

From: King Family [mailto:sixkings@comcast.net]
Sent: Tuesday, March 28, 2006 11:57 PM
To: lou@castrovalleygeneralplan.org
Subject: CV Gen Plan 3/29 Meeting & NOP of EIR

Hello Lou Andrade:

I am Bruce King, a resident in Castro Valley. I was planning on attending the Castro Valley General Plan meeting tomorrow evening (3/29/06), but I may have other family commitments that will prevent me from being at the meeting. It's possible I will be able to attend, but it's also likely I won't be in attendance.

I have attended most all of the CV General and Strategic planning meetings, and I'm honored to be part of the process. I am writing this email to express and register general comments on "...the environmental issues that should be covered in the General Plan EIR." I am requesting that the General Plan EIR adequately cover impacts on and mitigations for the San Lorenzo Creek Watershed as a whole (including Castro Valley and downstream of Castro Valley) and specific creeks flowing through Castro Valley (e.g., San Lorenzo Creek, Castro Valley Creek, Chabot Creek, Cull Creek, and Crow Creek). Examples of issues that should be covered include:

- 1) Run-off, creek volumes, flood potentials, and flood control
- 2) Run-off from development, maintenance of absorptive area, erosion control, and landscaping
- 3) Prohibition or limits on development, repair, and rebuilding of structures and other man-made features (e.g. parking lots) within setback zones of all creek sections (i.e., open and culverted sections) so as to protect existing natural creek resources and allow for future restorations.
- 4) Prohibit the construction of new culverts, new armored walls, and other "hardscape" (like concrete) in creek channels.
- 5) Incentives for property owners to restore creeks and riparian buffer zones
- 6) Identification of realistic and feasible daylighting opportunities and protection of those opportunities on public and institutional properties, while encouraging voluntary daylighting on private properties through grant funding and other incentives.
- 7) Maintenance and improvement of existing riparian and aquatic habitats, including fish habitat, fish migration, and obstacles to fish migration.
- 8) Sources of run-off pollution and water quality.
- 9) Public access to creek areas
- 9) Ordinances, management plans, public participation, and means to accomplish the above over time.

In addition, the EIR should cover:

- 1) Protection of biological resources within the proposed biological resources overlay zone
- 2) Addition of native vegetation and trees within development and open spaces as mitigation for some lost habitat and to reduce water consumption and runoff.
- 3) Light pollution
- 4) Bicycle and public transportation routes and facilities

Thank you for this opportunity to provide some initial comments on the environmental issues that should be covered in the General Plan EIR.

Sincerely,
Bruce King
3127 Terry Court
Castro Valley, CA 94546 510-886-0997

**CASTRO VALLEY GENERAL PLAN
ENVIRONMENTAL IMPACT REPORT (EIR)
PUBLIC SCOPING MEETING**

March 29, 2006

The Alameda County Planning Department invites you to comment on the proposed scope of the Environmental Impact Report for the new Castro Valley General Plan. In addition to speaking at tonight's meeting, you can complete this form and hand it in tonight or submit written comments in a letter or by e-mail to:

Lou Andrade, Project Planner
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, California 94544
lou@castrovalleygeneralplan.org

Written comments on the scope of the EIR must be received by April 15, 2006.

For more information about the Castro Valley General Plan, visit our website at <http://www.castrovalleygeneralplan.org/>

Environmental issues the EIR should consider:

Plant Native trees,
oaks, California Bay, Western Sycamore.
Recommended strongly for new housing.
- Crow Canyon Rd.
Natives specific to canyonslands planted
in median to tie open space in hills
to road. Large trees calming.

Measures to mitigate the Plan's environmental impacts:

Name: Jody Calves
Address: 6633 Crow Canyon Rd
E-mail: Castro Valley, CA 94552

CASTRO VALLEY GENERAL PLAN
ENVIRONMENTAL IMPACT REPORT (EIR)
PUBLIC SCOPING MEETING

March 29, 2006

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224 West Winton Avenue, Room 111
Hayward, California 94544
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Written comments on the scope of the EIR must be received by April 15, 2006.

For more information about the Castro Valley General Plan, visit our website at
<http://www.castrovalleygeneralplan.org/>

Environmental issues the EIR should consider:

Consistency in new housing with
existing - especially scale, yard
size, character.

Measures to mitigate the Plan's environmental impacts:

Name: Jody Culver
Address: 6633 Greenwood Canyon Rd
E-mail: Castro Valley, CA 94552

**CASTRO VALLEY GENERAL PLAN
ENVIRONMENTAL IMPACT REPORT (EIR)
PUBLIC SCOPING MEETING**

March 29, 2006

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Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, California 94544
lou@castrovalleygeneralplan.org

Written comments on the scope of the EIR must be received by April 15, 2006.

For more information about the Castro Valley General Plan, visit our website at <http://www.castrovalleygeneralplan.org/>

Environmental issues the EIR should consider:

Use the Biological Resources overlay zone map to keep development out of these areas. Keep development away from creeks, hillsides (slopes) and riparian areas. Flooding in these areas should be considered. These areas need to be protected. Provide for open areas for parks.

Measures to mitigate the Plan's environmental impacts:

Make creek preservation a priority!
Enforce policies already in place.

Name:

Roxana Lewis

Address:

E-mail:

ejrox@sbsglobal.net



Department of Toxic Substances Control



Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA

Maureen F. Gorsen, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Arnold Schwarzenegger
Governor

March 29, 2006

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

Dear Mr. Andrade:

The Department of Toxic Substances Control (DTSC) has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) of March 6, 2006 for the Castro Valley General Plan. As you may be aware, DTSC oversees hazardous substance cleanup pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the California Environmental Quality Act (CEQA) documentation prepared for this project adequately addresses any remediation of hazardous substance releases that might be required as part of the project.

Alameda County issued the NOP to obtain input regarding the scope and environmental analysis that is relevant to each responsible agency's statutory/regulatory responsibilities. DTSC recommends that the EIR outline the procedures for evaluating the potential for hazardous substance releases to have occurred at any sites within the General Plan area that are to be developed or where the land use is to be changed. These procedures should be included in the EIR to facilitate the preparation of project-specific CEQA documents for future development within the General Plan area.

For each site where development is to occur under the General Plan, current and historical land use records should be consulted to identify land uses that may have resulted in a hazardous substance release at the site. In particular, properties where there have been industrial or agricultural uses could potentially have contamination. Sampling and analysis of soil and/or groundwater should be conducted for sites where current or historical operations may have caused a hazardous substance release. The results of sampling should be discussed in the project-specific CEQA documents and screening levels or any risk assessments that are used in determining whether contamination poses a potential, significant human health or environmental risk should be identified.

Mr. Lou Andrade
March 29, 2006
Page 2

If remediation activities are required as part of development projects, these activities should be discussed in the project-specific CEQA documents along with the cleanup levels that will be applied and the anticipated regulatory agency oversight. Potential impacts associated with the remediation activities should also be addressed by the project-specific CEQA documents. If the remediation activities include soil excavation, the documentation should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust and noise levels; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should there be an accident during cleanup.

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

Please contact Eileen Belding at (510) 540-3844 if you have any questions. Thank you in advance for your consideration of our comments.

Sincerely,



Mark Piros, P.E., Unit Chief
Northern California - Coastal Cleanup Operations Branch

Enclosure

cc: without enclosures

Governor's Office of Planning and Research
State Clearinghouse
P. O. Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

From: "Andrade, Lou, CDA" <lou.andrade@acgov.org>
Subject: FW: CV Gen Plan & NOP of EIR
Date: April 3, 2006 8:47:44 AM PDT
To: "Vivian Kahn" <vkahn@kmort.com>, "Leslie Gould" <leslie@dyettandbhatia.com>, "Vivian Kahn" <vivian@dyettandbhatia.com>

Further elaboration

-----Original Message-----

From: King Family [mailto:sixkings@comcast.net]
Sent: Sunday, April 02, 2006 3:34 AM
To: King Family; lou@castrovalleygeneralplan.org
Cc: Da Costa, Manny
Subject: Re: CV Gen Plan & NOP of EIR

Hi Lou:

I enjoyed and appreciated the 3/29/06 Castro Valley General Plan EIR Meeting. Following the meeting I've had more time to collect additional thoughts and expand on some of the topics I listed in my 3/28/06 email. I believe these topic areas should be addressed in the EIR, but I realize that some details of these topics may ultimately be suited for inclusion in the General Plan or Alameda County policies/ordinances, or may be difficult to regulate.

Topics/Mitigations:

1) Stormwater BMPs.

New CV Development needs to follow Alameda County Stormwater Quality Control Requirements (www.acgov.org/pwa/brochure%209_05%20final.pdf), and incorporate stormwater Best Management Practices (<http://www.basmaa.org/documents/index.cfm?fuseaction=documentdetails&documentID=27>).

2) Impervious Surfaces:

Imperviousness of the areas covered by the CV General Plan and mitigations to control addition of more impervious surface in new developments and on existing properties should be discussed in the EIR. Maximum impervious percentages for different zones or development types might possibly be a mitigation. For example, limiting impervious surface in the biological resources overlay zone, and allowing higher levels of impervious surface in other zones. See this webpage for more discussion of watershed planning and impervious surface capacity: <http://72.14.203.104/search?q=cache:H0iHxFT7gEQJ:www.hwrc.org/pdf/whitepaper.pdf+Natural+Resource+Based+Planning+Ovsrview+of+Strategies+to+Deal+with+Polluted+Runoff+and+Imperviousness&hl=en&gl=us&ct=cnk&cd=8>

3) Culverted Creeks:

Parcels on culverted sections of creeks should be included in the proposed Biological Resources Overlay Zone, since these creek sections are a current or future watershed and biological asset. For example, Chabot Creek north of 580 and Castro Valley Creek North of Redwood Road in the CV Blvd. vicinity. Examples of current planning for development on parcels where these creeks are culverted include the new CV library, and Eden Hospital facilities.

4) Native Landscaping:

Landscaping in new developments in Castro Valley (CV) might follow "Bay-Friendly Landscape Guidelines," including the inclusion of plants native to the CV area. This serves to protect the quality and quantity of water entering our creeks, conserve resources, and contributes to and rebuilds the "rural" character of CV that is expressed as a goal for the General Plan. For example, inclusion of native oaks throughout the public and larger development areas of the General and Strategic Plans would be good for the watershed, restore some limited habitat, and make a unifying statement that CV has a "rural" town feeling (i.e., actually an unincorporated area). I'm not sure how this could be included as a mitigation in the EIR, or whether this could be a design guide in the General Plan. Bay-Friendly Landscaping has more at <http://www.stopwaste.org/home/index.asp?page=378>

5) Light Pollution:

Lighting on streets and new development needs to prevent light pollution. Here's what the Lick Observatory on Mount Hamilton says are the key mitigations:

<http://mtham.ucolick.org/public/lighting/Summary2.html>. As we loose our ability to see the stars above, our perception of a "rural" town feeling will diminish, and our perspective on our place in the Universe may be distorted.

Thanks again for accepting my input. I've authored sections of EIRs before, so I realize that the above information contains rough topic and mitigation ideas that might ultimately fit in various ways into the EIR.

Sincerely,

Bruce King
3127 Terry Court
Castro Valley, CA 94546
510-886-0997

----- Original Message -----

From: Andrade, Lou, CDA
To: King Family
Sent: Wednesday, March 29, 2006 8:47 AM
Subject: RE: CV Gen Plan 3/29 Meeting & NOP of EIR

Duly noted and I have passed them on to our EIR consultants.
Thank you for your comments.

Louis Andrade
Alameda County Planning Department
224 West Winton Avenue #111
Hayward, CA 94541
510-670-6512

-----Original Message-----

From: King Family [mailto:sixkings@comcast.net]
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Sincerely,
Bruce King
3127 Terry Court
Castro Valley, CA 94546
510-886-0997



March 27, 2006

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

Re: Notice of Preparation of a Draft Environmental Impact Report – Castro Valley
General Plan

Dear Mr. Andrade:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Castro Valley General Plan (Plan). EBMUD does not provide wastewater services to the Plan Area, but does provide water service from fifteen pressure zones ranging in service elevation from 100 to 950 feet. Although no specific development projects are proposed by the Plan at this time, EBMUD has the following comments.

LAND-USE DESIGNATIONS

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

WATER SERVICE

Please be aware that pursuant to Section 15083.5 of the California Environmental Quality Act Guidelines, and Section 10910-10915 of the California Water Code, a Water Supply Assessment (WSA) may be required if projects subsequently defined in or by the General Plan meet specified thresholds of the California Water Code. Written requests to prepare a WSA must be submitted to EBMUD. Preparation of the WSA will require that EBMUD contact the project sponsor to gather data and estimates of future water demands for the project area. Please be aware that the WSA can take up to 90 days to complete from the day the request was received.

Lou Andrade, Project Planner

March 27, 2006

Page 2

WATER RECYCLING

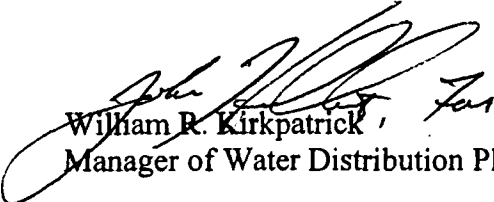
EBMUD's Policy 8.01 requires that customers use non-potable water for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife to offset demand on the EBMUD's limited potable water supply. As part of EBMUD's continuing long-term water supply planning, the feasibility of providing recycled water to areas within Castro Valley may be considered in the future. Therefore, EBMUD requests that Alameda County require developers of new or redevelopment projects in Castro Valley to coordinate and consult with EBMUD regarding the feasibility of supplying these projects with recycled water for landscape irrigation purposes.

WATER CONSERVATION

The proposed Plan presents an opportunity to incorporate water conservation measures. EBMUD would request that Alameda County include a requirement in the Plan, and analysis in the EIR, that the County and project sponsors comply with the California AB 325, Model Water Efficient Landscape ordinance, Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490-495. EBMUD staff would appreciate the opportunity to meet with the project sponsor to discuss water conservation programs and best management practices. A key objective of this discussion will be to explore timely opportunities to expand water conservation via early consideration of EBMUD's conservation programs and best management practices applicable to the Plan and any defined project.

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

Sincerely,



William R. Kirkpatrick,
Manager of Water Distribution Planning

WRK:GAA:sb
sb06_083.doc

Enclosure

**EBMUD Storage and Pumping Facility Location
Castro Valley**

Facility	Location
Pumping Plant	
Almond	1721 President Drive
Bayview	Mattox Road, 100feet North East of Foothill Blvd
Eden	6650 Jensen Ranch Road
Fire Trail	5600 Crow Canyon Road
Jensen No 1	5600 Crow Canyon Road
Jensen No 2	22061 Center Street
Madison	300 feet North of end of Proctor Road
Miller	Opposite of 16872 Columbia Drive
Norris	54506 Jensen Road
Proctor	18350 Almond Road
Walpert North	East of end of Boulder Canyon Drive
Reservoir	
Almond	Opposite 18083 Lamson Rd
Arcadian	End Of Brookdale
Cull Creek	Cull Canyon Rd north of High School
Eden	Right-of-way north of Villareal Dr
El Portal	17241 President Dr
Fairview North No. 1	East of the end of Boulder Canyon Dr
Fairview North No. 2	East of the end of Boulder Canyon Dr
Fire Trail No. 1	North end Greenridge Rd
Fire Trail No. 2	North end Greenridge Rd
Jensen	5494 Jensen Rd
Madison	Opposite 16872 Columbia Dr
Miller	20' north of 6597 Bellhurst Way
Norris	Alongside 6650 Jensen Ranch Rd
Palomares No. 1	Adjacent to 6421 Sunnyslope Ave
Palomares No. 2	Adjacent to 6421 Sunnyslope Ave
Proctor No. 1	300' north of end of Proctor Rd
Proctor No. 2	300' north of end of Proctor Rd
South	North of Grove Way and Gail Dr
Stanton	North side of Fairmont Dr, ¼ mile west of Lake Chabot Rd
Walpert North No. 1	East of the end of Boulder Canyon Dr
Walpert North No. 2	East of the end of Boulder Canyon Dr



April 3, 2006

Lou Andrade
Project Planner
Alameda County Planning Dept.
224 West Winton Avenue, Room 111
Hayward, Ca 94544

**Subject: Castro Valley General Plan - Draft Environmental Impact Report
Notice of Preparation**

Dear Mr. Andrade:

The East Bay Regional Parks District (the "District") has received the Notice of Preparation (NOP) for the Draft Environmental Impact Report for the City of Pleasanton General Plan Update. The District manages 65 regional parks, approximately 1,100 miles of trails, and 96,000 acres of open space for recreation and resource protection throughout Alameda and Contra Costa Counties, including the Anthony Chabot Regional Park, Cull Canyon Regional Park, Lake Chabot Regional Park, Five Canyons Open Space, and portions of the Las Trampas Regional Wilderness and Pleasanton Ridge Regional Park within the Castro Valley Planning Area as identified in the NOP.

The District's 1997 Master Plan also identifies a number of planned regional trail facilities throughout the Castro Valley Planning Area including Cull Canyon to Bishop Ranch trail and the Don Castro to Pleasanton Ridge trail.

The Castro Valley General Plan and associated Environmental Impact Report should address any potential impacts to existing and planned regional park and trail facilities in the planning area and consistency with the District's 1997 Master Plan, the updated Unincorporated Alameda County Bicycle and Pedestrian Plan, and other documents as appropriate.

Additionally, it should be noted that approximately 90% of District lands are managed as natural parklands. As such the Castro Valley General Plan should address the demand and supply for developed parklands such as sports fields, off-leash dog parks, and other uses not typically operated on District lands on County and/or other lands.

Thank you for the opportunity to review and comment on this project. We would appreciate receiving future information on the General Plan and EIR as it becomes available. Please feel free to contact me at (510) 544-2623, or by email at bholt@ebparks.org, should you have any questions and to coordinate further throughout this process.

Respectfully,

Brian W. Holt
Senior Planner

Cc: L. Tong -- Interagency Planning Manager

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DEPARTMENT OF TRANSPORTATION

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



*Flex your power!
Be energy efficient!*

April 3, 2006

ALA000215
SCH 2006032036

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

Dear Mr. Andrade:

Castro Valley General Plan – Notice of Preparation

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed Castro Valley General Plan. The comments presented below are based on the Notice of Preparation for the Castro Valley General Plan Draft Environmental Impact Report. As lead agency, Alameda County is responsible for all project mitigation, including improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. Any required roadway improvements should be completed prior to certificate of occupancy. While an encroachment permit is only required when the project involves work in the State Right of Way (ROW), the Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's concerns prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

The traffic impact analysis should analyze the effect this general plan will have on State highway facilities and include, but not be limited to the following:

1. Existing Conditions – Current year traffic volumes and peak hour level of service (LOS) analysis of affected State highway facilities.
2. Proposed General Plan Only with Select Link Analysis – Trip generation and assignment for build-out of general plan. Select link analysis represents a project only (in this case, proposed general plan amendment only) traffic model run, where the project's trips are distributed and assigned along a loaded highway network. This procedure isolates the specific impact on the State highway network.

3. General Plan Build-out Only – Trip assignment and peak hour LOS analysis. Include current land uses and other pending general plan amendments.
4. General Plan Build-out plus Proposed General Plan Update– Trip assignment and peak hour LOS analysis. Include proposed general plan amendment and other pending general plan amendments.
5. Mitigation measures should consider highway and non-highway improvements and services. Special attention should be given to the development of alternate solutions to circulation problems that do not rely on increased highway construction.
6. All mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

We recommend you utilize Caltrans' "*Guide for the Preparation of Traffic Impact Studies*" which can be accessed from the following webpage:
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

We look forward to reviewing the Draft Environmental Impact Report for the Castro Valley General Plan. Please send two copies to the address at the top of this letterhead, marked ATTN: Lisa Carboni, Office of Transit and Community Planning.

Encroachment Permit

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

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans (in metric units) which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Sean Nozzari, Office of Permits.

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

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Scott Morgan (State Clearinghouse)



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

April 6, 2006

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

Subject: Castro Valley General Plan (NOP) for a Draft Environmental Impact Report
(DEIR) - SCH# 2006032036, Alameda County

Dear Mr. Andrade:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the NOP for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

Project Description

The project is a proposed update to the Castro Valley General Plan (CVGP), which is an area plan under the Alameda County (County) General Plan. Castro Valley is centrally located in the western part of the County, bounded by the City of San Leandro to the west, the City of Hayward to the south, East Bay Regional Park District to the north and Contra Costa County to the east. According to the Department's Williamson Act map for the County, it appears that contracted land lies within the CVGP boundaries.

Agricultural Setting of the Project

The DEIR should describe the project setting in terms of the actual and potential agricultural productivity of the land. The Division's Important Farmland Map (IFM) for the County should be utilized to identify agricultural land within the project site and in the surrounding area that may be impacted. Acreages for each land use designation should be identified for both areas. Likewise, the County's Williamson Act Map should

be utilized to identify potentially impacted contract, Farmland Security Zone (FSZ) and agricultural preserve land by acreage and whether it is prime or nonprime agricultural land according to definition in Government Code §51201(c). Maps of the Important Farmland and Williamson Act land should be included in the DEIR.

In addition, we recommend including the following items of information to characterize the agricultural land resource setting of the project.

- Current and past agricultural use of the project area. Include data on the types of crops grown, crop yields and farm gate sales values.
- To help describe the full agricultural resource value of the soils of the site, we recommend the use of economic multipliers to assess the total contribution of the site's potential or actual agricultural production to the local, regional and state economies. State and Federal agencies such as the UC Cooperative Extension Service and USDA are sources of economic multipliers.

Project Impacts on Agricultural Land

The Department recommends that the following be included in the DEIR in the analysis of project impacts.

- Type, amount, and location of farmland lost to project implementation. The conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance is considered a potentially significant adverse impact.
- A discussion of conflicts with Williamson Act contracts, including termination in order to accommodate the project. The DEIR should also discuss the impacts that conflicts or termination would have on nearby properties under contract; i.e., growth-inducing impacts from the perspective that the removal of contract protection removes a barrier to development and results in an incentive to shift to a more intensive land use such as urban development. The termination of a Williamson Act contract is considered a potentially significant adverse impact.
- Indirect impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, population, traffic, water availability, etc.
- Growth-inducing impacts, including whether leapfrog development is involved.
- Incremental project impacts leading to cumulatively considerable impacts on agricultural land. These impacts would include impacts from the proposed project as well as impacts from past, current and probable future projects. The Division's farmland conversion tables may provide useful historical data.
- Impacts on agricultural resources may also be quantified and qualified by use of established thresholds of significance (CEQA Guidelines §15064.7). The Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model, a semi-quantitative rating system for establishing the

environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is recommended by CEQA and is available from the Division at the contact listed below.

Williamson Act Lands

The Department recommends that the following information be included in the DEIR regarding Williamson Act land impacted by the project.

As a general rule, land can be withdrawn from Williamson Act contract only through the nine-year nonrenewal process. Immediate termination via cancellation is reserved for "extraordinary", unforeseen situations (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855)). Furthermore, it has been held that "cancellation is inconsistent with the purposes of the (Williamson) act if the objectives to be served by cancellation should have been predicted and served by nonrenewal at an earlier time, or if such objectives can be served by nonrenewal now" (Sierra Club v. City of Hayward).

- If cancellation is proposed, notification must be submitted to the Department when the County or City accepts the application as complete (Government Code §51284.1). The board or council must consider the Department's comments prior to approving a tentative cancellation. Required findings must be made by the board or council in order to approve tentative cancellation. Cancellation involving FSZ contracts include additional requirements. We recommend that the DEIR include discussion of how cancellations involved in this project would meet required findings. However, notification must be submitted separately from the CEQA process and CEQA documentation. (The notice should be mailed to Bridgett Luther, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 18-01, Sacramento, CA 95814-3528.)
- Pursuant to Government Code §51243, if a city annexes land under Williamson Act contract, the city must succeed to all rights, duties and powers of the county under the contract unless conditions in §51243.5 apply to give the city the option to not succeed to the contract. Although a city may have protested a contract and although LAFCO may have upheld the protest, conditions in §51243.5 may not have been met to give the city the option to not succeed to the contract. A LAFCO must notify the Department within 10 days of a city's proposal to annex land under contract (Government Code §56753.5). A LAFCO must not approve a change to a sphere of influence or annexation of contracted land to a city unless specified conditions apply (Government Code §§51296.3, 56426, 56426.5, 56749 and 56856.5).
- Termination of a Williamson Act/FSZ contract by acquisition can only be accomplished by a public agency, having the power of eminent domain, for a public improvement. The Department must be notified in advance of any proposed public

acquisition (Government Code §51290 - 51292), and specific findings must be made. The property must be acquired in accordance with eminent domain law by eminent domain or in lieu of eminent domain in order to void the contract (§51295). The public agency must consider the Department's comments prior to taking action on the acquisition. School districts are precluded from acquiring land under FSZ contract. We recommend discussion in the DEIR of whether such action is envisioned by this project and how the acquisition will meet the required findings. However, notification must be submitted separately from the CEQA process and CEQA documentation to the address noted above.

- *If any part of the site is to continue under contract, or remain within an agricultural preserve, after project completion, the DEIR should discuss the proposed uses for those lands. Uses of contracted and preserve land must meet compatibility standards identified in Government Code §51238 - 51238.3, 51296.7. Otherwise, contract termination (see above) must occur prior to the initiation of the land use, or the preserve must be disestablished.*
- An agricultural preserve is a zone authorized by the Williamson Act, and established by the local government, to designate land qualified to be placed under contract. Preserves are also intended to create a setting for contract-protected lands that is conducive to continuing agricultural use. Therefore, the uses of agricultural preserve land must be restricted by zoning or other means so as not to be incompatible with the agricultural use of contracted land within the preserve (Government Code §51230). The DEIR should also discuss any proposed general plan designation or zoning within agricultural preserves affected by the project.

Mitigation Measures

The Department believes that the most effective approach to farmland conservation and impact mitigation is one that is integrated with general plan policies. Mitigation requirements can then be applied systematically towards larger goals of sustaining an agricultural land resource base and economy.

The Department encourages the use of agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved, we recommend that this ratio be increased. We highlight this measure because of its acceptance and use by lead agencies as mitigation under CEQA. It follows a rationale similar to that of wildlife habitat mitigation. The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. Agricultural conservation easements will protect a portion of those remaining resources and lessen project impacts in accordance with CEQA Guideline §15370.

Mitigation using agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance, and the search for replacement lands conducted regionally or statewide, and not limited strictly to lands within the project's surrounding area.

Other forms of mitigation may be appropriate for this project, including the following:

- Protecting farmland in the project area or elsewhere in the County through the use of less than permanent long-term restrictions on use such as 20-year Farmland Security Zone contracts (Government Code §51296 et seq.) or 10-year Williamson Act contracts (Government Code §51200 et seq.).
- Directing a mitigation fee to invest in supporting the commercial viability of the remaining agricultural land in the project area, County or region through a mitigation bank that invests in agricultural infrastructure, water supplies, marketing, etc.
- The Department also has available listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number below.

Although the direct conversion of agricultural land and other agricultural impacts are often deemed to be unavoidable by an agency's CEQA analysis, mitigation measures must nevertheless be considered. The adoption of a Statement of Overriding Consideration does not absolve the agency of the requirement to implement feasible mitigation that lessens a project's impacts. A principal purpose of an EIR is to present a discussion of mitigation measures in order to fully inform decision-makers and the public about ways to lessen a project's impacts. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and, therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation. Rather, the criterion is feasible mitigation that lessens a project's impacts. Pursuant to CEQA Guideline 15370, mitigation includes measures that "avoid, minimize, rectify, reduce or eliminate, or compensate" for the impact. For example, mitigation includes "*Minimizing impacts by limiting the degree or magnitude of the action and its implementation (§15370(b))*" or "*Compensating for the impact by replacing or providing substitute resources or environments (§15370(e))*."

All measures ostensibly feasible should be included in the DEIR. Each measure should be discussed, as well as the reasoning for selection or rejection. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible on its face.

Mr. Lou Andrade, Project Planner

April 6, 2006

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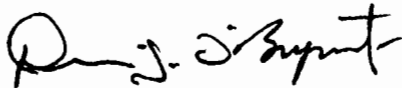
Finally, when presenting mitigation measures in the DEIR, it is important to note that mitigation should be specific, measurable actions that allow monitoring to ensure their implementation and evaluation of success. A mitigation consisting only of a statement of intention or an unspecified future action may not be adequate pursuant to CEQA.

Information about agricultural conservation easements, the Williamson Act and provisions noted above is available on the Department's website or by contacting the Division at the address and phone number listed below. The Department's website address is:

<http://www.conservation.ca.gov/dlrp/index.htm>

Thank you for the opportunity to comment on this NOP. If you have questions on our comments or require technical assistance or information on agricultural land conservation, please contact Bob Blanford at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 327-2145.

Sincerely,



Dennis J. O'Bryant
Acting Assistant Director

cc: State Clearinghouse

Alameda County Resource Conservation District
3585 Greenville Rd. Suite 2
Livermore, CA 94550

From: "Blanford, Bob" <Bob.Blanford@conservation.ca.gov>
Subject: **RE: Castro Valley Planning Area**
Date: April 19, 2006 10:51:09 AM PDT
To: "Vivian Kahn" <vkahn@kmort.com>

Thank you. Based on the boundaries of the CVGP shown on this map, it does not appear that WA contracted land is involved. However, you may want to consider impacts to contracted land that appears to lie adjacent to some of the northern and eastern boundaries.

-----Original Message-----

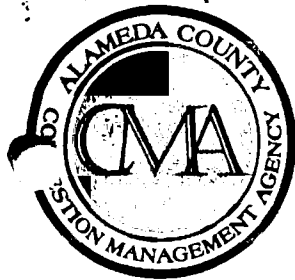
From: Vivian Kahn [mailto:vkahn@kmort.com]
Sent: Monday, April 17, 2006 11:42 PM
To: Blanford, Bob
Cc: Lou Andrade
Subject: Castro Valley Planning Area

Bob,

Here's a map that shows the current Castro Valley Planning Area. We'd appreciate knowing if any lands under Williamson Act contracts are within the area shown on the map. Please get in touch if you have any questions.

Vivian Kahn

Vivian Kahn, FAICP
KAHN/MORTIMER/ASSOCIATES
4623 Davenport Avenue
Oakland, CA 94619
(510) 482-1031
(510) 482-1032 (fax)
<vkahn@kmort.com>



ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

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

AC Transit
Director

Dolores Jaquez

Alameda County

Supervisors

Nale Milley

Scott Haggerty

Vice Chairperson

City of Alameda

Mayor

Beverly Johnson

City of Albany

Mayor

Allan Maris

BART

Director

Thomas Blacklock

City of Berkeley

Councilmember

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City of Dublin

Mayor

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Councilmember

John Chiang

City of Pleasanton

Mayor

Jennifer Hosterman

City of San Leandro

Mayor

Sheila Young

City of Union City

Mayor

Mark Green

Executive Director

Dennis R. Fay

August 17, 2006

Mr. Louis Andrade
Planner III

Alameda County Planning Department
224 West Winton Avenue, Room #111
Hayward, CA 94544

SUBJECT: Comments on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Castro Valley General Plan

Dear Mr. Andrade:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Castro Valley General Plan in Alameda County. The existing Castro Valley General Plan was adopted in 1985. The new General Plan will guide the future physical development of Castro Valley. The Plan must be consistent with all Countywide Plan elements including Housing, Noise, and the Resources, Open Space, and Agriculture (ROSA) Plan. The plan will also reflect the passage of Measure D, the initiative approved by the County voters in 2000 to establish an Urban Growth Boundary. The Draft General Plan will contain background information, goals, and policies organized into the following chapters or elements: Community Character and Design, Land Use and Community Development, Circulation, Parks and Natural Resources, Public Services and Facilities, and Noise and Air Quality.

The ACCMA respectfully submits the following comments:

- Alameda County adopted Resolution R-92-0602 on September 1, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). Based on our review of the NOP, the proposed project appears to generate at least 100 p.m. peak hour trips over existing conditions. If this is the case, the CMP Land Use Analysis Program requires the County to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2010 and 2025 conditions. Please note the following paragraph as it discusses the responsibility for modeling.
 - The CMA Board amended the CMP on March 26th, 1998 so that local jurisdictions are now responsible for conducting the model runs themselves or through a consultant. The County of Alameda has a signed Countywide Model Agreement with the ACCMA on April 20, 1999. The Countywide model, updated recently incorporating ABAG's revisions to the employment data for Projections 2002, is available to the local

jurisdictions for this purpose. In this regard, the County has already obtained approval from the CMA to use the Countywide Model for this project.

- Potential impacts of the project on the Metropolitan Transportation System (MTS) need to be addressed. (See 2005 CMP Figures E-2 and E-3 and Figure 2). The EIR should address all potential impacts of the project on the MTS roadway and transit systems. These include I-580, I-238, SR 238/Mission Boulevard, I-880, Castro Valley Boulevard, Crow Canyon Road, A Street, B Street, Lewelling/East Lewelling Boulevard, Foothill Boulevard, East 14th Street, Center Street, Redwood Road as well as BART and AC Transit. Potential impacts of the project must be addressed for 2010 and 2025 conditions.
 - Please note that the ACCMA does not have a policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter-6 of 2005 CMP for more information).
 - In addition, the adopted 2005 CMP requires using 1985 Highway Capacity Manual for freeway capacity standards, which is 2000 vehicles per-lane-per-hour for freeways.
- The CMA requests that there be a discussion on the proposed funding sources of the transportation mitigation measures identified in the environmental documentation. The CMP establishes a Capital Improvement Program (See 2005 CMP, Chapter 7) that assigns priorities for funding roadway and transit projects throughout Alameda County. The improvements called for in the EIR should be consistent with the Capital Improvement Program (CIP) of the CMP. 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 CMP CIP, the federal Transportation Improvement Program (TIP), or the adopted Regional Transportation Plan (RTP). Therefore, we are requesting that the environmental documentation include a financial program for all roadway and transit improvements.
- The adequacy of any project mitigation measures should be discussed. On February 25, 1993 the CMA Board adopted three criteria for evaluating the adequacy of EIR project mitigation measures:
 - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
 - Project mitigation measures must be fully funded 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 or the Regional Transportation Plan (RTP).

It would be helpful to indicate in the EIR, the adequacy of proposed mitigation measures relative to these criteria. In particular, the EIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.
- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2005 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. The EIR should

Mr. Louis Andrade

August 17, 2006

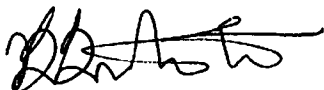
Page 3

address the issue of transit funding as a mitigation measure in the context of the CMA's policies as discussed above.

- The EIR should consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2005 CMP, Chapter 5). The EIR could consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. Street layout and design strategies would foster pedestrian and bicycle connections and transit-friendly site design should also be considered.
- The Alameda Countywide Bicycle Plan is currently in the final stages of update and expected to be approved by the ACCMA Board in their meeting on September 21, 2006. The EIR should consider opportunities to promote countywide bicycle routes identified in the Plan through the project development review process.

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

Sincerely,



Saravana Suthanthira
Associate Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses - 2006