ABSTAINED: NONE



THOMAS M. MARTINSEN, EXECUTIVE DIRECTOR  
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

DATA/PROGS/FAC/DE/ACGPCNF3

## RESPONSE TO COMMENTS LETTER 16

Alameda County Waste Management Authority  
Joanne Manson, Associate Planner

### RESPONSE 16-1

Comment noted.

### RESPONSE 16-2

Comment noted. While we understand the need for the Authority's proposed Altamont Hills Integrated Waste Management Facility (IWMF) to enable the County and its cities to meet state mandated waste management goals, it is the County's position that it would be premature to designate or authorize the facility site in the *East County Area Plan* without a more detailed, site-specific analysis than is possible under the general plan revision process that is currently underway. This is consistent with requirements for private facilities in the County, and also consistent with procedures within the jurisdictions of other member agencies. Therefore, it will be necessary for the Authority to apply for a general plan amendment for the proposed IWMF. For clarification, policy 142 and program 61 will be amended as follows: (amendments recommended in the DEIR are in *italics*; new amended language is underlined; deleted language is ~~struckout~~)

Proposed Modification to Policy 142: The County shall locate future solid waste facilities and/or expand existing solid waste facilities in appropriate locations ~~within the study area addressed in the Altamont Hills Landfill Program EIR (1989)~~ consistent with the Solid Waste Facility Siting Criteria contained in the Alameda County Integrated Waste Management Plan outside the Urban Growth Boundary that allow for compliance with all of the state minimum standards for solid waste management, and where the separation of the facility from residences and other sensitive uses is sufficient to permit adequate control of possible impacts of the solid waste facility including, but not limited to, noise levels, odor and litter nuisances, traffic congestion, and disease carrying vectors.

Proposed Modification to Program 61: The County shall amend the General Plan as necessary to identify all sites ~~the general locations of sites~~ required for the maintenance and expansion of existing and/or the establishment of new, solid waste facilities in accord with the Solid Waste Facility Siting Criteria contained in ~~when the Siting Element of the County's Integrated Waste Management Plan is adopted.~~

### RESPONSE 16-3

Comment noted. Appropriate corrections will be made on pages 3 and 4 of *Chapter 5.20 - Solid and Hazardous Waste Management*, of the DEIR. These revisions do not change the conclusions of the DEIR analysis.

RESPONSE 16-4

Comment noted. Appropriate corrections will be made on pages 3 and 4 of *Chapter 5.20 - Solid and Hazardous Waste Management*, of the DEIR. These revisions do not change the conclusions of the DEIR analysis.

RESPONSE 16-5

Comment noted. The following policy is proposed to recognize the Alameda County Hazardous Waste Management Plan:

Proposed Policy: The County shall abide by the policies and Siting Criteria in the Alameda County Hazardous Waste Management Plan to ensure the responsible handling of hazardous waste in the County.

Also, we recognize that the County Department of Environmental Health administers a state mandated program requiring that each business facility that handles more than threshold quantities of hazardous materials prepare a Business Plan providing detailed information regarding their hazardous materials management and storage practices. In order to avoid placing an unnecessary burden on new industrial development and to avoid duplicative efforts on the part of government agencies, the following proposed program under Mitigation Measure 5.20-2 will be deleted:

~~*Proposed Program: The County should develop an ordinance requiring new industrial users to provide a hazardous waste plan, as part of the Development Title, prior to starting operations.*~~

**Airport Land Use  
Commission**

County Administration Building  
651 Pine Street  
4th Floor, North Wing  
Martinez, California 94553-0095  
Phone: (510) 646-2091

**Contra  
Costa  
County**



Director of Community Development

**LETTER 17**

July 26, 1993

Adolph Martinelli  
Planning Department  
County of Alameda  
399 Elmhurst Street  
Hayward, CA 94544

ALAMEDA COUNTY  
PLANNING DEPARTMENT  
HAYWARD, CALIFORNIA

JUL 26 11:38 AM '93

Dear Mr. Martinelli:

**RE: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT  
ON THE DRAFT EAST COUNTY AREA PLAN**

This is in response to your letter dated June 16, 1993 concerning the notice for public comment for the above draft EIR.

Planned Byron Airport

Figure 13 of the EIR identifies the location of the Byron Airport. In 1985, the Contra Costa County Board of Supervisors adopted a Master Plan for the Byron (aka East Contra Costa County) Airport. That Master Plan provides for the acquisition and development of a public-use airport by Contra Costa County.

The planned airport is primarily intended to serve general aviation aircraft, but also some transport and business jet aircraft. Up to 400 parked aircraft will be accommodated. Two runways are planned, one of which will be over a mile in length. The airport will be designed such that airport departure, takeoff and traffic operations will be conducted over the extreme northeast corner of Alameda County.

17-1

Development of the planned airport facilities has recently commenced. The airport will be operated by the County.

Comprehensive Airport Land Use Plan

In April 1991, the Contra Costa County Airport Land Use Commission adopted a Comprehensive Land Use Plan (CLUP) for the Byron Airport. Enclosed is a copy of the adopted Plan. The Plan is intended to suggest land use criteria and policies to local governments (such as Alameda County) to ensure compatibility with planned operations at the Byron Airport.

17-2

The Plan designates a planning area extending approximately three miles beyond the airport. See attached figure. Most of the planning area lies within Contra Costa County, however, a portion also extends into Alameda County. The Commission's plan addresses concerns about Public Safety, Noise Compatibility, and Structural Height Limits.

17-2

Prior to adoption of the CLUP, a copy of the draft plan was forwarded to Alameda County with a copy of the Commission hearing notice.

Review of Draft East County Plan

The extreme northeast corner of the Draft East County Plan overlaps with the adopted Planning Area for the Byron Airport.

17-3

Pursuant to Section 21676(b) of the Public Utilities Code (attached), before Alameda County may adopt the Draft East County Plan, the Draft Plan must be referred by Alameda County to the Contra Costa County Airport Land Use Commission for review. The purpose of the Commission's review is to determine if there are any inconsistencies with the Byron (East Contra Costa County) Airport CLUP. For this purpose, we would like to receive 12 copies of the Draft Plan.

One key concern with the draft East County Plan pertains to the provision for adequate restriction of the height of structures within three miles of the airport.

Should you have any questions, please call me at 646-2091.

Sincerely,

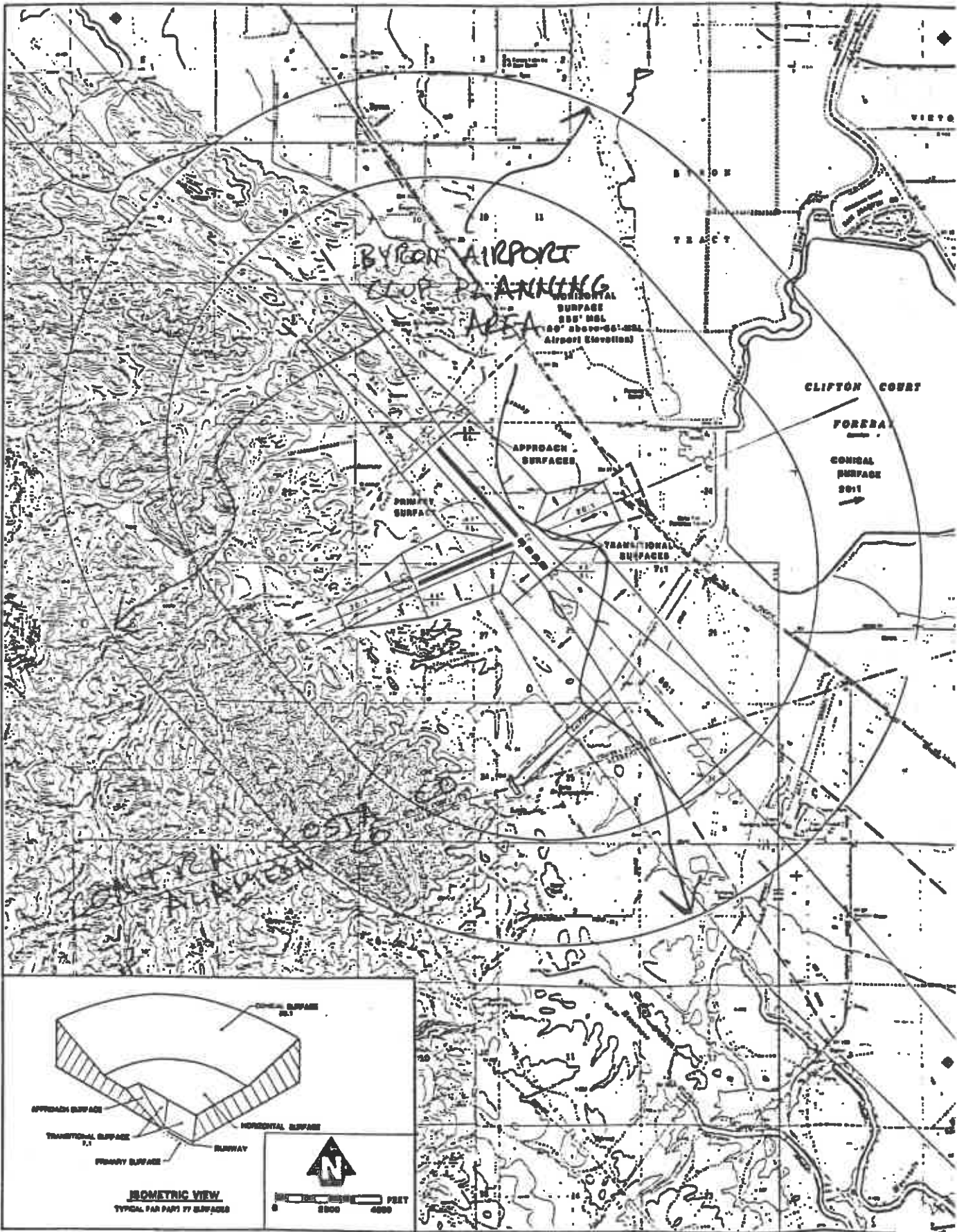
  
ROBERT H. DRAKE  
Senior Planner

Att. Adopted Byron Airport Planning Area  
Public Utilities Code Excerpt

Enc. Adopted Byron Airport CLUP

cc: Airport Land Use Commission  
Hal Wight, Manager of Airports  
Jim Cutler

FDralem.eir  
RD





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## **Review of Local General Plans**

21676. (a) Each local agency whose general plan includes areas covered by an airport land use commission plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the commission's plan. If the plan or plans are inconsistent with the commission's plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its plans. The local agency may overrule the commission after such hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.

(b) Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified.

The local agency may, after a public hearing, overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.

(c) Each public agency owning any airport within the boundaries of an airport land use commission plan shall, prior to modification of its airport master plan, refer such proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The public agency may, after a public hearing, overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.

(d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the commission's plan.

## **Review of Local Plans**

21676.5. (a) If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the commission plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670.

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## RESPONSE TO COMMENTS LETTER 17

Contra Costa County Airport Land Use Commission  
Robert H. Drake, Senior Planner

### RESPONSE 17-1

Comment noted.

### RESPONSE 17-2

Staff has reviewed the material provided and recognizes that a small portion of the designated planning area for the Byron Airport extends into the extreme northeast corner of Alameda County. This area is designated "Large Parcel Agriculture" in the plan, which limits use of the land to agriculture and other compatible uses. The minimum parcel size is 100 acres. The area is traversed by many existing electrical transmission lines and includes numerous existing wind turbines. The area is also a portion of the Wind Resource Area, designated in the plan as suitable for development of additional wind farm facilities.

The location of the planning area for the Byron Airport will be shown in the plan to indicate that any future development in this area may be affected by airport operations.

### RESPONSE 17-3

According to the *Airport Land Use Planning Handbook* (Draft, September 1993) published by Caltrans Division of Aeronautics, Airport Land Use Commissions (ALUCs) have jurisdiction only in the county in which an airport is located (see "Geographic Jurisdiction" on page 1-6). In the case of Byron Airport, where its referral area extends into Alameda County, Alameda County is not required by state law to refer "projects" to Contra Costa County ALUC.

Regardless of the geographic jurisdiction limitations imposed upon ALUCs by state law, Alameda County's policy is to work with adjoining jurisdictions to ensure compatibility between each jurisdiction's respective land use policies. Alameda County proposes to add the following policies to the plan to ensure compatibility of ECAP with the Byron Airport:

**New Policy:** The County shall recognize the Byron (East Contra Costa County Airport) as a regional resource, and shall work with Contra Costa County to ensure that land uses approved in Alameda County within the Byron Airport's referral area are compatible with the airport's operations.

**New Program:** The County shall delineate the boundaries of the Byron Airport's referral areas on Alameda County land use and zoning maps to identify areas that are subject to airport compatibility review.

**New Program:** The County shall refer all discretionary permit applications (e.g., Conditional Use Permits, Site Development Review, etc.) that are proposed within the Byron Airport referral area to the Contra Costa County Airport Land Use Commission for review and comment. This action shall not constitute a referral as described under state ALUC law. In addition, all discretionary permit applications in the referral area shall include a Federal Aviation Administration (FAA) Aeronautical Study to determine if the proposed project would create a hazard to aviation. The recommendations of both the ALUC and the FAA will also be considered in formulating project conditions of approval. If a proposed project is determined by the FAA to create a hazard to aviation, a permit will not be granted.



BAY AREA RAPID TRANSIT DISTRICT  
 800 Madison Street - Lake Merritt Station  
 P.O. Box 12888  
 Oakland, CA 94604-2888  
 Telephone (510) 464-8000

**LETTER 18**

July 29, 1993

Deborah Stein  
 Acting Assistant Planning Director  
 Alameda County Planning Department  
 399 Elmhurst Street  
 Hayward, CA 94544

NELLO BIANCO  
 PRESIDENT  
 MARGARET K. PRYOR  
 VICE-PRESIDENT  
 FRANK J. WILSON  
 GENERAL MANAGER

**Subject: East County Area Plan (ECAP) and the Draft Environmental Impact Report, ECAP**

**DIRECTORS**

DAN RICHARD  
 1ST DISTRICT  
 NELLO BIANCO  
 2ND DISTRICT  
 ROY NAKADEGAWA  
 3RD DISTRICT  
 MARGARET K. PRYOR  
 4TH DISTRICT  
 SHERMAN LEWIS  
 5TH DISTRICT  
 JOHN GLENN  
 6TH DISTRICT  
 WILFRED T. USSERY  
 7TH DISTRICT  
 JAMES FANG  
 8TH DISTRICT  
 MICHAEL BERNICK  
 9TH DISTRICT

Dear Ms. Stein:

Thank you for the opportunity to review and comment on the subject documents, our comments are summarized below.

**East County Area Plan**

1. The District supports the stated policies of the East County Area Plan to organize development around possible future BART stations. It should be noted that these policies are consistent with District Policy. 1-
2. To encourage high density development near BART stations, Policies 31, 35, and 189 should include a provision to exempt or reduce proposed subregional transportation fees for such developments. 18-2
3. Policy 189 encourages BART to locate new BART stations in areas that can be developed for high density uses. It should be noted that in 1986 and subsequently in 1991 and after discussions with the City of Livermore, the BART Board of Directors adopted preferred station sites for the West and East Livermore stations, see Attachment 1. The West Livermore Station was identified to be located near the proposed Isabel/I-580 interchange and the East Livermore Station was identified to be located near the Greenville Road/I-580 interchange. 18-3

It should also be noted that, the selection of a final alignment and station sites will be made in cooperation with local agencies and the communities, and only after the completion and certification of an Environmental Impact Report.

4. **Figure 8, Proposed Transportation Improvements should be revised, as shown on Attachment 2 and include:**

- **An East Livermore Station should be shown located near Greenville Road/I-580 Interchange**
- **The BART yard at the terminus of the Livermore Extension should shown as part of the East Livermore Station**
- **The West Livermore Station should be shown as in the general vicinity of the proposed interchange (not to the east or west of the station).**

18-4

**Draft Environmental Impact Report**

1. **On pages 6 and 28 (Potential Impact 5.4-5), it is indicated that the BART extension to Livermore is expected to be completed sometime after the year 2010. The following should be noted with regard to the timing of the Livermore extension:**

- **The District is committed to the Livermore Extension as a Phase II Extension. As such, the District will pursue all avenues to identify funding opportunities and work with local communities to plan, construct, and finance this extension at the earliest possible date.**
- **The timing for the Livermore Extension can be accelerated should the Regional Transportation Plan (currently being prepared by MTC) and the renegotiation of Resolution 1876 (Regional New Rail Starts Program) identify the Livermore Extension as a priority project.**

18-5

2. **In Chapter 5.4, page 7, 2nd paragraph, the discussion regarding the Altamont Pass Rail Passenger study should indicate that the Phase I of the study was completed on April 1992. The study recommended that the preferred alignment be along the UPRR from Stockton to Niles and the SPRR from Niles to the Santa Clara County line, and then proceed on to the Joint Powers Board tracks to San Jose. This section should also include discussion of the BART Phase II policy to extend BART to Livermore.**

18-6

3. **The District supports Mitigation Measure 5.4-5. However with regard to this Mitigation Measure and the discussion of Public Transit Policies and Programs (pp. 9-10), and as stated above, an exemption for a proposed subregional transportation fee should be considered for high density land uses near BART stations.**

18-7

Deborah Stein  
August 3, 1993  
Page 3

4. In Chapter 5.4, page 17, a correction should be made to the BART extension to East Dublin/Pleasanton improvement as being "not completely funded". The Dublin/Pleasanton Extension is currently fully funded, as provided under Resolution 1876, and includes a two station extension with stations in Castro Valley and East Dublin/Pleasanton. The West Dublin/Pleasanton station is currently not fully funded. 18-8
5. In Chapter 5.11, page 7, under Seismic Hazards and Transportation Facilities, BART, it should be indicated that BART is designed in accordance with the most current seismic standards under the California Building Code. All structure built under the Extensions Program take existing soils into account and are designed to resist ground motions of the maximum credible earthquake expected in the area. 18-9

\* \* \*

If you have any questions on these comments or BART extensions to the Livermore-Ardmore Valley in general, please contact me at (510)287-4981.

Sincerely,



Peter Gertler, AICP  
Acting Manager, East Bay Projects  
Extension Planning Department

cc: Marianne Payne  
Karita Zimmerman





BEFORE THE BOARD OF DIRECTORS OF THE  
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

In the Matter of Adopting  
A Preferred Route Alignment  
For a Livermore-Pleasanton Extension

Resolution No. 4129

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District in Resolution 3098 adopted a portion of the BART Livermore-Pleasanton Extension from the existing Bay Fair Station to a Dublin Station near the I-580/I-680 interchange; and

WHEREAS, in order to continue the orderly planning process necessary for a possible Livermore-Pleasanton Extension, the Board of Directors of the San Francisco Bay Area Rapid Transit District wishes to complete the adoption of a preferred route alignment based upon the BART Livermore-Pleasanton Extension Study Update Analysis (December 1983) and the BART Livermore-Pleasanton Extension Study Supplemental Analysis (February 1986); and

WHEREAS, for completion of the adoption of a preferred route alignment for the BART Livermore-Pleasanton Extension, the City of Livermore recommended on March 19, 1986, a Freeway Route Alignment; the City of Pleasanton adopted a resolution on March 18, 1986 in support of a Freeway Route; and the City of Dublin adopted a resolution on January 23, 1984 which supports the City of Livermore's preferred rail alignment;

NOW, THEREFORE, BE IT RESOLVED, that the BART Board of Directors adopt the Freeway Route as a preferred alignment for the portion of the BART Livermore-Pleasanton Extension from the proposed Dublin Station to East Livermore and that the preferred route alignment for the complete Livermore-Pleasanton Extension has the following characteristics:

1. A five-station extension with selected station sites at Redwood Road (Castro Valley); near the I-680/I-580 interchange (Dublin); near the future Hacienda Drive/I-580 interchange (Pleasanton); near the proposed Isabel Avenue/I-580 interchange (West Livermore); and near the East First Street/I-580 interchange (East Livermore); with possible additional mileage and a station near the major research laboratories east of Vasco Road; and with a storage/maintenance yard site at the terminus near or east of Vasco Road (East Livermore Storage/Maintenance Yard).
2. The general route follows in or near SR-238 and I-580 to East Livermore, thence easterly near the railroads, terminating near or east of Vasco Road in eastern Livermore.

# # #

Adopted April 10, 1986

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BEFORE THE BOARD OF DIRECTORS OF THE  
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

In the Matter of Adopting  
A Preferred Route Alignment  
For a Livermore Extension/

Resolution No. 4421

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District in Resolution 4129 adopted a preferred route alignment for a Livermore Extension based upon the BART Livermore-Pleasanton Extension Study Update Analysis (December 1983) and the BART Livermore-Pleasanton Extension Study Supplemental Analysis (February 1986); and

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District has traditionally adopted a "preferred alternative" with alignments and station sites after coordination with local jurisdictions in order to provide planning direction for future extensions; and

WHEREAS, in order to continue the orderly planning process necessary for a possible Livermore Extension, the Board of Directors of the San Francisco Bay Area Rapid Transit District wishes to revise the previously adopted preferred route alignment based on an analysis of current land use policies of the City of Livermore; and

WHEREAS, it is acknowledged by the Board of Directors of the San Francisco Bay Area Rapid Transit District that adoption of an East Livermore station and alignment as preferred would not constitute a decision regarding the location of the extension and that a determination of a BART station site or alignment requires an Environmental Impact Report, which may not result in selection of the preferred alternative, and that adoption of a preferred alignment will provide a project description for purposes of analysis in an Environmental Impact Report; and

NOW, THEREFORE, BE IT RESOLVED, that the BART Board of Directors adopt a preferred alignment for a Livermore Extension extending from the proposed East Dublin/Pleasanton Station along I-580 terminating east of Greenville Road north of I-580 with stations near the proposed Isabel Avenue/I-580 interchange (West Livermore) and a station and storage/maintenance yard site at the terminus near the Greenville Road/I-580 interchange (East Livermore Station and East Livermore Storage/Maintenance Yard).







# # #

Adopted November 7, 1991

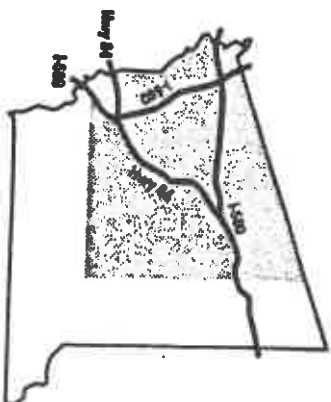
COUNTY OF ALAMEDA  
**EAST COUNTY AREA PLAN (DRAFT)**

**Proposed  
 Transportation  
 Improvements**

**LEGEND**

-  Proposed Arterial Improvements
-  Proposed Roadway Segments
-  Proposed Interchange
-  BART Extension
-  BART Yard
-  BART Station
- (4)** Future Number of Lanes

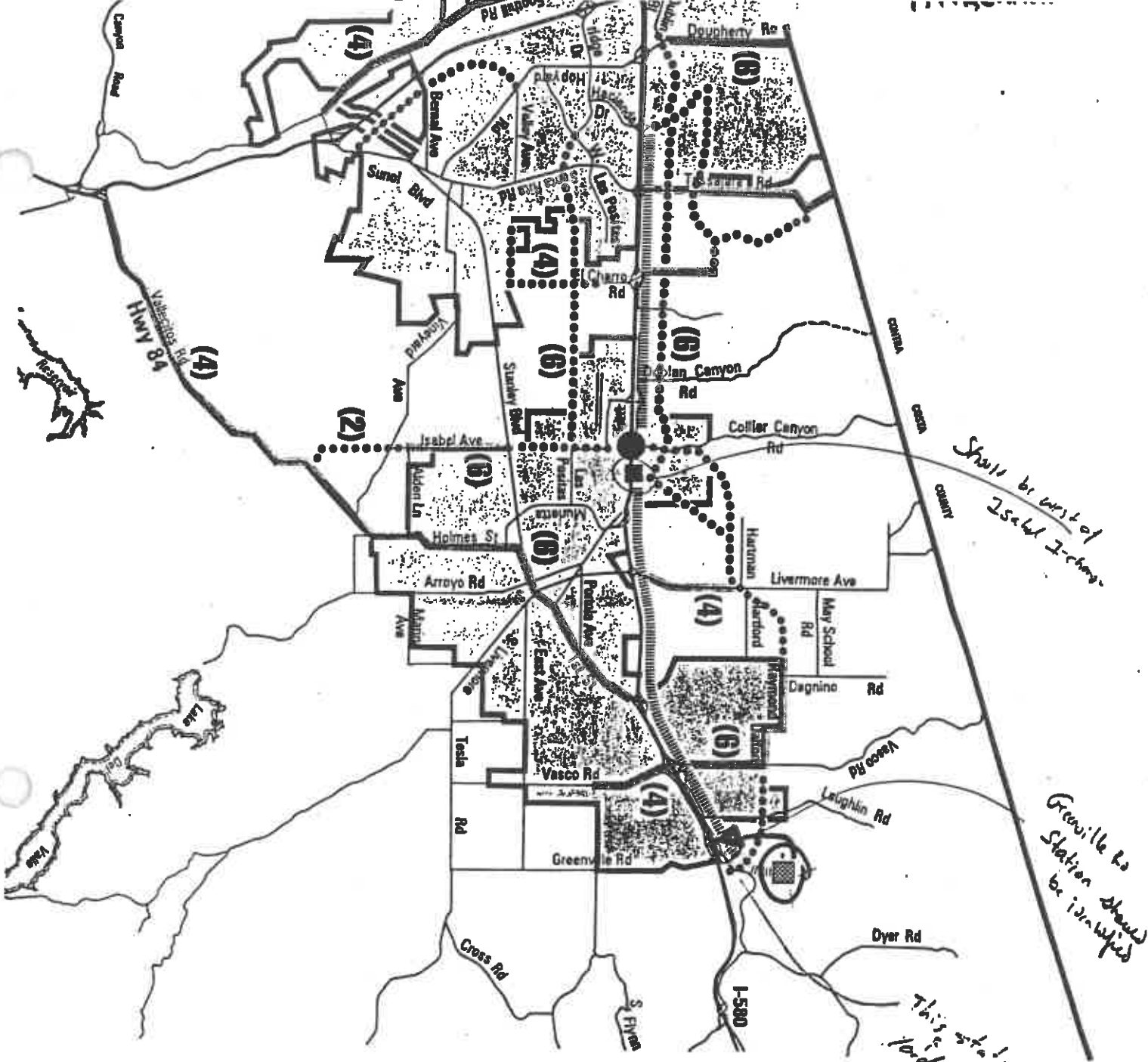
NOTE: Improvements shown are those included in adopted city, county, and regional plans or local orders. Where plans conflict, those improvements within city plans are shown.



**SOURCE:** Dublin General Plan, 1965  
 Eastern Dublin General Plan Amendment, 1982  
 The Pinoleville Plan, 1988  
 Livermore Community General Plan, Cancellation Document, 1989  
 Regional Transportation Plan, 1991  
 February Order for Alameda Countywide Transportation Plan, 1992



**FIG. 8**



**RESPONSE TO COMMENTS  
LETTER 18**

Bay Area Rapid Transit District  
Peter Gertler, Acting Manager, East Bay Projects

**RESPONSE 18-1**

Several ECAP policies promote development around future BART stations including the following:

**Policy 186:** The County shall encourage high-intensity development in locations convenient to public transit facilities and along transit routes.

**Program 78:** The County shall work with East County cities to designate high density and high-intensity uses along major arterials and within walking distance of transit stops. The County shall work with cities to designate land near proposed BART stations for high density residential uses and personal services (e.g., child care).

These policies are consistent with adopted BART policy.

**RESPONSE 18-2**

We concur with your recommendation. Policies 31 and 35 will be revised as follows (new language is underlined):

**Policy 31:** The County shall recognize that compact development results in more efficient use of land and infrastructure, and less conversion of open space, than low-density sprawl. To encourage compact development, the County shall provide economic incentives to developers who provide higher densities and affordable housing. Economic incentives would include a reduction in subregional transportation fees for qualifying high density housing projects constructed adjacent to transit stations.

**Policy 35:** The County shall facilitate the development of high density housing near proposed BART stations. Such development will be considered for exemption or reduction of subregional transportation fees.

**RESPONSE 18-3**

Comment noted.

**RESPONSE 18-4**

Figure 8 of the plan (Proposed Transportation Improvements) will be revised as recommended.

**RESPONSE 18-5**

Comment noted.

**RESPONSE 18-6**

The following additional information will be included on page 7 of *Chapter 5.4 - Transportation*:

Phase I of the study was completed April 1992. The study recommended that the preferred alignment be along the UPRR from Stockton to Niles and the SPRR from Niles to the Santa Clara County line, and then proceed on to the Joint Powers Board tracks to San Jose. Phase II policy recommends the extension of BART to Livermore.

**RESPONSE 18-7**

Please refer to **RESPONSE 18-2**. Modification to these policies will adequately address the commenter's concern that high density development adjacent to BART be considered for exemption or reduction of subregional traffic fees.

**RESPONSE 18-8**

The discussion under *Potential Impact 5.4-5* on page 28 of *Chapter 5.4 - Transportation* will be revised to include the following statement:

The Dublin/Pleasanton Extension is fully funded, as provided under BART Resolution 1876, and includes a two station extension with stations in Castro Valley and East Dublin/Pleasanton. The West Dublin/Pleasanton station is currently not fully funded.

**RESPONSE 18-9**

The discussion under *Bay Area Rapid Transit (BART)* on page 7 of *Chapter 5.11 - Geologic Hazards* will be revised to include the following statement:

BART is designed in accordance with the most current seismic standards under the California Building Code. All structures built under the Extensions Program take existing soils into account and are designed to resist ground motions of the maximum credible earthquake expected in the area.

# EAST BAY REGIONAL PARK DISTRICT

LETTER 19

August 3, 1993

RECEIVED

AUG 04 1993

BOARD OF DIRECTORS  
Jacelyn Combs, *President*  
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Oliver Holmes, *Treasurer*  
Susan Smartt, *Secretary*  
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Douglas Siden  
Jean Sin  
Pat O'Brien  
*General Manager*

Ms. Deborah Stein  
Planning Department  
County of Alameda  
399 Elmhurst Street  
Hayward, CA 94544

SUBJECT: DEIR FOR THE EAST COUNTY AREA PLAN

Dear Ms. Stein:

The East Bay Regional Park District has reviewed the subject document and offers the following comments.

The discussion of existing EBRPD facilities (pages 5.16-1 and 2) should be modified to indicate that, as part of a three-way ownership exchange, the EBRPD ownership at Tassajara Creek is being reduced to 22.5 acres; the Sixth Army's receiving the balance (subject to a reversionary clause if Camp Parks is closed). Alameda County is receiving portions of the former Camp Parks from the Army and the EBRPD is receiving 118.2 acres of the former Arroyo Del Valle Sanitarium from the County. 19-1

The discussion of the impacts on Park District facilities (pages 5.16-8 to 10) should be augmented to include the secondary impacts of increased demand for water if current sources of supply are not sufficient to meet the project's demand. The EBRPD is especially concerned about how the Del Valle and Shadow Cliffs Regional Recreation areas would be affected. Both of these recreation areas are major regional parks that have water oriented recreation as their primary attractions. A deficiency of water from the SWP would cause the local water purveyors to depend either upon more surface water and surface water storage or upon ground water supplies and storage capacity. 19-2

A greater reliance upon surface water supplies and storage capacity would necessitate winter water storage levels at the Park District operated Lake Del Valle being substantially higher, thereby, inundating millions of dollars of developed recreation facilities. These facilities were constructed below the high water mark in order to be adjacent to the design operating levels (which are much lower than maximum levels). In addition, summer





Ms. Deborah Stein  
August 3, 1993  
Page Two

draw down levels would be substantially lower, thereby precluding the use of existing beach, marina, and boat launch facilities. This would substantially inhibit the District's ability to provide water oriented recreation and could result in the loss of the primary recreation facilities at Del Valle. It is not correct (as others have asserted in response to this concern) that the operation of Lake Del Valle is in the hands of the State and, therefore, beyond influence by local water purveyors. The operating regime of Lake Del Valle is the subject of a contract between the Department of Water Resources and the Department of Parks and Recreation (the EBRPD is the operating agent for the Department of Parks and Recreation). This contract is subject to renegotiation with respect to water regime at regular intervals. It is the EBRPD's experience that DWR seeks increases in winter storage levels and lower minimum summer pools at every negotiation because of the requests of the water purveyors which draw from the South Bay Aqueduct.

Similarly, a greater reliance upon groundwater sources and storage capacity would result in draw down of the groundwater aquifers. This could result in summer water levels in Shadow Cliffs Lake which would be substantially lower because the water table determines the lake level at Shadow Cliffs (unless supplemental water is added). Such draw downs could result in water levels which are lower than the levels for which beach, marina, and boat launch facilities are being designed. The EBRPD has planned to alter its facilities to accommodate an anticipated drop of water level of ten feet which will occur when supplemental water supplies are no longer available from adjacent quarry operations. However, neither the bottom topography of the lake nor the District's financial resources would accommodate the results of any additional reduction of water level due to groundwater draw down. Such a draw down would substantially inhibit the District's ability to provide water oriented recreation at Shadow Cliffs. The water supply demands of the project could have a serious adverse effect on the recreational resources of these parklands. To date, the EBRPD has not identified any feasible mitigation for these impacts and, therefore, requests that they be treated as unavoidable adverse impacts of the project.

19-2

The District concurs with impact discussions 5.16-1 and 2 relating to increased demands for regional park and trail facilities. The District supports the Area Plan's policies in these regards as well as the changes identified in the mitigation discussion.

19-3

Ms. Deborah Stein  
August 3, 1993  
Page Three

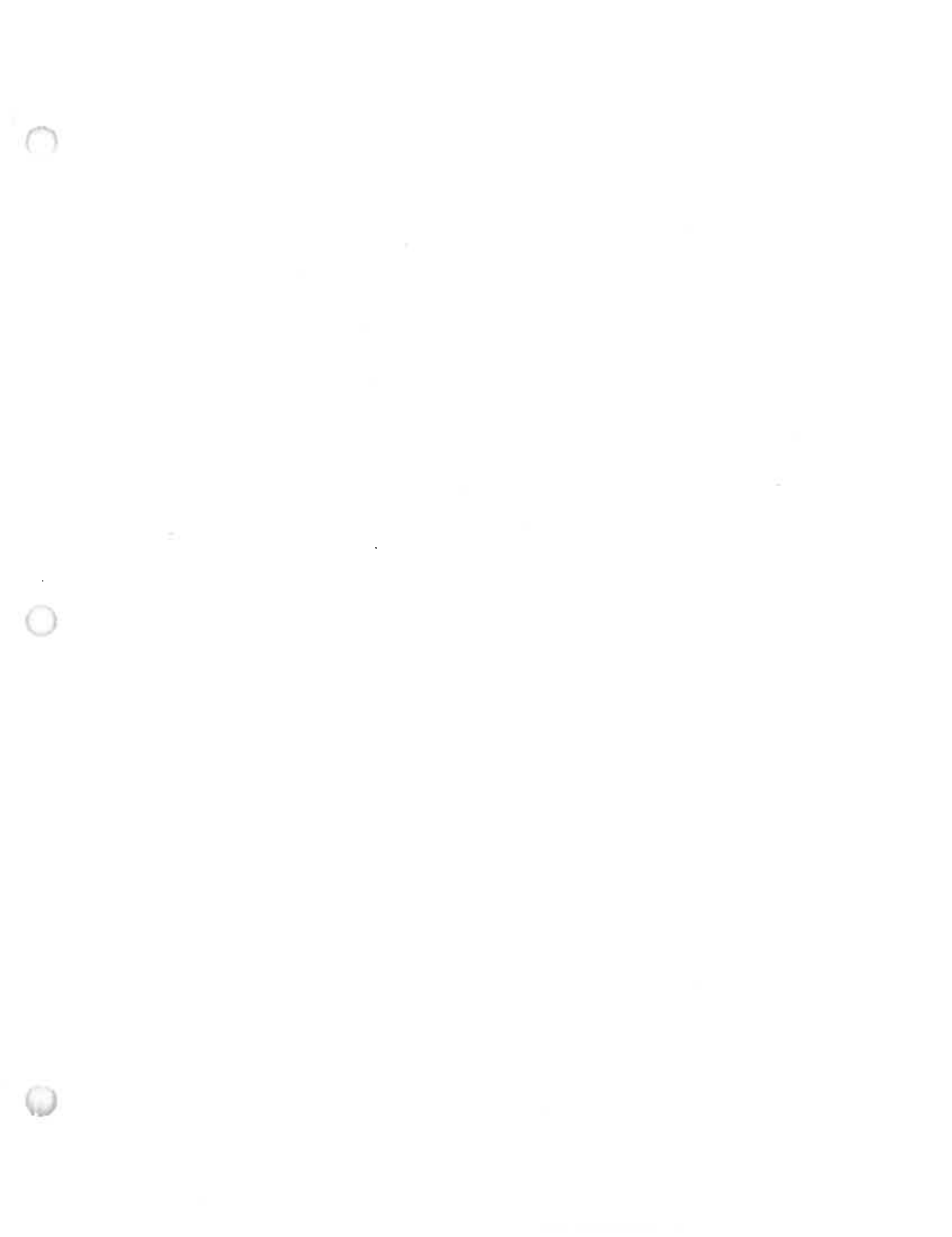
The District compliments the County upon its innovative format of including the relevant portions of the Area Plan in the discussion of each impact topic. This resulted in a clearly understandable and incisive analysis of impacts; it also eased the task of review.

Very truly yours,



T.H. Lindenmeyer  
Environmental Specialist

ct:estty.mom



## RESPONSE TO COMMENTS LETTER 19

East Bay Regional Park District  
T.H. Lindenmeyer, Environmental Specialist

### RESPONSE 19-1

The following insert will be made at the top of page 2 (*Chapter 5.16 - Park and Recreation Facilities*) following reference to "... Tassajara Regional Park (451 acres).":

As part of a three-way ownership exchange, the EBRPD ownership at Tassajara Creek is being reduced to 22.5 acres; the Sixth Army's receiving the balance (subject to a reversionary clause if Camp Parks is closed). Alameda County is receiving portions of the former Camp Parks from the Army and the EBRPD is receiving 118.2 acres of the former Arroyo Del Valle Sanitarium from the County.

### RESPONSE 19-2

The East Bay Regional Park District has a legitimate concern about the future of its water-oriented recreational facilities at Lake Del Valle and Shadow Cliffs. The following discussion on Lake Del Valle will be added to the EIR under Cumulative Impacts/Water Supply in *Chapter 7 - CEQA Considerations*.

Limited state water supplies may have a possible indirect effect on water-oriented recreational facilities at Lake Del Valle.

Lake Del Valle is a state-owned facility operated by the Department of Water Resources (DWR). The operating regime of Lake Del Valle is the subject of a contract between the DWR and the Department of Parks and Recreation, with the EBRPD being the operating agent for the Department of Parks and Recreation. This contract is subject to renegotiation with respect to the water regime. Although not yet operated at maximum capacity, increased demand for water (including demand from Zone 7 and its water purveyors) may result in an operating regime for the reservoir that will raise winter storage levels and lower minimum summer water levels in order to increase the storage yield of the reservoir. If the decision is made to operate the reservoir at higher winter and/or lower summer storage levels, the existing recreational facilities could be inundated or left "high and dry" depending on the time of year, thereby precluding the use of existing beach, marina, and boat launch facilities. The likelihood of this occurring is difficult to assess. Local pressure on the state to maximize storage capacity in the reservoir may be off-set by development of a balanced program for water supply, from a number of sources in addition to the State Water Project, including groundwater, recycled water, and water conservation. Furthermore, Zone 7 is actively looking at increased local water storage in the underground aquifers. Policy 238 in the proposed plan encourages Zone 7 to maximize use of the Chain-of-Lakes for water supply development and groundwater management.

The following discussion on Shadow Cliffs Recreation Area will be added to the EIR under *Potential Impact 5.13-2: Pumping of groundwater could result in the long-term depletion of the groundwater basin (see Chapter 5.13 - Water Supply)*.

A greater reliance upon groundwater resources may have a possible indirect effect on water-oriented recreational facilities at Shadow Cliffs Regional Recreation Area, a facility of the East Bay Regional Park District (EBRPD). A draw down of the aquifer could affect lake level and therefore water oriented recreation facilities. The EBRPD has planned to alter its beach, marina, and boat launch facilities to accommodate an anticipated drop of water level of ten feet which will occur when supplemental water supplies are no longer available from adjacent quarry operations. However, neither the bottom topography of the lake nor the District's financial resources would accommodate the results of any additional reduction of water level due to groundwater draw down. At this time, how water will be managed in the future cannot be known with any certainty and therefore the effect on Shadow Cliffs of increased water demand can only be speculative. However, Zone 7 is looking at the aquifer as a storage facility for potential potable recycled water and/or water transfers from the state system. This use could feasibly maintain groundwater at current levels.

Policy 234 calls for the development of a comprehensive water plan by the County, the cities, Zone 7, and the local water retailers so that water resources can be effectively managed. The following modification to policy 234 will involve EBRPD in development of this water plan (new language is underlined):

Proposed Modification to Policy 234: The County shall work with the Alameda County Flood Control and Conservation District (Zone 7), local water retailers, and cities to develop a comprehensive water plan to assure effective management and long-term allocation of water resources, to develop a contingency plan for potential short-term water shortages, and to develop uniform water conservation programs. The water plan should include a groundwater pump monitoring and cost allocation system in order to facilitate ground water management and to recover the cost of purchased water stored in the groundwater basin. In developing this plan, the East Bay Regional Park District (EBRPD) shall be consulted regarding potential direct or indirect effects of water use on EBRPD recreation facilities.

The following additional policy will also be added:

Proposed New Policy: The County shall encourage Zone 7 to manage the water supply system so as to maintain water at Shadow Cliffs Regional Recreation Area at levels compatible with existing recreational facilities, if feasible.

#### RESPONSE 19-3

Comment noted. No response is necessary.

August 2, 1993

**LETTER 20**

Ms. Deborah Stein  
Acting Assistant Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

**SUBJECT: East County Area Plan - Draft Environmental Impact Report**

Dear Ms. Stein:

Thank you for providing the District an opportunity to comment on the referenced document. The District has general and specific comments regarding water supply/annexation, and wastewater reclamation and service control.

**GENERAL COMMENTS**

The Draft EIR should maintain a broad focus on water quality and address any cross-media effects. The connection between groundwater and surface water and between water quantity and water quality should be examined.

20-1

Integrated land and water resource planning and management must be conducted on a watershed basis, not regulatory agency boundaries. At it is, the Draft EIR stops review at Alameda County boundaries leaving a truncated view of the watershed being impacted.

20-2

**WATER SUPPLY/ANNEXATION**

The East County Area lies outside this District's existing service area and ultimate service boundary (USB). Therefore, the policies and programs contained in the Plan will not directly impact District water service planning or operations. However, the District continuously monitors planning or development efforts within the region as they relate to water supply and management because of the controversy related to identification of the most logical water service provider for proposed developments in the adjacent Tri-Valley (Contra Costa County) sub-region, namely the Dougherty Valley and Tassajara Valley subdivisions.

20-3

The District's response to requests for water service extensions outside of its existing service area or USB has

been that such requests cannot be honored because the 1993 Water Supply Management Plan (WSMP) DEIR/DEIS analysis indicates that the agency does not currently have an adequate reliable supply of water for projected future customers within the USB, or even for current customers.

20-3

The District therefore notes with great interest that the East County Area Plan (ECAP) Analysis of Potential Impact 5.13-1 concludes that water supply demands from new urban development within the Plan area would not result in a potentially adverse significant environmental impact or require mitigation because the combination of new potential water (Water Conservation, State Water Project, Water Marketing) and off-stream strategies to store water (underground aquifers and Chain-of-Lakes quarries) proposed by Zone 7 appear feasible. Without more concrete or a specific plan for service in place, the District cannot comment on the feasibility of the water supply sources noted in the Plan.

20-4

#### RECLAMATION

A logical source of wastewater for EBMUD reclamation programs in the San Ramon Valley is the Dublin San Ramon Services District (DSRSD). Consequently, the extent of development and reclamation projects instituted within East County could impact the quantity of reclaimed water available to EBMUD. EBMUD has identified a potential reuse volume of 3,200 acre-feet per year (AFY).

20-5

The document identifies a potential future reuse volume of 25,500 acre-feet per year in the Tri-Valley area. EBMUD provides water to a portion of the San Ramon Valley and is currently pursuing reclamation opportunities within this portion of its service area. Please clarify whether any of the identified reuse potential lies within EBMUD's service area.

Please clarify whether the Livermore pilot reverse osmosis (RO) plant will be permanently operated. On page 8, Chapter 5.14, it states that construction of the Livermore pilot RO plant will almost cover the 0.9 MGD deficiency in export capacity that is anticipated at ECAP buildout, even with combined LAVMA-TWA facilities. However, earlier text indicates the demonstration facility will be operated for two years to determine the feasibility of a larger plant.

20-6

**SOURCE CONTROL**

**Potential Impact 5.14-1.** The Draft EIR argues for no mitigation measures based on projected wastewater export requirements shown in Table 5.14-1. As urban development continues, wet weather flows will increase. The table and supporting narrative do not quantify future Tri-Valley Wastewater Authority (TWA) wet weather flows. The Draft EIR should clearly develop justification for estimates of future wet weather flow.

20-7

The Draft EIR should speak to flow currently being regulated under the Alameda County Urban Runoff Clean Water Program (ACURCWP). Urban runoff is a major source of water pollutants. Residuals of pesticides and nutrients applied to suburban lawns may ultimately find their way to surface and groundwater. Municipalities in the existing urban areas of Alameda County are seeking to divert urban runoff flows into the sanitary sewers. Even if not diverted to the sanitary sewer, runoff from suburban sprawl will enter the watershed. The Draft EIR should clearly indicate how the ACURCWP and urban sprawl will impact flows to wastewater treatment facilities and the watershed.

20-8

**Potential Impact 5.14-3.** The Draft EIR correctly concludes that policies and programs listed in Section B support conflicting objectives. The Draft EIR must also indicate that the water recycling program described does not include an accompanying reclaim water distribution system that could make reclaimed water widely available. The Draft EIR should include assumptions made regarding the cost of a reclaimed water distribution system.

20-9

Certain of the proposed new policies regarding impacts of the proposed TWA export project are vague and potentially ineffective. "The County shall encourage..." (Policy 246, Page 6) is an example. The proposed policy should read like other County Policies that are written to assure an action. For example, Policy 251 - "The County shall not approve....".

20-10

Without a more specific policy, the Draft EIR should not conclude that mitigation measure 5.14-3 would reduce potential impact 5.14-3 to a less-than-significant level.

**Potential Impact 5.14-5.** The Draft EIR alludes to Policy 17; however, the text of Policy 17 is not given, nor is the Urban Growth Boundary shown on Figure 27. This lack of comparative information makes it impossible to determine the level of

20-11



Ms. Deborah Stein  
August 2, 1993  
Page 4

significance to attribute to this potential impact. The Draft EIR should contain a figure which clearly illustrates the areas where new discrete treatment plants could be expected and then illustrate how existing County Policies would mitigate the potential impact of low-density urban sprawl caused by the plants.

20-11

**WET WEATHER**

The anticipated total wet weather flow or portion of wet weather flow from each subagency should be specified.

20-12

If you have any questions, or if the District can be of further assistance, please call John W. Houlihan, Senior Civil Engineer, Facilities Planning, at (510) 287-1139 or Gwendolyn A. Alie, Associate Planner, at (510) 287-1053.

Very truly yours,



John B. Lampe  
Director of Water Planning

JBL:GAA:dd  
93.23

## RESPONSE TO COMMENTS LETTER 20

East Bay Municipal Utility District  
John B. Lampe, Director of Water Planning

### RESPONSE 20-1

It is not clear from this comment what type of additional information the commenter believes should have been included in the DEIR. The environmental document addressed all relevant water resource issues, appropriate to a program EIR, in *Chapter 5.12 - Water Quality and Hydrology*, *Chapter 5.13 - Water Supply*, *Chapter 5.14 - Wastewater*, and *Chapter 5.15 - Flood Hazards*.

### RESPONSE 20-2

It is not clear from the comment what significant environmental issues have been overlooked as a result of looking at water resources from an East County perspective. If larger watershed issues had been of sufficient importance, they would have been included in the EIR. However, the County agrees that in many instances water resource planning should be undertaken at the watershed level. This will require more interjurisdictional cooperation and state leadership than now exists.

### RESPONSE 20-3

Comment noted. No response is necessary.

### RESPONSE 20-4

The DEIR's conclusion that Potential Impact 5.13-1 (which states that water demand from new urban development would exceed existing water supply) is less-than-significant is based on the mitigations (i.e., policies and program) built into the plan. This conclusion is supported by Zone 7's November, 1993 Water Supply Planning Report by Camp Dresser & McKee, Inc. which demonstrates that the Zone has a number of feasible options that it can pursue to meet future needs. The commenter will have the opportunity to comment on the adequacy of the water supply identified in the project EIR prepared for the first phase of a Major New Urban Development.

### RESPONSE 20-5

The potential future reuse volume of 25,500 acre-feet per year identified in the 1992 Brown and Caldwell water recycling study was for the service area of Alameda County Flood Control and Water Conservation District Zone 7, and does not include EBMUD's service area.

**RESPONSE 20-6**

As stated on page 3 of *Chapter 5.14* of the DEIR, Livermore plans to expand the pilot RO plant to 6.5 mgd after two years of operation if the pilot plant indicates that it is feasible. Expansion could be accomplished by adding additional filter components. As stated on page 8, the pilot plant, together with the existing LAVWMA export pipeline and the proposed 12.7 mgd LAVWMA expansion, would almost equal wastewater generation at buildout of ECAP. If the Livermore RO plant is expanded to 6.5 mgd, treatment/export capacity will exceed projected buildout wastewater generation by about 5.4 mgd.

**RESPONSE 20-7**

One of the criticisms of the existing LAVWMA export pipeline agreement with the East Bay Dischargers Association (EBDA) is that the LAVWMA is calculated in "average day wet weather", while projections for new development are usually calculated in "average day dry weather" flows, and there is no universally agreed-upon conversion factor between the two measurements. The result has been that sewer agencies participating in LAVWMA have had a difficult time accurately projecting how much capacity is still available in the existing LAVWMA pipeline, relative to development permits. In an effort to fix this long-standing problem, and as noted on page 2 of *Chapter 5.14* of the DEIR, the request by TWA to EBDA for additional capacity assumed that the existing LAVWMA pipeline will become a constant flow system conveying 19.7 mgd, and the new pipeline would convey the additional dry weather flow, plus all future combined wet weather flows. No calculations were made in the request for what the combined wet weather flow would be.

**RESPONSE 20-8**

The ACURCWP is discussed in the Water Quality and Hydrology section of the DEIR (*Chapter 5.12*, pages 6-7). Potential impacts on water quality resulting from non-point source pollutants related to new development are discussed on pages 12-15. It is not the policy of the ACURCWP to divert storm water to wastewater treatment facilities for treatment. This has been done under very specific circumstances in the City of Hayward, but is not contemplated in the Livermore-Amador Valley.

**RESPONSE 20-9**

The costs cited in the DEIR for reclaimed water do not include the cost of a Valley recycled water distribution system. The cost of such a system will vary greatly, depending on the ultimate location of new reclamation plants and whether the distribution system is constructed as part of new development projects or "retrofitted" into existing development. ECAP sewer agencies are actively engaged in the construction of portions of a recycled water distribution system. For instance, DSRSD is working with property owners, the Cities of Dublin and Pleasanton, and the North Pleasanton Improvement District to construct a reclaimed water distribution system to supply recycled water to I-580 freeway interchange landscaping and to future development on either side of the freeway. A consistent County policy to mandate that future development incorporate a recycled water distribution system as part of the construction process would reduce the need for expensive retrofitting.

To this end, the following new policy will be incorporated into the plan (new language is underlined):

**Proposed New Policy:** The County shall require Major New Urban Development and other major projects including golf courses and to incorporate a recycled water distribution system as part of their facilities plan.

#### RESPONSE 20-10

TWA is a multi-jurisdictional agency and while Alameda County has voting rights, it does not control TWA. Therefore policy 246 correctly emphasizes that Alameda County shall "encourage" TWA to complete a viable urban wastewater export system. Potential Impact 5.14-3 states that export of additional wastewater effluent may preclude large-scale use of reclaimed water. Two new policies proposed as mitigation to this potential impact call for the County to consider the physical and financial impact of an export project on the future ability of providing large-scale use of recycled water, prior to approval of the export project. These policies effectively mitigate the identified potential impact.

#### RESPONSE 20-11

The proposed Urban Growth Boundary is illustrated in Figure 5. Policy 17 states that "the County shall approve urban development only if it is located within the Urban Growth Boundary (see *Chapter 5.1*, page 12). As stated in the text on page 13 of *Chapter 5.14*, proposed County policies, including policy 17, limit where urban development can be located. These policies will preclude the potential for new discrete treatment plants from contributing to urban sprawl. Please refer to **Response to Common Question #5** for a discussion of how leap-frog development is controlled within the Urban Growth Boundary. Discrete treatment plants would be part of the plan's phasing requirements for Major New Urban Development.

#### RESPONSE 20-12

Please refer to RESPONSE 20-7 regarding wet weather flows.

C

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**CONTRA COSTA  
WATER DISTRICT**

ENGINEERING DEPARTMENT  
2300 Starwell, Suite A  
P.O. Box H20  
Concord, CA 94524  
(510) 674-8000 FAX (510) 603-8303

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AUG 05 1993

**LETTER 2**

August 3, 1993

Directors  
Ronald E. Butter  
President  
Daniel L. Pellegrini  
Vice President  
Bette Boatman  
Donald P. Freitas  
Joseph L. Campbell  
Walter J. Bishop  
General Manager

Mr. Adolph Martinelli, Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, California 94544

**Subject: Commentary on East County Area Plan Draft EIR**

Dear Mr. Martinelli:

The Contra Costa Water District (CCWD) has received the Draft EIR for the East County Area Plan. The proposed East County Area Plan covers 418 square miles conforming generally to the eastern half of Alameda County. It is intended to guide actions for managing the area's development over the next twenty years through both policy and a land use plan. The Draft EIR evaluates the potential environmental effects associated with the proposed Plan and several alternatives. The focus of the District's comments are directed to the updating of mapping to reflect the current CCWD land ownership within the Kellogg Creek watershed. CCWD is acquiring virtually the entire watershed for the Los Vaqueros Project conforming to the established CCWD sphere of influence for the Project.

The following specific comments are provided for your consideration:

Figure 6. This Open Space Diagram, under "Water Management" lands, should reflect recent CCWD land acquisitions in connection with the Los Vaqueros Project. A copy of the CCWD Kellogg Creek No. 93-01 Annexation Exhibit B is provided to show the additional lands which now total 713.5 acres within Alameda County. The subject recent acquisitions are highlighted on Exhibit B.

21-1

Chapter 5.1, page 15. Policy 74 states "The County shall work with the East Bay Regional Park District (EBRPD) and the Livermore-Amador Recreation and Park District (LARPDP) to ensure that open space trails adjacent to San Joaquin, Contra Costa and Santa Clara Counties connect with trail systems in these other counties." Additional wording may be appropriate for Policy 74 that would include open space lands with the potential for trail development that are owned by agencies other than the two park districts. Enclosed is CCWD commentary on this proposed policy in connection with the review of the East County Area Plan.

21-2

Figure 12. This Major Park Facilities and Regional Trails map also identifies "Watershed Lands". The same updating noted for Figure 6, above, should be made for this map. Please add recent CCWD land acquisitions for the Los Vaqueros Project to the designated Watershed Lands.

21-3

Figure 13. This Generalized Land Uses map identifies CCWD and East Bay Regional Park District lands as "Protected Open Space" (in public ownership) in Contra Costa County only. Please update this map to account for current CCWD

21-4

ownership in both Alameda and Contra Costa County as provided on the enclosed Kellogg Creek No. 93-01 Annexation exhibit map.

21-4

Figure 26. This Water District Boundaries map does not indicate the CCWD boundaries. The current CCWD ownership within Alameda County (713.5 acres) has been annexed into CCWD. In correcting this map, a distinction should be made that CCWD's sphere of influence (SOI) allows annexations for watershed purposes only. In the Alameda LAFCO approval for CCWD's SOI in 1988, CCWD is "precluded from providing water distribution services in the Livermore Area C Planning Area".


21-5

Chapter 5.16, page 6. Second reference to Policy 74. Same commentary applies as provided above for Chapter 5.1, page 15.

21-6

Thank you for this opportunity to provide input to the Draft East County Area Plan. If you have any questions on the comments or need further mapping information, please call Dennis Pisila, Utility Planner at 674-8119.

Sincerely,

  
Arthur R. Jensen  
Director of Planning

ARJ/DP:rlr

Enclosures

## COMMENT ON ALAMEDA EAST COUNTY AREA PLAN

The following commentary is provided as an attachment to Contra Costa Water District (CCWD) comments on the East County Area Plan Draft EIR. The comments address the updating of mapping information to reflect current CCWD ownership within the Kellogg Creek watershed and planning trail connections into other counties.

### Volume 1. Goals, Policies and Programs.

Page 14, Policy 74. "The County shall work with the East Bay Regional Park District (EBRPD) and the Livermore-Amador Recreation and Park District (LARPDP) to ensure that open space trails adjacent to San Joaquin, Contra Costa, and Santa Clara Counties connect with trail systems in these other counties." The objective is to provide trail continuity into adjacent counties by required coordination with the EBRPD and LARPDP. Since the CCWD has acquired land areas in both Alameda and Contra Costa Counties for watershed protection in connection with the Los Vaqueros Reservoir Project, you may wish to consider adding wording in the policy that would allow coordination with agencies other than the two Park Districts. Current CCWD watershed management policy, however, does not include provisions for public access to District lands (Los Vaqueros Project Draft EIR/S, page 12-7). Also, in the acquisition of the former Jackson property (approximately 500 acres in Alameda County, see enclosed maps) provisions were allowed for continued wind farm and grazing rights which essentially preclude recreational uses. Any future trails in the watershed will likely circumvent that former ownership.

21-7

### Volume 2. Background Reports - Setting, Trends and Issues.

Page 2, Non-Urban Land Use and Open Space. Under the title "Watershed Lands", no mention is given to CCWD watershed land ownership for the Los Vaqueros Project. Current CCWD ownership within Alameda County is approximately 700 acres with the intent to acquire additional lands within the Kellogg Creek watershed area in Alameda County (see enclosed map titled "Kellogg Creek No. 93-01 Annexation" for general watershed boundary). The CCWD has an approved sphere of influence (for watershed purposes only) for the Kellogg Creek watershed area and is actively annexing District owned lands into the District. Currently, a total of 13,418 acres have been acquired in both counties. The District expects to acquire and annex a total of approximately 18,000 acres for the Project.

21

Figure 9, Williamson Act Status. The boundaries for the CCWD ownership (i.e., the 713.5 acres acquired to date for the Los Vaqueros Project) identified as "Other Protected Lands" should be updated as provided on the enclosed exhibit maps from the Kellogg Creek No. 93-01 Annexation documents.

21-9

Figure 19, Water District Boundaries. To be technically correct, CCWD boundaries for the Los Vaqueros Project watershed lands should be shown (see enclosed exhibits). The Kellogg Creek No. 93-01 Annexation was completed on May 25, 1993. CCWD's sphere of influence for the Project was established in 1988 by the Alameda LAFCO. CCWD is "precluded from providing water distribution services in the Livermore Area C Planning Area" which includes the currently proposed North Livermore Area General Plan by the City of Livermore.

21-10

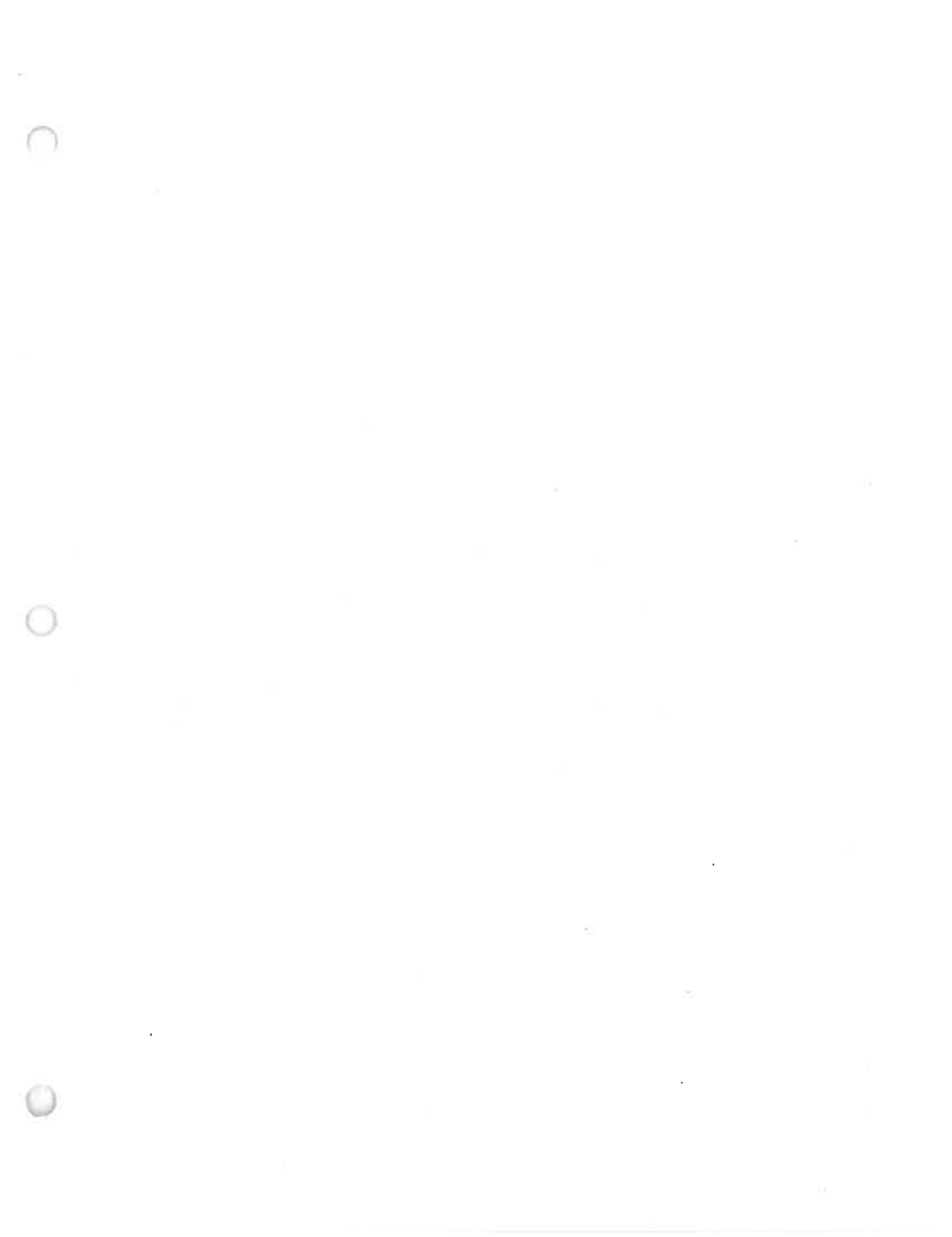
Figure 22, Major Park Facilities and Regional Trails. In addition to updating CCWD boundaries in Alameda County, you may wish to show updated boundaries in Contra Costa County in the flared area.

21-11

Enclosures: Exhibits "B" and "C", Kellogg Creek No. 93-01 Annexation, February 19, 1993

dp  
August 3, 1993





**RESPONSE TO COMMENTS  
LETTER 21.**

Contra Costa Water District  
Arthur R. Jensen, Director of Planning

**RESPONSE 21-1**

Figure 6 will be updated in the FEIR to reflect recent CCWD land acquisitions in connection with the Los Vaqueros Project.

**RESPONSE 21-2**

To address the potential for coordination with other agencies in addition to EBRPD and LARPD, policy 74 will be amended as follows: (new language is underlined; deleted language is ~~struckout~~)

Policy 74: The County shall work with the East Bay Regional Park District (EBRPD), and the Livermore-Amador Recreation and Park District (LARP), and other relevant agencies to ensure that open space trails adjacent to San Joaquin, Contra Costa, and Santa Clara Counties connect with trail systems in these other counties.

**RESPONSE 21-3**

Figure 12 will be updated in the FEIR to reflect recent CCWD land acquisitions in connection with the Los Vaqueros Project.

**RESPONSE 21-4**

Figure 13 will be amended in the FEIR to show the 713.5 acres owned by Contra Costa Water District in Alameda County.

**RESPONSE 21-5**

Figure 26 will be amended in the FEIR to show the 713.5 acres owned by Contra Costa Water District in Alameda County, with a note indicating that CCWD is precluded from providing water distribution services in Alameda County.

**RESPONSE 21-6**

Please see RESPONSE 21-2 above.

**RESPONSE 21-7**

Please see RESPONSE 21-2 above.

**RESPONSE 21-8**

The plan will include a list of revisions to the Background Reports (Volume 2 of the plan) to reflect corrections and updated conditions noted by the commenter.

**RESPONSE 21-9**

The plan will include a list of revisions to the Background Reports (Volume 2 of the plan) to reflect corrections and updated conditions noted by the commenter.

**RESPONSE 21-10**

The plan will include a list of revisions to the Background Reports (Volume 2 of the plan) to reflect corrections and updated conditions noted by the commenter.

**RESPONSE 21-11**

The plan will include a list of revisions to the Background Reports (Volume 2 of the plan) to reflect corrections and updated conditions noted by the commenter.

**DUBLIN  
SAN RAMON  
SERVICES  
DISTRICT**



7051 Dublin Boulevard  
Dublin, California 94568  
FAX: 510 829 1180

510 828 0515

**LETTER 22**

August 3, 1993

**RECEIVED**

**AUG 04 1993**

Adolph Martinelli, Planning Director  
Alameda County Planning Dept.  
399 Elmhurst Street  
Hayward, CA 94544

Subject: East County Area Plan Draft EIR

Dear Mr. Martinelli:

It is our pleasure to present the comments of the Dublin San Ramon Services District (DSRSD) on the draft EIR for the East County Area Plan. Our detailed comments are presented in the attachment to this letter. These comments apply only to those portions of the East County Area Plan that would ultimately be served by DSRSD.

As the period for written comment on the East County Area Plan will remain open until after August 19, 1993, we will provide separate comments on that document at a later date.

The EIR generally shows a thorough and conscientious effort to identify all issues and impacts related to provision of water, waste water, and recycled water services in the East County areas which DSRSD may in future be expected to serve.

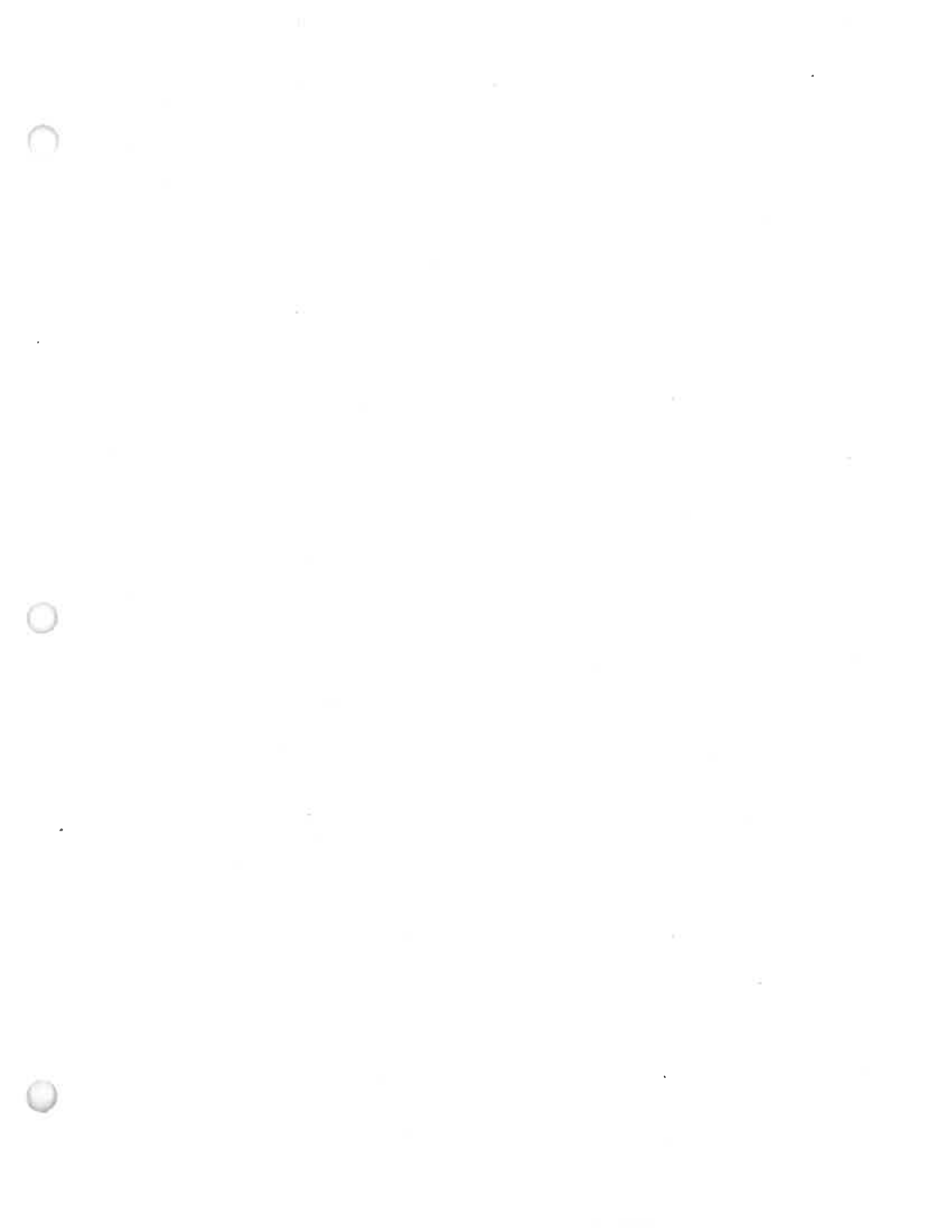
We would be happy to discuss these comments with your staff or the County's consultant. Thank you for the opportunity to comment.

Sincerely,

**BERT MICHALCZYK**  
Technical Services Manager

BLM:sjc

Attachment



**COMMENTS ON THE  
DRAFT ENVIRONMENTAL IMPACT REPORT  
FOR THE EAST COUNTY AREA PLAN  
DATED JUNE, 1993**

**PART I - INTRODUCTION**

No Comments

**PART II - PROJECT DESCRIPTION AND SUMMARY**

No Comments

**PART III - ENVIRONMENTAL ANALYSIS AND MITIGATION MEASURES**

**CHAPTER 5.13 - WATER SUPPLY**

1. Page 4. An overall community consumption rate of 210 gallons per cap per day used by Zone 7 for planning purposes is referenced. This is an historical rate and does not reflect current nor future expected changes in the jobs/housing balance which may act to depress overall water consumption valley-wide, (as the valley-wide jobs/housing ratio decreases, overall per-capita water use will decrease). Within DSRSD, pre-drought overall consumption rates have averaged approximately 170 gallons per capita per day. Even after future adjustment in jobs/housing balance within Dublin (including Eastern Dublin), this rate is expected to remain near 180 gallons per capita per day. DSRSD suggests a lower consumption rate of approximately 180 gallons per capita per day be utilized for projections of planning area water needs or alternatively separate estimates be made for domestic, commercial and irrigation based on the land uses proposed. 22-1
  
2. Page 6, first Paragraph. The text states that Eastern Dublin is not within any water service district. It should be noted the Eastern Dublin Specific Plan area as approved by the City of Dublin is within the sphere of influence of DSRSD. The text further states a complete water system to serve the area must be connected to the Zone 7 system. This is true, but the distribution system will also be inter-connected to the existing DSRSD water system. DSRSD expects to obtain its supply from the Zone 7 system for this area. However, if Zone 7 is unwilling or unable to supply the water, DSRSD is prepared to seek alternate sources of domestic water and supply these by special contract through the Zone 7 system or by other measures. 22-2
  
3. Page 7 - Water Conservation. DSRSD has signed the MOU with the California Urban Water Conservation Council and has begun measures to implement its 22-3



provisions. DSRSD encourages Zone 7, other Valley water agencies, and Alameda County to sign the MOU also.

22-3

4. Page 9, Policy 234. It is unclear what the purpose of the cost allocation system will be. It is further unclear which jurisdiction will administer the cost allocation system. It should be also noted that the individual retail agencies have chosen to prepare the Water Shortage Contingency Plan as required by AB 11, Filante. DSRSD adopted its Contingency Plan in April, 1992. More information is requested on the intended purpose and mechanism of the program proposed by Policy 234.

22-4

5. Page 9, Policy 236. This Policy requires what is more commonly termed a "will serve" letter issued by the water retailer. "Permanent" water supply is left undefined. We suggest the following wording: "Require development applicants to obtain a will-serve letter in accordance with California subdivision law from the water retailer stating that water service will be provided prior to tentative map approval or issuance of any grading permit". The remainder of the Policy should be detached as a separate policy.

22-5

6. Page 10, Policy 241. As noted in No. 3 above, DSRSD has signed the MOU and begun implementation of Best Management Practices.

22-6

7. Page 10, Policy 245. Resolution 42-92 of the DSRSD Board of Directors (Attachment A to these comments) establishes policies and priorities for provision of recycled water. It provides that in certain areas such as golf courses and commercial landscaping, recycled water will be a required addition to the potable supply. DSRSD will require that recycled water be provided to all golf course and commercial development landscaping in accordance with adopted policy of the DSRSD Board of Directors throughout its service area.

22-7

We recommend that recycled water use be strongly encouraged throughout the Plan area, but the ultimate policy decision must be left to the water retailer within each service area.

8. Page 12, Table 5.13-4. The Table and the accompanying text refer to an anticipated conservation savings of 10%. It should be clearly explained which measures are expected to result in this savings. DSRSD anticipates savings of approximately 6% of pre-drought use rates by 1994, through implementation of Best Management Practices. Use of recycled water for selected irrigation projects within the existing District are in addition to this, and future development utilizing recycled water for appropriate demands will show a reduction in historical per capita use.

22-8

9. Page 15, Proposed Modification to Policy 245. Please see comment number 7 above. The feasibility of provision of recycled water must be left to the water retailer for each development proposal. DSRSD is presently preparing a Recycled Water Master.

22-9

Plan which when completed will indicate recycled water service zones within which recycled water will be mandatory for appropriate irrigation demands. 22-9

10. Figure 26-Water District Boundaries. The Figure incorrectly implies that the District Boundary of DSRSD is as shown on the map. Although the area in which DSRSD serves water is generally shown correctly, the actual District Boundary within Alameda County is more accurately shown on Figure 27. Please also see the enclosed District Boundary map (Attachment B). The map should also show adopted spheres of influence for the various agencies. 22-10

#### CHAPTER 5.14 - WASTEWATER

1. Page 6 - Policy 246, Policy 247. DSRSD supports the County's effort to continue to influence the provision of additional export capacity, regardless of whether TWA or LAVWMA ultimately builds a new export project. 22-11
2. Page 7, Policy 253. The policy should require that new wastewater treatment plants be operated by a public, but not necessarily County, agency. 22-12
3. Page 11 - Potential Impact 5.14-3. This impact addresses the perceived potential conflict between a new wastewater export project and provision of Reverse Osmosis treated recycled water. A commitment to a wastewater export project will not make recycled water less economically practical. This is because several viable projects were identified by the Livermore-Amador Valley Water Recycling Study which make use of non-demineralized recycled water. Furthermore, the demand for recycled water is lowest during the time of year when wastewater flows are typically greatest; although a Reverse Osmosis system can be expected to lower the demand for export capacity at certain times of the year, it will not replace the need for equivalent export capacity because a year-round demand for treated effluent is not provided by recycled water landscape irrigation. We, therefore, suggest that the second Proposed New Policy on page 12 is unnecessary and should be deleted. 22-13
4. Figure 27 - Sewer Service Areas and Major Facilities. The map suggests that the City of Pleasanton provides wastewater treatment services. DSRSD operates a regional wastewater plant serving Dublin and the south portion of San Ramon and provides wastewater treatment services under contract to the City of Pleasanton. 22-14

#### PART IV - ALTERNATIVES AND CEQA CONSIDERATIONS

#### CHAPTER 6 - EVALUATION OF ALTERNATIVES

1. Under the Water Supply paragraph, all the alternatives list the expected additional demand for water and then list the demand should 10% conservation be implemented. This implies the 10% conservation is optional, however, the Plan Policies which are utilized for mitigation require conservation as part of the mitigation. (See comment 8 22-15



to Chapter 5.13 above for comments on actual levels that may be practically attainable.) Thus, the alternatives should state the water demand resulting from implementation of the conservation measures.

22-15

2. Under the Wastewater paragraph, the alternatives state that "additional export capacity and/or advanced water reclamation plants would be needed." (Emphasis added) It has not been conclusively shown that water recycling can be an equal trade for additional export capacity. Although recycled water can and will significantly reduce wastewater export demand during the summer months, nonetheless a permanent, "firm" solution to provide additional export capacity will be required.

22-16

## **PART V - REPORT PREPARATION AND APPENDICES**

No Comments



RESOLUTION NO. 42-92

RESOLUTION OF THE BOARD OF DIRECTORS OF THE DUBLIN SAN RAMON SERVICES DISTRICT ADOPTING POLICIES REGARDING WATER RECYCLING

---

WHEREAS, The Constitution of the State of California requires that water be put to maximum beneficial use; and

WHEREAS, The State of California Water Code declares the State's intention to undertake all possible steps to encourage development of water recycling facilities so that recycled water is available to help meet the growing water requirements of the state; and

WHEREAS, water recycling projects can extend existing water supplies and make them more drought tolerant and reduce wastewater disposal costs; and

WHEREAS, the Memorandum of Understanding for Urban Water Conservation in California approved by the Dublin San Ramon Services District calls for the District to support water recycling wherever technically and economically reasonable; and

WHEREAS, development of recycled water projects can reduce or eliminate the need to develop additional water resources; and

WHEREAS, recycled water can contribute to the water supply and water reliability for the Dublin San Ramon Services District; and

WHEREAS, the success of the Dublin San Ramon Services District in pursuing a new water supply as identified in the Water Supply Policy adopted by Resolution 5-92 may be influenced by the amount of recycled water use by the District; and

WHEREAS, the California Department of Health Services has established statewide criteria for recycled water projects to assure health protection;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Dublin San Ramon Services District a public agency in the State of California, Counties of Alameda and Contra Costa as follows:

I. GENERAL

- A. It is the policy of the District to promote, produce, sell and deliver recycled water to retail and wholesale customers both within and outside the District in a manner consistent with prudent public policy.
- B. It is the policy of the District to manage the recycled water program on an equitable and self-supporting utility basis with enterprise, expansion, replacement components including reserves for planning purposes.
- C. It is the policy of the District to work with the State of California, the Counties of Alameda and Contra Costa and individual cities to develop ordinances and guidelines to encourage the use of recycled water.
- D. It is the policy of the District to develop local regulations and standards to ensure the safe and beneficial use of recycled water.
- E. It is the policy of the District to conduct on-going public information and customer service programs to ensure that the public and individual customers have an appropriate understanding of recycled water including the benefits of using recycled water.
- F. It is the policy of the District to consider the following priority for allocating recycled water service to the various customer classes identified herein:

- Priority 1 (Highest) Retail Customers within the District

- Priority 2 - Wholesale Customers within the District and Retail Customers outside the District
- Priority 3 (Lowest) Wholesale Customers outside the District

G. This policy is applicable to that recycled water which is under DSRSD's sole discretion to provide for sale.

## II. RECYCLED WATER SERVICE TO RETAIL CUSTOMERS WITHIN THE DISTRICT'S ANNEXED TERRITORY

A. It is the policy of the District to require the use of recycled water for specific retail uses within the District that are within defined water recycling zones as a condition of potable water service; the users and zones will be defined by ordinances.

B. It is the policy of the District to establish such uses and zones on a case-by-case basis as determined by the Board of Directors considering the economic, environmental and institutionally feasibility of the uses and zones. The economic feasibility will be determined at the sole discretion of the Board of Directors using such tests as are appropriate unless there is a finding by the Board of Directors that it is in the best interest of the District to proceed on other grounds. District costs include but are not limited to District staff and outside contract costs for planning, design, construction, operation and maintenance, and replacement of the system.

C. It is the policy of the District to plan, design, construct, and own and operate major water recycling infrastructure facilities; and to require the construction and dedication of in-tract water recycling facilities such as distribution systems to the District in accordance with pre-established standards.

D. It is the policy of the District to allow backup potable water supplies for those infrequent times when recycled water deliveries may be halted and to establish conditions of service for such situations.

III. RECYCLED WATER SERVICE TO WHOLESALE CUSTOMERS WITHIN THE DISTRICT'S ANNEXED TERRITORY

A. In those portions of the District's annexed territory in which the District does not provide potable water service, it is the policy of the District to encourage the potable water retailer to provide water recycling service to the maximum extent feasible.

B. In such instances where the potable water retailer does not provide cost effective recycled water service it is the policy of the District to vigorously pursue on a case-by-case basis direct service by the District to those customers determined by the Board of Directors considering the economic, environmental and institutionally feasibility of that service. The economic feasibility will be determined at the sole discretion of the Board of Directors using such tests as are appropriate unless there is a finding by the Board of Directors that it is in the best interest of the District to proceed on other grounds.

C. It is the policy of the District that agreements between the District and wholesale recycled water users be long-term due to the significant capital investment associated with the development of such projects.

IV. RECYCLED WATER SERVICE TO RETAIL AND WHOLESALE CUSTOMERS OUTSIDE THE DISTRICT'S SERVICE AREA

A. It is the policy of the District to provide recycled water to retail and wholesale customers outside of the District whenever they request service subject to:

(1) case-by-case determination by District Board of Directors of the economic, environmental and institutionally feasibility of doing so; the economic feasibility will be determined at the sole discretion of the Board of Directors using such tests as are appropriate unless there is a finding by the Board of Directors that it is in the best interest of the District to proceed with a project on other grounds;

(2) availability of recycled water as determined by the priority of projects identified above and further determined by signed agreements for firm delivery.

B. For any such service outside the District, the District shall reserve the right to require oversizing of facilities with such oversizing to be included in the costs to the first user.

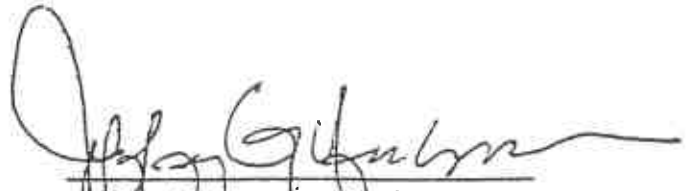
C. It is the policy of the District that agreements between the District and recycled water users outside the District be long-term due to the significant capital investment associated with the development of such projects.

Adopted by the Board of Directors of the Dublin San Ramon Service District at its regular meeting held on the 4th day of August, 1992 and passed by the following vote:

AYES: 5 - Directors Joseph Covello, Georgean M. Vonheeder, G.T. (Tom) McCormick, Donald M. Schinnerer, Jeffrey G. Hansen

NOES: 0

ABSENT: 0



Jeffrey G. Hansen, Resident

ATTEST:   
Nancy Gamble, Secretary



# DUBLIN SAN RAMON SERVICES DISTRICT DISTRICT BOUNDARY

Last Boundary Change: August 27, 1991.

1" = 2,000 feet





## RESPONSE TO COMMENTS LETTER 22

Dublin San Ramon Services District  
Bert Michalczyk, Technical Services Manager

### RESPONSE 22-1

Throughout the water supply analysis, two water consumption rates have been used: 210 gallons/day/per capita (the rate used by Zone 7); and 190 gallons/day/per capita (a less conservative rate which assumes a 10 percent conservation savings). As the commenter suggests, 180 gallons/day/per capita may be a more realistic rate. However, for purposes of this EIR, the more conservative rates were used in the demand analysis.

### RESPONSE 22-2

The following text will be inserted on page 6 of *Chapter 5.13 - Water Quality* under the Doolan Canyon, East Dublin, North Livermore Valley heading:

The Eastern Dublin Specific Plan area as approved by the City of Dublin (May 10, 1993) is within the sphere of influence of Dublin San Ramon Service District (DSRSD) and will be served by the DSRSD. DSRSD has stated that if Zone 7 is unwilling or unable to supply water to Eastern Dublin, it will seek alternate sources of domestic water which it will supply to Eastern Dublin under special contract through the Zone 7 system or by other measures.

### RESPONSE 22-3

Comment noted. The following policy and program in the draft plan address your concern:

**Policy 241:** The County shall encourage Zone 7, water retailers, and cities to sign the California Urban Water Conservation Council's Memorandum of Understanding which binds parties to implement Best Management Practices where feasible.

**Program 88:** The County Board of Supervisors shall sign the California Urban Water Conservation Council's Memorandum of Understanding which binds parties to implement Best Management Practices where feasible.

## RESPONSE 22-4

Policy 234 recommends that a groundwater pump monitoring/cost allocation system be developed as part of the comprehensive water plan, the details to be worked out by the water plan participants. The potential need for monitoring and allocating cost of groundwater use is explained under Potential Impact 5.13-2 in the DEIR (page 13 in *Chapter 5.13 - Water Supply*). Briefly, if the groundwater basin is used to store purchased surface water as currently discussed by Zone 7 and/or if increasingly short water supplies cause major users to overdraft the basin based on safe-yield data, then pumping will need to be metered so that user charges can be fairly applied and/or to prevent depletion of the groundwater basin. Groundwater management which includes monitoring of major users is increasingly being practiced in other areas of the state and country and should be practiced in the planning area as well.

## RESPONSE 22-5

Comment noted. To clarify the intent of the policy with respect to the word "permanent", policy 236 will be modified as follows (new language is underlined; deleted language is ~~struckout~~):

Policy 236: The County shall approve new development contingent on verification that an adequate ~~and permanent~~ long-term water supply can be provided to serve the development. The County shall encourage developers of Major New Urban Development to seek new sources of water to supplement existing sources so that there will be sufficient water for smaller infill projects.

With regard to requiring a "will-serve" letter, as the commenter noted, this is required of developers under California subdivision law and there is no need for the *East County Area Plan* to restate this requirement.

## RESPONSE 22-6

Comment noted.

## RESPONSE 22-7

Comment noted. The commenter has given no reason why this policy decision should be left to the water retailer.

## RESPONSE 22-8

As noted on page 7 in *Chapter 5.13 - Water Supply* of the DEIR, conservation savings of 10 to 15 percent could be achieved from implementing the Best Management Practices (see page 17 of D. Public Facilities and Services - Water Supply Background Report, *Volume 2* of the *Draft East County Area Plan*) according to the State Department of Water Resources. More specific information on potential water conservation from implementing these practices under the proposed plan is not

available. Future use of recycled water could significantly contribute towards reducing water demand, especially with the implementation of reverse/osmosis wastewater treatment plants to produce potable water.

#### RESPONSE 22-9

Please refer to RESPONSE 22-7.

#### RESPONSE 22-10

Correction noted. Figure 26 of the DEIR will be corrected to show the Dublin San Ramon Service District boundaries, as shown on Attachment B and Figure 27. In East County, the sphere of influence for DSRSD is the same as the City of Dublin's SOI. City SOIs are shown on DEIR Figure 8; these generally coincide with the cities' sewage and water service district spheres of influence. The California Water Service Company is a state Public Utility Commission authorized service area. It is expected to continue to share serving the Livermore area and to expand service south of the City of Livermore as annexations occur.

#### RESPONSE 22-11

Comment acknowledged.

#### RESPONSE 22-12

We agree that this policy should be more inclusive. Changing the policy to public agency from County agency would have no impact on the potential for new discrete treatment plants to contribute to urban sprawl. Policy 253 will be modified as follows (new language is underlined; deleted language is ~~struckout~~):

Policy 253 (as modified): The County shall require that all new discrete wastewater treatment plants be operated and maintained by a public ~~County~~ agency, and that sufficient funds for long-term operation and maintenance are assured.

#### RESPONSE 22-13

All three of the recommended projects for water reuse in the Livermore-Amador Valley Water Recycling Study include groundwater storage of winter flows. Two of the recommended projects would use demineralized wastewater exclusively for groundwater recharge, and could occur year-round. In fact, of the recommended projects, year-round groundwater recharge had the highest potential volume of wastewater recycling, far more than identified landscape irrigation projects.

As noted in the DEIR, wastewater recycling is important not just to provide a means of solving the Valley's wastewater export problems, but also as a potentially critical "new" water source.

Therefore, it is imperative that the potential effects of a major new export system on the potential for creating a viable water recycling effort be examined.

**RESPONSE 22-14**

Comment noted. Figure 27 refers to sewer service areas, and differentiates between the DSRSD and Pleasanton collection areas. As noted in the text (page 1 of Chapter 5.14), the DSRSD Treatment Plant is located in Pleasanton. To clarify this matter, the legend of Figure 27 of the DEIR will be corrected to replace "Sewage Treatment Area" with "Sewage Service Area".

**RESPONSE 22-15**

The analysis of the water supply under the various alternatives states: "If conservation practices were effectively implemented, a 10 percent savings would occur reducing this figure to about ..... (underlining added)". The above quoted statement does not imply that conservation measures are optional. Because the effectiveness of implementing the conservation practices under the plan is not known at this time, the conservation factor of 10 percent cannot be assumed. The DEIR appropriately gives a conservative figure for water demand as well as an estimate of reduced demand that can reasonably be expected.

**RESPONSE 22-16**

Please refer to RESPONSE 22-13 above regarding the use of recycled water for year-round groundwater recharge.

AUG 04 1993

LETTER 23



Livermore Area  
Recreation & Park District

71 Trevarno Road, Livermore, CA 94550-2277  
(510) 373-5700, Fax (510) 447-2754

General Manager  
Douglas A. Bell

August 3, 1993

Deborah Stein  
Assistant Planning Director  
Alameda County  
Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

Dear Ms. Stein:

Re: East County Area Plan Volume I, Volume II and Draft  
Environmental Impact Report (DEIR)

The Livermore Area Recreation and Park District (LARPD) has received the prepared document (DEIR) for the East Alameda County General Plan Amendment. The documents cover many issues and concerns affecting the District Park Master Plan including the Trail Master Plan, park dedication and development fees.

The Board of Directors reviewed and discussed staff recommendations at their Special Board Meeting of July 28, 1993. Following are comments prepared by staff and issues raised by the Board.

23-1

The District Board and staff is appreciative of the county for including LARPD's approved Parks and Trail Master Plans in the East County Area Plan update.

The proposed major new urban development in North Livermore comes with a significant shift towards a transit and pedestrian-oriented, self-sufficient compact community. Under this umbrella of a compact community, trails, open spaces and parks will play a significant role in the quality of life.

There is a perception that the report includes only pedestrians and bicyclists under multi-use trail designation while excluding equestrian trails, etc. The

23-2

\_\_\_\_\_  
Director

Al Bernal

David R. Bing

Larry Faltings

Marlin A. Pound

Alice Quinn

District's Trail Master Plan incorporates all types of users where possible. The East County Area Plan Documents should reflect this in its goals, policies and programs.

23-2

In September 2, 1992, a new countywide Alameda County park dedication ordinance came into affect. The new ordinance requires the dedication of land or payment of an in-lieu fee for residential tracts of five or more units. The new ordinance has taken a significant step to elevate those fees with current fees assessed by the City of Livermore. It is also important that these fees are reviewed and updated frequently to reflect economic changes in providing recreation services and needs of the community. With recent events of the state usurping local tax funds to make the state budget balanced, maintenance funding sources have been severely impacted. A mechanism needs to be in place prior to any population increase in North Livermore area to address maintenance funding for park facilities. Policy #24 and #32 address that issue, but specific program is not identified in the plan.

23-3

Program II, under Development Fees, proposes sliding scale fees decreasing as the density of development increases in order to provide affordable housing. The scenario may function for housing, but the sliding scale is inappropriate for parks and recreation amenities. The reverse condition may hold true by which the park and recreation facilities need to be larger or more numerous and more intensely maintained to meet the demand.

23-4

In Policy #214, the County "supports location of school facilities adjacent to local parks...and shall support the shared use of school facilities..." The District supports this policy only for elementary schools and not for middle and high schools (see adopted District Master Plan).

23-5

The DEIR states, "The District also proposes to establish a park to which historic buildings may be moved on land adjacent to Ravenswood..." It is presumed and understood that the property in question is that of the County.

23-6

The East County Area Plan states "The County shall...", "The County shall support ...", "The County shall work ..." or "The County shall create..." in policies # 193, #194 and #195. Are the policies indicating any County financial support in the development and maintenance of these trails?

23-7

The Specific Services and Facilities section of the plan covers Goals, Policies and Programs for Park and Recreational Facilities on a regional level (Regional Parks and facilities, trails and trail corridors); it lacks

23-8

substance on specific goals, policies and programs to sufficiently address neighborhood, community and special use parks. Policy #53 is a first step in the right direction but it lacks specifics.

23-8

The plan proposes formation of a New Alameda County Open Space Land Trust in the North Livermore area to address open space acquisition issues. The plan also indicates the possibilities of combining the New Alameda County Open Space Trust with the South Livermore Valley Agricultural Land Trust. The District Board requests that the Board and staff, with EBRPD, be involved in the formation, selection and composition of the trust or trusts. The formation of a single trust or separate trusts directly affect the District's approved Master Plans and the new EBRPD boundary for regional parks and open spaces. Policy #74 identifies

23-9

Policy # 74 identifies LARPD as "Livermore-Armador Recreation and Park District." Our full name is Livermore Area Recreation and Park District. Please reflect that change in all documents.

23-10

The East County Area Plan Open Space Separators, "Greenbelt", between communities with zoning changes (i.e. density transfer, dedication, fee purchase, easements etc.) maybe a possible way to contain Urban Growth Boundary and provide a community benefit.

23-11

The Goals, Policies and Programs document indicates that Alameda County will be working on subsequent General Plan phases. The area of specific interest by District is the Natural Resources, Recreation and Open Spaces update. This section of the update is critical to the District in locating, sizing and type of active and passive recreation elements. The park staff would like to work closely with County staff and/or consultant on the update.

23-12

The Board and staff appreciate Alameda County's work in placing the District Master Plans into the East County Area Plan. The Plan was well received by the District Board and staff.

23-13

Please keep us informed on the progress of the documents and concerns expressed above.

Sincerely,

*Felix Errico*

Felix Errico  
Assistant Planner

c.c. Board of Directors  
Doug Bell  
Jerry Ingledue  
E.B.R.P.D.





**RESPONSE TO COMMENTS  
LETTER 23**

Livermore Area Recreation & Park District  
Felix Errico, Assistant Planner

**RESPONSE 23-1**

Comment noted.

**RESPONSE 23-2**

The ECAP is not intended to exclude trails designed for other than pedestrian and bicycle use. Policy 207 states that "The County shall require new developments to provide trails consistent with EBRPD and LARPD regional trail plans", and all material in the ECAP which relates to trail plans is based on EBRPD and LARPD master plans.

**RESPONSE 23-3**

The concern expressed over a specific mechanism for park maintenance funding is addressed by a proposed modification to one of the new policies delineated in the DEIR. This modification (see **Response to Common Question #10**) requires that Major New Urban Developments provide a financing plan that will "ensure that development will pay the full cost of all capital improvements" and "that revenue generated by the project is sufficient to pay for general services and other operating costs."

**RESPONSE 23-4**

LARPD's point is well taken and will be taken into consideration when the specifics of the sliding fee scale are worked out.

**RESPONSE 23-5**

We do not see why a distinction should be made between elementary and other types of schools with respect to shared use of school facilities and sitting near local parks. We will, of course, consult with LARPD regarding any specific sitting issues which arise in conjunction with new school facilities.

**RESPONSE 23-6**

Our reference to the "historic receiver site" at Ravenswood is taken from information in the LARPD Master Plan. No commitment for such use of county-owned property has been made by the county.

**RESPONSE 23-7**

Policy 193 could, if necessary, entail County financial backing for trail development and maintenance. Policies 194 and 195 are less likely to entail direct County funding, although the possibility does exist.

**RESPONSE 23-8**

Policy 53 is supplemented by Table 7 on page 87 of the ECAP (Volume 1). The table provides specific level of service guidelines for public facilities (including parks) in Major New Urban Developments.

**RESPONSE 23-9**

Comment noted. We will consult with both LARPD and EBRPD when the time comes to set up the Open Space Land Trust in North Livermore. We will also consult with the park districts on the possibility of combining the trust with the South Livermore Valley Agricultural Land Trust.

**RESPONSE 23-10**

The change from "Livermore-Amador Recreation and Park District" to "Livermore Area Recreation and Park District" in policy 74 will be made.

**RESPONSE 23-11**

Comment noted.

**RESPONSE 23-12**

Comment noted. We will notify LARPD when activity begins on subsequent phases of the General Plan revision process.

**RESPONSE 23-13**

Comment noted.



ALAMEDA COUNTY  
PLANNING DEPARTMENT  
HAYWARD, CALIFORNIA

JUL 26 12 32 PM '93

July 21, 1993

Mr. Adolph Martinelli, Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

Subject: Draft Environmental Report for the East County Area Plan

Dear Mr. Martinelli:

We wish to thank you for soliciting the comments of this Authority on the Draft Environmental Impact Report (DEIR) for the East County Area Plan.

The Board of Directors of this Authority at their July 12, 1993 meeting, resolved to support the public transit element of the plan, and also recommended that due to the high level of congestion at peak periods, special routes for buses and also exclusive lanes for buses on streets be investigated.

24-1

Sincerely,

Vic Sood, General Manager

VS:RR



**RESPONSE TO COMMENTS  
LETTER 24**

Livermore Amador Valley Transit Authority  
Vic Sood, General Manager

**RESPONSE 24-1**

We concur with your recommendation. Policy 188 of the ECAP will be revised as follows (new language is underlined):

Policy 188: The County shall work with transit providers to maintain and expand bus service to meet projected demand, including special routes and exclusive lanes for buses.





RECEIVED

AUG 04 1993

EDUCATION CENTER  
685 E. JACK LONDON BOULEVARD • LIVERMORE, CALIFORNIA 94550 • TELEPHONE 447-9500

## LETTER 25

August 4, 1993

Deborah Stein  
Assistant Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

Dear Deborah:

Thank you for providing Livermore Valley Joint Unified School District (LVJUSD) with the opportunity to comment on the Draft Environmental Impact Report for the East County Area Plan (SCH#92073034).

The District comment are provided below.

1) Chapter 5.17, page 2, third paragraph.

Increases in enrollment are from two primary sources: increased births from existing residences and new development.

25-1

2) Table 5.17-1

The grade configuration listed in this table is incorrect for LVJUSD.

LVJUSD grade configurations are as follows;

Elementary	K-5
Middle School	6-8
High School	9-12

25-2

3) Chapter 5.17, page 6, second paragraph, last sentence.

This sentence should be corrected to read-

In light of this fact, some districts have negotiated impact fees which are significantly higher than the state maximum (this figure is technically, the maximum fee a district can require a developer to pay,...

25-3

4) Chapter 5.17, page 7, last paragraph, second sentence.

The general intent of the bill is to limit the state role in financing school ~~districts~~ facilities,...

25-

5) Chapter 5.17, page 8, first paragraph, second sentence.

ACA 6 is a ballot measure which would set a majority vote requirement for bonded indebtedness for the construction, reconstruction, or rehabilitation of school facilities, for local bond elections;

25-5

6) Chapter 5.17, page 8.

A clarification regarding the SB 1287 discussion on this page.

SB 1287 contains no specific reference to the *Mira*, *Hart*, or *Murrieta Valley* court decisions and does not alter any of the Government Code Sections which are referenced by the courts in support of the decisions.

In the past, the State Legislature has enacted and amended statutes to specifically reverse such judicial decisions. In fact, the courts presume the Legislature has knowledge of such judicial decisions and existing law and would make specific reference to that which they intended to rescind. For example, the appellate court interpreted Government Code Section 65995.e to restrict only the financing of school facilities using developer fees and did not preclude a city from including in a general plan amendment objectives and standards to mitigate new development's impacts on the adequacy of school facilities. Furthermore, those impacts may be mitigated in many ways, such as, placing conditions on development which would result in phasing or downsizing of a project. SB 1287 makes no reference to this Section. In addition, Section 65995.a has not been amended to eliminate the use of Mello-Roos CFDs as an authorized means of mitigating school impacts when establishing conditions of approval of a development project, nor has 95996.f been amended to cap the amount of mitigation to be collected through a Mello-Roos CFD.

25-6

While SB 1287 might prohibit denying projects based on inadequacy of schools, it did not prohibit cities, towns, and counties from helping school districts mitigate the impact of new development. Use of the California Environmental Quality Act (CEQA) and the statutory list of "exclusive methods of mitigating the environmental effects related to the adequacy of school facilities" (Government Code Section 65996.a) are the means for providing such mitigation. As mentioned above, included in the list of mitigation methods in the Mello-Roos Community Facilities Act, which can be used to fully mitigate a development projects impact.



7) Chapter 5.17, page 9, Table 7

The acreage requirement for high schools should indicate the need for 40+ acres. Based upon the support facilities and program requirements of a high school campus, additional acreage beyond the base of 40 acres may be required.

25-7

8) Chapter 5.17, page 10, policy 213:

This policy should be corrected to read.

The County shall require all new residential development to ~~pay their fair share of the costs of school sites and facilities~~ fully mitigate its impact on school facilities.

25-8

This language is necessary to insure new development will mitigate its impact to a less than significant level.

9) Chapter 5.17, page 10, last paragraph

54,880 additional households would generate ~~35,672~~ 38,416 new students; ~~16,464~~ 18,110 children in kindergarten through grade five; ~~8,232~~ 8,780 in grades six through eight; and ~~10,976~~ 11,525 in grades nine through twelve. This increased student population would require ~~25.3~~ 27.9 new elementary schools, ~~10.3~~ 11 new middle schools, and ~~7.3~~ 7.7 new high schools... Acreage requirements would be as follows: ~~253~~ 279 acres for new elementary schools; ~~206~~ 220 acres for new middle schools; and ~~292~~ 308 acres for new high schools.

25-9

10) Chapter 5.17, page 11, fourth paragraph.

The assumption that the portion of East Dublin which is currently in the LVJUSD boundary will be annexed to Dublin Unified School District is inaccurate. LVJUSD anticipates serving the student within our district boundaries, which includes the students in the East Dublin area.

25-10

11) Chapter 5.17, page 11, footnote 1.

Student generation rates should be updated to reflect the information published in the district's Ten Year Facilities Master Plan. The current student generation rates are; 0.33 for K-5 students; 0.16 for 6-8 students; 0.21 for 9-12 students; 0.70 students/unit total.

25-11

12) Chapter 5.17, page 12, paragraph 3, second sentence.

Once again the policy should be revised to require full mitigation for the impact of new development on school facilities.

25-12

13) Chapter 5.17, page 12, paragraph 3, fourth sentence.

Please clarify Policy 13. In this sentence the language states that this policy "implies" that development approval is contingent on the availability of required services. Is this in fact a requirement of Policy 13?

25-

14) Chapter 5.17, page 12, paragraph 3, last sentence.

The district is concerned about development which is not in the category of "Major New Urban Development." A policy mechanism should be included to provide for new residential development not included in this category. The revision to Mitigation Measure 5.17-1 should address this concern.

25-14

15) Chapter 5.17, Table 5.17-3

The assumption under note 1 should be corrected, East Dublin is served by LVJUSD. Projected buildout numbers should be revised to reflect this change.

25-15

16) Chapter 5.17, Table 5.17.4

The student generation rate assumed under note one should be corrected to 0.70 student per household. The assumption under note 2 should be corrected, East Dublin is served by LVJUSD. Projected student population should be revised to reflect this change.

25-16

17) Chapter 5.17, Table 5.17-5

The assumption under note 1 should be corrected, East Dublin is served by LVJUSD. Projected student population by buildout by grade should be revised to reflect this change.

25-17

I hope you will find this input helpful. Please call me if you have any questions or need additional information.

Sincerely,



Kim Rutherford  
Facilities Planner

cc: Michael White, Director-Facilities Management

**RESPONSE TO COMMENTS  
LETTER 25**

Livermore Valley Joint Unified School District  
Ms. Kim Rutherford, Facilities Planner

**RESPONSE 25-1**

Comment noted. The second sentence of the third paragraph on page 2 of DEIR *Chapter 5.17* will be changed to read: "This trend subsequently reversed itself, as new development and increased birth rates have prompted increases in enrollment."

**RESPONSE 25-2**

The grade configurations listed in Table 5.17-1 will be changed to conform with the information provided. The revised table is shown at the end of the responses to Letter 25.

**RESPONSE 25-3**

As requested, the word "fee" will be added to the last sentence of the second paragraph on page 6 of *Chapter 5.17* of the DEIR.

**RESPONSE 25-4**

The reference to "school districts" in the second sentence of the last paragraph on page 7 of DEIR *Chapter 5.17* will be changed to "school facilities".

**RESPONSE 25-5**

The phrase "for local bond elections" will be inserted into the second sentence of the first paragraph on page 8 of DEIR *Chapter 5.17*.

**RESPONSE 25-6**

We acknowledge that there have been differing interpretations of SB 1287 and its implications. While we do not necessarily concur with all of the views put forward in COMMENT 25-6, we will add text to the EIR which notes the existence of these differing interpretations (as noted in RESPONSE 27-2, we will also add text regarding the defeat of Proposition 170 in the November 1993 elections). We concur with LVJUSD's assertion that SB 1287 does not prohibit counties and municipalities from helping school districts mitigate the impact of new development (as evidenced by our policies in this area).

## RESPONSE 25-7

In response to this comment, the acreage requirement for high schools delineated in Table 7 of the plan will be changed from 40 to 40+ acres .

## RESPONSE 25-8

While we share the District's desire to ensure that the impact of new development is reduced to a less-than-significant level, we believe that the language presently contained in Policy 213 accomplishes this goal. The language we have used--which requires developers to provide their "fair share" of costs for school-related impacts--conforms with CEQA requirements, and avoids legal difficulties that could arise from a policy which utilizes the term "fully mitigate". We have determined, however, that Policy 213 would be strengthened by adding the following sentence:

Policy 213: The County shall require all new residential developments to pay their fair share of the costs of school sites and facilities. The County shall work with school districts in the planning area to identify, establish, and implement additional measures that may be necessary to adequately finance school facilities.

## RESPONSE 25-9

Student generation numbers and acreages in the last paragraph of page 10 in *Chapter 5.17* of the DEIR will be revised to correspond with those provided in your letter.

## RESPONSE 25-10

LVJUSD is correct in noting that no assumptions can be made regarding ultimate jurisdiction over the portion of East Dublin which presently lies within the LVJUSD boundary. We note, however, that there are members of the Dublin community--including the Superintendent of the Dublin Unified School District and its Board of Trustees--who believe that there should be one school district serving the entire City of Dublin (they argue that this would facilitate the financing of future services and infrastructure, and increase responsiveness to community concerns).

Although there is considerable pressure to make a new jurisdictional determination with respect to this area, it is impossible to know at this juncture whether jurisdiction will ultimately lie with LVJUSD or DUSD. We will consequently delete the last sentence of paragraph four on page 11 of DEIR *Chapter 5.17*, and replace it with the following language: "The East Dublin subarea is currently served by LVJUSD. While it is anticipated that Major New Urban Development in East Dublin will be annexed by the City of Dublin, it is unclear whether this area will ultimately be served by LVJUSD or DUSD."

**RESPONSE 25-11**

The student generation rates in footnote 1 on page 11 of DEIR *Chapter 5.17* have been updated to reflect the information published in LVJUSD's Ten Year Facilities Master Plan. Table 5.17-4 (see below) has also been updated in order to reflect this change.

**RESPONSE 25-12**

See RESPONSE 25-8.

**RESPONSE 25-13**

Policy 13 states that "The County shall require that development be phased according to the availability of infrastructure and public services in conformance with policies of the East County Area Plan which encourage compact development." As such, it ensures that development will not be approved absent provision of required services.

**RESPONSE 25-14**

Under the ECAP, development in the unincorporated County which is not in the category of "Major New Urban Development" would be limited. This number is sufficiently minimal--and the new development sufficiently dispersed--that it would likely not generate a need for new school facilities. Impact fees would, of course, be applicable to any new development regardless of whether such development is part of a Major New Urban Development.

**RESPONSE 25-15**

See RESPONSE 25-10 for a discussion of the jurisdictional questions concerning East Dublin. In light of this jurisdictional uncertainty, Table 5.17-3 has been modified, as shown below, so that alternative buildout figures are provided for both DUSD and LVJUSD. The first figure shown will be a projection based on the assumption that East Dublin remains within the boundaries of LVJUSD; the second figure (in parentheses) will assume that East Dublin falls entirely under the jurisdiction of DUSD.

**RESPONSE 25-16**

The student generation rate has been changed in accordance with the comments received. See RESPONSE 25-10 for a discussion of the jurisdictional questions concerning East Dublin. In light of this jurisdictional uncertainty, Table 5.17-4 has been modified so that alternative buildout figures are provided for both DUSD and LVJUSD. The first figure shown is a projection based on the assumption that East Dublin remains within the boundaries of LVJUSD; the second figure (in parentheses) assumes that East Dublin falls entirely under the jurisdiction of DUSD.

**RESPONSE 25-17**

See RESPONSE 25-10 for a discussion of the jurisdictional questions concerning East Dublin. In light of this jurisdictional uncertainty, Table 5.17-5 will be modified, as shown below, so that alternative buildout figures are provided for both DUSD and LVJUSD. The first figure shown is a projection based on the assumption that East Dublin remains within the boundaries of LVJUSD; the second figure (in parentheses) assumes that East Dublin falls entirely under the jurisdiction of DUSD.

**TABLE 5.17-1  
(Revised)  
1992 - 1993 Existing Student Population and Capacity by School District**

	Elementary School K - 5	Capacity	Middle School 6 - 8	Capacity	High School 9 - 12	Capacity	Total Student Population	Total Capacity
Dublin Unified School District	1,776	1,690 <sup>1</sup>	769	768	883	2,513	3,428	4,971
Livermore Valley Joint Unified School District	5,140	5,485	2,434	2,518	3,160	3,387	10,734	11,390
Pleasanton Unified School District	4,282	4,617	2,152	2,062	2,699	3,200	9,133	9,879
Sunol Glen Unified School District	158 <sup>2</sup>	175	41 <sup>2</sup>	50	---	---	199	225
Mountain House Elementary School District	32	75	---	---	---	---	32	75

Source: Alameda County Planning Department

2

Notes: <sup>1</sup>Number assumes that Dublin Elementary is unable to accommodate students living east of Dougherty Road.  
<sup>2</sup> Figures apply to grades K-6 and 7-8, respectively.

<b>TABLE 5.17-3</b> <b>(revised)</b> <b>Estimated Total Households by School District</b>	
	Projected at Buildout
Dublin Unified School District <sup>1</sup>	21,117 (5468)
Livermore Valley Joint Unified School District <sup>2</sup>	49,771 (65,420)
Pleasanton Unified School District <sup>3</sup>	29,511
Sunol Glen School District <sup>4</sup>	329
Mountain House Elementary School District <sup>5</sup>	149
<b>Total Households in East County</b>	<b>100,877</b>
<p><b>Notes:</b> Assumptions Regarding Distribution of Households into School Districts by Subarea (see Table 3-3 for housing units by subarea under the proposed plan):</p> <p><sup>1</sup>First figure assumes all households in Dublin, West Dublin and East Dublin. Second figure (in brackets) does not include East Dublin as it assumes LVJUSD will administer that area.</p> <p><sup>2</sup>Both figures assume all households in North Livermore, City of Livermore, 1,745 households in South Livermore and 1/3 of the remainder unincorporated households. Second figure (in brackets) includes East Dublin as it assumes LVJUSD will administer that area.</p> <p><sup>3</sup>Assumes 28,371 households in Pleasanton, all households in Pleasanton Ridge, and 1,083 households in South Livermore</p> <p><sup>4</sup>Assumes 180 households in Pleasanton and 1/3 of the remainder unincorporated households area</p> <p><sup>5</sup>Assumes 1/3 of unincorporated households</p>	
<p><b>Source:</b> Alameda County Planning Department</p>	



**TABLE 5.17-4  
(revised)  
Existing and Projected Student Population**

	Existing	Buildout <sup>1</sup>
Dublin Unified School District <sup>2</sup>	3,364	13,726 (3593)
Livermore Valley Joint Unified School District	10,734	34,840 (45,794)
Pleasanton Unified School District	9,133	19,182
Sunol Glen School District	199	213
Mountain House Elementary School District	32	97
<b>Total</b>	<b>23,462</b>	<b>68,058 (68,879)</b>

**Notes:**

<sup>1</sup>Assumes a student generation rate of .65 students per household (except for LVJUSD, which uses a rate of .70 students per household). These figure are conservative and will likely be lower for multi-family units.

<sup>2</sup>First figure assumes DUSD will serve East Dublin. Second figure (in brackets) assumes LVJUSD will serve East Dublin.

**Source:** Alameda County Planning Department

<b>TABLE 5.17-5 (revised) Projected Student Population at Buildout by Grade</b>				
	<b>K-5</b>	<b>6-8</b>	<b>9-12</b>	<b>Total</b>
<b>Dublin Unified School District<sup>1</sup></b>	<b>6,314 (1,635)</b>	<b>3,157 (817)</b>	<b>4,255 (1102)</b>	<b>13,726 (3554)</b>
<b>Livermore Valley Joint Unified School District<sup>2</sup></b>	<b>16,026 (21,065)</b>	<b>8,013 (10,533)</b>	<b>10,800 (14,196)</b>	<b>34,840 (45,794)</b>
<b>Pleasanton Unified School District</b>	<b>8,853</b>	<b>4,426</b>	<b>5,902</b>	<b>19,182</b>
<b>Sanol Glen School District</b>	<b>98</b>	<b>49</b>	<b>66</b>	<b>213</b>
<b>Mountain House Elementary School District</b>	<b>45</b>	<b>22</b>	<b>30</b>	<b>97</b>
<b>Total Student Population at Buildout</b>				<b>68,058 (68,840)</b>
<b>Notes:</b>				
<sup>1</sup> First figure assumes DUSD will serve East Dublin. Second figure (in brackets) assumes LVJUSD will serve East Dublin.				
<b>Source: Alameda County Planning Department</b>				

# DUBLIN SCHOOLS

## DUBLIN UNIFIED SCHOOL DISTRICT

LETTER 26

**Board of Trustees**

Eileen Barr  
(510) 828-8978

Cynthia Cobb-Adams  
(510) 828-7177

Patricia Meyer  
(510) 833-8662

James W. Patterson  
(510) 829-2079

Elizabeth F. Schmitt  
(510) 828-3892

July 30, 1993

Adolph Martinelli, Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

ALAMEDA COUNTY  
PLANNING DEPARTMENT  
HAYWARD, CALIFORNIA

JUL 31 12 32 PM '93

RE: Response to DEIR for the East County Area Plan

**Superintendent**

Vince Anacleto, Ed. D.

Dear Mr. Martinelli:

First, the Dublin Unified School District (District) supports Mitigation Measure 5.17-1. Although the District believes that existing legislation allows cities and counties to condition approval of residential development plans to mitigate the impact to schools, we appreciate the County's support for adequate school facilities as evidenced by Policy 212 modifications.

Second, two items in the DEIR for the East County Area Plan regarding our District need to be corrected.

- a. Tables 5.17-1 and 5.17-2 show available school capacity at the K-5 level for 764 students. This calculation assumes our Dublin Elementary school site (capacity 850) is available for use. This site is located west of Highway 680. For discussion in the context of growth in eastern Dublin, Dublin Elementary is not suitable to accommodate students living east of Dougherty Road. Therefore, our current K-5 capacity, exclusive of Dublin Elementary, shows a facility shortfall for housing 86 students.

26-1

Tables 5.17-1 and 5.17-2 should be corrected to properly reflect our current facility capacity as it relates to East Dublin.

- b. Effective April 18, 1993, our District does collect a Development Fee of \$2.65/sq. ft. on residential development and \$.27/sq. ft. on commercial/industrial development.

26-2

**District Office**

7474 Larkdale Ave.  
Dublin, CA 94568-1599  
(510) 828-2551  
FAX (510) 828-1364

**High Schools**

DUBLIN HIGH  
8151 Village Parkway  
Dublin, CA 94568-1699  
(510) 833-3313

VALLEY HIGH  
6901 York Drive  
Dublin, CA 94568-2199  
(510) 829-4322

**Middle Schools**

WELLS MIDDLE SCHOOL  
6800 Penn Drive  
Dublin, CA 94568-2199  
(510) 828-6227

**Elementary Schools**

FREDERIKSEN ELEMENTARY  
7243 Tamarack Drive  
Dublin, CA 94568-1700  
(510) 828-1037

MURRAY ELEMENTARY  
8435 Davona Drive  
Dublin, CA 94568-1107  
(510) 828-2568

NIELSEN ELEMENTARY  
7500 Amarillo Road  
Dublin, CA 94568-2298  
(510) 828-2030

EQUAL OPPORTUNITY  
EMPLOYER

Table 5.17-6 should be corrected to reflect the District's implementation of Development Fees.

If you have any further questions, please feel free to contact me at (510) 828-2551 Ext. 226.

Sincerely,



Jeanne Howland  
Business Manager

**RESPONSE TO COMMENTS  
LETTER 26**

Jeanne Howland, Business Manager  
Dublin Unified School District

**RESPONSE 26-1**

Comment noted. Tables 5.17-1 and 5.17-2 will be corrected to reflect current facility capacity with respect to East Dublin. The corrected Table 5.17-1 is shown in RESPONSE 25-2; the corrected Table 5.17-2 is shown below.

**RESPONSE 26-2**

Table 5.17-6 will be corrected to reflect the fact that DUSD is now collecting development fees.

<b>TABLE 5.17-2</b> (revised) <b>Status of Existing School Capacity</b>				
	K - 5	6 - 8	9 - 12	Total
<b>Dublin Unified School District<sup>1</sup></b>	-86	-1	+1,630	<b>+1,543</b>
<b>Livermore Valley Joint Unified School District</b>	+345	+84	+227	<b>+656</b>
<b>Pleasanton Unified School District</b>	+335	-90	+501	<b>+746</b>
<b>Sunol Glen School District</b>	+17	+9	N/A	<b>+26</b>
<b>Mountain House Elementary School District</b>	+43	N/A	N/A	<b>+43</b>
<b>Total Existing Surplus Capacity</b>				<b>+3,014</b>
<b>Notes:</b> Capacity figures in this table were derived from Table 5.17-1 where capacity minus enrollment equals a surplus or shortfall in capacity; + = Surplus Capacity and - = Shortfall Capacity <sup>1</sup> Assumes Dublin Elementary is not suitable to accommodate students living east of Dougherty Road. Source: Alameda County Planning Department				

TABLE 5.17-6

## Status of Development Fees for Each School District

School District	Development Fee
Dublin Unified School District	\$2.65/Square Foot
Livermore Valley Joint Union School District	\$2.65/Square Foot
Pleasanton Unified School District	\$2.65/Square Foot
Mountain House/ Tracy Unified School District	No Development Fee
Sunol Glen School District	\$1.65/Square Foot <sup>1</sup>

Note: <sup>1</sup>The Sunol Glen School District is considering increasing the fee to \$2.65/square foot

Source: Alameda County Planning Department





# Land Planning Consultants INC.

239 MAIN STREET, SUITE E ■ PLEASANTON, CA 94566, ■ (510) 846-7007 ■ FAX: (510) 846-5314

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AUG 04 1993

August 4, 1993

LETTER 27

Ms. Deborah Stein  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, California 94544

RE: East County Area Plan

Dear Ms. Stein:

On behalf of the Pleasanton Unified School District, Land Planning Consultants has reviewed the Draft EIR for the East County Area Plan and have the following concerns:

Listing of District Capacities:

The Draft EIR illustrates incorrect enrollments and capacities for the Pleasanton Unified School District. The correct totals are as follows:

Elementary	Enrollment K-5	4,282
	Capacity	4,617
Middle	Enrollment 6-8	2,152
	Capacity	2,062
Senior	Enrollment 9-12	2,699
	Capacity	3,200

27-1

Senate Bill 1287 (SB 1287):

The Draft EIR states on Page 8 of Section 5.17 - Schools, that with the adoption of SB 1287 "...public agencies are prohibited from denying the approval of a project pursuant to planning and zoning law based on the adequacy of school facilities, or from imposing conditions on the approval of a project for the purposes of providing school facilities in excess of the amounts noted above." ...referring to AB 2926 and SB 1287 fees. Based on Legislative Counsel this statement is not correct.

27-2

Legislative Counsel Opinion No. 30455.

On December 4, 1992 at the request of Assemblyman Willie Brown, the Legislative Counsel issued Opinion No. 30455 which addressed the issue of whether or not SB 1287 overturned the holdings in the decisions *Mira Development Corp. v. City of San Diego* (1988) 252 Cal. Rptr. 825, *William S. Hart Union High School District v. Regional Planning Commission of the County of Los Angeles* (1992) 277 Cal. Rptr. 645, and *Murrieta Valley Unified School District v. County of Riverside* (1991) 279 Cal. Rptr. 421 (the Mira Decisions). The Mira Decisions had held that a City or County was not preempted by the School Facilities Legislation of 1986, which authorized school districts to collect school fees originally in the amount of \$1.50 per square foot for residential development, when considering adequate school mitigation measures for new legislative developments (i.e. general plan amendments, specific plans, and zoning changes) as opposed to administrative developments (i.e. tract maps). The Legislative Counsel Opinion concluded that SB 1287 did not overrule the Mira Decisions.

21-2

Since the adoption of SB 1287 legislation has been introduced to correct the intent of SB 1287. To date no new legislation has been adopted in this regard.

Policy 212:

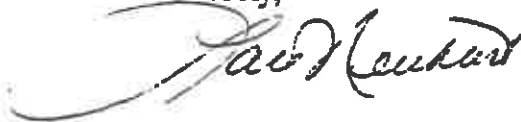
The Draft EIR illustrates Mitigation Measure 5.17-1 which amends Policy 212. We believe the amended policy should include the following:

27-3

The County shall work with school districts and developers to ensure timely funding to fully mitigate the adverse impacts on the school facilities prior to development occurring. The County shall condition both Legislative and Administrative Approvals on the basis of availability of adequate school facilities if allowed under current legislation. Availability of school facilities would be indicated by a "will-serve" letter from the applicable school district describing the school facilities that would be needed and how capacity would be provided.

Thank you for your considerations on this matter. If you have any questions regarding these comments, please let me know.

Sincerely,



Laird Neuhart

cc: Buster McCurtain, PUSD

**RESPONSE TO COMMENTS  
LETTER 27**

Mr. Laird Neuhart  
Land Planning Consultants, Inc. (on behalf of the Pleasanton Unified School District)

**RESPONSE 27-1**

Enrollment totals for the PUSD will be corrected to conform with the information received. Figures will be recalculated for Table 5.17-1 (as shown in RESPONSE 25-2), Table 5.17-2 (as shown in RESPONSE 26-1) and Table 5.17-4 (as shown in RESPONSE 25-16).

**RESPONSE 27-2**

We acknowledge that there have been differing interpretations of SB 1287. While we do not necessarily concur with all of the views put forth in COMMENT 27-2, we will add text to the EIR which notes the existence of these alternate interpretations (including that of the Legislative Counsel). We will also add text mentioning the results of the November 1993 elections, in which Proposition 170 (the equivalent of Assembly Constitution Amendment 6) was defeated. It is our understanding that the defeat of this proposition—which would have set a majority vote requirement for bonded indebtedness relating to school facilities (rather than the current requirement of a two-thirds vote)—means that SB 1287 will remain in force, as well as the Leroy F. Greene Act of 1976.

**RESPONSE 27-3**

In response to this comment, we will append the text of Mitigation Measure 5.17-1 to Policy 212.



# Land Planning Consultants INC.

239 MAIN STREET, SUITE E ■ PLEASANTON, CA 94566, ■ (510) 846-7007 ■ FAX: (510) 846-5314

**LETTER 28**

**RECEIVED**

**AUG 04 1993**

August 4, 1993

Ms. Deborah Stein  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, California 94544

RE: East County Area Plan

Dear Ms. Stein:

On behalf of the Sunol Glen Unified School, Land Planning Consultants has reviewed the Draft EIR for the East County Area Plan and have the following comments:

Senate Bill 1287 (SB 1287):

The Draft EIR states on Page 8 of Section 5.17 - Schools, that with the adoption of SB 1287 ..."public agencies are prohibited from denying the approval of a project pursuant to planning and zoning law based on the adequacy of school facilities, or from imposing conditions on the approval of a project for the purposes of providing school facilities in excess of the amounts noted above." ...referring to AB 2926 and SB 1287 fees. Based on Legislative Counsel this statement is not correct.

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28-1  
same as  
27-2

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Policy 212:

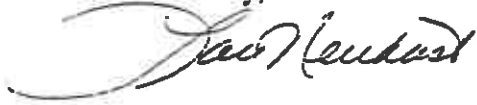
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28-2  
same as  
27-3

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Thank you for your considerations on this matter. If you have any questions regarding these comments, please let me know.

Sincerely,



Laird Neuhart

cc: Diane Everett, SGUSD

**RESPONSE TO COMMENTS  
LETTER 28**

Mr. Laird Neuhart  
Sunol Glen Unified School District

**RESPONSE 28-1**

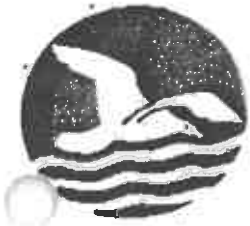
See RESPONSE 27-2.

**RESPONSE 28-2**

See RESPONSE 27-3.







# Golden Gate Audubon Society

LETTER 29

A CHAPTER OF THE NATIONAL AUDUBON SOCIETY  
SERVING SAN FRANCISCO AND PARTS OF ALAMEDA AND CONTRA COSTA COUNTIES

August 4, 1993

Alameda Planning Department  
399 Elmhurst Street  
Hayward, CA 94544  
FAX 510-785-8793

RE: Draft Environmental Impact Report (DEIR) for the East County Area Plan (ECAP), SCH. #92073034.

Dear Sirs and Mesdames:

The Golden Gate Audubon Society believes that this DEIR inadequately addresses future growth in Eastern Alameda County and in particular inadequately addresses the need for the preservation of biological resources. We believe that the proposed Urban Growth Boundaries are too large, the amount of land preserved for biological resource protection astoundingly inadequate. We are struck by an evident lack of concern for natural resources contained within the UGB's.

29-1

We are troubled that infilling of existing communities is not adequately addressed as an alternative to expansive urban limit lines. We believe that a new alternative must be considered that studies the possibility of greater infilling of existing communities, i.e. using greater densities in a wider variety of community types. This would allow for more compact UGB's and greater natural resource protection. Specific comments follow.

29-2

We appreciate the introduction of the concept of Urban Growth Boundaries into a planning document for Eastern Alameda County. Lacking such urban limit lines, the county will inevitably see drastic increases in endangered and disappearing species and will find its economic viability destroyed through environmental degradation.

29-3

Unfortunately, this DEIR does not make appropriate use of this planning tool. Out of 418 square miles (267,520 acres) the ECAP proposes to preserve only 7,400 acres for biological resource protection. That is only 3% of the total area in the East County and is clearly inadequate for the purpose (mitigation for loss of habitat). The DEIR states that for grasslands species, for example, "These species will be displaced into adjacent grasslands which may already be occupied and which may or may not be able to support the displaced species..." (5.7, pg. 18)[italics ours].

29-4

The DEIR admits, in fact, that "...loss of individual special status species due to the expansion of growth may still occur. This loss is considered a significant unavoidable adverse impact of the proposed plan" (5.7, pg. 25). This is unacceptable. Furthermore, it is foolish planning.

29-4

The species under discussion are in some cases presently protected under state and federal Endangered Species Acts. In other cases the very habitat loss predicted in this DEIR will push new species into the Endangered Species Act categories of threatened or endangered. We believe, for example, that the burrowing owl may eventually, and tragically, be listed as threatened or endangered. The proposed UGB would include within its developable areas a large amount of burrowing owl habitat. It is just such development that has led to a dramatic decline in burrowing owl populations.

29-5

The ECAP proposal results in a net loss of wildlife habitat. Most species need large populations to maintain adequate gene pools. Large populations need large amounts of habitat. A net loss of habitat leads to species decline. As stated in the DEIR, "loss of individual special status species due to the expansion of growth may still occur." Unless dramatically larger amounts of habitat are preserved in the Biological Protection Resource Management areas this statement will prove to be sadly true. The preferred alternative's (ECAP's) proposed 7200 acre Resource Management: Biological Protection component is woefully inadequate.

29-6

Thus the UGB lines as drawn in the preferred alternative would put allowable development directly into a confrontation over endangered species issues. This will lead either to delayed or abandoned projects or to the increased disappearance of species. Good planning would seek to escape such confrontations.

29-7

A more appropriate approach would be to significantly reduce the boundaries of the proposed UGB, i.e. to reduce the amount of land available for development. This could be accomplished by emphasizing greater infill densities.

Policy 19 states, "The County shall encourage cities to promote infill development in areas where higher density housing already exists...". The ECAP does not propose infilling in less dense, suburban-type, communities. A new alternative should be studied that would include infill in such areas. Such an alternative should indicate how much more land could be preserved for biological resource protection under such a scenario. The alternative should show how much infill would be necessary to reduce to insignificance the adverse impacts to special status species. This reduction of impacts would take place through an increase in the acreage of Biological Resource Management lands. This increase would be made possible by increased infilling in less dense, i.e. suburban type, communities.

29-8

We are very disturbed that preservation of wetland resources within the UGB's is not addressed except for the valley sink scrub habitat. For this one habitat, because of the presence of the endangered palmate bracted bird's beak plant and the vernal pool fairy shrimp, a specific preserve is being established in an area that would otherwise be within the UGB. In fact the DEIR states, "...a net loss of riparian or seasonal wetland habitat would constitute a significant and unavoidable adverse impact of the plan..." (5.7, pg. 21). This is unacceptable. This invites conflict with federal law. Good planing would seek to encourage the avoidance of such conflicts.

29-9

Federal law discourages the destruction of wetlands and, in fact, requires a project proponent to prove that there is no alternative upland site available for the general purpose of the project. We believe that no project could pass such an alternatives test in this region. There are non-wetland sites available for almost any project, especially if strict infilling is required. Proposed mitigation measure 5.7-2(b) should be rewritten to state: "The County shall protect all wetlands and riparian habitat."

29-10

It is well known that wetland restoration, as mitigation for wetland loss, is rarely successful in restoring all the lost wetland's values. Often the mitigation is completely unsuccessful. Therefore wetland destruction should be avoided. When that is not possible, wetland mitigation must take place at high ratios of restored wetlands to that destroyed. The National Research Council suggests ratios of up to 10 to 1 (Restoring Aquatic Ecosystems, National Academy Press, 1992). We urge a new mitigation policy that would state, "The County shall require mitigation for wetlands destruction at a ratio of no less than 5 acres restored for every acre destroyed."

29-11

We believe that even small, isolated land areas can provide critical habitat for avian species. For example burrowing owl habitat can entail just a few acres. Since birds are not dependent upon land bridges for corridors, these isolated habitats can be very valuable and do not necessarily isolate the individual owls from other distant habitats since, again, they can fly between these habitat areas. We ask that a new policy be added that states that, "The County shall require that developments be sited to avoid disturbance to burrowing owl habitat." Habitat for other avian species should be treated in a similar manner.

29-12

We are also disturbed by the transportation section (5.4) where the mitigation for increased traffic, resulting from increased population, is the widening of many roads to 6 or 10 lanes (e.g.. Cayetano Parkway-construct 6 lane roadway; Vallecitos Road, Construct 6 lane freeway / expressway; Table 5.4-3). This is unacceptable. These actions must lead to large air quality problems, let alone the loss of more open space. The Alameda Congestion Management Agency's latest EIR does not envision the need for such an astounding amount of road building.

29-13

On the other hand, the infilling of less dense communities should increase the effectiveness of mass transportation since mass transit is more effective in denser communities. Increased mass transit should be seen as the mitigation for

29-14

an increasing population's effects on transportation. A new alternative should study the effect of increased infilling in less-dense, suburban-type, areas on mass transit effectiveness. It should analyze whether such an effect would lessen the need for new road construction.

29-14

In closing, we believe that the ECAP and the Proposed Alternatives 1 through 5 fail to consider a UGB scenario that includes infilling in less densely developed areas. If a UGB is to be considered such an alternative must be studied. A new alternative must be studied that looks at greater infill, especially in the less densely populated areas. This alternative should have a larger amount of protected biological resource land in order to reduce to insignificance the adverse impacts to special status species and to wetlands.

29-15

Alternative 5 is inadequate because it does not address this type of infill, nor does it attain the needed level of environmental protection. As proposed, the preferred alternative (ECAP) would lead to continued regulatory battles over special status species and wetlands and riparian habitat. This is not a recipe for a healthy future except for lawyers.

29-16

ECAP is inadequate because it leads to massive losses of wildlife habitat, the loss of wetlands and the probable loss of special status species.

29-17

We applaud the ECAP's desire to preserve farmland, open space and wildlife habitat through UGB's. We fault the Plan for proposing an entirely inadequate UGB. We urge the development of a new Alternative with tighter UGB's, increased infill and a correspondingly larger amount of preserved open space/wildlife habitat. Thank you for your consideration.

29-18

Sincerely yours,

Arthur Feinstein  
Program Coordinator

## RESPONSE TO COMMENTS LETTER 29

Golden Gate Audubon Society  
Arthur Feinstein, Program Coordinator

### RESPONSE 29-1

Comment noted. We call to the commenter's attention that the proposed plan is the first comprehensive plan for the subregion. By realistically addressing potential future growth pressures in the East County and their cumulative impacts, the plan offers far greater protection for biological resources than would occur under an uncoordinated growth scenario or under one which imposes an artificial growth cap. The designation of Resource Management areas together with a mechanism to permanently protect open space offers the opportunity for large-scale biological resource mitigation. Please refer to Responses to Common Questions (RCQ) #1, #2, #3, and #4 for a discussion of the reasoning behind the plan and why the adoption of the proposed plan is better than lower-growth alternatives.

### RESPONSE 29-2

Please refer to RCQ #14 for a discussion of the pros and cons of infill development.

### RESPONSE 29-3

Comment noted. We concur that the Urban Growth Boundary will significantly contribute to the permanent protection of endangered and disappearing species.

### RESPONSE 29-4

The 7,400 acres of Resource Management lands designated for biological resource protection are contiguous to thousands of acres of open space outside the Urban Growth Boundary in Alameda County as well as the adjacent counties of Contra Costa, San Joaquin, and Santa Clara. As stated in policy 57, the County "shall preserve a continuous band of open space consisting of a variety of plant communities and wildlife habitats to provide comprehensive, rather than piecemeal, habitat conservation for all of East County. This open space should, as much as possible, be outside of the Urban Growth Boundary and contiguous to large open space areas of Contra Costa, Santa Clara and San Joaquin Counties." Program 23 states that the permanency of the UGB and therefore the protection of biological resources outside the line will be assured by creation of the Alameda County Open Space Land Trust to purchase strategic parcels which would complete a continuous open space system. Management guidelines for designated Resource Management areas will enhance the biological value of open space lands.

In a presentation to the Alameda County Planning Commission on August 12, 1993, a representative from the California Department of Fish and Game expressed its "support of and interest in the inclusion of an open-space preservation program and the proposal of a permanent Urban Growth Boundary. The Department encourages approaching mitigation for impacts to biological resources from a regional perspective rather than project-by-project. The proposal to develop a permanent, continuous band of open-space/mitigation lands to address impacts to and mitigation for wetlands, kit fox habitat, burrowing owl, tiger salamander, invertebrates, and any other sensitive resources within the planning area, not only meets the goals of the Department but should provide for more streamlined permitting."

**RESPONSE 29-5**

The commenter presents no evidence for his assertion. Please read the comments and responses to comments of letters 2 and 3 from the United States Fish and Wildlife Service and the California Department of Fish and Game, respectively.

**RESPONSE 29-6**

Please refer to RESPONSE 29-4.

**RESPONSE 29-7**

Comment noted. Please refer to Response to Common Question (RCQ) #4 which describes the County's reasoning for pursuing an alternative that can accommodate and manage growth through stringent phasing policies and performance standards.

**RESPONSE 29-8**

Please refer to RESPONSE 30-9 and RCQ #14.

**RESPONSES 29-9, 29-10, and 29-11**

Please refer to RESPONSES 2-2 and 3-14.

**RESPONSE 29-12**

Please refer to RESPONSE 2-8.

**RESPONSE 29-13**

The widening of roadways or freeways to avoid congestion does not necessarily lead to air quality problems. In most cases capacity improvements result in improved operating conditions (greater

average speed, reduced idling) which reduces the total emission of pollutants. This improves air quality on the local scale (along the roadway corridor) and may reduce the regional emission burden.

Nevertheless, air quality is one of several potential constraints that may limit the ability to make regional improvements to I-580, I-680, and SR 84 (others being funding limits, lack of regional consensus, and physical impediments). This is why we say traffic impacts to these routes are not fully mitigated.

The reason that the ECAP appears to identify more road construction than does the CMA is a matter of scale. The CMP designated roadway network covers all of Alameda County and in East County is limited to three facilities (I-580, I-680, and Highway 84). The ECAP is restricted to roads in East County and, therefore, includes a much greater level of detail and identifies improvements to a network involving hundreds of individual roadway segments.

Please also refer to RCQ #8 and RESPONSE 14-5.

#### RESPONSE 29-14

Policy 36 calls for the County to facilitate the development of high density housing near proposed BART stations; policy 19 encourages the cities to promote infill development in areas served by public transit; policies 184 to 192 lend strong support to public transit. The County has no direct control over infill within the incorporated areas of East County cities. However, the County can coordinate growth on unincorporated land so that a scenario similar to Alternative 2: Prospective City General Plans will not occur. As analyzed in the DEIR (*Chapter 6 - Alternatives*), this scenario would lead to significant environmental impacts including: land use inefficiencies from low density development located in remote upland areas; loss of 3,500 more acres of open space than the ECAP; a severe jobs/housing imbalance; visual impacts resulting from development of ridgelines and upland areas; and, fragmentation of habitat in the Doolan/Collier Canyon area by development along the riparian corridors.

#### RESPONSE 29-15

Please refer to RESPONSES above.

#### RESPONSE 29-16

It is the County's position that the proposed plan's realistic approach to subregional planning will in the long run be more effective at protecting open space and biological resources than will a plan based on infill policies alone. The reasons for this position are given in the Responses to Common Questions #1 through #4.

#### RESPONSE 29-17

Please refer to RESPONSES above.

**RESPONSE 29-18**

Comment noted.





August 4, 1993

RECEIVED

AUG 04 1993

Adolph Martinelli, Planning Director  
Alameda County Planning Department  
399 Elmhurst  
Hayward, CA 94544

Re: Comments on the East County Area Plan

Dear Adolph:

Thank you for this opportunity to comment on the East County Area Plan.

Greenbelt Alliance supports Alternative 5 in the Draft EIR and suggests that this alternative be expanded to include an aggressive strategy to direct new housing to the west side of the county. The reason to expand this alternative are as follows:

According to the June 21, 1993, Draft EIR for the Alameda County Congestion Management Plan, ninety percent of the jobs on the west side of Alameda County.

Surplus fresh water (East Bay MUD) and wastewater infrastructure (EBDA and East Bay MUD) exist on the west side.

Transportation infrastructure is in place on the west side. Improving transportation infrastructure on the west is more cost effective than directing limited funds for transportation improvements to the eastern portion of the county.

30-1

The greatest housing need in Alameda County is for those families earning less than \$47,000 per year, in other words, housing must sell for less than \$177,000 per year.

Financing the infrastructure and transportation improvements proposed in the East County Planning Area make attainment of the affordable housing goal doubtful.

ABAG has identified more than 3,204 acres of vacant industrial land adjacent to existing and proposed light rail and rail stations, which could accommodate 31,241 dwelling units, in its report, "Increasing Transit Ridership and the Efficiency of Land Use While Maximizing Economic Potential," Working Paper 90-2, October 1990.



The implementation mechanism for enforcing an Urban Growth Boundary that is consistent with the area identified for urban development under Alternative #5 could be through the Livermore Amador Valley Waste Management Authority and East Bay Dischargers Authority. The condition of allocating discharge capacity shall could be conditioned on prohibiting extending wastewater services beyond the Urban Growth Boundary through at least the year 2010.

30-2

The EIR has identified several impacts created by the project that cannot be mitigated. The EIR has not identified the overriding considerations to justify the impact when there is an alternative available to direct housing and job investment to the west side of Alameda County.

30-3

**Policy Direction on the East County Area Plan**

Greenbelt Alliance has the following questions and recommendations on proposed policies in the East County Area Plan.

Clustering

Eliminate the clustering provision or adopt policy language that requires houses to be clustered within 200 feet of an existing public road in place at the time this plan is adopted.

The clustering provision does not identify the standards by which the county will evaluate subdivision applications. It only outlines issues to be considered. What are the policy standards that must be met to grant a subdivision in lands beyond the Urban Growth Boundary?

30-4

Phasing

The EIR has not demonstrated that the impacts of sprawl and premature development within all lands than can be considered for urban development are fully mitigated.

The plan identifies 15,000 acres within the Urban Growth Boundary. The plan allows development within the Urban Growth Boundary if infrastructure is provided. However fresh water lines and wastewater lines already exist along and near I-580 according to figures 19 and 20 of the East County Area Plan.

The Urban Reserve is adjacent to the fresh water pipeline from the Patterson Pass Water Treatment Plant and it is adjacent to existing wastewater pipelines.

30-5

The EIR has not evaluated the sprawl and leap frog impacts of major development occurring first along Croak Road, Fallon Road, or the Urban Reserve, rather than contiguous to existing urban areas.

30-5

The phasing language must be amended to state that development shall begin in the vicinity of the East Dublin BART Station and must be contiguous to existing urban areas.

30-6

Alameda County need not put itself in the position approving a level of urban development within the Urban Growth Boundary to buy all land outside the Urban Growth Boundary. Compact development, strategic acquisitions funded through an open space development fee, and an urban growth boundary enforced by denial of wastewater capacity, is a practical mechanism of enforcing the Urban Growth Boundary and not exceeding the infrastructure limits of the planning area.

Ridgелands

30-7

Policy's 67, 68, and 69 on the ridgелands are good. The policies should be expanded to state that the Board of Supervisors voted to sign the "Agreement Covering the Ridgелands" with Hayward and Pleasanton and it is the intent of the three jurisdictions to amend their general plans to have consistent policies to protect open space in the ridgелands.

30-8

Why is it necessary to amend the existing open space element and allow grading on slopes greater than 25 percent? How many acres of land could be graded under this policy, what areas could be graded under this policy?

Landuse

30-9

The Draft EIR notes that Livermore and Pleasanton can accommodate 14,000 additional housing units, Chapter 5.1, page 1.

In addition, Livermore will utilize only 30 percent of the designated industrial land. How many acres of vacant industrial land are projected in Livermore for the year 2010? How many acres of vacant industrial land are projected for Pleasanton in the year 2010?

How many acres of vacant industrial land are projected with buildout of the East County Area Plan?

Why can't the plan recommend a strategy for Livermore to utilize this vacant land, rather than designating 15,000 acres of land that is now open space for urban development?

30-10

Given the vacant land in Livermore and 1,400 acres of vacant land in North Livermore that is not needed for development through at least the year 2010, and that land within the Urban Growth Boundary provides for an additional housing expansion of 14 percent -- and given that the transportation analysis that finds that I-580 and I-680 will be at Service Level F over the Dublin Grade, south of Sunol, and over the Altamont Pass, why is an additional 3,400 acres identified for urban reserve?

Why isn't there a policy that states the urban reserve cannot be considered for urban development until North Livermore and East Dublin are fully buildout and it can be demonstrated that the transportation system can accommodate additional development?

Transportation

The Draft EIR has not fully identified the cost of all Transportation Mitigation Measures identified on Table 5.4-3 of the Draft EIR. The costs discussed in the Draft EIR are not consistent with cost projections of the Alameda County Congestion Management Agency. 30-11

For instance the CMA has found outlined the following costs of transportation improvements in Dennis Fay's memorandum to the Board, "Countywide Transportation Plan," January 19, 1993 that:

The cost of widening I-680 between I-580 and Route 237 is \$65 million, the route 84 freeway between I-580 and I-680 is \$215, the cost of extending BART to Livermore is \$440. 30-12

These costs are much higher than those identified in the Draft EIR on the East County Area Plan, and these costs do not include widening I-580 and building a six lane road along Vasco Road between I-580 and the Contra Costa County line.

How much is the total bill for proposed transportation projects and proposed transportation mitigations, and transportation investments to facilitate compact development, under the proposed East County Area Plan? 30-13

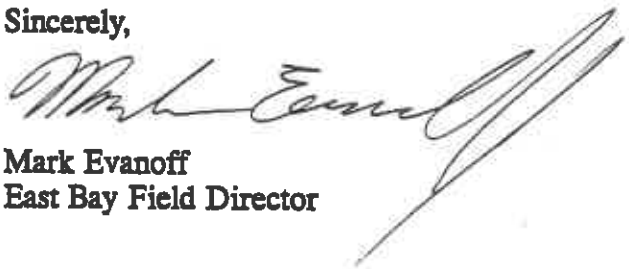
How much will be financed by developers (which will be passed onto homebuyers), how much through assessments -- how much do these fees translate per unit -- and how much additional funds will be sought from other sources? 30-14

Given that there is a finite amount of other funding sources, what will be the impact on west county from diverting future transportation investment from west county to east county? 30-15

The Draft EIR on the Isabel Extension Project concluded that traffic levels on a two lane Isabel Expressway will not exceed Service Level D through the year 2010. Table 2.4-7 of the Draft EIR on the Congestion Management Program concludes building a six lane road between the Contra Costa County line and I-680 will reduce overall average freeway speeds to 28.3 MPH in the year 2010. Not building the road and building funded transportation projects will reduce freeway speeds to 25.25 MPH. 30-16

Why is the six lane highway between the Contra Costa County line and I-680 still being considered in the East County Area Plan? Traffic projections suggest it will not significantly improve transportation in Alameda County?

Sincerely,



Mark Evanoff  
East Bay Field Director

**RESPONSE TO COMMENTS  
LETTER 30**

**Greenbelt Alliance**  
Mark Evanoff, East Bay Field Director

**RESPONSE 30-1**

The commenter's support for Alternative 5 is acknowledged. Responses to the commenter's list of reasons for supporting Alternative 5 are found in the following Responses to Common Questions (RCQ): RCQ #4 discusses why the proposed plan is superior to a lower growth alternative; RCQ #12 describes why growth should be accommodated in East County rather than redirecting it to west Alameda County; RCQ #11 evaluates the ability of affordable housing to be provided under the plan; and, RCQ #15 summarizes the costs and benefits of infill.

For additional discussion of economic and demographic conditions that affect planning for Alameda County, refer to pages 9 and 10, Population and Employment Growth, *Volume II - Background Reports of the Draft East County Area Plan*.

**RESPONSE 30-2**

Please refer to RCQ #4 (d).

**RESPONSE 30-3**

It is not the responsibility of an EIR to provide overriding considerations to justify impacts; it is the role of decision-makers to adopt findings that include a statement of overriding considerations at the time of project approval, if the project could result in one or more unavoidable adverse impacts.

**RESPONSE 30-4**

Table 9 of the plan includes criteria that the County shall use in making decisions about agricultural subdivisions. Requiring that clustered houses be set back 200 feet from a public road may not be the best siting solution for all circumstances.

**RESPONSE 30-5**

Please refer to RCQ #5 which describes how leap-frog development is controlled within the Urban Growth Boundary. Urban development of lands designated as Urban Reserve would require a general plan amendment, at which time environmental review would examine the effects of converting Urban Reserve to an urban designation; specific considerations would be sprawl, efficient use of resources, and other potential cumulative impacts in the context of growth already occurring under the plan. If a

general plan amendment for Urban Reserve lands were approved, the project would be subject to phasing policies such as those required for Major New Urban Development. To add clarification to the type of analysis required of a general plan amendment, the description of the Urban Reserve designation (see p. 37 of the Draft *East County Area Plan*), will be modified as follows (new language is underlined):

Urban Reserve allows for a minimum parcel size of 100 acres and a maximum building intensity of .01 FAR. Densities and intensities will be determined in subsequent specific plans for quarry reclamation areas. Otherwise, one single family home per parcel is allowed provided that all other County standards are met for adequate road access, sewer and water facilities, building envelope location, visual compatibility, and public services. This designation provides for industrial, commercial, recreational, residential uses on developable portions of reclaimed quarry land subject to uses to be defined in subsequent quarry reclamation specific plans, and similar and compatible uses. Any urban development project proposing more than one single family home per 100 acre parcel within this land use category will require a General Plan Amendment. Any potential effects of future development on lands designated as Urban Reserve, including but not limited to effects on holding capacity of the plan and infrastructure capacity, shall be analyzed at the time of a General Plan Amendment application.

To further clarify the Urban Reserve designation, the following new policy will be added to the plan:

**New Policy:** Any conversion of Urban Reserve to an urban land use designation shall require a general plan amendment. Mitigation for open space conversion shall be directed towards ensuring the preservation of a continuous open space system outside the Urban Growth Boundary.

#### RESPONSE 30-6

Although the ECAP can protect open space better than a lower-growth alternative (as described in RCQ #4 (d)), the fundamental reason for adopting the proposed plan is because of its ability to respond comprehensively to potential future growth pressures (as described in RFQ #1 and #4).

#### RESPONSE 30-7

On August 3, 1993, the Board of Supervisors joined the Cities of Pleasanton and Hayward to sign an "Agreement Covering the Ridgeland Area" -- a combined effort to preserve the 13,000 acre Pleasanton Ridgeland as open space. The Agreement states, in part, that each of the parties shall use its best efforts to adopt into its respective general plan the goals and policies set forth in the Agreement. To ensure that all jurisdictions abide by the Ridgeland protection policies in the future, the Agreement states that no subsequent amendments to these general plan policies may be made without the express approval of the other two jurisdictions.

The vast majority of the area in question is in the unincorporated County. Hayward controls approximately 2,200 acres of the area, much of which has been acquired by the East Bay Regional Park District with additional acquisitions planned. Pleasanton presently controls an insignificant area on the eastern fringe. The Ridgeland area is bisected by the planning areas covered by the *East*

*County Area Plan* and the *Castro Valley Plan*. Rather than change the boundaries of the planning areas so that the Ridgelands area is entirely encompassed in the East County, both plan documents will be amended to include the goals and policies of the agreement. Policy 69 of the ECAP will be modified to refer to new policies that will follow the *South Livermore Valley Area Plan* ending on page 77 of the plan. These new policies will reflect the specific agreements listed under Land Use, Implementation, Boundary Adjustments, and Access to Public Lands of the "Agreement Covering the Ridgelands Area" signed by the three jurisdictions.

#### RESPONSE 30-8

Please refer to RESPONSE 36-12.

#### RESPONSE 30-9

We agree with the commenter that the cities of Livermore and Pleasanton have significant amounts of vacant land zoned for industrial uses within their city limits that could more appropriately be used for meeting local housing needs. Because land within a city's jurisdiction is outside of County control, the County has taken no policy action with regard to land use designations of adopted city general plans (see RFQ #16 which discusses the relationship between the proposed plan, the cities' adopted general plans, and the cities' sphere of influence). However, the County encourages cities to promote infill development in areas where higher density housing already exists, in areas adjacent to commercial or industrial land uses, and in areas served by public transit (policy 19).

There are currently 707 acres of vacant land designated for industrial/commercial/office uses in Pleasanton (p. 279, Pleasanton's Growth Management Report, 1993) and 1,780 acres of similarly designated vacant land in Livermore (Leon Horst, Zoning Administrator, Livermore). Of this, the ECAP assumes 10% of Pleasanton's and 45% of Livermore's vacant industrial/commercial/office land is not absorbed due to lack of labor supply. This translates into about 70 acres of vacant industrial land in Pleasanton and 800 acres of vacant industrial land in Livermore that is assumed not to be developed at buildout of the proposed plan.

#### RESPONSE 30-10

The Urban Reserve designation provides additional market factor flexibility needed for the success of the plan (see RCQ #1 for a discussion regarding the need for surplus land within an urban limit line in order to reduce pressure to modify the line, to provide flexibility in the siting of development, and to keep land costs down so that affordable housing can be provided). As noted in RESPONSE 30-5 above, urban development of lands designated as Urban Reserve would require a general plan amendment and further environmental review. Much of the Urban Reserve currently has industrial designation or is in proximity to operating sand and gravel quarries.

#### RESPONSE 30-11

This general plan document is not required to identify the cost of all transportation mitigation measures. Nor is it required to specify the proportion of costs to be borne via impact fees or

assessment districts. This document contains policies, impact analysis and mitigation measures to a level of detail adequate for a general plan level document. The County will continue to work with the CMA, TVTC and others in identifying costs and funding sources.

**RESPONSE 30-12**

Please refer to RESPONSE 30-11.

**RESPONSE 30-13**

Please refer to RESPONSE 30-11.

**RESPONSE 30-14**

Please see RESPONSE 30-11.

**RESPONSE 30-15**

The current structure of the CMA (voting strength based on population) ensures that the west County will have the loudest voice regarding allocation of limited funds among planning areas. While there may be some competition for funding of traffic improvements between East County and west Alameda County, the real issue is how to plan for growth in East County if it occurs. As most of the demand for transportation system capacity comes from growth under existing city general plans (see RESPONSE 9-47), each of the cities in the East County must participate in the search for such funding. Please refer to RCQ #12 for further discussion of the east county/west county issue.

**RESPONSE 30-16**

Please refer to RCQ #8 which clarifies this issue.



**RECEIVED**

**AUG 04 1993**

**August 3, 1993**

Adolph Martinelli  
Director of Planning  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

**Subject: Comments on East County Area Plan Draft Environmental Impact Report**

Dear Adolph,

I am writing on behalf of the Rural Coalition. The Rural Coalition is an association of organizations representing professional agriculturalists and rural property owners in Alameda County, consisting of the Alameda County Farm Bureau, the Alameda County Property Owners Association, the Alameda/Contra Costa Cattleman's Association, and the Alameda County Agricultural Advisory Board.

Members of the Rural Coalition have expressed appreciation for the time and interest which you and your staff have devoted to the concerns of the agricultural community. Because you have addressed our major concerns in your May 13 letter, I will relate my comments to that letter. (A copy of your May 13, 1993 letter is attached for reference.)

1) **Minimum parcel size for clustering**

It is our understanding that draft language is being prepared by your staff which would reduce the minimum parcel size for clustering from 400 acres down to 200 acres. We support that change as agricultural-friendly. Clustering on 200 acre parcels will allow more land owners to continue in agricultural operations while obtaining value from the smaller lots created. Moreover, this clustering may be an essential part of providing housing for family members and workers.

31-1

**2) Agricultural Easements On Large (100+ Acre Parcels)**

We agree with your recommendation to modify the language requiring dedications of an agricultural easement as a condition for subdividing large agricultural parcels under the clustering provision. Specifically, we agree with your suggestion that a fixed term contract of up to 15 years instead of a permanent easement could be required in conjunction with the subdivision of large agricultural parcels to create clusters.

There are both practical and legal reasons why a requirement for the dedication of permanent easements would be adverse to agriculture. First, as a practical matter, land owners will refuse to use the clustering provision if all future development potential must be surrendered in conjunction with clustering (especially if the result is still an average density of only one unit per 100 acres).

Secondly, the mandatory dedication of permanent easements would generate repeated law suits against the County. Civil Code Section 815.3 reads as follows: "No local government entity may condition issuance of an entitlement for use on the applicant's granting of a conservation easement pursuant to this chapter." Civil Code Section 815.3 is designed to prevent governments from using their monopoly power over development approval to exact unfair concessions from property owners. The mandatory dedication of permanent conservation easements would constitute an unconscionable contract of adhesion in violation of the covenant of good faith and fair dealing which is a part of every contract. Moreover, if the basic clustering approach is valid to encourage the viability of agriculture, then it would be counter-productive to the purposes of the East County Area Plan to prevent clustering by those landowners who refuse to dedicate all future development rights.

31-2

**3) Size of Residential Home Sites**

The East County Area Plan provides for clustering of residential home sites on parcels of not to exceed five (5) acres. As you stated, the purpose of the five (5) acre policy was to promote the retention of the larger remainder parcels for agricultural operations.

We have pointed out in a number of situations in which it may be appropriate to have the clustered parcels exceed 5 acres. For example, the need and the opportunity for niche agriculture is greater at locations close to urban centers. Niche agriculture can provide specialty vegetables, plants or animals for which there is limited demand. Many ethnic groups desire certain vegetables and other agricultural products which conventional supermarkets do not carry. If the economically viable parcel size range for a given agricultural product.

31-3

is from 25 to 50 acres, then the East County Area Plan needs to keep that option readily available.

It is our understanding that the staff will draft language which will allow the clustered parcels to exceed 5 acres subject to special review to assure that the larger parcel sizes are related to agricultural productivity, topography, access, security or other agriculturally beneficial reasons.

31-3

4) **Provisions to Amend the Urban Growth Boundary.**

We have a fundamental problem with the concept of a "permanent" urban growth boundary. We view the concept of an urban growth boundary acceptable only as a description of an orderly planning and development process and as a device for directing evolution of the infrastructure for urban development. If this troubling concept is to be retained, the language of the urban growth boundary should be modified to clarify that what is "permanent" is the concept of a line of separation between the urban and rural area, but that no specific location of that urban/rural boundary is necessarily permanent.

The concept of having minor adjustments to the urban growth boundary reviewed only every 5 years would cause some members of the Board of Supervisors to never have the opportunity to review that urban growth boundary during their entire term. Everything else in the East County Area Plan is to be reviewed every second year pursuant to Program 4 of the Plan, and the urban growth boundary should, accordingly, also be reviewed every second year.

31-4

Our concerns regarding the urban growth boundary are based on the following factors:

First - To call any general plan designation permanent is an overstatement. We all know that at some point this boundary will change. By claiming that this plan can achieve a permanent boundary, the plan creates false expectations which will be dashed in the future.

Second - The East County General Plan, like all general and specific plans, can be changed. Pursuant to state planning law, any element in a general plan can be amended 4 times yearly. To pretend to permanently waive that right on behalf of future Boards of Supervisors is bad public policy and may be a violation of the state planning law.

Third - A permanent urban growth boundary creates a conclusive presumption that the only reasonable use of land on the rural side of

that boundary is for agricultural and related purposes. However, as circumstances evolve in Alameda County, a time may come when the more reasonable use of some of those lands is for urban purposes. For example, if it is determined that those lands are needed to provide a fair share of the regional housing needs either to comply with the State Housing Statutes or to comply with the Federal Civil Rights Act, the urban growth boundary will have to move.

Moreover, if the effect of the urban growth boundary is to force urban growth to locations to where the environmental consequences of that growth are greater than for land on the rural side of the boundary, then that would be a significant adverse environmental effect. This environmental impact report fails to provide an adequate mitigation for that event because the only adequate mitigation is to acknowledge that the urban growth boundary must move as necessary to minimize environmental effects. Specifically, forcing growth to the San Joaquin County which would occur in Alameda County in the absence of the urban growth boundary could create longer average trip distances, greater energy consumption, and perpetuate a jobs/housing imbalance in both counties!

31-4

Fourth - A permanent urban growth boundary would be adverse to agriculture on the rural side of the growth boundary. The lack of future non-agricultural uses combined with the lack of ability to subdivide will make family succession extremely difficult and will drive families from agriculture. Overly large minimum parcel size imposes a system of regulatory primogeniture upon agricultural families. In effect, these land owners would suffer the burdens of urban encroachment without the benefits.

The obvious burden of providing open space for the benefit of urban neighbors would amount to the taking of the scenic easement without compensation. A more reasonable approach to obtaining open space which is reasonably priced and visible to urban users is to approve planned unit developments which integrate open space, and commercial and residential development with trail systems at a scale accessible to the urban users. In other words, if open space views are desired as an urban amenity, those open space views must be provided (or paid for) by urban property in conjunction with its development.

Finally - If there is a determination to obtain permanent open spaces, then the tax payers need to buy the agricultural lands at their fair market value.

These are the primary concerns that we have with respect to the East County Plan and EIR. We look forward to seeing proposed language modifications from the County staff as part of the final EIR.

Very truly yours,



Peter MacDonald

PDM/cn

Attachment: May 13, 1993 letter from Adolph Martinelli

cc: Deborah Stein  
Gene Broadman  
Alameda County Farm Bureau  
Alameda County Property Owners Association  
Alameda/Contra Costa Cattleman's Association  
Alameda County Agricultural Advisory Board



## RESPONSE TO COMMENTS LETTER 31

Rural Coalition  
Peter MacDonald, Attorney

### RESPONSE 31-1

Comment noted. Staff recommends the following revision to program 36: (new language is underlined; deleted language is ~~struckout~~)

Program 36: The County shall amend the Zoning Ordinance and Alameda County Agricultural Preserves Objectives, Uniform Rules and Procedures to allow for clustering of single family homes on parcels of 400-200 acres and greater in the "A" (Agriculture) District. Each home-site cluster parcel would be limited to a maximum parcel size of 5 20 acres, at an overall density of one home per 100 acres, in exchange for dedication of an agricultural easement on the remaining 95 percent of the original parcel committing the remaining large parcel to agricultural use, with no further division, through a contract with the County for a minimum term of 15 years. Discretion will be exercised as to the number of cluster parcels that may be created where it can be shown that a density of one unit per 100 acres would be detrimental to agricultural operations, water quality, or the environment; or where services cannot be adequately provided. A development envelope of no more than two acres shall be identified within which all residential development and residential accessory uses shall be located on each 5-acre parcel, including the large remainder parcel. The clustering should be configured to maximize the amount of contiguous agricultural acreage and minimize the impacts of residential sites on agricultural operations. The size, location, and configuration of the cluster parcels shall be based, at a minimum, on the following factors: access, topography, soil capability, water quality considerations, water supply, fire safety, security, visual impacts, the presence of significant vegetation or habitat, cumulative impacts, and state Williamson Act requirements. Parcels created under the cluster program shall include a real estate disclosure notice attached to the deeds informing owners of potential nuisances generated by adjacent agricultural uses. For parcels created under the cluster program in the Wind Resource Area (as shown on Figure 4), the real estate disclosure shall also inform new owners of existing or potential future wind turbines and associated facilities on adjacent or nearby properties.

The EIR's analysis is adequate for the purposes of evaluating this proposed revision of the cluster program. The "What-if" analysis on page 34 of Chapter 6 of the Draft EIR finds that changing the minimum parcel size eligible for the clustering program from 400 acres to 200 acres would not

increase the potential for adverse environmental effects since the overall density would remain at one dwelling unit per acre. Please see Response to Common Question (RCQ) #13 for further discussion of this proposed revision.

#### RESPONSE 31-2

Comment noted. Please see the proposed new language for program 36 under RESPONSE 31-1 above. The EIR's analysis is adequate for the purposes of evaluating this proposed revision of the cluster program. The "What-if" analysis on page 34 of the Draft EIR addresses replacing the requirement for the dedication of an easement over the remainder parcel with a 15-year contract prohibiting subdivision of the remainder parcel for the term of the contract. This proposed program revision would give agriculturalists the flexibility to adopt to changes in future agricultural conditions and techniques while still fulfilling the plan's goal of maintaining a large block of land dedicated to agricultural uses for a fixed term. Also, expiration of the 15-year contract would not automatically entitle the property owner to subdivide the property. Proposals to subdivide remainder parcels that are no longer under contract would be subject to full environmental review and all regulations in place at the time of application. RCQ #13 elaborates on this discussion.

#### RESPONSE 31-3

Comment noted. Please see the proposed new language for program 36 under RESPONSE 31-1 above. The EIR's analysis is adequate for the purposes of evaluating this proposed revision of the cluster program. The "What-if" analysis on page 34 of the Draft EIR includes a discussion of allowing a greater maximum size of cluster home sites than the 5-acre maximum proposed in the Draft *East County Area Plan*. This discussion concludes that allowing residential home sites to exceed 5 acres in size when circumstances warrant (e.g., for topography, access or security reasons) could fulfill the intent of the plan's agricultural policies, as long as existing agricultural operations are preserved. Please see RCQ #13. While the proposed revision of program 36 would allow the creation of cluster home sites of up to 20 acres, staff feels that allowing the creation of agricultural parcels between 25 and 50 acres throughout the planning area would have a negative effect on agriculture in the East County. Smaller parcels provide less flexibility and once agricultural land is subdivided, it is difficult to reassemble into larger parcels. While intensive, high-value agriculture can occur on large parcels, sometimes in conjunction with other agriculture, most crops and grazing activities are not viable on small parcels.

#### RESPONSE 31-4

Comment noted. Please see Response to Common Question #3 for a discussion concerning the permanence of the Urban Growth Boundary and methods by which the boundary may be revised.

The Urban Growth Boundary is designed to provide sufficient land to accommodate the twenty year projected growth in population plus 12 percent additional growth. This additional 12 percent is intended to provide needed flexibility in the siting of development to hold down the cost of land and to provide the framework for ultimate buildout beyond the 2010 time horizon. In addition, policy 11 of the Plan states, "The County shall ensure that adequate land remains within the Urban Growth Boundary to accommodate planned buildout and to achieve state mandated housing targets. To



accomplish this, the County shall monitor the densities and intensities of development approved by the County and cities. If development is being approved at densities lower than what is needed to achieve buildout, the County shall increase the densities for unincorporated lands designated for urban development, rather than modify the Urban Growth Boundary, and shall work with cities to do the same within incorporated areas." It is not anticipated that the Urban Growth Boundary will force urban growth that would otherwise occur in the East County to other, potentially less environmentally suitable, areas. Since there would be no environmental impact, no mitigation is needed.

The ECAP contains provisions that address the issue of providing flexibility for agricultural families. The clustering program (see RESPONSE 31-1, above) provides the opportunity for agriculturalists to split off small portions of their property for family members, while still maintaining the majority of the main parcel in a large holding. The description of the "Large Parcel Agriculture" land use designation on page 37 of Volume 1 of the Plan allows for secondary residential units on parcels with this designation. These secondary units could be used to house family members. To clarify and elaborate on this permitted use, the following new program is proposed:

Proposed Program: The County shall amend the Zoning Ordinance and Alameda County Agricultural Preserves Objectives, Uniform Rules and Procedures to allow one secondary unit per building site having one, but no more than one, permanent dwelling unit on the parcel (with the exception of properly permitted farm worker housing) in the "A" (Agriculture) District. The secondary unit shall be subject to site development review (see policy 100 and program 45) and, in addition, shall be clearly subordinate to the main residence by size, appearance, and location. The secondary unit shall be located on the same building envelope as the main residence and access to the secondary unit shall be provided only from the same road that provides access to the main residence. Through site development review, the use could be disapproved if the above criteria are not met.

The Plan includes several mechanisms for the acquisition of open space. Policy 59 allows for the use of a variety of techniques, such as dedication, fee purchase, density transfer and easements. Program 23 creates an Alameda County Open Space Land Trust which could use these mechanisms to acquire and permanently preserve open space outside the Urban Growth Boundary. Policy 60 and program 22 establish an open space dedication and/or in-lieu fee requirement applicable to all residential, industrial, commercial, and office developments within the unincorporated areas to fund the purchase of land outside the Urban Growth Boundary.



# PILOTS TO PROTECT THE LIVERMORE AIRPORT

P. O. BOX 1065, PLEASANTON, CA 94566

August 2, 1993

Mr. Adolf Martinelli, Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

RECEIVED

AUG 05 1993

Re: DEIR - East County Area Plan

Dear Mr. Martinelli:

The *Pilots to Protect the Livermore Airport* represents over 600 airport users and has been working for six years for compatible land uses in the vicinity of the Livermore Airport. After reviewing the Draft Environmental Impact Report for the East County Area Plan, we submit the following comments:

#### Chapter 5.1 - Land Use and Planning

Page 17 - Program 60: "The County shall work with cities to define a mutually agreeable Airport Protection Area that balances protection of airport operations with the land use plans of adjacent communities."

32-1

**Comment:** The Airport Protection Area was adopted by the Alameda County Airport Land Use Commission on January 13, 1993 and is in effect. Therefore, the above statement should be corrected to reflect this.

#### Page 27 - Table 5.1-4 (under Additional Mitigation Proposed in This EIR)

"Mitigation Measure 5.1-2: The Land Use Diagram should be amended to remove the residential land use designations from within the adopted Airport Protection Area."

32-2

**Comment:** We are pleased the the County recognizes the Airport Protection Area and page 17 - program 60 should also be amended to be consistent with this statement.

#### Chapter 5.4 - Transportation

**Comment:** We note that the Livermore Airport is not shown under the transportation section. We suggest that it be added as a transportation element. It has been designated as a reliever airport in the Bay Area and is the 49th busiest general aviation airport in the United States. The Airport flight operations for the fiscal year 1992-1993 were 273,700, showing an increase from the previous year of 251,600 operations. As businesses and industry continue to grow in the valley, this regional airport will become an even more valuable transportation link.

32-3

We appreciate this opportunity to comment on the DEIR for the East County Area Plan.

Sincerely yours,

*Connie Eccles*

Connie Eccles, Chairperson  
(510) 426-5018

copies  
Livermore City Council, Airport Commission



**RESPONSE TO COMMENTS  
LETTER 32**

**Pilots to Protect the Livermore Airport  
Connie Eccles, Chairperson**

**RESPONSE 32-1**

Comment noted. Program 60 will be amended as follows: (new language is underlined; deleted language is ~~struckout~~)

Proposed Modification to program 60: The County shall ~~work with cities to define a mutually agreeable~~ support the Airport Protection Area (APA), that balances protection of airport operations with the land use plans of adjacent communities as adopted by the Alameda County Airport Land Use Commission and the County shall abide by the land use restrictions established within the APA.

**RESPONSE 32-2**

Comment noted. Please see RESPONSE 32-1, above.

**RESPONSE 32-3**

Comment noted. The following will be added to page 7 of *Chapter 5.4 - Transportation* of the DEIR:

**Livermore Municipal Airport**

The Livermore Municipal Airport serves as an important regional transportation link. For further discussion of the airport, please see page 3 of Chapter 5.1 - Land Use and Planning.



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AUG 04 1993

LETTER 33

**DOOLAN EAST ASSOCIATES**

P.O. Box 1148 • PLEASANTON, CALIFORNIA 94566 • (415) 462-1455

August 4, 1993

Hand Delivered/  
Copy by Mail

Deborah Stein  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

RE: DRAFT EAST COUNTY AREA PLAN AND COMMENTS TO DRAFT  
ENVIRONMENTAL IMPACT REPORT FOR THE EAST COUNTY AREA PLAN

Dear Ms. Stein:

As one of the managing general partners, I am writing you on behalf of Doolan East and Doolan West Associates, general partnerships owning approximately 1180 acres in the unincorporated area east of Dublin, commonly referred to as the Doolan Area or Doolan Canyon. Our comments are offered in two parts: (1) Comments to the Draft East County Area Plan and (2) Formal Comments to the Draft Environmental Impact Report issued in June of 1993.

DRAFT EAST COUNTY AREA PLAN

I. URBAN GROWTH BOUNDARY

Policy 1 of the ECAP establishes a planning tool identified as an Urban Growth Boundary ("UGB"). This planning tool becomes the focal point of the ECAP. Unfortunately, the UGB is established without any objective criteria; it is not consistently applied throughout the planning area; and it has the tendency to create more adverse impacts than it resolves (please see specific comments with regard to the Doolan area below).

33-1

The description of the Plan as permanent belies the fact that it cannot be made so without modification to existing State law. California State law authorizes the amendment to a jurisdiction's general plan, as many as four times per year. This right includes any of the plan's policies, goals or programs in a general plan. To simply declare it shall not be so is improper and unenforceable.

33-2

While the Plan anticipates modification to the UGB, it is declared to be for minor modifications only, with the implication that adjustments will be for conformance to property lines and existing parcels of record only. 33-3

The Plan either does not anticipate or ignores the need to modify the line based on adjustments to land uses within the UGB (e.g., large tracts of land may ultimately be set aside due to biological, geotechnical or other physical characteristics, resulting in a shortage of available land within the UGB to achieve the Plan's other goals, in a contiguous, thoughtful and logical manner). This will be especially true if land outside the UGB is determined to meet all of the criteria of the UGB. 33-4

With specific reference to the East Dublin Planning Area, Policy 25 of the Plan should support not only the Specific Plan Amendment, but the General Plan Amendment for Dublin. 33-5

The Urban Growth Boundary, taken in conjunction with the County representation on the Local Agency Formation Commission, gives the ability to the County to unilaterally veto annexations by virtue of a refusal to agree to tax sharing arrangements with a local jurisdiction, results in an unlawful preemption of the regional authority granted to the Local Agency Formation Commission by State law. The ECAP establishes at Policy 2 a "cooperative approach" buttressed by Fiscal Equity Policies 6, 7 and 8. These policies are a not so subtle attempt to force cities to amend their General Plans, land uses and policies in order to conform to the ECAP. 33-6

Because the UGB is "fixed" as a permanent boundary, it will necessarily mandate the modification of other policies (such as overall densities in land uses) in order to meet the Plan's goals. Alternatively, it will attempt to mandate compliance by existing cities to modify their General Plan policies despite the use of words like "encourage" or "voluntary" (Please see Policies 27, 28, 34 and Program 8). 33-7

Accordingly, the UGB is designed to be the linchpin around which the entire Plan is built. In fact, it is a defective tool, actually causing more conflict with cities than is necessary, and more impacts of an adverse nature than are admitted (e.g., circulation elements, housing mix, affordability, jobs/housing balance & agricultural impact).



The Plan should be analyzed to assume a more flexible UGB line based on policy considerations alone, rather than an arbitrary location without objective criteria uniformly applied. 33-8

## II. DOOLAN SPECIFIC COMMENTS

In drawing the Urban Growth Boundary, the ECAP excludes the Doolan area by edict, not by criteria. The drafters of the ECAP apparently determined in advance (and without regard to planning criteria, goals, policies or programs) that the Doolan area should be placed outside the UGB. Accordingly, throughout the Plan, Doolan is singled out by special reference, because it cannot be excluded by application of the policies, goals and programs developed for the rest of the ECAP if they are uniformly applied. No policies exist in the Plan which would otherwise exclude the Doolan area from a development category. As such, the Plan is punitive without a basis in fact or in policy. Were this treatment placed in a zoning context, it would undoubtedly be struck down as unenforceable spot zoning. This unjustified, burdensome and illogical treatment of the Doolan area undercuts the integrity of the Plan and the process. 33-9

The manner in which the UGB was drawn is not readily apparent from either the Plan or the Draft EIR. Although the line is purportedly based upon the criteria of Table 2, the criteria are largely subjective, leaving the reader with no ability to interpret the line, i.e. it cannot be reached objectively by use of the criteria in Table 2. We would like the Plan to describe in specific terms how the line was drawn, by reference to the criteria, and to have the Plan modified to match that criteria. 33-10

Figure 3 of the Plan and Figure 5 of the Draft EIR disclose that the UGB has not yet been completed through a significant portion of the planning area. Thus, there is an apparent willingness on the part of the Plan authors to defer final determination of the UGB location to area specific studies. We believe that this treatment applies to the Doolan area as well. 33-11

Policies 25 and 26 call for the Doolan area to be placed in an open space/resource management land use category. However, there is virtually nothing in the ensuing 100 pages of the Plan which will justify this designation. Table 2 "General 33-12

Criteria for Locating the Urban Growth Boundary" would all but resolve even the most skeptical of concerns that the Doolan area should be placed inside the UGB, as opposed to outside of it. Doolan is within a proposed General Plan Amendment area; the portion of Doolan proposed to be developed is mainly in areas having less than 25% slope; all of it is under 800 feet in elevation; and none of it is visually prominent. Soils in the area are of less concern in Doolan than in other areas of the ECAP designated for development (no prime soils). Infrastructure would not only be close enough to justify urban development, but development there may actually increase the efficiency of infrastructure in the rest of the Eastern Dublin/ECAP area. No large public land holdings exist in Doolan. Finally, the community separator analysis would disclose that Doolan could very properly be developed in the manner which we have shown, while preserving and enhancing the concept (if it can be justified at all), because of greater opportunity to obtain permanent open space through the development process. 33-12

### III. OPEN SPACE/AGRICULTURE/COMMUNITY SEPARATOR

1. But for the specific exclusion of the Doolan area, all Policies of the open space category can be achieved with appropriate development. Please note that Policy 72(1) includes recreational uses for the resource management category, but the Table of Uses excludes that reference. Please clarify. 33-13
2. The implementation programs for open space dedication and/or in lieu fee (Programs 22 through 29) specifically identify key areas for acquisition pursuant to the ECAP. The Doolan area is excluded by implication thereby confirming our belief that it is not significant enough for a County acquisition program. Yet, Policy 26 targets Doolan for open space. We view this approach as confiscatory and request that Policy 26 be deleted. 33-14
3. We have doubts about the ability of the County to achieve the goals established by Policy 60, to wit, to provide a detailed open space program ensuring the acquisition of land for public use, sufficient funds to manage open space land, and the fair compensation of property owners. That is to say, the County's desire to be everything to all people at all times is a bit optimistic. 33-15

4. Rural development and rural residential development appear to be used interchangeably at Policies 20 and 21. Please clarify. The ECAP proposes an integrated set of community facilities to provide services to residents of the East County, both in and out of incorporated areas. Those facilities include public hospitals, libraries, jails, child care, and cultural facilities. (Please see Program 21). This Program proposes the funding of those community facilities by virtue of a sub-regional facility fee for all new development, both in and out of incorporated area. The Plan does not analyze the potential loss of substantial portions of developable land to annexing cities on the ability of the County to achieve these goals. (In the alternative, the Plan does not analyze the ability or inability of the County to force the sub-regional facility fee on annexing cities in the event of a substantial annexation). Perhaps it is the belief of the drafters of the ECAP that the Plan is an aggregation of component parts, each of which stands or falls on its own with regard to these community facilities. (That is to say, the loss of substantial portions of the Eastern Dublin area to the City of Dublin, without the implementation of the sub-regional facility fee, will have no impact on the rest of the East County Area Plan.) However, if the component nature of the Plan is the basis for the ECAP to rely on its ability to mitigate impacts, then it should be so stated in the Plan. In the alternative, the Draft EIR (to be addressed below) must analyze the impact of the potential loss in sub-regional fees. Policy 64 needs more clarification with regard to its reference to "active public use". Do such uses include commercial uses, such as golf courses, equestrian centers, shooting clubs, etc.? Moreover, the overall ability to identify appropriate uses outside the Urban Growth Boundary is rather obscure and needs further clarification in the Plan.
5. No findings or studies support the establishment of the 100-acre minimum for agricultural parcels. (See Policies 92 through 97 and Program 40). In fact, the background reports at pages 23 and 24 "prove" the limitation to be arbitrary. The Plan should instead refer to policy considerations (economic viability) as opposed to arbitrary acreage minimums.

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6. Policy 106 refers to major ridgelines, but does not provide an adequate definition to determine what is major from what is minor and what is acceptable within an appropriate development envelope near a major ridgeline. 33-22
7. Policy 108 identifies five separate areas as "community separators", but there appears to be no exhibit or map in the Plan which locates those on the land use map. Moreover, there is no further clarification in the text of the Plan which would allow the reader to easily identify these areas. Moreover, the basic concept of a community separator is not justified in the Plan. The Plan acknowledges that the character of the valley will change significantly with the build out of the ECAP, but does not identify why a community separator is important to the area. For example, why is it not important south of Interstate 580? The concept seems to be more important to passersby on Interstate 580 than to residents of the area. (The ECAP refers to the ability of Livermore's Golf Course to provide community separation, but ignores the lack of community separation further south. The impacts of requiring this separation versus no separation should be analyzed in the Draft Environmental Impact Report, and it is not. This concept is but one more artificial constraint that creates more impact than it resolves. 33-23  
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#### iv. RESOURCE MANAGEMENT

The Doolan area has been designated by the land use category "Resource Management". This designation comes without any site specific analysis regarding the current status of the property. None of the conditions of this category apply in fact to the Doolan area, and the Plan provides no way to amend the designation if the property owners can prove that the criteria do not apply. This is so, even though it is admitted in the Plan, that the designation is based on inadequate information. There is no statement in the Plan or criteria as to what particular biological resources are in need of protection and/or whether or not they exist in the Doolan area. 33-26  
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V. MISCELLANEOUS

1. Program 54 calls for the County to develop specific biological survey protocols which would be an additional layer of analysis and duplicative of state and federal requirements. We recommend that this program be deleted unless the protocol is less burdensome and coordinated with State and Federal agencies. 33-28
  
2. Policy 138 concludes that the Livermore Municipal Airport is a regional resource (and the background reports identify it as an important commercial regional resource). There is no analysis to establish what economic benefit the airport provides to the region and/or to contrast that benefit with the substantial impacts created by the airport on adjacent land uses. We believe that the Draft EIR should engage in this analysis. 33-29
  
3. Policy 236 calls for new development to be contingent on verification that "an adequate and permanent water supply" can be provided to serve the development. There is no guidance as to the definition of the term "permanent water supply". We recommend that this definition be clarified. 33-30
  
4. Policy 245 calls for the requirement that recycled water be used for golf courses. This policy is made without regard to the availability of recycled water and should address the possibility that recycled water will not be available when and where needed at the time an appropriate golf course is proposed. 33-31

DRAFT ENVIRONMENTAL IMPACT REPORT

I. INTRODUCTION

Because the Draft East County Area Plan is designed to be a "self-mitigating" Plan, the comments previously made on goals, policies and programs are relevant to the sufficiency or insufficiency of the Draft Environmental Impact Report. Accordingly, all of our previous comments with regard to the

Draft East County Area Plan itself are hereby incorporated by reference at this point, as though set forth in full, and you are requested to respond or comment appropriately.

## II. CUMULATIVE IMPACTS

The Cumulative Impact Analysis or "Regional Impacts" set forth in Chapter 7 is inadequate to meet the requirements of CEQA (California Environmental Quality Act). While the analysis does provide a discussion of impacts on Alameda County's Eastern Planning Area, it does not adequately analyze the impacts upon the welfare of the surrounding region (See, Associated Homebuilders of the Greater East Bay v. City of Livermore, 18 Cal.3d 582, 601). That is to say, it is not enough as stated at Section 7.1 that the analysis is cumulative because "they examine the effects of growth in the entire planning area", and then look to the ways in which impacts may be "increased or compounded by growth outside the East County Planning Area".

In every case: land use and agricultural resources, employment and housing, traffic, air quality, noise, water supply, water quality, solid and hazardous waste management, biological resources, visual and esthetic resources, energy, and geologic hazards, the analysis is introspective only.

For example, your Agricultural Resources Analysis discloses at Figure 14 virtually none of the land outside of the Urban Growth Boundary reach the level of prime soils. The Draft EIR should discuss the impact the UGB has upon the prime soils in San Joaquin and Contra Costa Counties by removing otherwise developable lands in Alameda County from the category of potential development.

Similarly, in each category of impact, the decision to artificially restrict development by the use of an Urban Growth Boundary has adverse and potentially significant unavoidable impacts on the adjacent counties of Contra Costa and San Joaquin (and possibly Stanislaus County), by increasing the pressure to urbanize in those areas.

The Draft General Plan is not internally consistent. As previously indicated under the discussion regarding the East County Area Plan, the discussion in the text regarding community separators cannot be correlated with any diagram or

map. Accordingly, it is impossible for the reader to locate the community separators. Moreover, the criteria for establishing the Urban Growth Boundary is not uniformly interpreted throughout the area. How is this deviation justified?

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III. CHAPTER 5.1, LAND USE AND PLANNING - URBAN GROWTH BOUNDARY

Policy 1 and Program 1 of the Plan states that the Urban Growth Boundary is "intended to be permanent", and may be subject to modification "only if such adjustments are minor and consistent with the policies of the East County Area Plan". The Boundary impacts all incorporated and unincorporated lands in the Eastern County Planning Area. To the extent that the line is proposed to be permanent, it is in violation of the Planning and Zoning law which provides that each mandatory General Plan element may be amended as often as four times per year. If the environmental analysis were to properly recognize the non-permanent nature of the Urban Growth Boundary, it must also analyze the feasibility of achieving the interrelated goals and policies based on the ability to prevent modification to the Urban Growth Boundary. That is to say, the policies at one point call for all existing cities to achieve average densities within their General Plans above the mid-point of densities. In the event cities do not achieve these densities, then the County policies call for increasing densities in the unincorporated areas of the County. This policy does not address the inability to efficiently plan for infrastructure needs, nor does it recognize that the ECAP is already more dense than adjacent cities, and short of detached, single-family dwellings. The Draft EIR fails to but should analyze these impacts as well as the impacts, both beneficial and adverse, to a modification to the Urban Growth Boundary as an alternate mechanism to providing the needed supply of housing.

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Program 6 and 7 relate to Policy 1 in that they imply that the County will have the ability through tax sharing agreements and a sub-regional facilities fee, to require existing cities to achieve the "voluntary" goals articulated in the East County Area Plan. The Draft EIR does not analyze the substantial adverse impact of divesting cities of their ability to plan freely within their own jurisdictional limits, or the impact on their ability to achieve City plans and goals.

33-36

Provisions providing for review (at five-year intervals) and adjustments (minor and consistent with other policies of the Plan) do not provide enough guidance to allow either the County or a property owner to reasonably determine whether or not they would be able to achieve a modification in the Urban Growth Boundary to benefit their property, even if they were able to show that such a change would be consistent with the policies of the Plan, nor does it provide a process whereby the modification could be achieved. Mitigation Measure 5.1-1(a) frames an attempt to resolve these issues, but in fact is circular logic and gives no guidance at all. We recommend that the Urban Growth Boundary clearly be identified as a line which is subject to modification on the basis of regular review, and upon a showing that the area proposed for amendment meets the other criteria for the establishment of the Urban Growth Boundary. The issue of whether or not the proposed adjustment is "minor" is troublesome, and should be deleted in its entirety. If a modification is warranted based upon the counties criteria, it should be made without regard to whether it is major or minor.

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#### IV. CHAPTER 5.2. AGRICULTURAL RESOURCES

While the Doolan Area is "described" in this Chapter, it is acknowledged in the description that any agricultural use is in the form of cattle grazing, which occurs mainly on the "hilly portions of the area". There are no prime soils in the Area, and Williamson Act contracts have expired. The planning policies and programs which are developed to deal with encroaching development for non-urban uses as set forth in page 7 of Chapter 5.2 are not applicable to Doolan. That is to say, their development for non-urban uses would not result in the loss of pockets of prime soil; the premature loss of agricultural land; or the viability of agriculture. Accordingly, any reference to Doolan in the Chapter should be deleted in its entirety. It is our belief that for this reason a new land use category, "Resource Management", was developed (among other things to boot strap Doolan into a category of non-development or non-urban uses). The categories of Large-Parcel Agriculture and Resource Management are artificially linked together without any justification.

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V. CHAPTER 5.3, EMPLOYMENT AND HOUSING

While this Chapter discusses the issues of affordability, housing mix, and housing and employment growth, it is void of any analysis of the adverse impacts of the Urban Growth Boundary on affordability by restricting artificially the land available for development. We suggest that such an artificial restriction will drive up the cost of land, therefore reducing the affordability of housing available to County residents. We request that this impact be analyzed both within the context of the Planning Area itself, and within the context of regional impacts mentioned previously.

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VI. CHAPTER 5.7, BIOLOGIC RESOURCES

This Chapter makes the conclusory statement that:

"The lands in the East County that are currently under the most pressure for urban development have been subjected to a level of examination adequate for providing recommendations in determining an urban growth boundary."

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While this statement references an impressive list of data sources, examination of those sources would disclose that very little justification occurs for the set-aside of large tracts of land as "Resource Management". In fact, an analysis of those documents would disclose that there is no basis for the characterization of the Doolan Area as Resource Management.

To the extent the Urban Growth Boundary is based on this faulty analysis, the Environmental Impact Report should at least analyze impact on the Plan if large tracts of land inside the Urban Growth Boundary are determined to contain special status species and significant natural communities thereby making unavailable land which the Plan relies upon in order to achieve its goals. It occurs to us that under these circumstances, there should be a policy in the Plan which would allow for an amendment to the Urban Growth Boundary to substitute other less significant properties, even if outside the Urban Growth Boundary, and thereby amend the Urban Growth Boundary.

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Table 5.7-2 should be expanded to include information of the likelihood of occurrence for each of the species listed. Further, the status of several species may not be correct, such as the northwestern pond turtle. The status of several species listed in the table differ from the status for the same species as listed in the North Livermore General Plan Amendment, and are not correct based on the USFWS list provided in the appendices to the North Livermore General Plan Amendment. 33-44

The criteria "reduction or degradation of riparian or other wetlands" at page 17 should be qualified to recognize that not all the wetlands in the project area are functioning or valuable wetlands. There are artificial wetland areas caused by obstruction to flows that are no more valuable than the adjacent cultivated lands or grassland habitat. The loss of these small areas should not be considered significant. 33-45

The last two words in the first sentence of the first full paragraph at page 21 (Potential Impact 5.7-2) should be changed from "other wetlands" to "waters of the United States." There are many areas under the Corps jurisdiction that do not qualify as wetlands. The use of the term "waters of the United States" is more appropriate since it defines all areas under the Corps jurisdiction and includes wetlands. 33-46

The last sentence at page 21 (Level of Significance), which states in part "a net loss of riparian or seasonal wetland habitat would constitute a significant and unavoidable adverse impact of the plan.", should be changed to read "a net loss of riparian or seasonal wetland habitat could constitute a significant and unavoidable adverse impact of the plan." to reflect the position that not all wetlands are valuable habitat. 33-47

The last sentence on page 22 regarding Special Status Species is inappropriate for this Draft EIR. Mitigation for presumed impacts to kit fox, especially where recent studies fail to find signs of the kit fox in the project area, is a volatile issue. The county should not appear to perpetuate the agencies' position that mitigation can be required even if there is no fox present or likely to be impacted. This sentence should be removed. 33-48

The last sentence in the paragraph (Page 28, Level of Significance), by using the present tense, assumes that the impact will occur. This is not a valid assumption. The last part of that sentence should be re-written as follows: "... and this would be considered a significant and unavoidable impact of the plan."

33-48

VII. CHAPTER 5.8, VISUAL AND ESTHETIC RESOURCES

The East County Area Plan attempts to preclude development in the Doolan Area, in part on the basis of an adverse impact to the visual characteristics of the sub-area. In fact, description of the Doolan Canyon Area, as set forth on page 2 of Chapter 5.8, makes it self-evident significant development can take place in the area without an adverse impact to the visual characteristics of the East County Area Plan, and, in particular, without an adverse impact to the community separators concept. The analysis of potential impact 5.8-4 makes this even more clear. Development in the Doolan Canyon Area will not adversely impact the ability to create a community separator north of Interstate 580 between East Dublin and North Livermore. It is the development or potential development immediately adjacent the freeway which will cause that impact. Accordingly, the development of the Doolan Area should be analyzed without regard to whether or not it will have an impact on the community separator concept. Conversely, potential impact 5.8-4 states that while the chain of lakes in the quarry area between Pleasanton and Livermore is already planned for urban uses, the Livermore Golf Course located in the vicinity of El Charro Road and stretching for nearly a mile along Interstate 580, helps to create a visual sense of separation between the two cities. Clearly, the development of the Doolan Canyon Area is analogous to this exact situation south of Interstate 580. Thus, any potential impact on the community separator concept must be insignificant and analyzed in that context. Further, it must be acknowledged that allowing a continuous strip of development along the freeway would eliminate, not "reduce" the visual perception of separation between East Dublin and North Livermore. Once done, any development in the Doolan Canyon Area would, by definition, be insignificant. Finally, prohibition of development north of Interstate 580, between

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East Dublin and North Livermore, will inhibit the ability to fund and build Dublin Canyon Boulevard. This thoroughfare is a critical link in the circulation system for the East County Area Plan, and the impact of inability to fund and construct it created by the community separator must be analyzed. 33-51

**VIII. CHAPTER 5.13, WATER SUPPLY**

The concept of a "permanent water supply" at policy 236 requires definition, i.e., would a long term contract with the State Water Project meet the definition of permanent? Additionally, we request clarification as to whether or not all projects (large and small) will participate in the mitigation fee. 33-52

**IX. ALTERNATIVES ANALYSIS**

The Analysis of Alternative 3 - Modified East Dublin - mischaracterizes the future study area (the Doolan Area) as "designating this area for possible future development" (page 16). The entire analysis of environmental impacts of Alternative 3 are thereafter based on this mischaracterization. The East County Area Plan itself anticipates development beyond the 2010 period projected in the Plan. Therefore, it should consider the possibility that an efficient use of the land, better regional transportation, more efficient utilization of services could occur in the Doolan Area as part of a comprehensive plan for the development of Eastern Dublin. Instead, the East County Area Plan (for political, not policy, reasons) provides no analysis supporting its conclusion that development in the Doolan Area would be an inefficient use of land and provision of services. In fact, we believe that we can establish that more efficient utilization of land, services, and more benign regional impacts would occur if Doolan were allowed to develop in a rational way. 33-53

The analysis of this Alternative also improperly concludes that there would be potential adverse impacts to biological resources, hydrology and water quality if development were to occur in Doolan Canyon. We respectfully request that these purjorative references be deleted from the Analysis. 33-54


Deborah Stein  
Alameda County Planning Department  
August 4, 1993  
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Similarly, we wish to incorporate and reiterate our objections to Alternate 3 in the Analysis of Alternate 4, Modified North 33-55 Livermore.

Very truly yours,

DOOLAN EAST ASSOCIATES  
DOOLAN WEST ASSOCIATES

By:   
DeWitt C. Wilson  
Managing General Partner



## RESPONSE TO COMMENTS LETTER 33

Doolan East Associates  
DeWitt C. Wilson, Managing General Partner

### RESPONSE 33-1

The Urban Growth Boundary is designed to provide sufficient land to accommodate the twenty year projected growth in population for the planning area, plus 12 percent additional growth. This additional 12 percent is intended to provide needed flexibility in the siting of development to hold down the cost of land and to provide the framework for ultimate buildout beyond the 2010 time horizon [see **Response to Common Question (RCQ) #1**].

As noted in **RCQ #2**, the Urban Growth Boundary provides a logical and continuous line which, in response to a range of factors, separates areas generally suitable for urban development from areas that are less suitable for such development. The general criteria contained in Table 2 of the proposed plan, as well as the plan's goals, policies and programs, served as guidelines in determining the location of the line. In some areas, such as along the western edge, the Urban Growth Boundary reflects the delineation of urban and non-urban areas established by the cities in the East County as set forth in their adopted general plans. In other areas, the boundary was drawn by following physical features, such as the South Bay Aqueduct. In general, land inside the Urban Growth Boundary can be developed with fewer environmental and quality-of-life impacts and more efficient provision of infrastructure and services than land outside the boundary. The Urban Growth Boundary generally concentrates future development in areas which:

1. are closer to employment centers rather than further away;
2. are relatively flat rather than hilly;
3. have direct access to freeways and planned transit stations;
4. are adjacent to existing communities;
5. preserve community separators;
6. have few biological, public safety, service and resource constraints;
7. preserve large contiguous tracts of open space for resource management and habitat protection; and,
8. do not include large contiguous blocks of agriculturally valuable soils, except where these areas are already included within city limits or adopted city general plan areas.

These general planning principles regarding the appropriate location of urban development were outlined in the Planning Issue discussion in the *Urban Land Use* chapter of the Background Reports (*Volume 2 - Draft East County Area Plan*).

In particular, ECAP policies 56 and 57 (regarding open space areas), policy 75 (regarding preservation of prime soils), policy 89 as modified in the DEIR (regarding Williamson Act contract cancellation), policy 106 (regarding preservation of visually sensitive ridgelines), policy 108 (regarding community separators), policy 284 (regarding minimizing development on slopes exceeding 25 percent), and ECAP policies encouraging compact development, amplify the Table 2 criteria.

In applying these criteria to the location of the line, the County has balanced the relevant factors, while seeking to include an appropriate amount of land within the boundary to accommodate projected growth. The relevance of each criterion varied from subarea to subarea, depending on unique circumstances and conditions. No single criterion was necessarily determinative of whether a particular property was located inside or outside the Urban Growth Boundary. Where a property has characteristics that might locate that property either inside or outside the Urban Growth Boundary, the competing characteristics of that property were weighed, based upon the best information available, to determine its most appropriate location.

For example, some properties were located inside the Urban Growth Boundary due to their close location to existing or proposed development, even though their development might impose significant environmental or visual constraints. In such instances, other policies contained in the East County Area Plan may provide appropriate protections for those properties. Some flat acreage is located outside the Urban Growth Boundary for a variety of reasons, including distance from existing urban development, proximity to agriculture, and the need for large contiguous tracts of open space for resource management and habitat protection. Moreover, in some instances, due to environmental conditions, the Urban Growth Boundary goes through parcels rather than along property lines. This enables development of the parcel inside the line while the land outside the line becomes open space, thus effecting a transition from the built to the unbuilt environment.

Some environmentally sensitive areas are located as islands inside the Urban Growth Boundary. In such instances, policies contained in the East County Area Plan will provide appropriate protection for those areas.

A significant benefit of the Urban Growth Boundary is the establishment of large portions of the East County as non-urban areas. The Urban Growth Boundary provides better protection of regional environmental resources than does the usual project-by-project mitigation of impacts. The permanent, continuous band of open-space and resource management lands outside the area designated for urbanization provides advance assurances that important watershed, agricultural, visual, and multi-species biological values will be protected. This large-scale approach to resource management offers more integrated and successful protection of environmental values than does the traditional project-by-project mitigation-based approach which typically results in islands of habitat. Testimony by the California Department of Fish and Game before the Planning Commission (August 19, 1993) supported the Urban Growth Boundary and the ECAP's comprehensive and regional approach to mitigation for impacts to biological resources. The CDFG representative indicated that the Urban Growth Boundary not only meets the goals of the Department of Fish and Game, but should provide for more streamlined permitting.

In locating the Urban Growth Boundary, the characteristics of a given site necessarily were evaluated in light of the need from a planning perspective to locate the Urban Growth Boundary in a manner that is reasonable from both a local and a regional perspective. As a result, the Urban Growth Boundary provides a logical and continuous line, which separates areas suitable for urban development from areas that are less suitable for such development in light of competing factors.

#### RESPONSE 33-2

As set forth in ECAP policy 1, the Urban Growth Boundary is intended to be a permanent feature of the ECAP (see RCQ #3). Consistent with the requirements of state law, the Urban Growth Boundary



represents a comprehensive, long-term plan for delineating open space and urban development and for protection of natural resources, agriculture and public safety. Under the ECAP, the Urban Growth Boundary can be reviewed and, if appropriate, adjusted by general plan amendment, which may occur as part of the five year review process provided by ECAP program 1. In addition to the five year review process, the Urban Growth Boundary can be reviewed through the normal general plan amendment process. It is not anticipated that a general plan amendment that would abandon or substantially undermine the protections provided by the Urban Growth Boundary would be adopted during the life of the ECAP. Any such general plan amendment, however, necessarily would be subject to future environmental and public review. In addition, it should be noted that the Urban Growth Boundary will be clarified and analyzed at a finer degree of detail, in light of site-specific characteristics, through the environmental and public review of future specific plans.

### RESPONSE 33-3

Staff concurs that references in ECAP program 1 to "minor" adjustments in the five year review lack clarity. Accordingly, program 1 will be modified as follows (language added to this program in the DEIR appears in *italics*; subsequent new language is underlined and deleted language is ~~struck-out~~):

Proposed Modification to Program 1: The County shall review the Urban Growth Boundary and the land use designations within it every five years. At the time of the five year review, the County may make adjustments to the Urban Growth Boundary, only if such adjustments are ~~minor and otherwise~~ consistent with the goals and policies of the East County Area Plan. *Prior to adjusting the Urban Growth Boundary, through the five year review process or through an amendment to the East County Area Plan, the County shall require findings that the adjustment:* 1) is otherwise consistent with the goals and policies of the plan, 2) would not promote sprawl, or leap-frog development, or induce further adjustment of the boundary, and 3) would not unacceptably affect visual and open space resources, and 4) is justifiable based on a balancing of criteria contained in Table 2. In addition, the Urban Growth Boundary will be adjusted to reflect city land use designations, if different from those in the East County Area Plan, if land is annexed.

(This modification to program 1 is also shown in RCQ #3.)

Under this provision, the ECAP will provide for County-initiated review of the Urban Growth Boundary every five years, at which time the County may make adjustments to the Urban Growth Boundary only if such amendments are consistent with the policies of the ECAP. Such adjustments may include changes to more accurately reflect topographical characteristics, legal boundaries or other relevant factors. In addition to this County-initiated five year review, the ECAP contemplates that modifications to the Urban Growth Boundary may be considered through general plan amendments, subject to state law requirements for public and environmental review. It is anticipated that a general plan amendment to modify the Urban Growth Boundary would be evaluated based upon the general criteria provided in ECAP program 1.

### RESPONSE 33-4

The criteria for locating the Urban Growth Boundary, as set forth in Table 2, includes biological, geotechnical and other physical characteristics which make certain areas less appropriate for urban uses than other areas. In applying these criteria, the County has balanced the relevant factors, while seeking to include an appropriate amount of land within the boundary to accommodate projected growth for 20 years plus an additional 12 percent in housing capacity (see RCQ #1). ECAP policies and programs (including program 1, as modified) provide sufficient flexibility to allow for adjustments to the boundary as necessary to ensure its integrity over time. In addition, the reader should note that the ECAP does not rely on an assumption that all land designated for urban uses will be developed. Rather, the ECAP recognizes the probability that some of the land within the Urban Growth Boundary will not be built out for a variety of reasons. For example, environmental considerations (such as development of precise mitigations which must be coordinated with state and/or federal agencies) and long-term economic conditions make it difficult to predict precisely how the plan will be built out. Recognizing the many factors that may affect growth under the plan, the ECAP provides sufficient flexibility to accommodate changing circumstances. See RESPONSE 33-3.

With respect to the commenter's statement regarding land outside the Urban Growth Boundary that is "determined to meet all of the criteria of the UGB," it should be noted that the general criteria for locating the Urban Growth Boundary are broad guidelines that were considered in light of the need to accommodate projected growth and other planning considerations. See RESPONSE 33-1. Thus, the criteria do not provide a stringent standard of inclusion or exclusion.

#### RESPONSE 33-5

Comment noted. In general, please refer to RCQ #2 which describes how the Urban Growth Boundary was drawn, and RCQ #15 which discusses the relationship between the proposed plan, the cities' adopted general plans, and the cities' sphere of influence. Specifically, the City of Dublin's general plan amendment for East Dublin was not incorporated into the plan because the amendment called for a future study area which was not in keeping with the delineation of the Urban Growth Boundary or with the plan's Resource Management designation. See also RESPONSE 10-4.

#### RESPONSE 33-6

The policies referred to by the commenter are designed to encourage cooperation between the cities and the County in developing a sound approach for regionally-beneficial land use planning. In establishing the Urban Growth Boundary and the ECAP, the County is acting pursuant to its state-mandated obligations to plan for the unincorporated areas of the County. Thus, the Urban Growth Boundary does not result in any form of unlawful preemption of LAFCO's authority.

#### RESPONSE 33-7

ECAP policies were developed in coordination with the goals, policies and programs establishing the Urban Growth Boundary. Formulation of ECAP policies, programs, land use designations and Urban Growth Boundary was based in large part upon adopted City general plans. See ECAP, Volume 2, Background Reports. Thus, it is anticipated that ECAP goals can be met without the modifications suggested by the commenter. The Urban Growth Boundary is integrated into the plan as an important

feature to help achieve the plan's goals. The Boundary, is not, however, the "linchpin" around which the entire plan is built.

The DEIR analyzes adverse impacts of the ECAP, including any impacts associated with the Urban Growth Boundary, which are potentially significant. See RESPONSE 33-1.

#### RESPONSE 33-8

The criteria for locating the Urban Growth Boundary were applied consistently throughout the planning area. As noted in RESPONSE 33-1, however, the relevance of each criterion varies from subarea to subarea, and competing considerations required the County to exercise its discretion as a land use planning authority to weigh certain factors more heavily in some instances than in others. Consistent with the commenter's suggestion, the Table 2 criteria were developed in part based upon policy considerations, and, as discussed in RESPONSE 33-1, policy considerations were assessed in evaluating the Table 2 criteria.

#### RESPONSE 33-9

The Doolan area (taken to include the entire 7,000 acres between East Dublin and North Livermore) was located outside of the Urban Growth Boundary based on the general criteria for locating the Urban Growth Boundary set forth in Table 2 of the ECAP, coupled with Policies 56 and 57 and other ECAP provisions. As noted in the RESPONSE 33-1, no single criterion was necessarily determinative with respect to each property. With respect to the Doolan area, although certain of the criteria may suggest that certain subareas could be located inside the Urban Growth Boundary, on balance it was determined that the entire area was more appropriate for location outside the Boundary. Among the factors that led to this determination are the following:

- The hilly topography of the Doolan area makes it generally less desirable for urban development than areas located inside the Urban Growth Boundary in terms of slope instability hazards and efficient provision of infrastructure. Not only is the Doolan area generally more distant from urban services than other areas inside the Urban Growth Boundary, the type of "linear" corridor development that would be required to serve the canyon topography of the Doolan area is less efficient than the compact adjacent development that is generally provided inside the Urban Growth Boundary.
- Placement of the Doolan area outside the Urban Growth Boundary is compatible with Contra Costa County's Urban Limit Line (see DEIR Figure 13; refer also to the discussion under Potential Impact 5.1-2 in *Chapter 5.1 - Land Use and Planning*).
- The contiguity of open space land in East County and Contra Costa County along much of the northern edge of the planning area enhances the general habitat value of the open space by enlarging the total habitat range. Although the Doolan area does not necessarily possess any unique biological resources, preservation of the area for resource management will help mitigate the loss of habitat within the UGB by implementing resource management guidelines. Development of the Doolan and Collier Canyon corridors would result in linear land use patterns which would fragment the biological habitat thereby reducing its

value. Development in the flatter lands of the canyons and drainages would also jeopardize the use of these canyons as wildlife corridors.

Preservation of the Doolan area in open space will further the ECAP policies with respect to community separators.

Please also refer to RESPONSE 2-8 for further discussion of the plan's comprehensive approach to biological resource protection.

**RESPONSE 33-10**

Please refer to RESPONSE 33-1.

**RESPONSE 33-11**

The commenter refers to the South Livermore Area Plan (SLVAP) adopted by the Board of Supervisors on February 23, 1993 which is incorporated in its entirety into the proposed *East County Area Plan*. Because SLVAP policies will determine the location and the extent of urban development within its planning area, the ECAP's Urban Growth Boundary along this edge is "dashed" until complete implementation of the SLVAP has been achieved.

**RESPONSE 33-12**

Please refer to RESPONSES 33-1 and 33-9.

**RESPONSE 33-13**

Comment noted. The recreational use of Doolan Canyon Resource Management area mentioned in policy 72 refers to future hiking once the proposed regional trails shown on Figure 9 of the draft plan are in place. Table 10 in the plan will be modified to include "Recreation" as one of the Typical Uses of this area.

**RESPONSE 33-14**

Please refer to RESPONSES 33-1 and 33-9. Policy 26 provides that the County shall work with the City of Dublin to exclude development from steep hillsides and from Doolan Canyon and establish programs to acquire these areas as part of a contiguous open space system. In addition, program 23 provides that the County shall work with cities to establish a non-profit Alameda County Open Space Land Trust. Among other things, program 23 will require the County to encourage the Trust to acquire strategic parcels to complete the open space system surrounding Eastern Dublin, which includes the Doolan area.

**RESPONSE 33-15**

Policy 60 provides certain conditions relating to open space which must be satisfied by new developments in the planning area. The County will be required, pursuant to the plan, to impose these conditions upon new developments.

#### RESPONSE 33-16

We agree that confusion could arise over the interchangeable use of "rural development" and "rural residential development". For clarification, policy 20 will be modified as follows to delete the word "residential":

Policy 20: The County shall recognize existing rural residential development outside the Urban Growth Boundary including Sunol, Tesla Road, South Livermore, Midway, Mines Road, Little Valley Road, Welch Creek Road, and other existing rural residential areas.

"Rural Development" is the generic term defined in Table 1 of the plan as follows:

This is generally considered to include residential land uses of less than 1 unit per acre, including Rural Density Residential, Large Parcel Agriculture, and supporting uses. Rural development areas include clusters of homes and supporting uses outside city spheres of influence, including rural communities such as Sunol.

The Land Use Diagram and Tables 10 and 11 of the plan will be corrected to read "Rural Density Residential" to refer to the land use designation. This land use designation is distinct from most rural residential areas which are designated as Large Parcel Agriculture.

#### RESPONSE 33-17, 33-18, and 33-19

The County encourages the annexation of urban development in unincorporated land and therefore can only encourage imposition of a subregional fee by the cities on new development. The point of program 21 is to encourage a cooperative effort among all East County jurisdictions to develop an equitable funding approach for subregional capital improvements (e.g., public hospitals, libraries, courthouses and jails) for which existing funding mechanisms are inadequate. This program is not proposed nor relied upon as a mitigation for an identified environmental impact, and if the County's efforts to gain cooperation in developing a subregional fee were unsuccessful, there would not be any effect on the plan's ability to mitigate impacts. As noted in RESPONSE 10-1, city cooperation is strictly voluntary, however, it is hoped that all jurisdictions in the East County will come together to resolve common problems. The proposed plan can be a vehicle for this purpose.

Program 21 will be amended as follows to delete the term "child care" since child care does not fit into the category of publicly funded capital improvements:

Program 21: The County shall work with cities to develop a subregional facility fee for all new East County developments within incorporated and unincorporated areas to pay their fair share of the costs for necessary future community facilities such as public hospitals, libraries, jails, ~~child care~~, and cultural facilities.

**RESPONSE 33-20**

Uses allowed on lands designated "Resource Management", Water Management and Large Parcel Agriculture, are generally described on page 37 of the plan under Description of Land Use Designations. Specific uses permissible outside the Urban Growth Boundary will be determined when program 26 is implemented. Program 26 states: "The County shall work with the EBRPD, LARPD, California Department of Fish and Game, and cities to identify public and private uses that should appropriately be allowed within various portions of the open space system, including active and passive recreation, and grazing". Zoning for designations outside the Urban Growth Boundary will remain "A" (Agriculture); however, all conditional uses currently listed under this zoning district may not be allowed once management guidelines have been adopted under the new plan.

**RESPONSE 33-21**

The 100-acre minimum parcel size is commonly used in planning for agricultural uses. The County has used this minimum parcel size since approximately 1972.

**RESPONSE 33-22**

Policy 106 sets forth a list of "major visually-sensitive ridgelines" for preservation. Policy 107 establishes that for such areas, the County shall permit no structure that projects above the ridgeline. In addition, other ECAP policies, including site development review, will determine applicable mitigations for visual impacts.

**RESPONSE 33-23**

Community separators are not a land use designation (overlay or otherwise) under the ECAP. Rather, the ECAP establishes a general policy of preserving community separators in five general areas of planning area in largely open space. This policy was considered as a factor in locating the Urban Growth Boundary and is implemented, in part, through the land use designations on the Land Use Diagram.

**RESPONSE 33-24**

As set forth on page 9 of Visual Resources in the Background Reports (*Volume 2 - Draft East County Area Plan*), community separators provide important visual buffers for both the residents of the cities and for those viewing the planning area as they travel through. These buffers also help preserve the individual identity of each community. South of I-580, the Chain-of-Lakes will provide a buffer between Pleasanton and Livermore.

**RESPONSE 33-25**

The impacts of community separators are analyzed in the DEIR. As discussed in *Chapter 5.8* of the DEIR, community separators incorporated into the plan as policies and mitigation measures reduce visual impacts of the project (see pages 13 through 17).

**RESPONSE 33-26 and RESPONSE 33-27**

As noted in the RESPONSE 33-1, no single criterion was necessarily determinative in locating the Urban Growth Boundary. With respect to Doolan Canyon, it was determined that other areas of the planning area are more appropriate for urban development in light of many factors, such as topography, proximity to infrastructure, the need for large continuous open space areas, community separators, and regional continuity of the boundary.

In sum, as noted in previous responses (see RESPONSES 33-1, 33-3, 33-4, and 33-9), careful consideration was given to location of the boundary in light of the criteria set forth in ECAP Table 2 as well as biological resource mitigation considerations.

**RESPONSE 33-28**

Program 54 of the ECAP calls for coordination with the resource agencies in developing survey protocols for areas specifically within the UGB. The aim of this program is to establish a less burdensome process, consistent with the County's comprehensive and regional approach to mitigating impacts on biological resources which, according to the CDFG, could provide for streamlined permitting (testimony of the CDFG representative at the Planning Commission Hearing on August 19, 1993).

**RESPONSE 33-29**

The Livermore Municipal Airport is an existing land use which lies entirely within the jurisdiction of the City of Livermore; and the *East County Area Plan* does not propose any modifications to the facility's present size or operations. CEQA does not require that an EIR provide any analysis to assess the economic benefits or the environmental impacts of existing land uses.

We reiterate our position that the airport is an important resource for both the Tri-Valley area and the greater Bay Area. The airport supports the local economy by providing a base for corporate aircraft for major businesses in the Tri-Valley area. It serves as a base for aircraft operated by Lawrence Livermore National Laboratory and as an important flight training facility in the Bay Area. The airport serves as an important transportation link for both business and recreational travel and could play an important role in bringing in supplies if a major earthquake disrupts other transportation routes. Livermore's favorable circumstances in relation to other Bay Area general aviation airports are the basis for the Metropolitan Transportation Commission's proposed designation of Livermore Municipal Airport as a "regional airport."

**RESPONSE 33-30**

Please refer to RESPONSE 22-5.



**RESPONSE 33-31**

Please refer to Potential Impact 5.13-2 in *Chapter 5.13 - Water Supply* of the DEIR where policy 245 has been modified to add the words *if feasible* to the requirement that golf courses use recycled water.

**RESPONSE 33-32**

The reasonably foreseeable cumulative impacts of the ECAP on surrounding areas, including Contra Costa and San Joaquin Counties, were analyzed for each category of environmental impact.

Regarding the commenter's assertions concerning prime soils, impacts on prime soils within the planning area that are located outside the Urban Growth Boundary are not expected to be significant. Rather, the establishment of a permanent Urban Growth Boundary can be expected to have a positive impact because it will substantially restrict conversion of such areas to non-agricultural uses. Potential impacts on prime soils in San Joaquin, Contra Costa and Stanislaus Counties, if any, cannot be reliably assessed at this stage because it is not possible to determine where and when such impacts potentially may occur, let alone whether such impacts could be significant. Generally speaking, however, the impacts on prime soils in San Joaquin and Stanislaus Counties are expected to be beneficial, because the ECAP is designed to accommodate growth in the planning area in a manner that will reduce the pressure for urban development on agricultural lands in these outer-lying areas.

**RESPONSE 33-33**

The ECAP is internally consistent, as required by state law. As noted elsewhere in these RESPONSES, community separators are not a land use designation, and, accordingly are not delineated on the Land Use Diagram. ECAP policy 108 and accompanying implementation programs are designed to preserve community separators in five general areas of planning area. This policy was considered as a factor in locating the Urban Growth Boundary and is implemented through the land use designations on the Land Use Diagram. See RESPONSE 33-23.

With respect to the commenter's inquiry regarding the "deviation" in applying the general criteria for locating the Urban Growth Boundary, see RESPONSES 33-1 and 33-9.

**RESPONSE 33-34**

Please refer to RESPONSE 33-2.

**RESPONSE 33-35**

It is difficult to understand what point the commenter is attempting to make. If densities are adjusted to compensate for lower densities within the cities, some infrastructure inefficiencies could feasibly occur just as could happen if growth does not occur as projected. This issue is discussed in RCQ #6. In any event, it is highly unlikely that the UGB will have to be adjusted to accommodate more housing. As discussed in RCQ #1, land designated for urban development within the UGB can accommodate the 20 year growth projection plus an additional 12 percent in housing capacity plus the

conversion of Urban Reserve (not included in the holding capacity calculation). Please also see RESPONSE 46-3.

**RESPONSE 33-36**

The ECAP appropriately requires the County to encourage cooperative planning with respect to tax sharing policies and subregional fees. Moreover, the ECAP offers guidance for future planning, based on a broad, regional perspective. The ECAP does not (and indeed cannot) mandate cities to take any action, nor does it divest cities of their ability to plan freely within jurisdictional limits. Please also refer to RCQ #15 which describes the relationship between the proposed plan, the cities' adopted general plans, and the cities' sphere of influence.

**RESPONSE 33-37**

The five year review allows adjustments to the Urban Growth Boundary, subject to the findings required in program 1 (as modified in RESPONSE 33-3 and RCQ #3). Why these findings are an example of "circular logic" as claimed by the commenter is not clear.

**RESPONSE 33-38**

Comment noted. The word "minor" has been deleted from program 1 as modified in RESPONSE 33-3 and RCQ #3. The provisions of program 1 which would allow adjustments, consistent with the policies of the ECAP, to the Urban Growth Boundary in the context of a five year review do not contemplate modifications to the boundary based on a complete reevaluation of the Urban Growth Boundary criteria set forth in ECAP Table 2. Rather, adjustments may include changes to more accurately reflect topographical characteristics, legal boundaries or other relevant factors.

As modified, program 1 provides a mechanism for adjustments to the line to further the goal of providing long-term protection of natural resources, agriculture and public safety. The Urban Growth Boundary distinguishes lands which the County has determined generally suitable for urban development from lands deemed generally unsuitable for urban development in light of the goals and policies of ECAP. The criteria for locating the boundary do not provide a quantifiable basis for showing that one particular area or another necessarily will be inside or outside the Urban Growth Boundary. Rather, as with any planning decision, the County exercised its discretion in evaluating the location criteria, balancing the various competing considerations in effort to provide a boundary that is reasonable and logical.

**RESPONSE 33-39**

The planning issues summarized on page 7 of Chapter 5.2 of the DEIR pertain to East County's agricultural resources in general and are not intended to or stated to specifically apply to the Doolan area.

**RESPONSE 33-40**

The "Resource Management" designation was developed to identify areas in which resources (such as biological or watershed) would best be protected through best management practices that would ensure compatibility between allowable uses (such as very low density residential or agricultural) and the resource. Please also refer to RESPONSE 33-9 and RESPONSE 2-8.

**RESPONSE 33-41**

As stated in RESPONSE 33-35 and RCQ #1 and contrary to the commenter's claim of an "artificial restriction of land available for development", a surplus of land is designated for urban development to keep land values down so that affordable housing can be more easily provided.

**RESPONSE 33-42**

As stated in RESPONSE 33-9, the Doolan area was designated "Resource Mangement" not because it possesses any unique biological resources but for a composite of reasons which make it a good choice for this designation and not a good choice for urban development. RESPONSE 33-1 describes how the Urban Growth Boundary was drawn; RESPONSE 2-8 describes the concept behind the "Resource Management" designation. The Doolan area was particularly appropriate for this designation due to the combination of its unsuitability for urbanization together with its proximity to existing and future urban development which would render the area vulnerable to development pressure. The permanent protection offered to the Doolan area through policies 60 and 72 and program 23 will both ensure that the Urban Growth Boundary is maintained at its most vulnerable location and will provide the necessary long-term assurance needed for a successful comprehensive habitat mitigation plan for the subregion. See RESPONSES 3-7 and 3-8 for discussion of how the Doolan area can be managed as habitat for biological resources displaced within the Urban Growth Boundary.

**RESPONSE 33-43**

Under the plan and DEIR, it is intended that conversion of potential habitat for special status wildlife species such as the kit fox be mitigated outside the Urban Growth Boundary on land designated for "Resource Management". Special status plant species such as those found in the valley sink scrub habitat community, however, may require mitigation within the Urban Growth Boundary. Any potential impacts associated with later approvals will be analyzed in connection with site-specific development proposals that allow impacts to be more precisely identified. While it is anticipated that some land within the Urban Growth Boundary may require environmental protection (see RESPONSE 33-4), there is sufficient land within the UGB to accommodate projected growth even if some land could not be developed.

**RESPONSE 33-44**

The title for Table 5.7-2, *Special Status Plant and Animal Species Known to Occur in the East County* explains that the species listed are only those with known locations in the plan area. A new table

showing special status species potentially occurring within the Urban Growth Boundary is shown at the end of responses to LETTER 2.

**RESPONSE 33-45**

Comment noted. It is possible that there are wetlands within the project area that are artificially created and have little habitat value. This program EIR does not address impacts on a site-specific level of detail. Site-specific impacts will be addressed through subsequent environmental review for specific plans and project development proposals. However, both the California Department of Fish and Game and the U.S. Army Corps of Engineers, the regulatory agencies responsible for overseeing activities in wetlands, maintain a no-net-loss policy of wetland acreage, regardless of wetland functions and values and typically require mitigation to replace lost wetland areas at a minimum of a one-to-one ratio.

**RESPONSE 33-46**

We concur with the commenter. The text in the DEIR on page 21, first sentence, first paragraph in *Chapter 5.7* will be changed from "other wetlands" to "waters of the United States".

**RESPONSE 33-47**

The use of the word "would" instead of the word "could" in describing the significance of this impact is consistent with the significance criteria established in the beginning of Section C in *Chapter 5.7* of the DEIR.

**RESPONSE 33-48**

Comment noted. The County's intention in including the last sentence on page 22 of *Chapter 5.7* of the DEIR was to provide information regarding the agency's position on kit fox habitat in an adjacent county. The wording on page 28 under Level of Significance (for Potential Impact 5.7-5) will be changed as follows (new language is underlined; deleted language is ~~struckout~~):

"However site-specific impacts on special status species could result from particular activities allowed outside the Urban Growth Boundary, and this ~~is therefore~~ would be considered a significant and unavoidable impact of the plan."

**RESPONSE 33-49**

Please refer to RESPONSE 33-9 which discusses why the Doolan area was considered less suitable for urban development than other areas. Visual characteristics have not been specifically mentioned as a reason for the Doolan area to be located outside the Urban Growth Boundary.

**RESPONSE 33-50**

No separate analysis of the impacts of development in the Doolan area on the community separators concept is required. The Doolan area is located outside the Urban Growth Boundary and is not designated for urban development under the ECAP. Accordingly, impacts of developing the area are not a reasonably foreseeable environmental effect of the project. Moreover, it should be noted that other factors, in addition to furtherance of the community separator policies, were relevant in locating the Urban Growth Boundary with respect to the Doolan area. See RESPONSE 33-1 and 33-9.

**RESPONSE 33-51**

Comment noted. The commenter is correct in stating that funding of Dublin Boulevard may be more difficult as result of the community separator policy.

**RESPONSE 33-52**

Please refer to RESPONSE 22-5 which modifies policy 236 by substituting "adequate long-term" for "permanent". Because it is unclear from the comment what mitigation fee is being referred to, no response is possible.

**RESPONSE 33-53**

The commenter is incorrect that Alternative 3 - Modified East Dublin "mischaracterizes" the Future Study Area. In this alternative, the County assumes that the area is of interest to the City of Dublin and that it may be deemed suitable for development by the City of Dublin at some time in the future. This is consistent with the description of the project adopted by the City on May 10, 1993. Therefore, the statement on page 14 of *Chapter 6* of the DEIR that "the future study area designation indicates the potential for possible future development" (or the similar statement on page 16) does not mischaracterize the Future Study Area.

**RESPONSE 33-54**

As noted in the DEIR on pages 17 and 18 of *Chapter 6*:

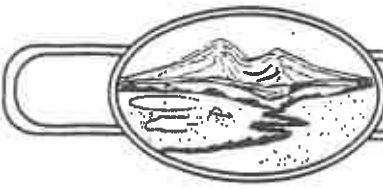
"The primary impact resulting from implementation of this alternative would be the absence of long-term protection for biological resources by not setting limits on the expansion of new urban development and not providing policies and programs to secure large contiguous open space areas outside of these limits specifically for the protection of biological resources."

"Hydrology and water quality impacts would be the same as the plan unless development occurred in Doolan Canyon, in which case runoff would increase thereby increasing the potential for erosion and stream sedimentation."

The commenter provides no reason why these conclusions are "improper"; therefore these references will be retained.

**RESPONSE 33-55**

Comment noted. Please refer to RESPONSE 33-54.



# TASSAJARA VALLEY PROPERTY OWNERS ASSOCIATION

ENVIRONMENTALLY PLANNED GROWTH

**LETTER 34**

**RECEIVED**

**AUG 04 1993**

August 4, 1993

Adolph Martinelli  
Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

**Re: Comments on Draft Environmental Impact  
Report for the East County Area Plan**

Dear Mr. Martinelli:

On behalf of the Tassajara Valley Property Owners Association ("TVPOA"), please accept this letter as our written comments on the Draft Environmental Impact Report ("Draft EIR") prepared for the proposed East County Area Plan.

## STATUS OF DEVELOPMENT PLANS IN TASSAJARA VALLEY

The Tassajara Valley is immediately north of the west portion of the East Dublin/Doolan Canyon Subarea of the East County planning area and generally includes the unincorporated area along Camino Tassajara east of Blackhawk and continuing south to the Alameda County line. The Tassajara Valley is within Contra Costa County's Urban Limit Line as designated in the 1990-2005 Contra Costa County General Plan.

On August 13, 1991, the County Board of Supervisors authorized County staff to proceed with a general plan amendment and rezoning study for the Tassajara Valley Area including property owned by TVPOA members. TVPOA subsequently submitted formal applications to the County for a general plan amendment, rezoning, and a preliminary development plan. On April 16, 1993, the County issued a Notice of Preparation of an EIR for the Tassajara Community Plan and we anticipate a draft EIR for the project will be released in the first quarter of 1994. A complete master plan is in process. Current plans call for up to 6,200 dwelling units for the planning area. Copies of the authorization resolution and the Notice of Preparation are attached as part of this comment.

COMMENTS ON THE DRAFT EAST DUBLIN EIR

**A. Preliminary Comment**

Dougherty Valley and Tassajara Valley in Contra Costa County and Eastern Dublin and, to a lesser extent, North Livermore in Alameda County share a common location, a common need for expansion of infrastructure, and a common time frame for development. Because of these common traits, the planning agencies should work together to coordinate expansion of public services and facilities, and to find solutions for common problems.

34-1

More importantly, the timing and proximity of these developments creates an unprecedented opportunity to implement new solutions to the problems of transportation and increased air pollution from vehicles. Alameda County should explore these possibilities with public and private entities and should work closely with Contra Costa County to seek their implementation.

**B. Transportation**

**1. Coordinated Sub-Regional Transit Plan**

The Draft EIR discusses provisions in the proposed East County Area Plan requiring coordination with adjacent jurisdictions and transportation agencies. For example, Policy 168 requires County cooperation with Tri-Valley Transportation Council (TVTC) to develop a subregional transportation fee. Also, Policy 188 and Programs 77 and 78 require County cooperation with other local, regional, state, and federal transportation and transit agencies. The Draft EIR proposes a very positive step by requiring new development to contribute proportionally to subregional mitigation measures (Mitigation Measure 5.4-3, page 5.4-21).

34-2

In addition, we would suggest that developers in Eastern Dublin, and possibly North Livermore, be required to cooperate with adjacent property owners (TVPOA and Dougherty Valley) as well as adjacent business parks (Hacienda and Bishop Ranch) and the nearby regional shopping mall (Stoneridge) to explore the feasibility of a sub-regional transit system to serve the area. This effort should be done in cooperation with Central Contra Costa Transit Authority, Livermore-Amador Valley Transit Authority, and BART. It may be that such an effort can be accomplished in conjunction with the TVTC planning study.



2. Land Use Assumption for Tassajara Valley

The Draft EIR does not set forth Tassajara Valley development assumptions for purposes of reviewing cumulative traffic impacts. Instead, the Draft EIR refers to a draft report prepared on the Tri-Valley Transportation Model (Page 5.4-12). Of course, no final decisions have been made regarding development in Tassajara Valley, but both the timing of Tassajara Valley development and the total number of units may be different than the assumptions used by the Draft EIR.

As noted above, current plans call for up to 6,200 dwelling units on 4,600 acres in the Tassajara Valley Planning Area. Also, the plans call for 440,000 square feet of commercial, office, and public space which would yield 880 employees in Tassajara Valley at 500 square feet per employee. (The Draft EIR uses different numbers in Table 5.1-2, page 5.1-9.)

34-3

Specifically, Alameda County should update the traffic projections in the Final EIR to reflect current projections for timing of development in Tassajara Valley. Such an update may require modifications to cumulative traffic analysis in those areas most impacted by trips generated by Tassajara Valley development, i.e., Tassajara Road.

3. Cumulative Traffic Impact on Tassajara Road

The Draft EIR concludes that Tassajara Road will operate at level of service F north of Dublin Boulevard with four lane capacity (page 5.4-21). Importantly, the Draft EIR recommends mitigating this impact by widening Tassajara Road to six lanes in the busiest sections (Mitigation Measure 5.4-4, page 5.4-22). This mitigation measure should be adopted.

34-4

Also, the Draft EIR finds acceptable level of service forecasts for Tassajara Road north of Fallon Road based on four lane capacity (Table 5.4-2). However, Figure 7 shows Tassajara Road north of Fallon Road to be only two lanes. The Final EIR should modify Figure 7 to show the road section as four lanes. Otherwise, the analysis of level of service is inaccurate.

4. Extension of Hacienda Drive to Dougherty Valley

The East County Area Plan transportation network includes an extension of Hacienda Drive into Dougherty Valley in Contra Costa County. This planned improvement is a positive step that will alleviate potential problems on Tassajara Road and Dougherty Road which would otherwise carry traffic from Dougherty Valley.

34-5

The East County Area Plan and Draft EIR could discuss in greater detail the importance of the Hacienda Drive connection to Dougherty Valley. Specifically, such a connection would provide a direct access from the new I-580/Hacienda Drive interchange to Dougherty Valley. Adding this road would provide direct access routes to I-580 for the west and east sides of Dougherty Valley (Dougherty Road and Hacienda Drive, respectively), and Tassajara Valley (Tassajara Road), and thus, would balance the traffic loads at the I-580 interchanges and through Dublin and Eastern Dublin. Also, a Hacienda Drive extension provides a direct link for the entire Dougherty Valley to the following: 1) the new BART station planned near Hacienda Drive and I-580; 2) the heart of Hacienda Business Park in Pleasanton, and 3) the new major commercial uses planned for the County property in East Dublin.

34-5

Therefore, the Final EIR should recognize that, as a planning and circulation matter, extending Hacienda Drive into Dougherty Valley is an important subregional issue. A policy could be added to the East County Area Plan requiring Alameda County to work with the affected agencies and property owners (Dublin, Contra Costa County, East Bay Regional Park District, Camp Parks-U.S. Army, and Dougherty Valley and Tassajara Valley developers).

##### 5. Other Comments

The 680/580 Corridor Transportation Association (680/580 Association) is a private non-profit Transportation Management Association (TMA) comprised of major employers and business representatives along the I-680 and I-580 corridors in Contra Costa and Alameda Counties. The primary purpose of the 680/580 Association is to identify, study, advocate and promote creative and innovative transportation solutions and technologies and related facilities and operational strategies in the corridor between Pleasanton and Martinez.

34-6

The East County Area Plan should include provisions to require property owners and developers to coordinate with the 680/580 Association and, if appropriate to develop remote telecommute centers within the project area. Besides providing a place to work for employers located elsewhere, these neighborhood centers could provide numerous services, such as distance learning through videoconferencing, teleshopping, governmental services, library connection and medical applications. Also, consideration might be given to the development of so called "smart houses" in the study area to facilitate at-home and/or neighborhood telecommuting. These concepts could be evaluated to determine the potential to reduce peak hour and/or total Daily Vehicle Trips.

**C. Biological Impacts**

The Draft EIR recognizes potential impacts caused by increasing the area of urban/wildland interface, including introduction of non-native invasive plants in edge urban areas (Potential Impact 5.7-4, page 5.7-25). This concern is mitigated by Policy 72 and Program 24. We suggest modification of Program 24 consistent with Policy 72 to clarify that management guidelines for resource protection may apply to urban areas and Resource Management areas to address concerns regarding the urban/wildland interface.

34-7

Also, other policies and programs require water conservation plans. Such plans often include use of drought resistant, low-water-use plants species in landscaped areas. Because many drought-tolerant plants are extremely invasive and are able to out compete native plants, these species threaten wildlife habitat. This could affect wildlife management activities contemplated by TVPOA for the Tassajara Valley. Therefore, a list of prohibited species for all landscaping is recommended (see attached list).

**D. Expansion of Water Supply and Wastewater Services and Coordination With Development in Tassajara Valley**

As noted above, the Draft EIR discusses provisions in the proposed East County Area Plan requiring subregional coordination on transportation issues. Transportation is not the only issue requiring coordination among jurisdictions. The Eastern Dublin Subarea and Tassajara Valley share a common need for expansion of water, sewer, and reclaimed water. The adopted mitigation measures should require coordination of infrastructure and service improvements with development of Tassajara Valley.

34-8

The key point at this early stage of the development process is to set up a system designed to avoid redundant planning and overlapping projects. The need for coordination is especially important for sewer, water, and reclaimed water infrastructure because it may be desirable to plan expansion of facilities and extension of lines to accommodate both projects.

Specifically, development in the Tassajara Creek drainage portion of Tassajara Valley can gravity sewer to the south for connection to Dublin-San Ramon Services District (DSRSD). TVPOA is actively seeking this arrangement. It should be noted that the Tassajara Valley is included within the Tri-Valley Wastewater Authority Planning Area.

Adolph Martinelli  
August 4, 1993  
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The Draft EIR identifies a potential impact because exporting additional wastewater effluent may preclude reclamation of water as a "new" water source (page 5.14-11). The Draft EIR should discuss the possibility that development in Tassajara Valley could provide additional wastewater to be reclaimed as a "new" water source, or which could be sent to the Tri-Valley Wastewater Authority export pipeline and offset wastewater diverted for reclamation. This possibility may also be a growth-inducing effect requiring some discussion.

34-9

Given that the Tassajara Valley Community Plan and the East County Area Plan are in the early planning stages and that buildout is long term, establishment of an ongoing program to coordinate expansion of these and other services could be efficiently created at this time.

**E. Concluding Comments**

Thank you for this opportunity to comment on a Draft EIR for what appears to be an exciting planning opportunity for the Alameda County and Tri-Valley. We want to ensure that potential development in Tassajara Valley takes into consideration regional concerns. Therefore, we want to work with Alameda County, affected property owners, and local officials in an appropriate and cooperative manner to integrate development in East County and Tassajara Valley with the Tri-Valley subregion.

Very truly yours,

Nolan Sharp, D.V.M.  
President

  
\_\_\_\_\_  
Jeff Leon  
Development Coordinator

**Enclosures**

cc: Contra Costa Community Development Department  
Attn: Harvey Bragdon (w/o encs.)

Adolph Martinelli  
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**LIST OF ATTACHMENTS**

1. Board of Supervisors Resolution and Exhibit  
(dated August 1, 1992)
2. Notice of Preparation
3. List of Recommended Prohibited Species



**RESPONSE TO COMMENTS  
LETTER 34**

Tassajara Valley Property Owners Association  
Nolan Sharp, President  
Jeff Leon, Development Coordinator

**RESPONSE 34-1**

Comment noted. We agree that cooperation between counties would facilitate infrastructure planning for approved projects in the Tri-Valley vicinity.

**RESPONSE 34-2**

Comment noted. The County is interested in pursuing the concept of a sub-regional transit system. However, it would be inappropriate to require participation in a developer-only group investigating such a concept. The ECAP policies and the TVTC provide a forum for pursuing this idea without the need to write it into the plan. See RESPONSE 14-7 for further information that concurs with the intent of this comment.

**RESPONSE 34-3**

Comment noted. Since the ECAP traffic analysis utilized the Tri-Valley Transportation Model, it was required that the land use assumptions in the Tri-Valley model outside of the ECAP area remain unchanged. The land use assumed for the Tassajara Valley area is very minimal due to its current General Plan designation and ABAG's Projections 92 designation. However, the proposed 6,200 dwelling unit Tassajara Valley development is acknowledged. In Alameda County, the proposed Tassajara project would have impacts primarily on Tassajara Road, Dougherty Road, Fallon Road, and the possible extension of Hacienda Drive. Table 5.1-2 (Major Land Use Proposals in the East County vicinity) in the EIR will be updated to conform with numbers provided by the commenters.

**RESPONSE 34-4**

Comment noted. The ECAP Transportation Diagram will be revised to be consistent with the Eastern Dublin Specific Plan which calls for widening Tassajara Road to six lanes and widening Fallon Road to six lanes.

**RESPONSE 34-5**

Comment noted.

RESPONSE 34-6

Policy 176 of the ECAP requires new non-residential development projects to incorporate Transportation Demand Management (TDM) measures. As the provisions of this policy are implemented, the County will encourage participation in the 680/580 Association. Telecommute centers, if appropriate, could be incorporated into these TDM measures.

RESPONSE 34-7

Under program 24, management guidelines will be developed for the "Resource Management" land use designation which is located outside the Urban Growth Boundary. Lands with this designation will serve to protect watersheds and provide habitat mitigation for loss of habitat within the UGB. The County believes that management guidelines for land inside the UGB is inappropriate since most of this land will be converted to urban uses.

However, we agree that the introduction of invasive plant species by urbanization can adversely affect wildlife habitat. To address this issue, program 51 will be modified as follows (new language is underlined):

Program 51: The County shall establish landscape guidelines for both urban and rural development. The guidelines shall include a list of extremely invasive non-native plants not suitable for use in landscaping.

RESPONSE 34-8

Comment noted. Please refer to RESPONSE 34-1.

RESPONSE 34-9

Comment noted. Please refer to RESPONSE 34-1.





**UPPER KILKARE**  
**Homeowners Association**

**LETTER 35**

July 8, 1993

Alameda County Planning Commission  
Attn: Public Hearing Director  
Dublin Meeting July 8, 1993  
399 Elmhurst Street  
Hayward, CA 94544

Re: East County Area Plan

1. The East County Area Plan legend shown for zoning on Parcel Numbers 941-2200-1-1, 1-3, 1-4, -2, and -3 is incorrectly shown as Large Parcel Agricultural when it should be correctly shown as Rural Residential. Please correct your error and zone to Rural Residential.

35-1

These parcels have been rural residential for the last 50 years and have never been used for agricultural purposes.

2. These parcels have incorrect maps shown in the mailed out plan. Please correct these maps to reflect Maps filed with Alameda County in 1977.

35-2

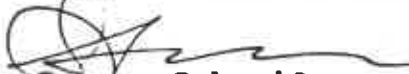
3. These parcels have never been in the Williamson Act. They are incorrectly shown as being in the Act. Please correct your error.

35-3

4. These parcels are in the Water District. They are incorrectly shown as not being in the District. Please correct your error.

35-4

Your errors have been brought to the attention of the Planning Director and he ask they again be brought to your attention.

  
George Schneider, President  
3867 Kilkare Road  
Sunol, CA 94586  
(510) 635-7854 Bus 8-5

cc: E. C. Redepinning  
John K. Markley Esq



## RESPONSE TO COMMENTS LETTER 35

Upper Kilcare Homeowners Association  
George Schneider, President

### RESPONSE 35-1

Staff has reviewed the Planning Department's zoning and subdivision records that pertain to the Sunol Area and your property. The Sunol area, where your property is located, was zoned A-2 (Agriculture) by the 96th Zoning Unit in 1956. Your property is currently zoned Agriculture. Only those properties located within 500 feet of either side of Kilcare Road were zoned for residential use (R-1-B-2, single family residential, 10,000 sq. ft. minimum building site area.) The current zoning designations for properties along Kilcare Road are Agriculture ("A" District) and residential-limited agriculture (R-1-L-B-E, single-family residential with limited agriculture, with a 5 acre minimum building site area).

In 1975, Mr. Redepinning (owner) and you (lessee-option holder) received a Variance, (V-6753) to create two parcels of 70.97 and 13.18 acres in the Agricultural Zoning District, where 100 acres minimum building site area is required. The parcels are located approximately 1-1/2 miles from the northerly terminus of Kilcare Road. The variance authorized the use of the 13 acre parcel (APNs 941-2200-1-1 and -2) as a building site. The 70 acre parcel (APN 941-2200-1-4) was not authorized as a building site. Also in 1975, you filed and received approval for a tentative parcel map (PM 1709) to divide the parcel as allowed by the variance. As a result of a survey required by the County, you found that you and Mr. Redepinning owned additional land. A new parcel of approximately 17 acres was created (APN 941-2200-1-3). This new parcel does not have building site status.

The Large Parcel Agriculture land use designation in the *East County Area Plan* does not change the status of your property and continues the County's policies for the Pleasanton Ridgeland area that have been in effect for the past 37 years. Your property (APNs 941-2200-1-1 and -2) still maintains its status as a building site under the *East County Area Plan* regardless of the land use designation given to it.

### RESPONSE 35-2

Staff acknowledges that the base map used to prepare the figures that appear in the Draft Plan does not reflect the current boundaries of the parcels referenced in your letter. To the extent feasible given the scale of the diagram, the boundaries of these parcels will be corrected on the Land Use Diagram and Open Space Diagram in the final plan. Please note that the parcels shown on these figures are diagrammatic and are not intended to serve as an official record of precise boundary locations. Parcels are shown only to assist in identifying the approximate location of specific properties.

**RESPONSE 35-3**

Staff acknowledges that Figure 9 in Volume 2 of the Draft Plan incorrectly shows the referenced parcels as being under Williamson Act contract. This figure will be corrected as part of the next periodic update of the map.

**RESPONSE 35-4**

Staff acknowledges that Figure 19 in Volume 2 of the Draft Plan does not show the boundaries of the now defunct Pleasanton Township Water District. The referenced parcels fall within the boundaries of this district. It is the policy of the City of Pleasanton to supply properties within the Township Water District, as long as adequate infrastructure is provided by property owners. This figure will be corrected as part of the next periodic update of the map.

AUG 03 1993

LETTER 36

August 1, 1993

Deborah Stein  
Acting Assistant Planning Director  
399 Elmhurst St,  
Hayward, CA 94544

RE: Comments on the Draft East County General Plan and Draft  
Environmental Impact Report

Dear Ms. Stein:

The Draft East County General Plan contains many excellent features. This letter focuses on those aspects of the Draft Plan and associated Draft Environmental Impact Report which give me cause for significant concern.

#### PRIMARY CONCERNS

The Draft East County General Plan (the "Draft Plan") and the Draft Environmental Impact Report (DEIR) are flawed in four fundamental respects:

- (1) Inadequate Infrastructure Planning. The Draft Plan proposes a level of development which exceeds the capacity of existing and/or funded infrastructure. As a mitigation, both the Draft Plan and the DEIR state that major developments could not proceed if adequate infrastructure is not in place. The mitigation sounds good, but unless the proposed overall infrastructure system is feasible, the mitigation in practice can't work.

CEQA requires that mitigation measures be feasible. Neither the Draft Plan nor the DEIR demonstrate that needed infrastructure is fiscally feasible. Indeed, there is considerable evidence to the contrary. To be credible, the Draft Plan and DEIR must include at least an approximation of a fiscal plan that shows that it is fiscally feasible to build the necessary infrastructure.

As an example of the problem, the DEIR (Chapter 6, page 34), cites a Tri-Valley Council estimate that there is a \$11 million unfunded shortfall in their proposed transportation network. Not mentioned is the fact that several very big ticket items have simply been ignored when deriving the \$11 million estimate. For example, roughly \$250 million would be needed to extend BART to Livermore. No realistic funding source has been identified for this extension, even though it is clearly

36-1

integral to the success of the Draft Plan. Further, while improved transit (bus and rail) is emphasized throughout the Draft Plan, there is no discussion of where the funding would come from to operate these services. Here again, I know of no source of outside funds for expanded transit operating costs. Lacking any reasonable proposal for funding these capital and operating costs, the Draft Plan and its related DEIR are simply not credible.

36-1

- (2) Risk of Leapfrog Development. The Draft Plan and DEIR propose requiring phasing plans for major developments, to ensure that needed infrastructure is in place before the developments go forward. However, there is no overall phasing plan. Given the enormous unsolved infrastructure issues in the Tri-Valley, the lack of an overall phasing plan raises the risk that major new developments on agricultural land will prevent further infill development that is consistent with already adopted General Plans.

36-2

Although the Draft Plan says it is designed to promote compact development, it provides no assurance that new development on rural and unincorporated lands won't exhaust remaining infrastructure capacity, and thereby prevent or substantially delay more desirable infill development.

The DEIR should analyze the potential adverse impact that new development in the unincorporated area could have on future infill development within the existing cities. Further, the DEIR should propose as mitigation a policy that ensures that infill development has first rights to water supply, waste water capacity, the arterial and regional road network, and transit services.

- (3) Transportation: Robbing Peter to Pay Paul. The Draft Plan and DEIR propose committing the County to supporting a variety of transportation projects, including seeking regional, state and federal funding. Many of these projects are entirely or largely unfunded.

These projects will be competing against projects in other parts of Alameda County. According to projections by the Alameda County Congestion Management Agency, known and reasonably likely transportation funds over the next 20 years will fall far short of identified need.

36-3

Thus, by committing to seek outside funds for certain projects in the Tri-Valley, the County will be directly affecting the ability of the more urban part of Alameda County to solve its transportation problems. As someone who lives in the more urban part of Alameda County, I

regard this as a very real and very serious adverse impact. The DEIR is unfortunately silent on this issue.

Furthermore, the Alameda County Congestion Management Agency has adopted a policy on how to equitably distribute transportation dollars within its control. The Draft Plan and DEIR propose seeking far more of these dollars than would appear reasonably available to the Tri-Valley over the life of the Plan. The proposed transportation network would therefore appear to not be viable. This issue needs to be addressed in the DEIR.

36-3

- (4) Self-Fulfilling Projections. The Draft Plan assumes that ABAG projections for population and employment should be used as absolute growth targets. In particular, the Draft Plan says that significant environmental and infrastructure concerns must be subordinated to the overriding goal of attaining the ABAG projections.

Turning the ABAG projections into absolute growth targets is mistaken for three reasons:

- (a) Circular logic. Local jurisdictions tell ABAG how much land is available for development. This input has a significant role in determining how ABAG allocates regional growth projections to subregions. Since the cities in the Tri-Valley have shown high levels of development (particularly employment generating) in their General Plans, ABAG ends up projecting high growth for the area. To then turn around and use ABAG projections as the justification for a high level of growth is circular logic.
- (b) Historical Trends vs. the Future. ABAG projections rely heavily on historical trends. As such, irregular events like a national recession take a long time to get adequately factored into the model. Relying on ABAG projections, the Draft Plan assumes the Tri-Valley will grow faster in the 1990's than it did in the 1980's. That's an awfully aggressive assumption given the state of the economy and given that most economists think the Bay Area has at least several more lean years.
- (c) Poor Projections. ABAG projections have been wildly wrong in many cases. The ABAG model, like other regional growth models, simply doesn't perform particularly well at the local level.

36-4

The DEIR rightly notes that Alternative 5 (the lower population, higher density alternative) is the environmentally superior alternative. It then rejects Alternative 5 because it fails to achieve ABAG

36-5

projections. So what? The ABAG projections are nothing more than highly imperfect estimates. Clearly identified environmental impacts and unsolved infrastructure problems should carry more weight in determining the policy direction of the Plan than the notoriously unreliable ABAG projections.

36-5

Furthermore, the claim (DEIR, Chapter 6, page 29) that Alternative 5 would simply result in more incommuting workers living in San Joaquin County is not substantiated. Indeed, the traffic analysis in the DEIR contradicts this claim, since the traffic analysis notes that capacity constraints in the Alamont Pass will limit the number of incommuting workers.

36-6

## SECONDARY CONCERNS

Listed below are several concerns and comments regarding particular aspects of the Draft Plan and DEIR.

1. Altamont Pass Gateway: All of the analysis in the DEIR assumes that automobile capacity in the Altamont Pass will continue to be constrained. Without this constraint, congestion of I-580, I-680 and Route 84 would become far worse than the already bad congestion projected in the DEIR.

36-7

Given the importance of this capacity constraint both to the success of the Draft Plan to function, and the validity of the DEIR analysis, a policy should be added to the Draft Plan which indicates that it will be County policy to oppose any increase in capacity across the Altamont.

2. Clustering Provisions. The discussion in Chapter 6, page 34 on less stringent standards for clustering is very disturbing. To say that long-term contracts can be used instead of permanent easements is an attack on the basic concepts behind the plan. Unless development rights are permanently removed from the rest of the property, clustering in practice simply becomes a way to develop now and then come back later with a proposal to develop some more. The DEIR discussion of "flexibility" is superficial to say the least.

36-8

3. Buildable Parcels. The Draft Plan (page 19, Policy 95) says the County shall "recognize existing parcels of less than 100 acres...". Many of these parcels have historically be regarded by the county as not buildable, and not having any vested rights to be buildable. Does Policy 95 in any way change past County policy or interpretations? I hope it doesn't. However, if it does, the DEIR must analyze the impact. Please clarify.

36-9



4. Relationship to the Open Space Element. The Draft Plan notes that the Open Space Element will be updated later. Until that happens, there will be conflicts between the East County General Plan and the existing Open Space Element. In cases of inconsistency, which plan shall take precedence? If the East County General Plan takes precedence, has the DEIR considered the impact of any de facto changes to the Open Space Element.

36-10

5. Manufacturing Uses. Policy 151 of the Draft Plan (page 32) states that manufacturing uses which make extensive use of harvested aggregate can be located outside of the Urban Growth Boundary. Does this mean a cement plant could be located near the Apperson Quarry, in rural open space? The policy seems dangerously loose, and the DEIR has not addressed the possible adverse impacts. At the very least, the policy needs to be clarified and narrowed.

36-11

6. Development on Slopes. Policy 284 of the Draft Plan (page 62) weakens existing policy. Existing policy says that development shall not occur on slopes exceeding 25 percent. The proposed policy talks about "minimizing development within any area exceeding 25 percent slopes". I oppose the weakening. Not only are there slope instability issues, as mentioned in the Draft Plan, but there are also issues of grading, water runoff, the aesthetics of pad development, and an increase in the number of rural residential structures which might be built. These impacts do not appear to be analyzed in the DEIR.

36-12

7. North Livermore Policies. The required dedication of 4,200 acres, as a condition of approval of major new urban development in North Livermore, is better than nothing. However, it is far below the level of mitigation required of Ruby Hills. Further, since North Livermore development will account for the bulk of new development under the Draft Plan, this area must contribute the bulk of the cost of providing permanent protection to lands outside the Urban Growth Boundary.

36-13

Using the standard set by Ruby Hills, the amount of development proposed by the Draft Plan for North Livermore would generate about \$230 million dollars, which would probably buy five times the amount of land proposed for dedication.

8. Expansion of the Cultivated Agricultural Overlay District (Program 117, page 70). The policy for how parcels may be incorporated into the Overlay District needs to be clarified. If you have a 100 acre parcel, 40 acres of which are less than 25 percent slope, can the entire 100 acre parcel be brought into the Overlay District? And if

36-14

so, would a person promising to cultivate 36 of the 40 acres be able to build 5 houses? I hope not, because this would seem contrary to the intent of the Overlay District, and would likely result in a ring of exclusive houses on the environmentally sensitive hills around the perimeter of the agricultural core. Please clarify.

36-4

9. BART Extension. Figure 7 of the Draft Plan shows two Dublin BART stations as part of "Programmed Transportation Improvements". However, only one BART station is funded under MTC Resolution 1876, and there is no identified source to fund the second station. This can have a significant adverse impact on levels of service on I-580 and arterials in the area. This error must be corrected. What did the DEIR assume for traffic analysis?

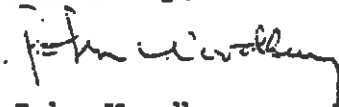
36-15

10. Apples and Oranges. Policies intended to establish a permanent urban growth boundary have been arbitrarily deleted from Alternative 5, which then allows the DEIR to claim Alternative 5 is inferior to the preferred alternative. Why can't something along the lines of Alternative 5 also contain the urban growth boundary policies? No evidence has been provided by the Draft Plan or the DEIR that the level of growth proposed by the Draft Plan is necessary to fund the open space acquisition program. Indeed, analysis of all costs might conclude that a lower population, higher density alternative would have lower costs per unit because of the reduced need for expensive new infrastructure. We simply can't tell, because there has been no effort to run the plan through a financial "reality check".

36-16

Thank you for the opportunity to comment. I look forward to your responses.

Sincerely,



John Woodbury  
246 John St  
Oakland, CA 94611  
(510)654-6591

## RESPONSE TO COMMENTS LETTER 36

John Woodbury, Citizen  
Oakland

### RESPONSE 36-1

The commenter raises important questions about the proposed plan. For the most part, these questions are answered in the Responses to Common Questions (RCQ): RCQ #4 discusses why the proposed plan is superior to a lower growth alternative; RCQ #6 describes how infrastructure planning will occur under the plan; RCQ #10 discusses how infrastructure and services will be paid for; and RCQ #7 and #8 examine how the plan approaches the funding and mitigation of traffic infrastructure.

In specific response to the commenter, the following is a brief summary of why the plan proposes a level of development which exceeds the capacity of existing and/or funded infrastructure (with an emphasis on traffic).

The proposed *East County Area Plan* represents a comprehensive vision for the subregion that extends beyond current technology and funding limitations. Despite existing and potential funding sources, the ECAP can't predict all the funding sources that will be available in the future. Future technological advances (e.g., development of a fiber optic information highway) may significantly reduce traffic within the next twenty years. Other technologies, such as reverse osmosis for the treatment of wastewater, may both reduce the need for wastewater discharge capacity and provide potable water for consumption. Institutional changes like water banking could also increase the potential for new water sources.

The comments are noted regarding the funding estimates of both BART and the Tri-Valley Transportation Council (TVTC). The County is working with the TVTC in trying to arrive at a sub-regional fee to pay for sub-regional transportation facilities. While the extension of BART to Livermore would do a great deal to alleviate the unmitigatable impacts in the year 2010 it is not solely relied upon in this plan or the TVTC model in 2010. If outside funding is not available to pay any or all of the commenter's \$250 million estimate, it is likely that the recently proposed BART "fast track" project and/or an improved local transit system would provide similar congestion relief.

In the ECAP DEIR, it is acknowledged that the funding of adequate transportation improvements cannot be demonstrated to be feasible at this time. By identifying these impacts as significant and unavoidable, the DEIR meets CEQA requirements. The justification for adopting the plan with such unavoidable significant impacts will be explained in the Statement of Overriding Considerations prepared at the time of plan adoption by the Board of Supervisors.

Please also refer to RESPONSE 14-7 in which a new policy is proposed to promote local transit opportunities in the planning area.

**RESPONSE 36-2**

Please refer to **Response to Common Question (RCQ) #5** for a discussion on how leap-frog development is controlled within the Urban Growth Boundary; refer also to **RCQ #14** which examines the costs and benefits of developing unincorporated areas compared to infill areas. Reserving existing capacities for adopted general plans isn't necessarily good public policy, since many past planning approvals considered only local needs, without regard to subregional needs and implications. The ECAP recognizes that new housing is needed over and above what is included in adopted general plans to address a subregional need; the ECAP also recognizes that there is currently an oversupply of commercial and industrial land uses in the planning area. Even assuming the benefits of infill, infill development in East County cities is currently curtailed by the existing excess zoning for commercial uses, a circumstance beyond the control of the County.

**RESPONSE 36-3**

For a general discussion on the implications of accommodating growth in the East County rather than in west Alameda County, refer to **Response to Common Question #12**.

On page 13 of *Chapter 5.4 - Transportation*, the Draft EIR explains the process used to fund transportation projects in Alameda County. This process is explained in more detail on page 62 of the 1993 Draft Congestion Management Program. Transportation projects throughout the County are submitted by member jurisdictions and are prioritized according to screening and scoring criteria outlined in MTC's Resolution 2526. It is acknowledged that the cost of proposed projects far exceeds the amount of funds available. However, projects within the county are selected for overall effectiveness, according to MTC's criteria, and projects in one part of the county do not directly compete with projects in other parts of the county. The screening and scoring criteria and the elected makeup for the CMA Board ensures an equitable balance among geographic areas.

**RESPONSE 36-4**

The proposed plan does not intend that growth projections for the year 2010 be a "growth target". This erroneous conclusion is addressed in **Response to Common Question #1**. As noted in **RCQ #1**, the plan's reliance on ABAG data reflects the County's desire to use data widely accepted in the subregion: ABAG projections are currently used by the Metropolitan Transportation Commission, the Bay Area Air Quality Management District, and the Tri-Valley Transportation Council, among others.

It is instructive to note that ABAG's recently released draft Projections 94 are within 1% for housing units and within 8% for jobs (due to the recession) of those issued in Projections 92. Despite the recent recession, ABAG appears confident that projections for the year 2010 will be similar to those included in the ECAP. The following table compares Projection 92 and Draft Projection 94 for East County:

<b>EAST COUNTY AREA PLAN PROJECTIONS AT 2010: PROJECTIONS '92 &amp; '94</b>			
Time Frame	Population	Housing Units	Jobs
PROJ 92: Year 2010	250,700	94,550	151,560
PROJ 94: Year 2010	251,600	93,021	140,200

In addition, it should be noted that the Alameda County CMA requires that countywide traffic projections be consistent with MTC's guidelines. As explained below in the CMA's Response to Comments on the 1993 CMP, countywide projections must be within roughly 1% of ABAG's demographic projections in order to be consistent with the Regional Transportation Plan (RTP) and, therefore, considered for regional funding dispersements:

State law requires that the data base used for development of a countywide transportation model be consistent with that used by the regional transportation planning agency (MTC). MTC's guidelines (Resolution No. 2120) require that, to ensure consistency with the Regional Transportation Plan (RTP), travel forecasting must be within roughly one percent of ABAG's demographic projections and TMC's regional travel forecasting assumptions at county screenlines. CMA land use forecasts generate nearly identical numbers as MTC within the county and at county borders, including trips across Altamont Pass from development in the Central Valley. Finally, it should be noted that all growth rate projections will depend on both the potential embodied in the General Plans and market demand.

#### RESPONSE 36-5

Please refer to **Response to Common Question #4**. As implied in **RCQ #4**, Alternative 5 is less preferable to the proposed plan because it artificially places a cap on development without a comprehensive strategy to manage potential incremental growth under a high growth pressure scenario.

#### RESPONSE 36-6

On page 29 of *Chapter 6 - Evaluation of Alternatives*, the Draft EIR states that "... the alternative's failure to provide a range of housing types that will satisfy the demand for single family units could result in a number of undesirable effects, including...adverse traffic and air quality impacts due to incommuting workers living in single family units in San Joaquin County." The Draft EIR does not state that this alternative will result in more incommuting workers. The author's contention that the constrained gateway will limit the number of in-commuting workers during the peak hour period is true for both the proposed plan and Alternative 5. However, as discussed in **Response to Common Question #9**, the duration of the peak period could lengthen as more Central Valley residents commute through Altamont Pass, resulting in more traffic in East County and greater pressure to improve the gateway.

**RESPONSE 36-7**

Alameda County and the cities of Dublin, Livermore, and Pleasanton are members of the Tri-Valley Transportation Council. The Council was established to develop mutually agreeable solutions to transportation problems in the Tri-Valley area. The TVTC will be developing a Tri-Valley transportation plan shortly. It is anticipated that this plan will address the issue of constrained capacity at the Altamont Gateway. Additionally, the Alameda County CMA is conducting an I-580 corridor study which would assist in assessing the long-term implications of policy at the Altamont Pass gateway. Until these efforts are completed, it would be premature to establish the policy suggested by the commenter.

**RESPONSE 36-8**

Comment noted. RCQ #13 elaborates on the discussion of the plan's agricultural clustering provision found in the DEIR, *Chapter 6*, page 34. RCQ #13 reiterates that the EIR's analysis is adequate for the purpose of evaluating the clustering program. While it is recognized that replacing the dedication of a permanent easement with the 15-year contract provision could potentially lead to an increase in density on properties on which cluster parcels are created by allowing for the subdivision of the remainder parcel after the expiration of the 15-year contract, it is beyond the scope of this program EIR to assess in any detail the potential environmental impacts of the clustering program as it might be applied to individual parcels. Neither the creation of cluster parcels nor the subsequent subdivision of the remainder parcel after the expiration of the 15-year contract are entitlements; both are discretionary permits, requiring environmental review, as required by CEQA at the time of the County's approval of the permits.

**RESPONSE 36-9**

Policy 95 is intended to recognize existing parcels that have already been approved as legal building sites and no others; therefore, County policy does not change.

**RESPONSE 36-10**

Please refer to Chapter 3.13 of the DEIR which lists the changes that will be required to other general plan elements for purposes of consistency. Amendments to the Open Space Element will require changing the Open Space Diagram to be consistent with the East County Area Plan, minor text modifications to reflect changes to the Open Space Diagram, and a policy text modification to reflect the ECAP policy 284 which allows development on 25 percent slopes or greater (see RESPONSE 36-12 below). These modifications will be adopted at the same time the ECAP is adopted which will eliminate questions of precedence.

**RESPONSE 36-11**

Policy 151 is intended to complement Section 8-111.5(c) of the Alameda County Surface Mining Ordinance, adopted in 1977 and amended most recently by the Board of Supervisors on February 6, 1992. The amended Section 8-111.5(c) states in part:

"Sorting, crushing, reducing, refining, mixing, packaging or other processing of minerals, or the operation of an asphalt or concrete batch plant; or any operation that uses or supplies materials produced, imported or used by mining and/or processing operations or an asphalt or concrete batch plant, may be permitted in conjunction with mining operations...upon securing of a surface mining permit, when such uses are found by the Planning Commission to be an adjunct to the mining operations and when the Planning Commission finds that the effects of such processing, use, storage or transport of materials, including noise, odor, smoke, dust, bright lights, vibration, traffic and production of waste, can be controlled so as to be compatible with adjacent uses and so as not to degrade natural resources."

It is clear from examination that the language of policy 151 is much less specific than that of Ordinance No. 0-92-11. Nonetheless, the intent of each is the same: to reduce the distance between related activities to reduce transportation requirements, energy use, and economic costs associated with the distance between the activities. As a prescriptive law, the ordinance is quite detailed when compared to the policy, which initially has been written more as guide.

The commenter asks if, under policy 151, a cement (concrete) batch plant, for example, could be established in conjunction with the Apperson Ridge Quarry in an adjacent rural open space area. The answer is yes, *it could* but not as a right, and this has been true since before adoption of the Surface Mining Ordinance and before permitting of quarry operations began in Alameda County. Several such plants already exist in agricultural open space in the County, along with various processing plants for aggregate, and a new glass recycling facility in Sunol, which sells a portion of its product to a quarry operator for aggregate augmentation. However, before a concrete batch plant would be allowed, several things must occur first under the Ordinance:

1. A valid surface mining permit must exist or be in process for the specific quarry with which the manufacturing use would be associated.
2. The manufacturing use must, along with the quarry, be subject to environmental review either by itself (if proposed after the quarry is in place) or in conjunction with the quarry (if a part of the quarry proposal). If not part of the original permit, it would require a separate discretionary action which could be denied.
3. The conditions of the surface mining permit must address the manufacturing use as well as the quarry. Under the Surface Mining Ordinance, and as required by the California Surface Mining and Reclamation Act of 1975 (SMARA) as amended, this includes full reclamation of the site to specified conditions at the termination of mining.

Also, regarding the particular question of a concrete plant near Apperson Ridge, the reader is directed to policy 150, which states that the County will cooperate with the San Francisco Water Department (SFWD) to ensure future quarry activity is compatible with water management objectives. The policy, broadly interpreted, would include such activity near Apperson Ridge. Based on the foregoing discussion, the County asserts that any proposal for such a manufacturing activity would be subject to full review under the California Environmental Quality Act and with respect to the plans of the SFWD.

**RESPONSE 36-12**

Policy 284, which potentially allows for some development on slopes over 25%, is intended to provide flexibility in the siting of development where such siting would make rational sense. It is not intended that the policy become a justification for carte blanche development on steep slopes. Within the Urban Growth Boundary, there are few slopes of 25% and greater. Slopes of this steepness outside the Urban Growth Boundary would be protected by the review process for subdivisions, conditional use permits, and residential development in the "A" Agricultural District (see programs 41 and 45). Criteria evaluated in this process include environmental considerations, natural features, access, fire protection, interference with agricultural uses, water availability, provision of services, and visual impacts. See also the discussion on agricultural clustering (and revised program 36) in **Response to Common Question #13**.

**RESPONSE 36-13**

Comparing open space dedication by Ruby Hill developers with that required of Major New Urban Development in North Livermore is inappropriate. The mitigation required of Ruby Hill is a reflection of the development's comparatively high land value where land value can be seen in terms of Class 1 and Class 2 soils, its present suitability for growing grapes, its historical use for growing grapes, and its real estate value.

**RESPONSE 36-14**

The adopted South Livermore Valley Area Plan (SLVAP), from which this policy was derived, permits properties adjacent to the existing SLVAP boundaries to be incorporated into the Cultivated Agricultural Overlay District if they contain a minimum of 40 acres under 25% in slope. The Overlay District, in turn, specifies that "bonus density" 20 acre parcels can be created if certain conditions are met, including planting and permanently protecting cultivated agriculture, such as vineyards, on a minimum of 90% of the land. The Overlay District permits minor portions of a parcel to be excluded from the planting requirement (while still requiring permanent protection) that are in excess of 25% or are environmentally sensitive (such as oak groves, wetlands, etc.)

In short, in the hypothetical case presented by the commenter, the entire 100 acre parcel can be brought into the Overlay District, but the District requirements would only permit two homes to be constructed, if 36 acres of vineyards are planted and protected. The remainder of the parcel would be left undeveloped.

**RESPONSE 36-15**

While it is true that today only one Dublin (or Dublin/Pleasanton) station is completely funded, BART remains committed to two stations. In addition, the TVTC has included both stations in the transportation network for the year 2010 because of the likelihood of funding for the second station. For the purpose of this general plan document, and as is done by the TVTC model, it is acceptable to consider this station as existing in the year 2010.



**RESPONSE 36-16**

The commenter is correct that an Urban Growth Boundary could be applied to a lower-growth alternative. The point, however, is that a line doesn't protect open space unless it is supported by a combination of mechanisms (active policies and programs). Several features of the ECAP ensure the success of the open space program: (1) the dedication by Major New Urban Development in North Livermore of 4,200 acres in the Resource Management area north of I-580; (2) the creation of Alameda County Open Space Land Trust to acquire open space easements with funds derived from new development within the Urban Growth Boundary, from new major public facilities outside the Urban Growth Boundary, and from mitigation for biological habitat impacts both inside and outside the Urban Growth Boundary; (3) the presence of the Urban Growth Boundary to contain urban development; (4) the designation of land for resource management and large-parcel agriculture outside the Urban Growth Boundary; and, (5) the open space features of the South Livermore Valley Area Plan.

Please also refer to **Response to Common Question #4 (d)**.



July 30, 1993

Adolph Martinelli  
Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, CA 94544

Aug 4 11 32 PM '93  
ALAMEDA COUNTY  
PLANNING DEPARTMENT  
HAYWARD, CALIFORNIA

Dear Sir:

This letter is to respond to the Draft Environmental Impact Report of the East County Area Plan published in June 1993.

I am the owner of a property located in the far north west corner of the East County Area Plan, i.e. the West Dublin area. According to the draft EIR, my property, Cronin Ranch, will be outside of the proposed Urban Growth Boundary.

As to the Draft EIR, I have the following concerns and suggestions:

Concerns:

- 1. I wonder how the Urban Growth Boundary (UGB) was drawn. It looks like nothing more than a reflection of the existing General Plans of associated cities. It seems to bear no accommodation for future planning. 37-1
- 2. According to Policy 1 of your Land Use and Planning chapter, the Urban Growth Boundary interferes with City's Sphere of Influence. For the City of Dublin, your plan essentially defines the west boundary of Dublin and limits its growth and future planning. It does not sound logical. 37-2
- 3. According to Policy 70 and 71 of your Land Use and Planning chapter, the West Dublin region is proposed to be an agricultural or open space serving as a regional trail corridor connecting the San Ramon westside hills and Pleasanton Ridge. Such a blanket statement is not good planning and is not supported by any detailed justification. Attachment #1 would give an overview of the topography of that area. Clearly, there is quite a portion of land with a slope of less than 30% in Nielson's and my properties. The remainder of the land has ample space to serve the purposes of a regional trail corridor and the open space buffer. It is un-economical to give up useable land under a blanket open space designation. It is definitely not a good plan to throw away potentials. 37-3
- 4. Nielson's and my properties are right adjacent to the City of Dublin. The utilities (water and sewage) are easily available through existing district facilities. Setting up 37-4

a rigid growth boundary as proposed in the DEIR, really prohibits the economic potential of the land which is in scarcity and discounts the benefit of the existing infrastructure. Proper planning for open space is essential and important. However, exclusion of good and useful land due to an insufficiently studied City Limit is wasteful.

37-4

5. In the past several years, there have been several development proposals studied by the City of Dublin in the West Dublin area. Although all the development plans fell through for various reasons, the interests remain. Clearly future modifications and improvements on the plans are required to meet the guidelines imposed by the City of Dublin. The blanket designation of open space in the West Dublin area is not an intelligent reflection of the past activities and future interests in the West Dublin area. It is an irresponsible plan.

37-5

6. Since Policy 1 and Program 1 of the Land Use and Planning is such a definitive statement, extreme caution should apply when an Urban Growth Boundary is being drawn. The value of the natural resources (our land) should be optimally utilized, the interests of the property owners should be honored and protected and the the spirit of the strategic planning should be incorporated, as any area plan is being developed. These features were not apparent in the East County Area Plan.

37-6

**Suggestions:**

1. Move the Urban Growth Boundary in the West Dublin area to the Boundary of the East County Area Plan in compliance with the sphere of influence of Dublin. Leave the future planning of that area to the City of Dublin.

37-7

2. The skyline ridge, attachment #2, is a logical boundary for the West Dublin Urban Growth Limit in the East County Area Plan. Incidentally, it coincides with the Boundary of the County Area Plan. Using the skyline ridge as the Urban Growth Boundary would alleviate all the concerns mentioned above.

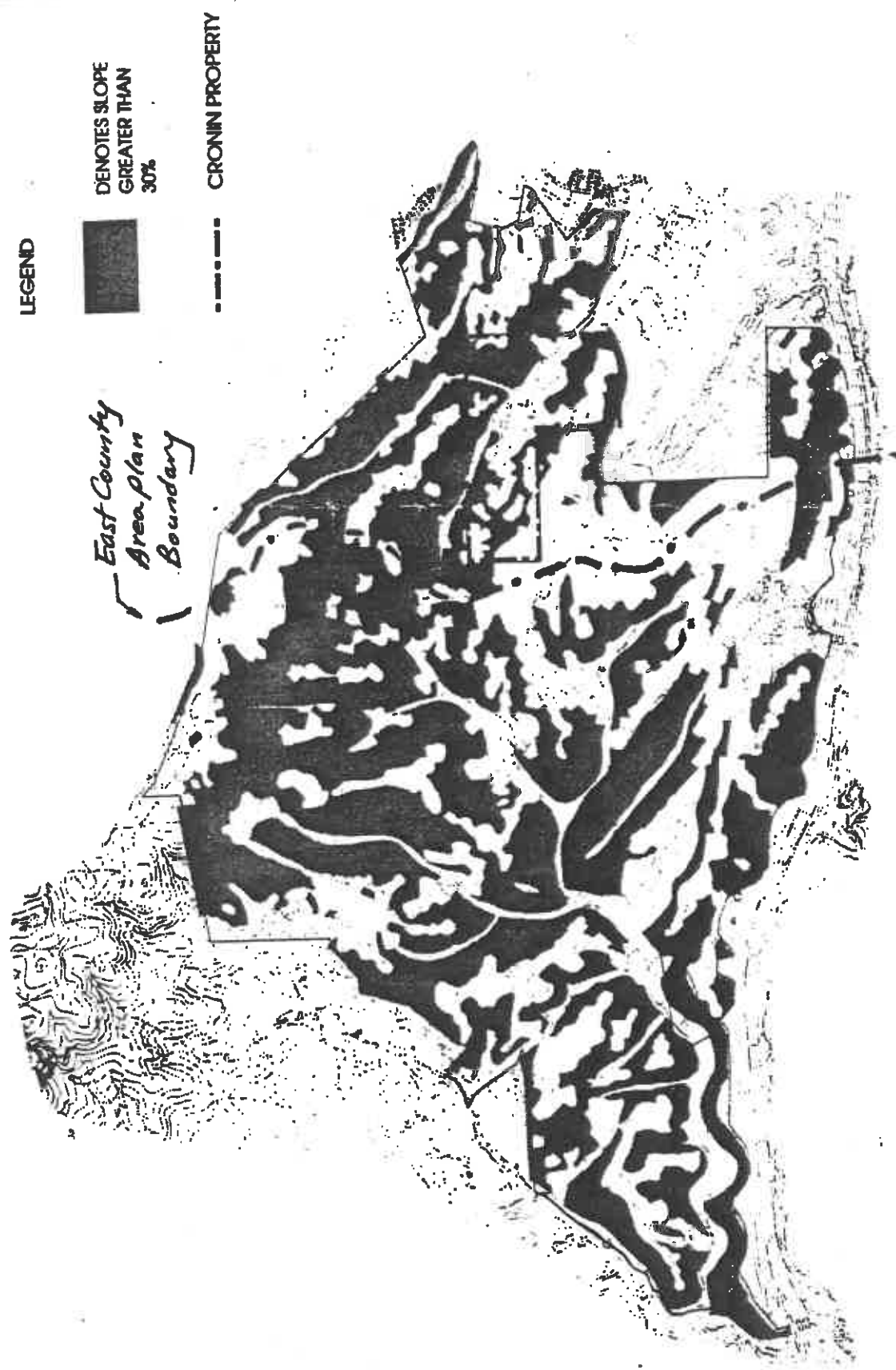
37-8

Based on the above input, I would strongly urge you to modify the Urban Growth Boundary as suggested above.

Sincerely yours,

  
C. Robert Jih

Figure 1-4  
STEEP SLOPES IN STUDY AREA



LEGEND



DENOTES SLOPE  
GREATER THAN  
30%

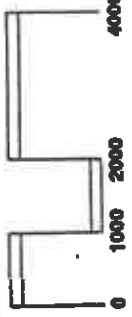


CRONIN PROPERTY

East County  
Area Plan  
Boundary

Prepared by: WPM Planning Team, Inc.

Source: Aiknot

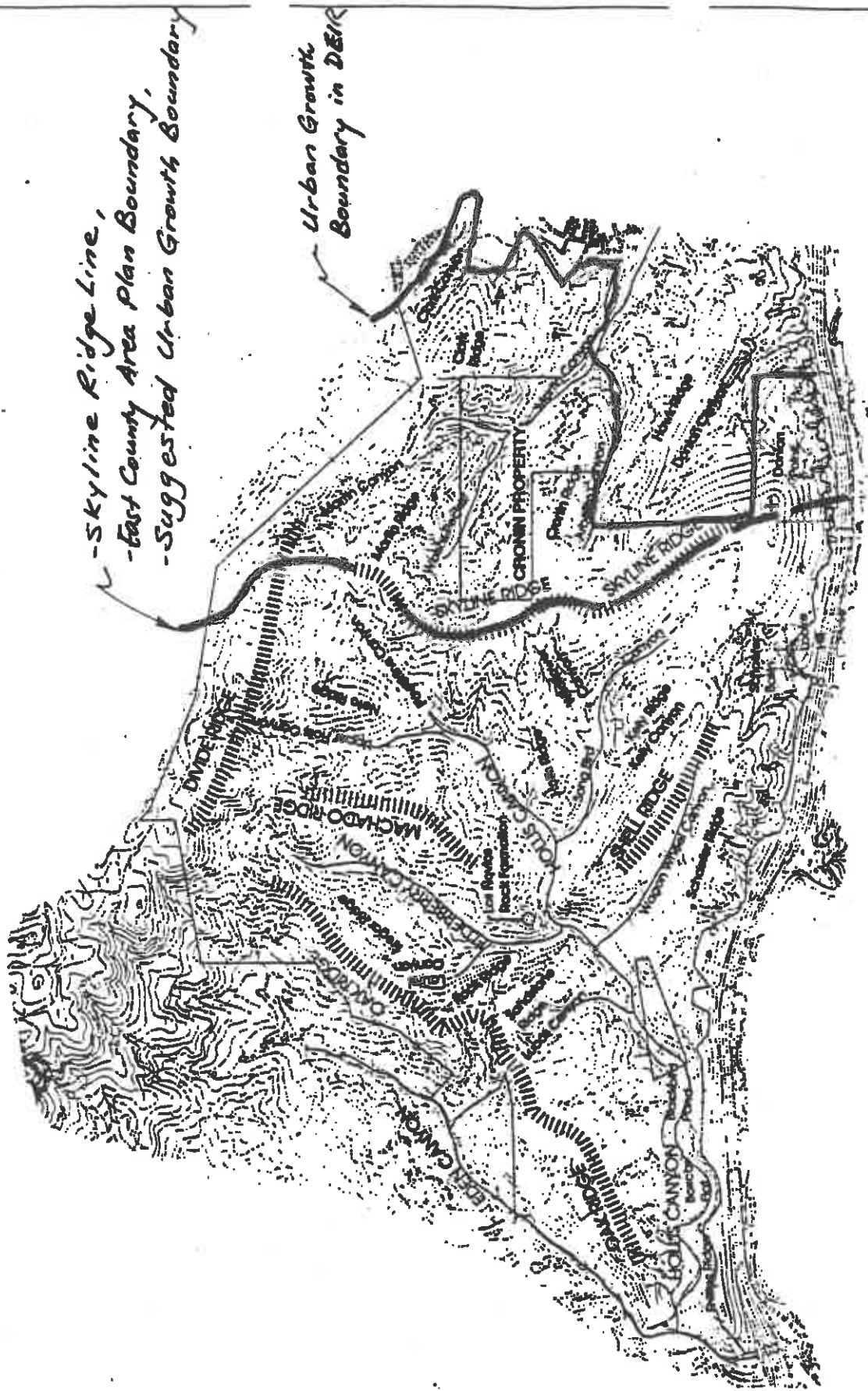


WEST DUBLIN GPA • SP • EIR



Attachment # 2

Figure 1-2  
SITE FEATURES



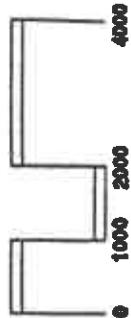
- Skyline Ridge Line,  
- East County Area Plan Boundary,  
- Suggested Urban Growth Boundary

Urban Growth  
Boundary in DEIR

Source: WPM Planning Team, Inc.

Prepared by: WPM Planning Team, Inc.

WEST DUBLIN GPA • SP • EIR







**RESPONSE TO COMMENTS  
LETTER 37**

C. Robert Jih

**RESPONSE 37-1**

**Response to Common Question (RCQ) #2** describes how the location of the Urban Growth Boundary was determined.

**RESPONSE 37-2**

Please see **RESPONSE 10-1**.

**RESPONSE 37-3**

Comment noted. Please see **RESPONSE 10-1** and **RCQ #2**, which describe how the Land Use Diagram was formulated and how the location of the Urban Growth Boundary was determined.

**RESPONSE 37-4**

Comment noted. Please see **RCQ #2**, which describes how the location of the Urban Growth Boundary was determined, and **RCQ #3**, which discusses the permanence of the boundary.

**RESPONSE 37-5**

Comment noted. Please see **RESPONSE 10-1**.

**RESPONSE 37-6**

Comment noted. Please see **RCQ #2** and **#3**.

**RESPONSE 37-7**

Comment noted. Please see **RCQ #3** for a description of methods by which the Urban Growth Boundary may be modified.

**RESPONSE 37-8**

Comment noted. Please see **RESPONSE 37-8**, above.



T. S. Khanna  
164 Canyon Vista Place  
Danville, CA 94526-1109  
Ph# (510) 820-6515

RECEIVED

AUG 02 1993

LETTER 38

July 30, 1993

Ms. Deborah Stein  
Asst. Planning Director  
Alameda County Planning Dept.  
399 Elmhurst St.  
Hayward, CA 94544

Re: Parcel #099B-3416-001-04

Dear Ms. Stein:

I am sending my comments on the DEIR/East County Area Plan, February 1993 for your consideration.

If possible, I would like to personally present these comments to the Planning Commission at the Public Hearing scheduled to be held on August 19, 1993.

For any questions, please contact me at (510)646-2031.

Sincerely,

*T S Khanna*  
*7/30/93.*

T. S. Khanna

Encl. as above



1/2

**COMMENTS ON DEIR/EAST ALAMEDA COUNTY  
AREA PLAN (Feb. 1993)  
by T.S. Khanna, Property owner,  
Parcel #099B-3416-001-04  
July 30, 1993.**

We must learn lessons from the past mistakes in planning and make every effort to avoid repetition. In the past, the General Plans adopted by most of the jurisdictions did not pay enough attention to minimizing the commute needs. On the contrary, some of adopted Plans are a major contributing factor in longer commute needs and greater dependency on private cars.

Today what affects the quality of life adversely is not the shortage of water supply, or the shortage of open spaces, or the lack of local, regional or national parks; the quality of life is being most adversely affected by long commute needs resulting in air pollution, noise pollution, wasteful use of energy resources, greater number of traffic accidents and health problems due to air pollution. Long commute also robs individuals of time and energy they could be spending with their families or in some other constructive ways. In a way, long commute is indirectly damaging the great value system of the society by weakening the family unit resulting in numerous destructive social changes.

Land use plans often discuss jobs/housing balance, affordable housing and reasonable commute in general terms without defining and using their close relationships in planning. Now we must define jobs/housing balance and affordable housing more precisely in order to plan for minimizing the commute needs.

38-1

I believe that a house is affordable by a family if (a) the monthly payment for the house (or apartment) does not exceed 25% of the family's gross monthly income, (b) cost of commuting to work does not exceed 3% of the gross income, (c) time for commuting does not exceed 30 minutes each way, and (d) distance for commuting does not exceed 15 miles.

To bring about jobs/housing balance, the planning effort must make sure that 50% of the housing is provided within 10 miles of the employment centers and within 20 minutes commute. 90% of the housing should be within 15 miles with less than 30-minute commute each way.

Transportation facilities should then be planned to match the required minimum services within the affordable (3%) commute cost.

Now let us look at the proposed plan which proposes to designate Parcel #099B-3416-001-04 as open space.

38-2

Adjacent south of the subject parcel, office developments have been approved to accommodate 4,500 employees. I believe that the

subject parcel is ideally located to provide affordable housing targeting these employees who may be able to walk to or bicycle to work eliminating the use of a private car for commuting. Such land use of the subject parcel would also support the concept of "urban village" so well accepted in the planning profession.

2/12  
38-2

The Livermore-East Dublin area is fast becoming the Mecca of golf courses and has the potential of supporting several other recreational facilities. Good planning should encourage the development of such facilities.

If the subject parcel is not accepted for a suitable planned unit development to accommodate affordable homes, I believe the next best use of the subject parcel would be to build a Resort Hotel presenting a great view of the valley to attract tourists from all over the country for a visit to the recreational facilities and the wineries in the Amador, Livermore and Modesto areas.

38-3

Further, I would like to mention that scenic easement should not be misconstrued to mean that barren, bald and brown hills should be left alone in their natural condition. On the contrary, good planning should provide incentives to improve their appearance by a landscape of permanent greenery. The appearance of the subject parcel can be considerably improved with a housing or hotel development. Nothing can be achieved if the subject parcel is kept as open space.

Land Trust Fund is proposed as a part of Resource Management Plan. It is economically not feasible to raise enough funds from the future proposed developments to pay for purchasing the land or development rights in order to preserve the proposed open spaces. It would be more realistic to consider the best and highest economic use of the subject parcel which may minimize commute needs of the area and also improve its scenic appearance.

38-4

Best use of the subject parcel will serve as a resource to pay for the carefully selected open spaces. The Resource Management Plan can be successful only if it is economically self sufficient. The present allocation of 420 square miles of land in the planning for various developments and open spaces cannot raise enough funds in the future to make the Resource Management Plan a success.

I would like to urge the Planning Commission and the Board of Supervisors to designate the subject parcel for an affordable housing development or a Resort Hotel Development. Such designation will directly serve the public interest and promote the concept of Urban Village so well accepted in the planning profession.

*T S Khanna*

July 30, 93

T. S. Khanna  
164 Canyon Vista Place  
Danville, CA - 94526

**RESPONSE TO COMMENTS  
LETTER 38**

T. S. Khanna

**RESPONSE 38-1**

Comment noted. Please see **Response to Common Questions (RCQ) #1** for a discussion of how jobs/housing balance and affordable housing were factored into the holding capacity for the East County, and **RCQ #11** for a discussion of affordable housing provisions in the plan.

**RESPONSE 38-2**

The parcel referenced in your letter is located outside the Urban Growth Boundary established in the plan. Please see **RCQ #2 and #3** for a discussion of how the location of the Boundary was determined and methods by which it may be modified.

**RESPONSE 38-3**

Please see **RESPONSE 38-2**, above.

**RESPONSE 38-4**

The plan includes several mechanisms for the acquisition of open space. Policy 59 allows for the use of a variety of techniques, such as dedication, fee purchase, density transfer and easements. program 23 creates an Alameda County Open Space Land Trust which could use these mechanisms to acquire and permanently preserve open space outside the Urban Growth Boundary. Policy 60 and program 22 establish an open space dedication and/or in-lieu fee requirement applicable to all residential, industrial, commercial, and office developments within the unincorporated areas to fund the purchase of land outside the Urban Growth Boundary. Policy 60 requires the dedication of approximately 4,200 acres of land designated "Resource Management" as a condition of developing Major New Urban Development in North Livermore.





RECEIVED

AUG 03 1993

August 2, 1993

Deborah Stein  
Acting Assistant Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward CA 94544

Re: Draft Environmental Impact Report  
East County Area Plan, dated June 1993  
(SCH #92073034)

Dear Deborah:

I am the owner of approximately 160 acres situated just north and west of the Schaefer Ranch Road underpass at Interstate 580. My property is located adjacent to approximately 317 acres owned by Schaefer Heights, Inc. Please accept this letter as comments on the East County Area Plan Draft Environmental Impact Report.

My property lies entirely within the LAFCO designated Sphere of Influence boundary for the City of Dublin. My property also lies within the City's adopted Extended Planning Area Boundary and is currently designated for residential development by the City of Dublin's General Plan map. My property is also situated near a freeway underpass along a major transportation corridor including a BART extension currently under construction.

It should also be pointed out that according to the State Department of Conservation mapping program for important farmland, the property's soils would be considered farmland of only grazing importance and as such is considered non-prime farmland. In 1988 a notice of non-renewal of the Williamson Act contract was filed.

Consideration of the above established planning policies and physical attributes of the property make it clear the property is intended, and is suitable, for development and should be annexed to and governed by the City of Dublin.

Schaefer Heights, Inc. and I are currently in the process of generating a development plan with the applicable applications for a small scale residential project for submittal to the City of Dublin. We have discussed the matter with the City on several occasions over the last few months to inform them of our intentions to file the applications with the City of Dublin and LAFCO.

39-1

39-2

As part of the work in preparing a development plan and applications we have reviewed both the City General Plan and County General Plan. As noted above, the City's General Plan designates the project site for urbanization while the County General Plan designates this same area for agricultural open space. The County General Plan designation should be brought into conformance with City's General Plan to respect the City's and LAFCO's planning efforts. The County General Plan should not jeopardize or hinder in any way, any LAFCO approval of annexation of land to the City of Dublin.

39-2

If the time requirements to bring about consistency between the applicable County Area General Plans and the City General Plan exceed the point in time where we are prepared to submit our development plan and applications, I understand that when the property is approved by LAFCO for annexation to the City of Dublin, City policies will govern development of the property. Therefore, County General Plan policies would not apply which would eliminate the inconsistencies.

I appreciate the opportunity to review the draft document and make these observations and points of notice. I hereby respectfully reserve the right to give additional public testimony at the upcoming public hearings if necessary and look forward to following the process to conclusion.

Very truly yours,

Otto Schaefer, Jr.

pc: Schaefer Heights, Inc.

**RESPONSE TO COMMENTS  
LETTER 39**

Otto Schaefer, Jr.

**RESPONSE 39-1**

Comment noted. Please see RESPONSE 40-1. Also, please note that your property lies entirely outside the boundaries of the East County planning area and is governed by the *Castro Valley Plan*.

**RESPONSE 39-2**

Comment noted. Please see RESPONSES 10-1 and 40-1.





**RECEIVED**

**AUG 04 1993**

August 2, 1993

Deborah Stein  
Acting Assistant Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward CA 94544

Re: **Draft Environmental Impact Report  
East County Area Plan, dated June 1993  
(SCH #92073034)**

Dear Deborah:

On behalf of our clients, Schaefer Heights, Inc., Robert Yohai and Sal Zagari who collectively are owners of the Schaefer Ranch consisting of approximately 317 acres situated immediately north of and fronting Interstate 580 at the Schaefer Ranch Road underpass and sharing a common boundary line with the City of Dublin city limit line on the east, we hereby submit comments on the East County Area Plan DEIR.

The above described property lies entirely within the LAFCO designated Sphere of Influence boundary for the City of Dublin. The property also lies within the City's' adopted Extended Planning Area Boundary and is currently designated for residential development by the City of Dublin's General Plan map. The property is also adjacent to the City Limit Line and situated at a freeway underpass along a major transportation corridor including a BART extension currently under construction.

40-1

It should also be pointed out that according to the State Department of Conservation mapping program for important farmland, the property's soils would be considered farmland of only grazing importance and as such is considered non-prime farmland. In 1988 a notice of non-renewal of the Williamson Act contract was filed.

Consideration of the above established planning policies and physical attributes of the property make it clear the property is intended, and is suitable, for development and should be annexed to and governed by the City of Dublin.

We are currently in the process of generating a development plan with the applicable applications for a small scale residential project for submittal to the City of Dublin. We have discussed the matter with the City on several occasions over the last few months to inform them of our intentions to file the applications with the City of Dublin and LAFCO.

40-2

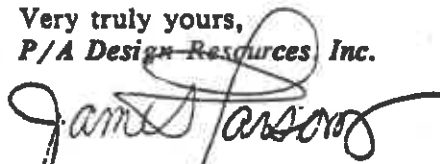
As part of our work in preparing a development plan and applications we have reviewed both the City General Plan and County General Plan. As noted above, the City's General Plan designates the project site for urbanization while the County General Plan designates this same area for agricultural open space. The County General Plan designation should be brought into conformance with City's General Plan to respect the City's and LAFCO's planning efforts. The County General Plan should not jeopardize or hinder in any way, any LAFCO approval of annexation of land to the City of Dublin.

40-2

If the time requirements to bring about consistency between the applicable County Area General Plans and the City General Plan exceed the point in time where we are prepared to submit our development plan and applications, we understand that when the Schaefer Ranch property is approved by LAFCO for annexation to the City of Dublin, City policies will govern development of the property. Therefore, County General Plan policies would not apply which would eliminate the inconsistencies.

We appreciate the opportunity to review the draft document and make these observations and points of notice. We hereby respectfully reserve the right to give additional public testimony at the upcoming public hearings if necessary and look forward to following the process to conclusion.

Very truly yours,  
*P/A Design Resources Inc.*



James C. Parsons  
Principal

JCP/cjs

pc: Schaefer Heights, Inc. (3)

**RESPONSE TO COMMENTS  
LETTER 40**

P/A Design Resources, Inc.  
James C. Parsons, Principal

**RESPONSE 40-1**

Comment noted. The Dublin General Plan does not delineate land use designations within the city's extended planning area. The following policies, among others, within the text of the document were substituted for mapped land use designations.

Guiding Policy: Consider residential development proposals (including support facilities) on moderate slopes, with multi-family densities typically considered on flatter land.

Implementation Policy: The location, extent and density of residential development will be determined when municipal services can be provided and through General Plan refinement studies.

Please see RESPONSE 10-1. Also, please note that only a portion of the Schaefer Heights, Inc. property lies within the boundary of the East County planning area. The remaining portion is governed by the *Castro Valley Plan*.

**RESPONSE 40-2**

Comment noted. Please see RESPONSE 40-1, above.





RECEIVED

AUG 04 1993

August 4, 1993

To: Alameda County Planning Department

Re: Draft Environmental Impact Report East County Area  
Plan

We would like to comment on the Conservation/Open Space boundary as it pertains to the residences directly northwest of the intersection of N.Livermore Ave. and I-580. There has been a decided ambiguity on maps as to this boundaries location. The property owners in this area would like to be assured that this boundary is both south and west of their contiguous property lines.

41-1

We request that the northern boundary line between the Conservation/Open Space and Residential be moved to coincide with the southern property lines of parcels 99-5-4-12, 99-5-4-9, 99-5-4-8, and continue along the western boundary of 99-5-4-12. This would put the boundary at the already established and occupied properties.

Submitted at the request of: Mr.&Mrs Frank & Janene Trujillo  
2292 N.Livermore Ave. (99-5-4-8)

Mr.&Mrs Art & Dorothy Hudgins  
2294 N.Livermore Ave. (99-5-4-9)

Mr.&Mrs David & Alice Quinn  
2300 N.Livermore Ave. (99-5-4-12)

Submitted by : Alice Quinn





**RESPONSE TO COMMENTS  
LETTER 41**

Frank and Janene Trujillo, Art and Dorothy Hudgins, David and Alice Quinn

**RESPONSE 41-1**

In accordance with state law, General Plan land use designations are, by definition, general in nature. The specific locations of the land use designations delineated on the Land Use Diagram in the *East County Area Plan* will be fine-tuned at the specific plan stage of development based on site specific analysis.



# THE DIMOND GROUP, LTD.

2517 Valmonte Glen  
Escondido, CA 92029  
(619) 738-7530  
FAX (619) 738-9255

RECEIVED

AUG 04 1993

LETTER 42

Ms. Deborah Stein,  
Acting Assistant Planning Director  
Alameda County Planning Department  
399 Elmhurst St.  
Hayward, CA 94544

Aug. 1, 1993

Re: East County Area Plan, DEIR and their impact on 293 acres at N.W. corner, Greenville and Patterson Pass Roads.

Dear Ms. Stein,

My client, Monarch Industrial Park Ltd., is the owner of the above referenced 293 acres. We feel that the ECAP designation of "Urban Reserve" on our lands is unreasonable given several facts: 1) most of our lands are now zoned industrial, with appropriate improvements on identical zoning north and west of our lands; 2) City of Livermore Circulation Element plans show the increased usage and ultimate widening of Greenville Road as being a necessity; 3) all our lands lie within the City of Livermore's current sphere of influence; 4) our lands are a logical adjunct to (while not being a part of) the South Livermore Valley Area Plan in that they can be improved as a gateway to the Plan area; 5) elimination of the area east of Greenville Road is a political decision and not supported by normally accepted planning standards.

The Livermore Circulation Plan includes widening to six lanes of Greenville Road but does not address the growth-inducing aspects of such improvement; nor does it include any logical traffic demand from lands east of the road. It is not logical to exclude this area of the City's SOI from any and all planning considerations. Neither the ECAP nor the DEIR consider any absorption of this area east of Greenville Road yet it is a viable area for residential and other appropriate uses within the ECAP horizon. Since it appears that holding capacities are considered when evaluating jobs/housing ratios, it does not seem correct to neglect this 1,000-acre area from evaluation. (1,000 acres more or less being all ownerships east of Greenville Road and west of the water aquaduct.)

We have submitted a concept plan for use of this area showing a combination of industrial, recreational, visitor-serving, community service, and residential developments with an overall low population density. We respectfully request that attention be given to that submission (or alternatives thereto) during the ECAP process. Absent such consideration, we feel that adequate evaluation of Alternatives to the ECAP will not have been made, since City generated Plans used as Alternative bases do not consider these lands.

42-1

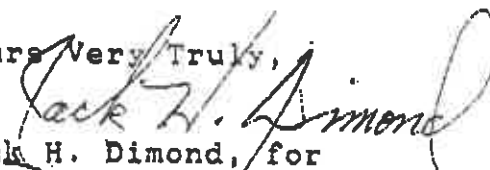
42-2



Ms. Deborah Stein  
Aug. 4, 1993  
Page Two

We hope that there will be appropriate revisions to the ECAP and a chance to comment upon them. Thank-you for this opportunity to review and comment on the DEIR.

Yours Very Truly,

  
Jack H. Dimond, for  
Monarch Industrial Park, Ltd.

CC: TMI

JHD:al





**RESPONSE TO COMMENTS  
LETTER 42**

The Dimond Group, Ltd.  
Jack H. Dimond

**RESPONSE 42-1**

Comment noted. Urban Reserve land is located either in the active quarry area between Pleasanton and Livermore or east of Greenville Road, an area with industrial zoning, a currently over-designated category in East County. Although considered less suitable for immediate development than other land within the Urban Growth Boundary, the Urban Reserve land use category was developed to provide additional flexibility for the accommodation of potential future growth within the Urban Growth Boundary. (Please refer to **Response to Common Question #2** which describes how the Urban Growth Boundary was drawn.) Although these areas may be considered for urban uses at some future date, the location, density, and type of development that may be appropriate for these areas has not been determined; therefore, these areas were not included in the holding capacity on which the jobs/housing ratio was based. A general plan amendment and accompanying environmental review would be required for any urban development proposal within the Urban Reserve land use category.

**RESPONSE 42-2**

The California Environmental Quality Act (CEQA) only requires that an EIR look at a range of reasonable alternatives to the proposed project with the discussion to focus on alternatives capable of either eliminating any significant adverse impacts or reducing them to a level of less than significant. Although alternatives one through four are substantially based on city plans, Alternative 5 is a lower impact alternative based on minimum growth and high density. Incorporation of the property in question into one of the alternatives was not required by CEQA and would have served no purpose, except perhaps in the context of a higher impact alternative.



*Robert Nielsen*

11637 Alegre Drive, Dublin, California 94568

LETTER 43

RECEIVED

AUG 05 1993

August 4, 1993

Adolph Martinelli, Planning Director  
Alameda County Planning Department  
399 Elmhurst Street  
Hayward, California 94544

Dear Sir,

This letter is in reponse to the Draft Environmental Impact Report of the East County Area Plan released in June 1993.

We are the owners of a property located in the far north west corner of the East County Area Plan, i.e., the West Dublin area. According the the draft plan, our property will be outside of the proposed Urban Growth Boundary.

However, this plan does not take into consideration the following:

a. In prior planning the county left street studs into our property for future development.

43-1

b. Our property lies within the sphere of influence of the City of Dublin and it adjoins the city limits.

We would suggest that the Urban Growth Boundary in the West Dublin area be moved to conform with the sphere of influence of the City of Dublin and that future use of the property fall under the purview of the City of Dublin

ROBERT J. NIELSEN



NIELSEN DUBLIN FAMILY PARTNERSHIP





**RESPONSE TO COMMENTS  
LETTER 43**

Nielsen Dublin Family Partnership  
Robert Nielsen

**RESPONSE 43-1**

Comment noted. Please see RESPONSE 10-1 and Responses to Common Questions (RCQ) #2 and #3.



8-5-93

LETTER 44

To: Alameda County Planning Commission  
399 Elmhurst Street  
Hayward, , CA 94544

Re: Spotorno Ranch and the Urban Limit Line

The enclosed drawing is a collection of all the latest documentation from the City of Pleasanton on various planned, under construction or completed residential subdivisions in the south area. The plan also shows potential for properties outside the city limit, but within the City's sphere of influence. Much of this information was compiled during the North Sycamore specific planning process.

Numbers in parentheses indicate potential or future development not yet approved. Dotted lines show plans on the boards today.

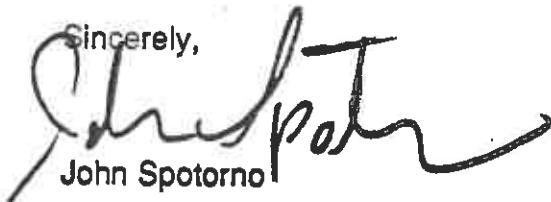
With development advancing on three sides, the Spotorno property has become an exposed peninsula of land. Trails and streets winding through new developments cannot just stop at a fence line separating housing from farm land. This situation has become an insurmountable obstacle to any viable farming operation. The urban limit line, as currently proposed, would bisect a small portion of the property excluding the majority of the land from future potential.

The urban limit line, following Pleasanton's old General Plan Line, should be modified to a more reasonable path. This path should be determined using the goals of the County General Plan. Some of these goals include; properties that should not be split, topographical features would be considered, access and adjacency should be continuous back to existing urban areas.

The City's pattern of development is clear: a continuous outward push which has been substantiated by the General Plan. The Spotorno property appears to be next in this pattern.

By modifying the proposed Urban limit line to include the Spotorno property within development boundaries, the Spotorno Family is looking for some consideration in maintaining an economical future for this property.

Sincerely,



John Spotorno

44-1





**RESPONSE TO COMMENTS  
LETTER 44**

John Spotorno

**RESPONSE 44-1**

Comment noted. Please see **Responses to Common Questions #2 and #3** for a discussion of how the location of the Urban Growth Boundary was determined, the permanence of the Boundary and how it may be modified.

In formulating the Land Use Diagram for the proposed *East County Area Plan*, the County (1) recognized all land uses planned in the existing city general plans located within the existing city limits, and (2) mapped land uses in the remaining unincorporated areas to achieve regional goals within the context of general environmental criteria described in Table 2 of the draft plan. If a city were to adopt a general plan amendment to designate new areas for urban development inside the city's sphere of influence, the County would modify the Urban Growth Boundary to reflect the city's action upon annexation.

The Urban Growth Boundary, as it appears in the *East County Area Plan*, accurately reflects the land use diagram in the current *Pleasanton General Plan*, dated September 16, 1986. In the *Pleasanton General Plan*, the subject property is designated "Public Health and Safety," which is comparable to the "Large Parcel Agriculture" designation in the *East County Area Plan*.



A. V. SPOTORNO  
PLEASANTON, CALIFORNIA

LETTER 45

Aug 0 11:37 AM '93  
ALAMEDA COUNTY  
SHERIFF'S OFFICE  
1010 MARCO, CALIFORNIA 94530

August 5, 1993

Dear Planning Commission Staff,

Enclosed, please find letters and accompanying drawing concerning my family ranch property and the Alameda County Urban Growth Limit Line, and the implications involved in leaving the current line as it is now proposed.

It is already acknowledged that the current Urban Growth Limit Line, as adopted from the old General Plan, is in error. Please note how the line meanders in and out of my ranch property.

It is my hope, and that of the Spotorno Family, that the Planning Commission review this situation and modify the current proposed Limit Line to include our entire property within the boundaries of the Urban Growth Limit Line.

Sincerely,

  
Alex V. Spotorno



8-5-93

To Alameda County Planning Commission and Staff:  
399 Elmhurst Street  
Hayward, CA 94544

On behalf of our family, which includes a history of five generations, we are in favor of the Urban Limit Line concept with the following modifications: it is in a logical location; it does not bisect property lines; it is reviewed frequently and modifications made as needed.

The proposed line currently being considered, bisecting the southern portion of our property, was a broad chalk line in an early Pleasanton General Plan without benefit of study, field research or any other factual or reasonable data. It was established to vaguely indicate some idea of Pleasanton's future growth.


Please note, our property is being surrounded by low density development, as indicated on the accompanying drawing. The only exception at this time is our easterly boundary with the Foley property. If the current proposed draft is accepted without any modifications, it will leave us and the County with an unmanageable peninsula. Thus, it becomes a matter of liability and public safety, especially with the County's strapped economic resources, particularly with the cutbacks in the Sheriff's Dept. It appears the City of Pleasanton would, in the future, be the logical responsive agency.

Our north fence line, for a distance of about a mile, is the current Pleasanton City Limit Line. Since our property is the keystone to any south/easterly expansion of Pleasanton, it seems the County needs to allow for this flexibility.

The current draft does not follow 1). the proposed 800 foot contour limit line, or 2). the Alameda County General Plan for the Livermore Amador Valley Planning Unit, as adopted by the Board of Supervisors Dec. 12, 1989, in which our parcels are designated as agricultural with urban development potential. The current line bisects property lines, meanders and isolates flat accessible parcels, with no reference to any contour lines, locations or enforceable boundaries. (See drawing.)

For the good of all concerned we would like all three of our parcels, with the minor modifications necessary, to be considered within the Urban Growth Limit Line. We look forward to your consideration of our proposal.

Sincerely,

  
Alex V. Spotorno and Family

45-1



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**RESPONSE TO COMMENTS  
LETTER 45**

Alex V. Spotorno

**RESPONSE 45-1**

Comment noted. Please see **Responses to Common Questions #2 and #3** for a discussion of how the location of the Urban Growth Boundary was determined, the permanence of the Boundary and how it may be modified. Also, please see **RESPONSE 44-1**.







# BARRY K. HOGAN ASSOCIATES

• Planning • Entitlement Strategies • Project Management • Environmental Services •

August 2, 1993

LETTER 46

RECEIVED

AUG 12 1993

Ms. Debra Stein  
Acting Assistant Planning Director  
Alameda County  
399 Elmhurst Street  
Hayward, California 94545

**Subject: Comments on the East County Area Plan**

Dear Ms. Stein:

As you may recall, we represent the Orr Property Trust, 27 year owners of 143 acres of land in the North Livermore area. These properties are identified by APN 99-5-3-1 and 2. We have reviewed the proposed land use designation for our property and the text of the East County Area Plan and have the following comments:

1. Currently, the Orr Trust property is designated for Low Density Residential (1.0-4.0 du/ac). We requested that the County show Medium Density Residential (4.1-8.0 du/ac) on our property. This would provide a higher density land use closer to I-580 and to transit, and would better follow the policies of the Plan. 46-1
2. As a general overall comment, we find that having the tables and graphics separate from the text to be cumbersome. It would help to have the tables and exhibits incorporated into the text at the appropriate location. This would increase understanding and provide easier use of the document. 46-2
3. Policy 12, on page 4, indicates that there would be corresponding reductions in land use densities where development has exceeded the "average densities" of the Plan. This procedure will be cumbersome and tedious. We suggest that the County consider the remaining development capacity on an annual basis, at a minimum. Adjustment should be considered, if deemed to be necessary, as an overall amendment to the East County Plan. This policy also seems to be in conflict with Policy 34 on page 7. 46-3
4. While we realize the general nature of the Land Use Diagram, we feel that some details should be added to provide greater understanding and clarity. We suggest that the densities and mid points be added for each residential land use. We suggest that the floor area ratios be added for commercial, industrial and mixed use/business park. 46-4

We also suggest that major roadways from the Transportation Diagram (Figure 8) be added to the Land Use Diagram. This will provide greater clarity and a stronger tie between land use and transportation.

46-4

5. On figures 1, 3 - 5, and 7 - 10, we suggest that the same roadway network, as indicated in number 4 above, be shown. Currently, the figures are inconsistent. They should represent major existing roadways and major planned roadways. With these roadways so shown, on these exhibits, the effects on schools, open space, and urban growth might be more apparent.

46-5

6. On figure 6, there should be a note added that the road alignments are pictorial only and precise alignments have not yet been adopted. It should distinguish between existing and planned roads. It should use roadway names when known and should match the roadway names shown in Table 12.

46-6

We appreciate the opportunity to respond to the East County Area Plan and hope that you concur with our comments and make the appropriate changes to the Land Use Diagram and text. Please provide us with a written response to our comments and the request of item 1, in particular. Should you have any questions, please feel free to give us a call.

Very truly yours,

**BARRY K. HOGAN ASSOCIATES**

  
Barry K. Hogan  
Principal

cc: H. Jerry Carpenter, Orr Property Trust  
Gloria Allan, Orr Property Trust  
Adolf Martinelli, Planning Director  
J. Christopher Gray, Chief of Staff, Supervisor Campbell's Office

BKH/dms

biorrpropstein.com

## RESPONSE TO COMMENTS LETTER 46

Orr Property Trust  
Barry K. Hogan, Principal, Barry K. Hogan Associates

### RESPONSE 46-1

Several features of the Orr Property Trust land suggest that it should be designated at a density higher than Low Density Residential: the property has frontage on North Livermore Avenue, a major north-south arterial in the proposed North Livermore Major New Urban Development that will provide direct access to BART via feeder buses once BART is extended to the Valley; it is close to the proposed community and commercial center; and it would likely be included in an early phase of development of the Major New Urban Development, given the property's proximity to the freeway and existing utilities and services. The latter point is significant, since the County intends that each phase of development include residential densities high enough to support some affordable housing.

With these points in mind, the Land Use Diagram will be refined to recognize the appropriate designation for the lands owned by the Orr Property Trust as Medium Density Residential.

The Land Use Diagram is pictorial for the purposes of presenting a general distribution of land uses and densities to illustrate plan policies; site planning at a more refined level of detail will occur at the specific plan stage and adjustments will likely occur at that time, based on a facilities and infrastructure plan and a phasing plan.

### RESPONSE 46-2

Comment noted. The document has been organized so that one may consult a table without having to search for it in the text.

### RESPONSE 46-3

The commenter has misinterpreted the intent of policy 12. The policy states: "If average densities of approved new development do not meet or exceed the mid-point of the density range within a land use category..., the County shall redesignate parcels in unincorporated areas within the Urban Growth Boundary to compensate for reductions in holding capacity,..." In other words, if average densities of approved new development are below the mid-point of the density range within a land use category, the County will increase densities on parcels proposed for subsequent development. As written, policy 12 does not conflict with policy 34.

The commenter is correct in pointing out that the process of redesignating remaining parcels could be cumbersome. To clarify the policy and to assure efficient implementation, policy 12 will be modified as follows: (new language is underlined; deleted language is ~~struckout~~)

Proposed Modification to Policy 12: If average densities of approved new development do not meet or exceed the mid-point of the density range within a land use category (except Very High Density Residential), the County shall ~~should~~ redesignate parcels approve higher than midpoint densities for subsequent development approvals for parcels in unincorporated

areas within the Urban Growth Boundary to compensate for reductions in holding capacity, and shall work with cities to do the same within incorporated areas.

The monitoring of densities of approved new development will take place as part of the review of the holding capacity for the biennial monitoring report described in program 4. Adjustments in density will be made at each major development phase of the detailed development plans required under policy 27.

**RESPONSE 46-4**

Comment noted. The densities and mid-points for each residential land use and floor area ratios for the Commercial, Industrial and Mixed-Use/Business Park designations will be added to the legend of the Land Use Diagram. The purpose of the Transportation Diagram is to depict diagrammatically the East County Transportation Network for the year 2010 and does not necessarily reflect the exact alignment of future roadways. It is staff's position that adding major roadways from the Transportation Diagram to the Land Use Diagram would only complicate the Land Use Diagram and would not substantially enhance the clarity of either figure.

**RESPONSE 46-5**

Comment noted. It is staff's position that no value would be gained by adding the major roadways to the referenced figures. Each figure was designed to convey specific information and the addition of further information would only complicate, not clarify, these figures.

**RESPONSE 46-6**

Comment noted. The recommended changes will be made on Figure 6 of the Plan.

**Minutes of Meeting**

**Alameda County Planning Commission**

**July 8, 1993**

The meeting was held at the hour of 7 p.m. in the City Council Chambers of the Dublin City Hall, Dublin, CA

**Members Present:**

**Earl Hamlin, Chairman  
Stephanie Cartwright  
Ellen Paisal  
John Pappas  
Frank Peixoto  
Muriel Schilling  
Ario Ysit**

**Members Excused:**

None

**Others Present:**

**Adolph Martinelli, Planning Director  
Deborah Stein, Assistant Planning Director  
Chandler Lee, Planning Consultant  
James Walsh, Planner II  
Elizabeth McElligott, Planner III  
Georgia Rubiolo, Recording Secretary**

The meeting was called to order by Chairman Hamlin.

1. Approval of planning commission minutes - July 6, 1993.

This item was continued to the next meeting of the Planning Commission.

2. **East County Area Plan/Draft Environmental Impact Report** - County-initiated proposed revision of a portion of the Alameda County General Plan establishing goals and policies intended to serve as a guide for action in managing the East County's development and meeting the challenges of the next twenty years and beyond.

Ms. Deborah Stein gave a brief review of the plan process. She said that this plan will supersede the 1977 Livermore-Amador Valley Plan and is one of three area plans that will comprise the overall Alameda County General Plan. She noted that between February 1991 and July 1991, five public hearings were held to stimulate discussion and solicit community input on issues raised in a series of five issue papers prepared by the County Planning Department staff.

Ms. Stein said that the intent has been to come up with a Plan that can balance and mesh together the competing interest in the Valley. She said that the EIR was issued in mid-June, and the comment period will end on August 4, 1993. She continued that the Plan was designed to be as self-mitigating as possible. She described the planning process undertaken by staff in evaluating the plan proposals. She said the EIR is a valuable document which can be used by the cities as well as the county. It is designed to be as thorough as possible to cover the whole planing area to enable tiering which is a process under CEQA where site specific projects can look to a master EIR and said that by relying on a very comprehensive EIR at this level subsequent projects can have a streamlined environmental review.

Mr. Chandler Lee, Planning Consultant gave a brief report on the major features of the plan. He said the key feature of the plan is its sub-regional nature, it looks at the whole 420 square mile area, including three cities and unincorporated areas. He called it a market-driven plan, one that works well as a coherent whole exclusive of political boundaries. He described the methodology of looking at the 420 square mile area as a unit and looking at the housing needs in the area; the employment projections; traffic needs and infrastructure as well as the economic vitality of the area. He advised that the vast majority of the area is in fact unincorporated land that is under the jurisdiction of Alameda County and said what they are trying to do is to meld the unincorporated and incorporated areas into one East County Area and develop a plan suitable for all those jurisdictions.

Ms. Stein described the open space program that has been developed as part of this plan. She said that the urban growth boundary is intended to be permanent and to provide certainty for what can happen within the line and outside the line which is important as it gives everyone rules so that long term planning and financing can proceed. She explained the resource management portion of the plan indicating that simply drawing a line is not enough to protect open space in a meaningful way. The only way that it will be durable over time is that it works with an acquisition program using a newly established county wide land trust as proposed in the plan.

Ms. Stein described the innovative approach to biological mitigation. The approach is to develop a comprehensive mitigation for biological resources in the planning area to achieve more meaningful habitat protection. Inside the line are policies that encourage the avoidance of any wetlands or any sensitive species but where that is infeasible it is proposed to work with the resource agency to direct all mitigation into one area. She also discussed the agricultural programs in the plan. She said it retains the existing 100 acre parcel size but with new policies to aid agricultural operations such as clustering. She said that the plan also recognizes and includes provisions that permits secondary units. She also advised that the plan incorporates all the provisions of the South Livermore Plan into the Plan.

Chairman Hamlin called for testimony on the EIR. He asked that comments be limited to three minutes and advised that written comment is acceptable until August 4, 1994.

Mr. Dick Ward, 3884 No. Vasco Road, indicated that he lives in what is called the Resource Management Area on Vasco Road. He was concerned that he finds very little consideration for the properties in that district. He said that they have problems with quality and availability of water and

they need a vehicle in the plan to address the problems in the future. They need to be identified as part of the EIR, particularly those parcels from one to twenty acres. He indicated he would submit his comments in writing.

47

Mr. George Schneider President of Upper Kilkare Woods Homes Association, 3876 Kilkare Road, Sunol, said that there are several parcels incorrectly called Large Parcel Agriculture. These parcels have been rural residential for the past 50 years and they should be correctly identified. He said that the Plan shows that these parcels are under the Williamson Act and they have never been under the Williamson Act. He said that the report also shows that the parcels are not in the water district and they have been since 1960. He said that he does not have any objection to the overall report, though he found an enormous amount of errors in the report, which he counted at 243. He said the area he was concerned about contains errors and incorrectly drawn maps. He said he did not think that the plan considers people and it is his belief that by the year 2000 the State of California will double in everything. He suggested that the plan should consider homes for people as well as open space.

48

Mr. Perry Davilla resident of Eden Canyon, rancher for many years, was interested in retaining ranches for the current ranchers and the children interested in pursuing ranching. He said it is sometimes necessary to sell off part of a ranch to stay in the business and he did not think five acre cluster parcels would be large enough in many cases and suggested that 20 acres would offer the needed flexibility.

49

Mr. Frank Neu deferred to Mr. Norman Marciel.

Mr. Norman Marciel, current President of the Alameda County Farm Bureau representing the entire "rural coalition" consisting of members of the Alameda County Farm Bureau, the Alameda/Contra Costa Cattlemen's Association, the Alameda County Property Owners Association and the Alameda County Agricultural Advisory Board. He advised that collectively their members own, farm or ranch more than 50% of the 418 square miles within the East County General Plan study area. He read a paper which was submitted to the Commission which concluded that it is critically important to the survival of agriculture in Alameda County that what is put in place is "AG friendly".

50

Ms. Lillian Marciel read the issues paper submitted to the Commission relating to agriculture's long term future, minimum parcel size for clustering, agriculture easements on large parcels, size of residential home sites and the implementation process. She indicated that they would submit a detailed paper at a later date [see the Marciel's comment following the Planning Commission minutes].

Mr. Gene Broadman, Chairman of the North Valley Property Owners Association, advised that the Association has about 100 property owners that own 12,500 acres north of Highway 580, bordered by Vasco Road on the east and Collier Canyon on the west. In 1987 the property owners and the City of Livermore spent two years planning for the future of that area, but in 1989 the Council changed and the new City Council essentially threw out the plan and wanted to start over. He continued that the property owners then took the Plan to the County and ask that it be incorporated into the General Plan. The County took the input and he believed that the product has been improved. He said that they have hired a professional planner to review the plan and they would support the plan as they think it is a good plan.

51

Mr. Hugh Walker, speaking as a private citizen on behalf of his immediate family who owns a few thousand acres in the Plan area, was concerned about agricultural viability in the future. He said he

52

is more concerned about the ability of the land owners to create needed liquidity without killing the cash cow. He stated that, speaking as a landowner who owns property outside the urban limit line, the plan is fatally flawed. He said apparently what the agricultural community said is falling on deaf ears. He said that the map is inaccurate with respect to the size of the parcels and if the County is attempting to show large ranches when in fact the parcels are inaccurate it will not fly. He said parcels created several years ago are not reflected on the map. He said that the County can make changes now or later in court, but to put a maximum parcel size of 5 acres is ludicrous, there are areas that need 10 to 20 acres. He alleged that if this plan was before the County 13 years ago and approved, we would not have windpower in the Altamont Pass. He said the plan needs flexibility so that if new technologies are developed compatible with what U.S. Windpower and others have done, the landowners could take advantage of them. He said it looks like what you have today in 1993 is all that you can ever expect to have on agricultural land and that does not make sense. This would not permit those land owners to take advantage of new technology and there must be the flexibility to allow some kind of industrial type development compatible with the generation of electricity. He said that there are some places on their ranches that would be ideal for some type of industrial development that would not impact the environment. He said his family would be willing to dedicate permanently the area on the hillside for cattle grazing and the ridge tops could be maintained for wind. But there is nothing that gives them the flexibility to do some type of clustering for industrial and commercial type development that will not adversely impact agricultural activities.

52

He said in regard to the urban limit line he is in favor of it. He favored more open space in the valley and allowing more cluster type development on the fringes. He did not believe that leap frogging necessarily has to be bad. He cautioned that if you do not have a mechanism that works with respect to density transfers or transfer of development rights, the urban limit line will not work. He said that for every single housing unit permitted after today inside the urban limit line, there has to be a significant sum of dollars set aside in a fund to go to the landowners outside of the line that are agreeing not to develop; though he was not sure what the correct amount of dollars should be. He said this would create a win-win situation.

Mr. Walker said he would submit additional remarks in writing and urged the Commission to listen to the agricultural community or there will be a lot of time and energy wasted in the court system.

Ms. Carolyn Morgan, resident of Doolan Canyon Road, agreed that there is a need for transfer of development credits and development rights. She said that the sites need to be larger, especially on hillsides as five acre parcels are an ecological disaster. She favored the urban growth boundary; however, the urban limit line as drawn cannot be followed and it should be designated by property lines. She favored cluster development but believed that the property should be deed restricted, as otherwise the next generation wants to divide it.

Ms. Morgan found the proposal to more than double the population of the Valley in 20 years frightening, and questioned that double the traffic could be accommodated by adding only two lanes on the freeway. She asked if that would mean that everyone here now could get by with a two lane road and asked at what cost would you double the water and sewer capacity. She asked who pays; the new residents or the existing residents. She said she did not believe that the County belongs in the development business; development should belong to the cities. She asked how the County would serve the area with police and fire service, where would the fees come from. She questioned whether there can be affordable housing, with the cost of freeway, water and sewer. She said that workers at Mervyn's and MacDonalds cannot afford the \$150,000 to \$200,000 for a home. She also questioned how you can add fees on to affordable housing to buy the open space.

53



She said that she believed that the County is using the Valley for a band aid to heal a sore festering on the west side of the hills when what is needed is redevelopment. She also noted that according to a City Councilman from Alameda, for every new house built, the city is ahead for the first year because of development fees, but after that year they are nearly \$500 behind per year. She questioned how the proposed development could pay its own way, she asked where the new jobs are going to be, noting that Hacienda is not moving. When the developers develop housing and leave someone needs to pay the bills and the County will get deeper in debt. She said that this Valley does not want to look like San Fernando Valley, but to look at the Plan and the traffic it will create, the air pollution it will create, the tremendous need for water and other public services, means that there will be another San Fernando Valley in about 20 years.

53

Ms. Pat Sausedo representing Shea Homes, thanked the Commission and staff for the efforts on the Plan to date. She said there are many issues that need to be addressed, including transportation, sewer, water, police. She said that they are looking at growth, new population, and they are trying through this plan to address the affordability of housing and the provision of jobs. She said all are difficult, complex issues and the County is addressing the issues up front, trying to manage the future and trying to provide the answers for a quality of life for those that live here today and tomorrow. She said that they as the development community look forward to working with the Commission to resolve the issues and provide an effective plan that takes them into the next century.

54

Ms. Valerie Raymond noted that developments are planned in Dougherty Valley, in Tassajara and Mt. House. She said if all of those developments were in fact to proceed, are we talking about numbers that are consistent with ABAG population projections. She believed that all the jurisdictions are planning for more people than can be supported. She said that the Plan says that there are a lot of air quality and traffic problems that have to be looked at and another thing that should be looked at is whether or not this plan is looking at realistic population projections.

55

Commissioner Peixoto asked that the staff furnish the Commission with the material that was considered when the holding capacity was established. He also noted that the projections of water and sewer do not seem to mesh with population.

56

Commissioner Paisal was interested in the issue of self-financed infrastructure and asked for more information on the subject.

57

Commissioner Hamlin was skeptical that we will see any huge amount of affordable housing in this Valley but thought that some of the jobs/housing imbalance can be ameliorated if it is easy for those coming from the west, i.e., on BART to the jobs in the Valley. He said what is happening with the state and local budgets is driving government to put more fees on development and to the extent that Prop 13 fiscalized the land use process, what is being seen now is going to complicate it even more. He said that the affordable housing and these fees are running at cross purposes. He also was of the opinion that the population and building will not double in 10 years and expressed concern about what happens if the growth falls way short. He said some problems such as sewer and water will not make it easy for growth to occur. He also thought that the economy will be slow for the better part of this decade and was concerned that if you end up undershooting the working projections the timing of infrastructure may be wrong. He suggested infrastructure investments are not modular, and perhaps development should be phased. He pointed to Hacienda Park as an example of land planned in good faith for commercial and industrial where they are now looking to convert it to housing. He indicated that he would submit additional comments in writing.

58



Chairman Hamlin thanked those that attended and announced that the next meeting will be on August 19, 1993 at 7 p.m. in the Dublin City Council Chambers.

**Adolph Martinelli- Planning Director and Secretary  
County Planning Commission of Alameda County**

## COMMENT 50

JULY 8, 1993 PRESENTATION TO THE ALAMEDA COUNTY  
PLANNING COMMISSION

MEMBERS OF THE ALAMEDA COUNTY PLANNING COMMISSION:

MY NAME IS NORMAN MARCIEL. I AM THE CURRENT PRESIDENT OF THE  
ALAMEDA COUNTY FARM BUREAU.

HOWEVER, THIS EVENING I AM REPRESENTING THE ENTIRE "RURAL  
COALITION". THE RURAL COALITION CONSISTS OF MEMBERS OF THE  
ALAMEDA COUNTY FARM BUREAU, THE ALAMEDA/CONTRA COSTA  
CATTLEMEN'S ASSOCIATION, THE ALAMEDA COUNTY PROPERTY OWNERS  
ASSOCIATION AND THE ALAMEDA COUNTY AGRICULTURAL ADVISORY BOARD.

COLLECTIVELY, OUR MEMBERS OWN, FARM OR RANCH MORE THAN  
50 PERCENT OF THE 418 SQUARE MILES WITHIN THE EAST COUNTY  
GENERAL PLAN STUDY AREA.

FIRST OF ALL, I WOULD LIKE TO THANK THE COMMISSION FOR HOLDING  
THIS FIRST PUBLIC HEARING OUT IN THE VALLEY WHERE IT IS MORE  
ACCESSIBLE TO OUR MEMBERS.

THE REVIEW AND DEVELOPMENT OF A NEW COUNTY GENERAL PLAN  
AMENDMENT IS A MONUMENTAL UNDERTAKING. THE PLANNING STAFF HAS  
PUT FORWARD A GOOD DRAFT PLAN TO START WITH. HOWEVER,  
THE INFORMATION, DELIBERATIONS AND FINDINGS THAT WILL FLOW OUT  
OF THIS AND FUTURE HEARINGS, WILL HAVE A PROFOUND IMPACT ON ALL  
OF THE COUNTY AND IN PARTICULAR THE RURAL COMMUNITY FOR YEARS  
TO COME.

THEREFORE, IT IS CRITICALLY IMPORTANT TO THE SURVIVAL OF  
AGRICULTURE IN ALAMEDA COUNTY THAT WHAT YOU ULTIMATELY PUT INTO  
PLACE IS "AG FRIENDLY".

I WILL BE DISCUSSING SEVERAL AREAS OF THE PROPOSED PLAN TO MAKE  
IT MORE COMPATIBLE WITH AGRICULTURE. HOWEVER. I AM ALSO HERE TO  
TELL YOU THAT WE WANT TO WORK WITH YOU TO MAKE THIS PLAN GOOD  
FOR ALL RESIDENTS OF OUR COUNTY.

ONE OF THE STATED GOALS OF THE PROPOSED GENERAL PLAN AMENDMENT IS " TO MAXIMIZE LONG TERM PRODUCTIVITY OF EAST COUNTY'S AGRICULTURAL RESOURCES".

WE APPLAUD AND SUPPORT THE COUNTY'S INTENT TO ACHIEVE THIS GOAL. AGRICULTURE IS A BUSINESS FIRST AND TO A LESSER EXTENT, A LIFE STYLE. ECONOMICS WILL ULTIMATELY DICTATE THE LONG TERM SUCCESS OR FAILURE OF AGRICULTURE IN THE COUNTY.

THE PLAN NEEDS TO RECOGNIZE THAT THE REALIZATION OF THIS GOAL CAN ONLY BE ACHIEVED BY PROVIDING REALISTIC, FLEXIBLE ECONOMIC OPTIONS TO THE PROFESSIONAL AGRICULTURIST.

OUR CONCERNS OF ACCESS TO CAPITAL, HOUSING OF LABOR AND SUCCESSION PLANNING ARE CRITICAL. WE MUST BE ABLE TO INTELLIGENTLY AND SIMPLY ADDRESS THESE ISSUES, CONSISTENT WITH THE LONG TERM AGRICULTURAL PRESERVATION GOAL. TOWARD THIS END WE SUBMIT THE FOLLOWING GENERAL COMMENTS.

ISSUE NUMBER 1. AGRICULTURE'S LONG TERM FUTURE

THE ONLY THING THAT'S CERTAIN IN OUR FUTURE IS CHANGE. NEW TECHNOLOGY, CHANGING DIETARY TRENDS, CHANGING WEATHER PATTERNS AND AN EVER INCREASING INFLUX OF PEOPLE TO OUR AREA ALL DICTATE THAT THERE SHOULD BE FLEXIBILITY BUILT INTO THE IMPLEMENTATION OF THE PLAN.

ISSUE NUMBER 2. THE URBAN GROWTH BOUNDARY:

THE EAST COUNTY AREA PLAN HAS PROVISION FOR CREATING A URBAN GROWTH BOUNDARY LINE. IF MANAGED PROPERLY, THE URBAN GROWTH BOUNDARY CONCEPT, CAN BE COMPATIBLE WITH THE LONG TERM GOAL OF PRESERVING AGRICULTURE. HOWEVER THERE NEEDS TO BE AN OBJECTIVE CRITERIA ESTABLISHED TO DETERMINE THE INITIAL LOCATION OF THE BOUNDARY LINE. THERE THEN NEEDS TO BE A ANNUAL REVIEW PROCESS PUT INTO PLACE TO DETERMINE IF ANY ADJUSTMENTS TO THE LINE ARE APPROPRIATE.

ISSUE NUMBER 3. MINIMUM PARCEL SIZE FOR CLUSTERING:

THE EAST COUNTY AREA PLAN INCLUDES POLICY LANGUAGE THAT ALLOWS CLUSTERING OF RESIDENTIAL HOME SITES ON LAND DESIGNATED FOR AGRICULTURAL USES. THE INTENT OF THE POLICY IS TO ALLOW OWNERS TO REALIZE SOME RETURN ON THEIR ASSET BASE, WHILE MAINTAINING THE BULK OF THEIR LAND IN CONTINUED AGRICULTURAL OPERATIONS. WE BELIEVE THIS INTENT OF THIS POLICY CAN BE ACHIEVED BY APPLYING THE CLUSTERING PROVISIONS TO PARCELS 200 ACRES OR LARGER.

ISSUE NUMBER 4.      AGRICULTURAL EASEMENTS ON LARGE PARCELS:

THE EAST COUNTY AREA PLAN INCLUDES LANGUAGE REQUIRING DEDICATION OF A PERMANENT AGRICULTURAL EASEMENT AS A CONDITION FOR SUBDIVIDING LARGE PARCEL AGRICULTURAL PARCELS UNDER THE CLUSTERING POLICY. WE STRONGLY BELIEVE THAT THE LONG TERM VIABILITY OF AGRICULTURE CAN BEST BE SERVED BY NEGOTIATING A FIXED TERM CONTRACT INSTEAD OF A PERMANENT EASEMENT.

ISSUE NUMBER 5.      SIZE OF RESIDENTIAL HOME SITES:

THE EAST COUNTY AREA PLAN INCLUDES POLICY LANGUAGE THAT ALLOWS FOR CLUSTERING OF BUILDING ENVELOPES WITHIN RESIDENTIAL HOME SITES NOT TO EXCEED 5 ACRES. IN CERTAIN INSTANCES, EITHER BECAUSE OF AGRICULTURAL PRODUCTIVITY, TOPOGRAPHY, ACCESS OR SECURITY REASONS, IT WOULD IMPROVE AGRICULTURAL OPERATIONS TO ALLOW RESIDENTIAL HOME SITES TO EXCEED 5 ACRES IN SIZE.

ISSUE NUMBER 6.      THE IMPLEMENTATION PROCESS:

THE PROCESS TO IMPLEMENT ANY SECTION OF THE NEW GENERAL PLAN SHOULD NOT BE LEGALLY COMPLICATED OR FINANCIALLY BURDENSOME. LET'S STRIVE TO KEEP THE PROCESS TIMELY AND SIMPLE.

WE WILL BE SUBMITTING A MORE DETAILED WHITE PAPER EXPANDING OUR CONCERNS ABOUT THESE ISSUES AT A LATER DATE.

THANK YOU:



**RESPONSE TO ORAL COMMENTS MADE AT  
THE JULY 8, 1993 PLANNING COMMISSION HEARING**

**RESPONSE 47 - Dick Ward**

The general plan is necessarily a broad-based policy document that cannot address the specific concerns of all its residents. Nevertheless, water policies contained in the plan could address some of the commenter's concerns relating to quality and availability of water in the Vasco Road area. These include policy 282 which seeks to protect surface and groundwater resources by:

- preserving areas with prime percolation capabilities and minimizing placement of potential sources of pollution in such areas;
- minimizing sedimentation and erosion through control of grading, quarrying, cutting of trees, removal of vegetation, placement of roads and bridges, use of off-road vehicles, and animal-related disturbance of the soil;
- not allowing the development of septic systems, automobile dismantlers, waste disposal facilities, industries utilizing toxic chemicals, and other potentially polluting substances in creekside, reservoir, or high groundwater table areas when polluting substances could come in contact with flood waters, permanently or seasonally high groundwaters, flowing stream or creek waters, or reservoir waters; and,
- avoiding establishment of excessive concentrations of septic systems over large land areas,

and policy 234 which seeks to better manage surface and groundwater resources. Under this policy,

The County shall work with the Alameda County Flood Control and Conservation District (Zone 7), local water retailers, and cities to develop a comprehensive water plan to assure effective management and long-term allocation of water resources, to develop a contingency plan for potential short-term water shortages, and to develop uniform water conservation programs. The water plan should include a groundwater pump monitoring and cost allocation system in order to facilitate ground water management and to recover the cost of purchased water stored in the groundwater basin.

**RESPONSE 48 - George Schneider**

Please see RESPONSES 35-1 to 35-4.

**RESPONSE 49 - Perry Davilla**

The County shares the desire to enable the continuation of ranching operations in the County. To that end, proposed revisions to program 36 would add greater flexibility to the program. One of the proposed program revisions would increase the maximum cluster parcel size from 5 to 20 acres. Please see RESPONSES 31-1 and 31-3.

**RESPONSE 50 - Norman and Lillian Marciel**

The County agrees with the need for flexibility in the agricultural policies. Proposed revisions to program 36 would add greater flexibility to the clustering program. RCQ #2 and #3 discuss how the Urban Growth Boundary was designed, the criteria that were used to determine its location, and provisions for review and revision of the boundary.

Staff has proposed that program 36 be revised to reduce the minimum parcel size that qualifies for the clustering program from 400 to 200 acres, to replace the permanent easement requirement with a 15-year contract precluding further subdivision and development of the remainder parcel during the term of the contract, and to increase the maximum size of the cluster parcels from 5 to 20 acres. Please see Responses 31-1, 31-2, 31-3, and RCQ #13 for further discussion of these proposed revisions.

The County concurs that the implementation process should not be complicated or burdensome, and staff is willing to work with property owners to ensure that implementation of the plan proceeds in a timely manner.

**RESPONSE 51 - Gene Broadman**

Comment noted.

**RESPONSE 52 - Hugh Walker**

The base maps for the plan will be corrected to include the parcels that were inadvertently omitted from the maps in the draft plan.

Staff has proposed revisions to program 36, which contains the clustering provision. These revisions include an increase in the maximum cluster parcel size from 5 to 20 acres. Please see Response 31-3.

In order to clarify the array of uses permitted in areas designated "Large Parcel Agriculture," the Description of Land Use Designations will be amended as follows: (new language is underlined; deleted language is ~~struckout~~)

**Large Parcel Agriculture** allows for a minimum parcel size of 100 acres and a maximum building intensity of .02 FAR except in areas supporting greenhouses where a maximum building intensity of .1 is allowed. One single family home per parcel is allowed provided that all other County standards are met for adequate road access, sewer and water facilities, building envelope location, visual compatibility, and public services. Additional residential units may be allowed if they are occupied by farm employees required to reside on-site.



This designation provides for low intensity agriculture (such as alfalfa, cattle and horse grazing), high intensity agricultural uses (such as row crops and vineyards), agricultural processing facilities, limited agricultural support service uses (such as barns, animal feed facilities, silos, stables, fruit stands, and feed stores), secondary residential units, visitor-serving commercial facilities (such as wineries, bed and breakfast inns), recreational uses, public and quasi-public uses, solid waste landfills and related waste management facilities, quarries, windfarms and related facilities, utility corridors, other industrial uses appropriate for remote areas and determined to be compatible with agriculture, and similar and compatible uses. Special Uses may apply in South Livermore as defined in Section E. "North and South Livermore Policies."

While the County supports the concept of appropriate industrial uses in agricultural areas, staff does not support the location of industrial uses on cluster parcels. Because of their small size and configuration geared toward industrial use, it may be difficult to convert these parcels to another use if the industrial operation ceases.

To emphasize that agricultural support services are permitted in the "A" (Agriculture) District, the following new policy is proposed:

Proposed Policy: The County shall permit agricultural processing facilities and limited agricultural service uses that support local agricultural activities and are not detrimental to long-term agricultural use in the "A" (Agriculture) District.

Policies and programs in the Plan which address open space acquisition are discussed in RESPONSE 31-4.

Mechanisms such as the transfer of development rights are only applicable within the Urban Growth Boundary where urban development is designated to occur. Under the proposed plan, land outside the Urban Growth Boundary is designated and zoned for non-urban uses; therefore, landowners outside the Urban Growth Boundary cannot transfer development rights they do not possess. Other comments are noted.

#### RESPONSE 53 - Carolyn Morgan

We concur that 5-acre cluster parcels may be too small for some environmental conditions. Please refer to **Response to Common Question (RCQ) #13** in which the cluster provision of the plan (program 36) is modified to a maximum parcel size of 20 acres. Program 36 (as modified) describes the environmental criteria that would apply to review of the clustering application.

Drawing the Urban Growth Boundary through parcels rather than along property lines potentially enables the landowner to realize development value on the property inside the line while the land outside the line becomes open space, thus effecting a transition from the built to the unbuilt environment.

Please refer to **RCQ #7 and #8** regarding future traffic under the proposed plan. Although neither sewer nor water capacity would have to be doubled as existing capacity still remains, additional capacity would be needed. (Please refer to *Chapters 5.13 and 5.14* in the DEIR). Residents of new development would generally pay for new infrastructure as part of development fees (see policies 167,

237 and 254). Please refer to RCQ #10 for discussion of how new services and infrastructure will be paid for; refer to RCQ #11 and RESPONSE 58 regarding provision of affordable housing under the proposed plan; refer to RCQ #4 which describes why the proposed plan is superior to a lower growth alternative. Other comments are noted.

**RESPONSE 54 - Pat Sausedo**

Comments noted.

**RESPONSE 55 - Valerie Raymond**

The ABAG projections used for the proposed plan (Projections '92) reflect projections for growth in East County. ABAG Projections '92 for Contra Costa County reflect the Dougherty and Tassajara projects; the same projections for San Joaquin County do not reflect the Mountain House project. Please refer to Response to Common Question #9 (RCQ) for a discussion of the relationship between growth under the proposed plan and growth in adjacent counties and how it may affect traffic in the East County (and by implication air quality). Please refer to RCQ #1 and #4 for an explanation of the plan's relationship to population projections in terms of holding capacity and in comparison to a lower growth alternative.

**RESPONSE 56 - Commissioner Peixoto**

Please refer to Response to Common Question (RCQ) #1 for a discussion of the relation of growth projections to the plan's holding capacity.

The *East County Area Plan* assumes that buildout of the proposed plan may be realized at some time in the future but does not indicate a specific date at which buildout could occur. Regardless of whether buildout is fully or partially realized, staff's position is that the ECAP should plan and provide for the infrastructure and public service needs of growth projected for the planning area (see RCQ #4). In order to accomplish this, the ECAP contains policies which effectively manage growth according to the availability of infrastructure and services (see RCQ #5 and #6). Policy 14 specifically states:

The level of development in the *East County Area Plan* shall depend on the adequacy of transportation and infrastructure improvements and the extent to which these improvements can be funded.

Policy 203 specifically states:

The County shall rely upon the availability of infrastructure as a major determinant of development phasing.

On the supply side, staff realizes that existing sewer and water capacities cannot accommodate the buildout holding capacity of the ECAP. The following policies address this issue:

Policy 235: The County shall encourage Zone 7 to pursue new water supply sources and storage facilities to serve East County holding capacity projections.

Policy 236 (as modified in RESPONSE 22-5): The County shall approve new development contingent on verification that an adequate ~~and permanent~~ long-term water supply can be provided to serve the development. The County shall encourage developers of Major New Urban Development to seek new sources of water to supplement existing sources so that there will be sufficient water for smaller infill projects.

Policy 247 (as modified in RESPONSE 11-20): The County shall continue to ~~participate in the Tri-Valley Wastewater Authority (TWA) to secure~~ pursue adequate sewage export capacity for unincorporated residential, commercial, and industrial development, consistent with the East County Area Plan, through participation in the Tri-Valley Wastewater Authority (TWA), or by other means.

#### RESPONSE 57 - Commissioner Paisal

Please refer to Response to Common Question #10 for a discussion on how services and infrastructure for Major New Urban Development will be paid for.

#### RESPONSE 58 - Commissioner Hamlin

In addition to the following response, please refer to Response to Common Question (RCQ) #11 for a discussion of affordable housing under the plan.

We agree that the provision of affordable housing in the planning area (and elsewhere) is problematic. As noted, BART will help to transport workers living in affordable housing west of the planning area, and I-580 at the Dublin Grade still has adequate capacity to transport workers into East County from the west. Nevertheless, as much affordable housing as possible should be provided in the planning area. This responsibility must be shared by the cities of Pleasanton, Dublin, and Livermore and the County. The County has spelled out its affordable housing requirements for Major New Urban Development in Policy 28, a policy which will be applied to North Livermore. The following modification to policy 28 brings greater clarity and specificity to developer requirements (new language is underlined); deleted language is ~~struckout~~:

Policy 28: The County shall require Major New Urban Developments to provide within their respective boundaries a housing stock that includes a mix of residential densities, building types, and price levels., ~~including 21 percent moderate income housing for owners and renters, some low income housing, and at least 25 percent multiple family residential units (see definition in Table 1). Contributions by developers of Major New Urban Developments towards achieving ABAG's regional goal (established in the County Housing Element for East County) of 21 percent very low and 15 percent low income units should be augmented by subsidies from other sources (e.g., federal tax credits). A portion of the low income units may be built elsewhere in East County. Developers of Major New Urban Development shall contribute towards achieving ABAG's regional goal (established in the County Housing Element for East County) of 21 percent moderate-income housing (for owners and renters), 15 percent low-income units, and 21 percent very-low-income units. To this end, all Major New Urban Developments shall include~~

within their boundaries the following mix: 21 percent moderate-income housing (for owners and renters) and a 15 percent mix of low-income and very-low income units; provided, however, that developers' responsibility to create these low- and very-low income units within the project boundaries is subject to the availability of state, federal and other subsidies. Developers may coordinate with other for-profit or non-profit developers in order to get these units built. Affordable housing fees paid on units in the Major New Urban Development will provide the developers' contribution towards meeting the remaining Housing Element low-income and very-low income unit targets outside of the Major New Urban Development. Dedication of sites for low or very-low income units within the boundary of the Major New Urban Development may substitute for all or a portion of the affordable housing fees, as acceptable to the County. The County shall encourage the City of Dublin cities to provide moderate, low, and very low income a similar range of affordable housing units within the Eastern Dublin Specific Plan area their respective planning areas. Implementation of these requirements will be further detailed in the Community Facilities Plan and the specific development plans to be prepared for the Major New Urban Development.

We also agree that a major stumbling block to providing affordable housing is high development fees which have come in the wake of Proposition 13. Under the proposed plan an incentive program and sliding scale fee system will be implemented in North Livermore to encourage the development of affordable units (programs 10 and 11). It is hoped that the East County cities will work with the County to implement these programs. One advantage to large-scale development such as that proposed for North Livermore is the savings derived from economies-of-scale which can then be applied to public interest goals.

Other obstacles to building truly affordable units include high land values and objections by neighbors to the introduction of higher densities under infill conditions. The "market factor", or surplus land, built into the land use diagram and holding capacity (see RCQ #1) will help control land values within the Urban Growth Boundary. Perhaps the most difficult challenge is overcoming objections to high density infill by lower density neighbors. Sensitive design guidelines could help to soften objections. (Please refer to RCQ #14 for a discussion of the relative costs and benefits of infill compared to development of unincorporated land.) All in all, providing adequate affordable housing in the East County will require the concerted effort of all jurisdictions.

ABAG projects that the population of East County will double (from 1990) in somewhat more than twenty years, not the ten years mentioned by the commenter. This projection is confirmed by ABAG's Projection '92 Recession Update (December 1992). Even so, it is certainly possible that growth will be much less than that projected due to the constraints noted by the commenter (see RCQ #4).

For a discussion of how leap-frog development would be controlled under the plan, refer to RCQ #5; for a discussion of infrastructure planning if growth is slower than projected, refer to RCQ #6.