

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT



STAFF REPORT

**TO:** Castro Valley Municipal Advisory Council

**HEARING DATE:** November 25, 2019

**APPLICATION:** PLN2019-00024

**PROPONENT:** Eden Housing, Ellen Morris

**PROPOSAL:** **SITE DEVELOPMENT REVIEW**, New affordable, multi-family project with 72 rental housing units.

**AFFECTED PROPERTIES:** Twenty parcels were combined into three parcels, totaling 6.3 acres located Crescent Avenue to the north, Ruby Street to the northeast, and A Street to the southeast, Castro Valley area of unincorporated Alameda County, with County Assessor's Parcel Numbers 415-230-2, -3, -5, -11, -12, -13, -14, -15, -16, -17, -18, -19, -21, -22, -23, -24, -69, -70, -72, and -73.

**ZONING:** R-S-D-20 (Suburban Residence, one residential dwelling unit allowed for every 2,000 sq. ft. of land)

**GENERAL PLAN DESIGNATION:** General Plan land use designation of *Castro Valley General Plan* (Residential Low-Density Multi-Family (RLM): 18-22 dwelling units/acre)

**ENVIRONMENTAL REVIEW:** The proposed application has been reviewed in accordance with the provisions of the California Environment Quality Act (CEQA) pursuant to Section 21083.3 of the state CEQA statutes and Section 15183 of the State CEQA Guidelines. As provided for in Section 15183, "projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project specific significant effects which are peculiar to the project or its site."

**STAFF RECOMMENDATION:** Take public testimony on the CEQA document, provide direction to applicant and staff, and set future hearing date for action. Please note that this staff report is limited to CEQA topics. Other community concerns will be addressed at the project decision stage.

The CEQA Community Plan Exemption and associated attachments are publicly available on the Planning Department's website: <https://www.acgov.org/cda/planning/landuse/projects/currentprojects.htm>.

## **BACKGROUND**

At an earlier informational hearing on this project, (August 26, 2019) the CVMAC, after hearing members of the public concerns specific to environmental impacts, requested another hearing focused on the CEQA document before project approval. The CEQA document was published on the Planning Department's website in October 2019 and staff has received multiple comment letters and emails related to the document, some in support and many against.

Since the last CVMAC meeting on August 26, the Planning Department has worked with the CEQA consultant to add substantially more detail to the biology and cultural resources sections of the CEQA Community Plan Exemption. These additions were in response to several public comments and inquires. In addition, the Planning Department has secured a letter of intent between HARD and Eden Housing to transfer Parcel B to HARD to create a trail head near the corner of A Street and Ruby Street.

This report will characterize the comments received to date as well as serve to update the CVMAC on the project review. Subsequent to this meeting, an additional hearing will need to be scheduled to take action on the Site Development Review permit.

## **PROJECT DESCRIPTION**

The project proposal is to allow the construction of a low income, multi-family residential building with 72 units on 79,917 square feet of floor area, and open space and other site amenities on three parcels totaling 6.3 acres.

The project site was 20 separate parcels that were combined into three distinct parcels, as follows:

- Parcel A – 2.95 acres
- Parcel B – 0.34 acre
- Parcel C – 2.99 acres

Parcel A would be developed with the 72 dwelling units. The 72 units include 8 studio units, 27 one-bedroom units, 18 two-bedroom units, and 19 three-bedroom units. The proposed building would include a mix of two-story, three-story, and four-story floors with a maximum roofline height of 52 feet and 10½ inches.

The ground floor of the building would include two lobbies, an approximately 1,260-square-foot community room, building offices, flex space, and a bicycle storage area with capacity for 56 bicycles. Approximately 14,213 square feet of common open space would be provided in a courtyard with play mounds, a barbecue area, and benches. In addition, residents would have access to the proposed San Lorenzo Creek trail. The project design would avoid the required creek setback for San Lorenzo Creek, and it would also avoid the area near San Lorenzo Creek that is designated as a Caltrans conservation easement.

The project would include two surface parking lots with a total of 109 parking spaces divided between one large lot accessed from Crescent Avenue and another smaller lot accessed from Ruby Street. In addition to the 56 spaces designated for permanent bike storage, eight outdoor bicycle spaces would be provided at the parking lots.

New sidewalks would be constructed along Ruby Street, A Street, and Crescent Avenue adjacent to the project site. Landscaping and light posts would be installed adjacent to the parking lots and sidewalks. Approximately 42 of the 58 existing on-site trees would be removed to accommodate the proposed building

and parking lots. None of these trees are protected under local, state or federal law. Approximately 100 replacement trees are proposed.

### COMMUNITY COMMENTS

Since the project's inception and then subsequent to the release of the CEQA document, the Planning Department has received several letters of concern (see attached) regarding the project. In general terms the reasons for the concern include:

1. *Density* – Several public comments stated that the number of proposed units is too high for the project site and for the neighborhood. The residential property is 2.952 acres. At 2.952 acres, and with the R-S-D-20 zoning, up to 65 (rounded up from 64.3) units may be developed on this site. The state density bonus law allows the applicant to increase the maximum number of residential units by 35%, allowing a total of up to 88 (rounded up from 87.75) units. The proposed unit count is 72. The County has incorporated all relevant provisions of the state density bonus law into our code of ordinances as Chapter 17.106, Density Bonus. While the project would increase the number of units to a much more intense density compared to the adjacent dwelling units, the proposed 72 units are aligned with the General Plan and zoning designations for this site.

General Plan Conformity: The proposal to add 72 dwelling units at the project site is consistent with the *Castro Valley General Plan's* land use designation of the site and surrounding area as Residential Low-Density Multi-Family, which permits between 18-22 units per acre. However, as noted above, the applicant is using the state's Density Bonus law to increase the density by 35%.

Zoning Ordinance Conformity: The project site is designated as a R-S-D-20 zoning district. The R-S (Suburban Residence) districts are established to regulate and control the development in appropriate areas of relatively large building sites at various densities. The R-S district allows the following types of residential uses: one-family dwelling, two-family dwelling, multiple dwelling or dwelling groups. Together with the D-20 combing district, this zoning designation requires 2,000 square feet of building site per dwelling unit.

The proposed density would not incur an environmental impact, pursuant to CEQA land use impact thresholds and the approved Castro Valley General Plan EIR (2012).

2. *Size of the apartment buildings* – Several public comments noted that the proposed building heights were too tall for the neighborhood and in comparison to the adjacent dwelling units. The R-S-D-20 zoning specifies a building height maximum of 30', or 35' where at least 25' from the property line. The application proposes three-story and four-story buildings that would be a maximum 55' tall. The project is entitled to a waiver for building height, and the County does not have the authority to reduce the building height. With regard to CEQA land use thresholds, the proposed density is not considered a significant environmental impact.
3. *Lack of parking* – Several public comments noted that the project does not provide enough parking to accommodate the proposed new residents, and this would create parking congestion problems on local streets. Parking issues are not a CEQA environmental threshold. Therefore, this information is for informational purposes, only.

The existing County parking standards for multi-family development in this zoning designation require 159 parking spaces. The requirement is 1 space per studio, 1.5 per 1-bedroom unit, and 2 spaces per 2 to 3-bedroom unit, with one space per unit covered, and guest parking of 0.5 spaces

per unit. An affordable housing project can request reductions to the parking requirements listed in local codes per the State's Density Bonus law. Also, there is inadequate site area available to provide parking spaces for this number of vehicles. The proposed site plan already maximizes all available site area for parking but is constrained by the long/narrow site dimensions, the physical presence of the creek, and space needs for fire trucks. That number is limited to 1 space per studio or 1-bedroom unit, and 2 spaces per 2- or 3-bedroom unit. Due to the Density Bonus law, a jurisdiction also may not require covered parking or carports and must allow the use of tandem spaces toward reaching that number. The proposed project provides the number of parking spaces corresponding to that reduced requirement as permitted by Density Bonus law: 109 spaces total, without using tandem spaces.

4. *Excessive traffic* – Several public comments noted that the project would create traffic congestion problems in their neighborhood. The proposed project complies with the land use type and density that was evaluated and approved in the Castro Valley General Plan EIR (2012). The purpose of a General Plan is to provide a cohesive and forward-thinking plan for a community. The CVGP EIR found all transportation and traffic impacts to be less than significant. Traffic congestion is projected to increase with or without the implementation of the General Plan. In addition to the CVGP EIR findings that this project qualifies to rely upon, the project applicant provided a new traffic study, and these model outputs indicated no substantial traffic impacts, pursuant to CEQA impact thresholds.
5. *Open space and trails* – Several public comments stated the desire to retain the project site as open space.

While the project site is currently vacant, the *Castro Valley General Plan* land use designation is Residential Low-Density Multi-Family (18-22 dwelling units/acre) and the zoning designation for this site is R-S-D-20. Therefore, the project site is intended for residential land uses, not open space. However, the County has worked with the applicant and HARD to provide a trail along the San Lorenzo Creek, and a trailhead at the corner of A Street and Ruby Street.

The Alameda County Public Works Agency and HARD would like to construct an 8.72-mile trail along the San Lorenzo Creek. This proposed multi-use trail would originate at the San Francisco Bay Trail in the west, and end with a connection to the Bay Area Ridge Trail at Cull Canyon. In 2018, these two agencies submitted a competitive funding application to the State of California, Department of Transportation, Active Transportation Program, but they did not obtain funding. It is highly likely that these two agencies will continue to apply for funding for this trail. Nonetheless, the applicant's proposed trail provides a trail in an underserved area that has not yet been able to fund a trail.

6. *Riparian habitat* – Several public comments expressed concern that the proposed housing development and trail could negatively impact riparian areas. The CVGP Figure 7-2 Biological Resources Overlay Zone designates the project site as an area of potential High Priority Biological Resources. Because it is infeasible and extremely costly to conduct biological reconnaissance surveys for an entire General Plan area, this figure is intended solely as a broad guide based on a coarse and cursory documentation of existing land use features. As such, CVGP Action 7.1-1 Biological Resources Overlay Zone, page 7-12, requires that an environmental assessment be prepared by a qualified biologist. The CEQA Community Plan Exemption includes detailed information regarding the potential for biological resources at the project site. In addition, in response to several public comments, the Planning Department coordinated with the CEQA consultant to augment the environmental assessment with additional details, including a second site



visit to document and delineate a riparian border for the project site, and additional information regarding the CEQA thresholds related to wildlife corridors and the potential for sensitive plant communities, as defined by the California Department of Fish and Wildlife and / or the U.S. Fish and Wildlife Service. The biology section in the Community Plan Exemption was augmented substantially to address public comments and questions related to biological resources. Based on two site visits and research performed by a qualified biologist, there are no substantial impacts related to riparian habitat or other biological resources.

7. *San Lorenzo Creek* – Several public comments expressed concern that the grading required to create the trail near the San Lorenzo Creek would cause negative water quality and erosion problems during construction of a 14' wide trail (this trail would also serve as a maintenance access road for the Alameda County Flood Control and Water Conservation District). While some grading may be required for certain parts of this trail, the Alameda County Public Works Agency (PWA) would regulate and refine any grading that may be needed for the trail. The applicant cannot grade any portion of the project site without first obtaining a grading permit from the County.
8. *Watercourse Protection Ordinance* – Several public comments expressed concern that the proposed project would violate the County's Watercourse Protection Ordinance (WPO). The Planning Department has coordinated with the County PWA and the applicant to revise the site plan to avoid riparian habitat. In response to public comments, the Planning Department instructed the CEQA consultant to have a qualified biologist conduct a second site visit to document and delineate a riparian boundary for the project and trail features. These figures are shown in the CEQA Community Plan Exemption. In addition, the Director of PWA has the authority to allow grading near the creek if he/she finds that the activity meets criteria for public benefits. This determination, if needed, would likely occur before or during the applicant's grading permit application.
9. *Cultural resources* – A few public comments expressed concern regarding the destruction of cultural resources that may occur at the site. In response to public comments, the Planning Department instructed the CEQA consultant to conduct additional research on the potential cultural resources that may be located at or near the site. After conducting additional research, the CEQA consultant team did not find any significant cultural resources at the site. It is not uncommon to unearth tribal and cultural resources during construction activities along watercourses in California. The CEQA Community Plan Exemption documents the legal procedures and requirements that the applicant needs to follow during construction activities to protect subsurface cultural resources that may be discovered during construction.

### CEQA ANALYSIS

The CEQA document was prepared as a Community Plan Exemption, pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, "Projects Consistent with a Community Plan or Zoning", states that projects that are "consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project specific significant effects which are peculiar to the project or its site." Such projects are eligible for streamlined environmental review. Section 15183(c) specifies that "if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards (...), then an EIR need not be prepared for the project solely on the basis of that impact."

Further, Section 15183(b) states:

“In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

1. Are peculiar to the project or the parcel on which the project would be located;
2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent;
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or
4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.”

Pursuant to CEQA Guidelines Section 15183, the project qualifies for a community plan exemption. The project meets the requirements for a community plan exemption, as it is permitted in the zoning district where the project site is located and is consistent with the land uses and densities envisioned for the site in the *Castro Valley General Plan* and General Plan EIR, as described below in Subsection C, Project Consistency with General Plan. This CEQA document concludes that the project would not result in significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or offsite effects in the General Plan EIR; or (3) were previously identified as significant effects but are determined to have a more severe adverse impact than discussed in the General Plan EIR.

CEQA Guidelines Section 15183(f) states that an impact is not peculiar “if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental impact when applied to future projects (...).” The County has such policies and standards in the County’s Municipal Code Zoning Ordinance, and General Plan, which are referenced as needed to reduce potential impacts of the project. Consistent with the requirements of CEQA, a determination of whether the project would have a significant impact was made prior to the approval of the project and, where applicable, policies and regulations have been identified to mitigate those impacts. In some instances, exactly how the measures/conditions identified will be achieved awaits completion of future studies, an approach that is legally permissible where measures/conditions are known to be feasible for the impact identified; where subsequent compliance with identified federal, state, or local regulations or requirements apply; where specific performance criteria are specified and required; and where the project commits to developing measures that comply with the requirements and criteria identified.

The *Castro Valley General Plan* (General Plan) is intended to serve as the basis for regulating land use and development in the unincorporated Castro Valley Planning Area (“Planning Area”) until the year 2025, which is the horizon year of the plan. The previous General Plan for Castro Valley was adopted in 1985.

The Castro Valley Planning Area includes approximately 38 square miles of urbanized land area to the east of the junction of Interstate (I-) 580 and State Route (SR) 238 within Alameda County’s (County) Urban Growth Boundary. As an unincorporated area, Castro Valley is subject to Alameda County’s General Plan. State law allows a county general plan to be adopted as a series of area plans, such as those Alameda County

has produced for Castro Valley, the Eden area, and the East County. Therefore, the *Castro Valley General Plan* is a component of the County General Plan's Land Use and Circulation Element.

The *Castro Valley General Plan* was prepared over a seven-year period from 2004 to 2012. The Notice of Preparation for the Draft General Plan EIR was filed with the State Clearinghouse on March 7, 2007 (State Clearinghouse Number: 2006032036) and the Draft General Plan EIR was published in April 2007. Subsequent to the publication, the County Board of Supervisors ("Board") voted to adjust the Planning Area boundary to include several additional neighborhoods. As a result, a revised draft of the General Plan was published for public review in July 2010, and the revised Draft General Plan EIR was published in August 2011. The revised Draft General Plan EIR analyzed the expansion of the Planning Area boundaries and included a new chapter analyzing the impact of the General Plan on climate change.

The Final General Plan EIR incorporates the added material from the revised Draft General Plan EIR: the new chapter on climate change and the revisions to the initial Draft General Plan EIR associated with expansion of the Planning Area boundary. This eliminates the need for reference to the revised Draft General Plan EIR. On March 27, 2012, the Board approved the revised General Plan and certified the General Plan EIR.

The Castro Valley General Plan EIR notes that the General Plan EIR "will be used as a basis for environmental review of projects the County and its agencies undertake within the Castro Valley Planning Area or projects that may have environmental effects within the Castro Valley Planning Area."

Based on the findings included in this CEQA document, no additional environmental documentation or analysis is required.

## **CONCLUSION**

The Planning Department has spent the past few months reviewing the project and considering the numerous public comments received, and consequently directed the CEQA consultant to conduct additional research to augment the Community Plan Exemption. Therefore, the Planning Department believes that the CEQA Community Plan Exemption is sufficient and legally adequate. Staff recommends the CVMAC take additional public testimony on the CEQA document, provide direction to the applicant and staff, and set a future hearing date for action.

## **ATTACHMENTS**


- Communications received by the public
  - Please note that the CEQA Community Plan Exemption and associated attachments are publicly available on the Alameda County Planning Department's website, by following this link: <https://www.acgov.org/cda/planning/landuseprojects/currentprojects.htm>.
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# REFERRAL COMMENTS



## MEMORANDUM

**DATE:** April 4, 2019  
**TO:** Andrew Young, Development Planning Division  
**FROM:**  Fernando Gonzales, Development Services  
**SUBJECT:** SDR, PLN2019-00024 - Ruby Street Apartment Project

Land Development Department have completed the initial review of the transmitted March 11, 2019 dated plan drawings exhibit and project referral letter regarding the above application located on 2.5 acres, west side of Ruby Street, 130 feet north of A Street and extending north to a street line on Crescent Avenue; together with approval of trail corridor design on 2.99 acres located north of A Street extending north to Crescent Avenue and west to Rockaway Lane, unincorporated area of Castro Valley, bearing County Assessor's designation: APN's: 415-0230-002; -011; -014; -017; -021; -024; -072; -003; -012; -015; -018; -022; -069; -073; -005; -013; 016; -019; -023 and -070. This project is to allow construction of a single four-story apartment building containing 72 dwelling units.

Should this application received favorable consideration by the Planning Department, the following preliminary comments and recommendations are hereby provided to assist in establishing the conditions of approval:

### SPECIFIC COMMENTS

1. The project is designated to drain to San Lorenzo Creek (Zone 2, Line B), a major County flood control facility that straddle along the southerly and westerly boundary of the site. As per FEMA's Flood Insurance Rate Map Number 06001C0287G, dated August 3, 2009, there is a portion of the project site that is located within the flood hazard area which will need to be addressed by the Applicant.
2. A detailed soils/geotechnical investigation report should be provided for the proposed project. This investigation would need to address both the structural and riparian/biological assessment setbacks from the creek, the areas of creek bank/bottom stability and if necessary, the suggestion of possible mitigative measures. As a general rule if the existing banks are 2:1 slope or steeper, as in this project's case, the structural setback is established by drawing a line at 2:1 slope from the toe of the existing bank to a point where it intercepts the ground surface and then adding 20 feet. Modifications to this general rule and/or additional requirements may be made upon examination of the above-mentioned geotechnical report. The developer should be made aware that more work in addition to that mentioned above may be required in order to produce a complete package for review.
3. Creek setback line accurately delineating the boundary and cross-sections with all pertinent information and data must be shown in the improvement plans. Critical cross-sections must be provided to determine that there is no encroachment. No development shall be allowed to be placed within creek setback boundary except the proposed creek-side trail and the storm drain outfall structure.

4. For the proposed creek-side trail, design should adequately factor in the location which will be within soils hazard area. Also, ownership, as well as maintenance responsibilities will have to be properly determined and agreement executed and recorded.
5. Other setback boundary lines (riparian, biological assessment report, easement, etc.) must be accurately delineated. The riparian/biological assessment setback boundary shall be determined and verified by the Planning Department. If the determined riparian/biological assessment setback boundary is beyond the creek setback boundary, the riparian/biological assessment setback boundary will govern the development restrictions.
6. This project will likely increase the quantity of urban runoff pollution entering the storm drain system. Storm Water Quality Control issues must be appropriately addressed. It is the responsibility of the applicant to comply with Federal, State, and local water quality standards and regulations. Any proposed on-site stormwater treatment for the planned development should comply with the requirements of the C.3 Stormwater Technical Guidance. It will be the responsibility of the Project Applicant to verify whether the project site is located in a Hydromodification Management (HM) Control Area in the Susceptibility Map. If so, the project will need to provide HM related on-site flow duration control measures.
7. The California State Department of Fish and Wildlife, as well as the U.S. Army Corps of Engineers should be notified of any proposed work to be done within the creek area. If those organizations make a determination that a Streambed Alteration Agreement and/or Corps Permit, respectively, are necessary, copies of such must be provided to this office prior to the Public Works Agency approval of the improvement plans.
8. Comments on Sheets C-4.1.1 and C-4.1.2 of the exhibit plans:
  - Include a legend block to provide explanations for the symbols and lines used on the grading plan;
  - The lines used along the watercourse setback are somewhat confusing on the grading plan and should be clarified. Especially, the lines used for determination of the watercourse setback should be clarified including, but not limited to, approximate location of tops and toes of banks of any watercourses, 2:1 daylight line, watercourse setback along with any associated riparian habitat zones;
  - Clarify the boundaries of any floodplains, as designated in accordance with the provisions of chapter 15.40 of this title;
  - Include location and nature of known or suspected soil or geologic hazard areas, including seismic hazard boundaries as depicted on the maps published by the California Geologic Survey;
  - A conceptual plan for erosion and sediment control including both temporary facilities and long-term site stabilization features such as planting or seeding for the area affected by the proposed grading;
  - Typical cross sections (not less than two) of all existing and proposed graded areas taken at intervals not exceeding two hundred (200) feet and at locations of maximum cuts and fills;
  - An estimate of the quantities of excavation and fill, adjusted for anticipated swell or shrinkage.



**GENERAL COMMENTS**

9. According to the Seismic Hazard Zones map published by the *California Geologic Survey*, the subject site is located within the designated zone of required investigation for **liquefaction**. A site-specific geotechnical investigation report, which documents the results of an investigation of the site for seismic hazards and recommends mitigation measures to reduce the risk of identified seismic hazards to acceptable levels, should be required prior to approval of any structures for human occupancy or any subdivision of land that contemplate the eventual construction of structures for human occupancy in compliance with the provisions of the Seismic Hazards Mapping Act and the Special Publication 117A.
10. No grading shall be permitted until a grading plan and erosion and sedimentation control plans have been reviewed and approved by the County and a grading permit or exemption is obtained from this office in accordance with the provisions of the Alameda County Grading Ordinance.
11. A geotechnical/geologic investigation report shall accompany the grading permit application in accordance with the provisions of the Alameda County Grading Ordinance Chapter 15.36.320. The report shall contain all of the elements listed under the Alameda County Grading Ordinance Chapter 15.36.350 as they may be applicable to the project.
12. No grading work would be allowed during the rainy season, from October 1 to April 30, except upon a clear demonstration, to the satisfaction of the director of the public works, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site.
13. Prior to any work within a watercourse setback, a watercourse encroachment permit or a grading permit shall be secured from this office in accordance with the Alameda County Watercourse Protection Ordinance. A site or grading plan shall delineate this watercourse setback accordingly.
14. Prior to any grading work near/within the watercourse and near/within any potential riparian habitats for the state and federal protected species, the owner/developer shall secure necessary permits or approvals required from other regulatory state and federal agencies as required.
15. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for Alameda County shows the 100-year floodplain along the creek. The boundaries of the floodplains need to be delineated on the grading plan in accordance with the FEMA map. Any improvements on the subject lot will be subject to the FEMA regulations.
16. Sites with land disturbances greater than one (1) acre must file a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State General NPDES permit for Construction Activities. A copy of the NOI must be submitted to the District prior to issuance of a grading permit for the site or any land disturbance on the site. A Storm Water Pollution Prevention Plan (SWPPP) shall be made available to the District prior to issuance of grading permit or any land disturbance on the site.
17. All roadway and storm drain facilities are to conform to Alameda County's Subdivision Design Guidelines and Hydrology and Hydraulics Criteria Summary. All work must be in compliance with Alameda County ordinances, guidelines, and permit requirements.

18. Before any demolition or grading, destroy known water wells that do not have documented intent of future use. Obtain a destruction permit from Zone 7 for any water well destruction within Zone 7's service boundary. For additional information, the owner or other responsible party should call Zone 7 at (925) 484-2600.
19. On-site driveway and parking area structural pavement section is required designed by a civil engineer. The minimum structural section for emergency vehicle access roads is 6 inches of asphalt concrete over filter fabric, if required.
20. Any right-of-way dedication, road improvements, and any necessary relocation of utility facilities shall be at no cost to the County.
21. All property dedication to the County will be done in a form and a manner acceptable to the Real Estate Division, Public Works Agency.
22. Fire hydrants are required to be located a minimum of 2.5 feet to their centerline from the face of curb.
23. Show the fire hydrant and electrolier on the roadway typical section, and a passage way consistent with ADA requirements provided around these facilities. If there is inadequate space within the sidewalk for the utilities, locate them behind the sidewalk within a public services easement.
24. Streetlights on private streets shall be privately owned and maintained. Ownership, maintenance, and responsible party for payment of the streetlight energy bills shall be clarified in appropriate documents such as C.C.&R.'s, Improvement and Streetlight Plans, and Final Map.
25. Streetlights shall be installed at the locations shown on plans approved by the County in accordance with the Streetlight Design Guidelines and Specifications. Streetlight plans shall include electrolier and foundation details, trench detail, and a circuitry plan that includes pole identification numbers, PG&E service points, underground conduit size, wires, alignment, and pull box locations.
26. Fire hydrants are required to be located a minimum of 2.5 feet to their centerline from the face of curb.
27. Show the fire hydrant and electrolier on the roadway typical section, and a passage way consistent with ADA requirements provided around these facilities. If there is inadequate space within the sidewalk for the utilities, locate them behind the sidewalk within a public services easement.
28. Streetlights on private streets shall be privately owned and maintained. Ownership, maintenance, and responsible party for payment of the streetlight energy bills shall be clarified in appropriate documents such as C.C.&R.'s, Improvement and Streetlight Plans, and Final Map.
29. Streetlights shall be installed at the locations shown on plans approved by the County in accordance with the Streetlight Design Guidelines and Specifications. Streetlight plans shall include electrolier and foundation details, trench detail, and a circuitry plan that includes pole identification numbers, PG&E service points, underground conduit size, wires, alignment, and pull box locations.

30. Do not block or restrict in any way flow of runoff in the creek, ravine, or major drainage swale.
31. The drainage area map created for the project drainage design calculations shall clearly indicate all areas tributary to the project site.
32. No grading shall be permitted on this site until a grading plan and an erosion and sedimentation control plans have been reviewed by the County and a grading permit is issued in accordance with the Alameda County Grading Ordinance.
33. If grading occurs on land with a slope of more than 10 percent, it will be necessary to undergo environmental impact review at the grading permit phase. Any grading for this project should be required to be a balanced cut and fill.
34. Prior to the issuance of any building permits on this site, this office should be afforded the opportunity to review a detailed grading, drainage, and road improvement plan with supporting calculation by a Registered Civil Engineer. The proposed curb elevations are not to be less than 1.25 feet above the hydraulic grade line and at no point should the curb grade be below the energy grade line.
35. Sites with land disturbances greater than one acre must file a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State General NPDES permit for Construction Activities. A copy of the NOI must be submitted to the District prior to issuance of a grading permit for the site or any land disturbance on the site.
36. Prior to issuance of a grading permit, a Storm Water Quality Control Plan, including erosion and sedimentation control, that addresses both construction and post-construction storm water quality shall be prepared and included in the project improvement plans.
37. The project plans shall include storm water quality control measures for the operation and maintenance of the project once construction is complete. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively control entry of pollutants into storm water runoff.
38. Site planning practices such as limiting disturbed areas, limiting impervious areas, avoiding areas with water quality benefits and susceptibility to erosion, protection of existing vegetation and topography, and clustering to structures should be employed.
39. Obtain Grading Section approval of this application.
40. Obtain Clean Water Section approval of this application.

More detailed comments will be provided after complete improvement plans are submitted.

Thank you.

/FG





# Alameda County Fire Department

## Fire Prevention Bureau

### Plan Review Comments

399 Elmhurst Street, Room 120, Hayward, California 94544 (510) 670-5853 Fax (510) 887-5836

03/26/2019

Alameda County  
Community Development Agency  
Planning Department  
224 West Winton Ave., Room 111  
Hayward, California 94544

|                 |  |          |            |
|-----------------|--|----------|------------|
| To              | Andrew Young, Planner                                    | PLN #    | 2019-00024 |
| Address         | Ruby Street and Crescent Avenue                          |          |            |
| Job Description | New 4 story 72 Unit Affordable Housing Apartment Complex |          |            |
| Reviewed By     | Bonnie S. Terra, Division Chief                          | Review 1 |            |

#### **APPLICATION NOT COMPLETE FOR FIRE REQUIREMENTS - WITH CUSTOMER FOR RESPONSE**

**Fire Staff does not recommend that discretionary approval be given until the following issues are addressed and Fire Conditions are issued.**

**Re-submittal Required.** A re-submittal is required for this project. Submit the revised plan along with a copy of any necessary reference materials, cut-sheets, listing sheets and calculations. Include a written itemized response to each comment and where in the re-submittal the specific change or information requested can be found.

**Errors & Omissions.** The purpose of code enforcement is to provide a means to help ensure projects are built to the codes, regulations and standards applicable to the project. Two methods are used towards this goal. First, is the review of the plans, second, are field inspections associated with the work. Between these two methods, it is hoped that all code deficiencies are discovered and corrected.

It is important to note that approval of the plan does not constitute permission to deviate from any code requirement and shall not be construed to be a permit for, or an approval of, any violation of the applicable statute, regulation, code or standard. Approval of a plan or permit presuming to give authority to violate or cancel the provision of any applicable statute, regulation, code or standard shall not be valid.

**Alternate Means.** Any alternate means or equivalences shall be submitted in writing explaining the code provision that will be deviated from, the justification for such deviation, and an explanation on how this deviation meets the intent of the code and the equivalent level of safety intended by the code. This letter and supporting documents must be reviewed and approved for the deviation to be considered acceptable.

#### **Items to be addressed with required re-submittal**

- 1. Given this is an R2 occupancy the project will be required to have a NFPA 72 compliant fire alarm system with fire sprinkler monitoring installed. Please note this on the plans as a deferred submittal.**
- 2. This project will be required to comply with the adopted building and fire codes in affect at the time of building permit submittal.**

- 3. Alameda County adopts Appendix D of the fire code. Therefore, all buildings that are 30 foot or greater in height must have an aerial fire department access roadway on at least one entire side of the building. This roadway must be 26 feet in height and shall be located not less than 15 feet and no more than 30 feet from the structure. Please show the location of the aerial fire department access road on the plans.**
- 4. Please show the location of all fire hydrants that will serve the project. Please note if they are existing or if they will be installed new as part of this project.**
- 5. Please remove hose reach information shown on sheet G0.01 as it is not accurate.**
- 6. On sheet G0.01 there are rectangles and squares with a note indicating ladder access to be provided at each bedroom to level 2 and 3. Please clarify what these are and what is meant by the statement.**
- 7. The required fire flow for this building with sprinklers is 1500 gpm at 20 psi. Please provide documentation that this demand can be met by the required fire hydrant.**
- 8. Please note the location of the fire riser and/or fire pump room along the fire access.**
- 9. The fire access shown on G0.01 including the hammerhead turn around cannot be verified. Please provide this information at a 20, 30 or 40 scale.**
- 10. On sheet A2.04 a corridor is noted outside the elevators. Is this a corridor or a hallway?**
- 11. All stairwells are shown as being open from the 1<sup>st</sup> to 4<sup>th</sup> floor with the exception of stairwell 1 at the 1<sup>st</sup> floor. Please provide basic exiting information.**



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT

Chris Bazar  
Agency Director

Albert Lopez  
Planning Director  
224  
West Winton Av  
Room 11

Hayward  
California  
94544

phone  
510.870.5400  
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510.785.8793

www.acgov.org/cd

PROJECT REFERRAL

Date: March 1, 2019  
RE: Case No. PLN2019-00024  
Site Development Review

Due Date: March 22, 2019

- |                                     |                                 |
|-------------------------------------|---------------------------------|
| CITY OF HAYWARD PLANNING DEPT       | FRIENDS OF SAN LORENZO CREEK    |
| CALIF. DEPT. OF FISH & WILDLIFE-BAY | REGIONAL WATER QUALITY CONTROL  |
| DELTA REGION                        | BOARD                           |
| CASTRO VALLEY MUNICIPAL ADVISORY    | ACPWA JOHN ROGERS               |
| COUNCIL                             |                                 |
| ACPWA GRADING DIVISION              | ACPWA LAND DEVELOPMENT          |
| ALAMEDA CO. FIRE DEPT.              | ACPWA BUILDING DEPARTMENT       |
| ACPWA CLEAN WATER DIVISION          | CDA HOUSING AND COMMUNITY DEV.  |
| GREGORY J. AHERN, SHERIFF'S OFFICE  | CDA POLICY PLANNING             |
| ACPWA TRAFFIC                       | CASTRO VALLEY SANITARY DISTRICT |
| EAST BAY MUNICIPAL UTILITY DISTRICT | H A R D                         |
| CASTRO VALLEY UNIFIED SCHOOL        |                                 |
| DISTRICT                            |                                 |

The following application is referred to you for your information and recommendation:

To allow construction of a single apartment building containing 72 dwelling units affordable to limited-income households, in a four-story structure with open parking, and to approve a potential trail corridor design, (No MND, no public hearing required), located at Ruby St (Castro Valley), West side 200 ft.; Direction: W; Of Cross Street: Vermont St., unincorporated area of Castro Valley.

- |                      |                 |                 |
|----------------------|-----------------|-----------------|
| APN: 415-0230-002-00 | 415-0230-003-00 | 415-0230-005-00 |
| 415-0230-011-00      | 415-0230-012-00 | 415-0230-013-00 |
| 415-0230-014-00      | 415-0230-015-00 | 415-0230-016-00 |
| 415-0230-017-00      | 415-0230-019-00 | 415-0230-021-00 |
| 415-0230-022-00      | 415-0230-023-00 | 415-0230-070-00 |

An Initial Study pursuant to Section 15183 of the CEQA Guidelines, stating that the project may have significant effects on the environment but that revisions to the proposal made by or agreed to by the applicant would avoid or reduce such effects to clearly less-than-significant levels, is proposed to be adopted pursuant to the California Environmental Quality Act, and State and C CEQA Guidelines. When completed, a separate notice will be provided, at which time it will be available for public review at the offices of the Planning Department, 224 W. Winton Avenue 111, Hayward, California 94544.

Proposed to use streamlined review pursuant to Section 15183 (CEQA Guidelines), for use with projects that are consistent with the development density established by the existing zoning, or general plan policies for which an EIR was

**PROJECT REFERRAL**

Date: March 1, 2019

RE: Case No. PLN2019-00024

Receipt of your comments by the indicated due date will enable the inclusion of relevant information in the preparation of a written staff report; otherwise, please initial and date below that your organization, department or agency has no comment and return this notice by the indicated due date.

Please send a copy of your recommendation(s) to the applicant.

If you have any questions, please contact me <sup>Sincerely,</sup> at the above number.

Andrew Young  
Development Planning Division  
andrew.young@acgov.org

cc: Applicant: ELLEN MORRIS 22645 Grand Street, Hayward, Ca 94541

Owner: STATE OF CALIFORNIA Po Box 23440, Oakland, Ca 94623

\_\_\_\_\_ No Comment - Date \_\_\_\_\_

Attachments



## Palmeri, Maria, CDA

---

**From:** Cho, Andy Hyun-Jae  
**Sent:** Monday, July 8, 2019 5:22 PM  
**To:** Chauhan, Nisha, CDA  
**Cc:** Gonzales, Fernando; Ellen Morris  
**Subject:** Grading Comments on PLN 2019-00024, Ruby St  
**Attachments:** PWA-Grading Comm 3-26-19.pdf; Watercourse Ordinance.pdf

Hi Nisha,

I have reviewed your project referral and offer the following comments regarding the subject application:

1. The general comments provided in the previous Inter-office Communication memo dated March 26, 2019, i.e. Comment #1 through #8, are still applicable. Copy of the memo attached herein
2. The watercourse setback lines delineated on the submitted plans look reasonable from the schematic standpoints, i.e. 2:1 plus 20'. However, the proposed earthwork is encroaching into the watercourse setback. Pursuant to Article V of the Watercourse Protection Ordinance, no development shall be allowed within the watercourse setback, except as otherwise provided in the said ordinance

Should you have any questions, feel free to contact me.

Regards,



Andy Cho, P.E.,  
Assistant Engineer  
Construction & Development Services Department  
399 Elmhurst Street, Room 141, Hayward, CA 94544  
Phone 510.670.6451, Fax 510.670.5787, email: [andyhjc@acpwa.org](mailto:andyhjc@acpwa.org)

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**COUNTY OF ALAMEDA**  
**PUBLIC WORKS AGENCY**  
*INTER-OFFICE COMMUNICATION*

DATE : March 26, 2019  
TO : Andrew Young, Development Planning Division  
FROM : Andy Cho, Grading Division, Construction and Development Services  
SUBJECT : Case No. PLN 2019-00024, Site Development Review



Reference is made to the subject planning application that was referred to this office for review and comment. Per the project referral cover letter, this application is to allow an apartment building for 72 dwelling units and related site improvements at the lots located on Ruby Street; together with approval of a trail corridor north of A Street extending nor to Crescent Avenue and west to Rockaway Lane, unincorporated area of Castro Valley.

Based on our review of the submitted information, we have the following preliminary comments:

1. According to the Seismic Hazard Zones map published by the *California Geologic Survey*, the subject site is located within the designated zone of required investigation for liquefaction. A site-specific geotechnical investigation report, which documents the results of an investigation of the site for seismic hazards and recommends mitigation measures to reduce the risk of identified seismic hazards to acceptable levels, should be required prior to approval of any structures for human occupancy or any subdivision of land that contemplate the eventual construction of structures for human occupancy in compliance with the provisions of the Seismic Hazards Mapping Act and the Special Publication 117A.
2. No grading shall be permitted until a grading plan and erosion and sedimentation control plans have been reviewed and approved by the County and a grading permit or exemption is obtained from this office in accordance with the provisions of the Alameda County Grading Ordinance
3. A geotechnical/geologic investigation report shall accompany the grading permit application in accordance with the provisions of the Alameda County Grading Ordinance Chapter 15.36.320. The report shall contain all of the elements listed under the Alameda County Grading Ordinance Chapter 15.36.350 as they may be applicable to the project
4. No grading work would be allowed during the rainy season, from October 1 to April 30, except upon a clear demonstration, to the satisfaction of the director of the public works, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site
5. Prior to any work within a watercourse setback, a watercourse encroachment permit or a grading permit shall be secured from this office in accordance with the Alameda County Watercourse Protection Ordinance. The Watercourse Ordinance established a setback of 20 feet from the top of bank. However, for existing bank slopes at 2 horizontal to 1 vertical, or steeper, establish the setback by drawing a line at a 2 horizontal to 1 vertical slope from the toe of the existing bank to a point where it intercepts the ground surface and then adding 20 feet. A site or grading plan shall delineate this watercourse setback accordingly

6. Prior to any grading work near/within the watercourse and near/within any potential riparian habitats for the state and federal protected species, the owner/developer shall secure necessary permits or approvals required from other regulatory state and federal agencies as required
7. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for Alameda County shows the 100-year floodplain along the creek. The boundaries of the floodplains need to be delineated on the grading plan in accordance with the FEMA map. Any improvements on the subject lot will be subject to the FEMA regulations
8. Sites with land disturbances greater than one (1) acre must file a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State General NPDES permit for Construction Activities. A copy of the NOI must be submitted to the District prior to issuance of a grading permit for the site or any land disturbance on the site. A Storm Water Pollution Prevention Plan (SWPPP) shall be made available to the District prior to issuance of grading permit or any land disturbance on the site

Specific Comments on Preliminary Grading Plans

9. Based on our review of the preliminary grading plans, i.e. C-4.1.1 and C-4.1.2, in the exhibit plans, we have the following suggestions and recommendations:
  - Include a legend block to provide explanations for the symbols and lines used on the grading plan
  - The lines used along the watercourse setback are somewhat confusing on the grading plan and should be clarified. Especially, the lines used for determination of the watercourse setback should be clarified including, but not limited to, approximate location of tops and toes of banks of any watercourses, 2:1 daylight line, watercourse setback along with any associated riparian habitat zones
  - Clarify the boundaries of any floodplains, as designated in accordance with the provisions of chapter 15.40 of this title
  - Include location and nature of known or suspected soil or geologic hazard areas, including seismic hazard boundaries as depicted on the maps published by the California Geologic Survey
  - A conceptual plan for erosion and sediment control including both temporary facilities and long-term site stabilization features such as planting or seeding for the area affected by the proposed grading
  - Typical cross sections (not less than two) of all existing and proposed graded areas taken at intervals not exceeding two hundred (200) feet and at locations of maximum cuts and fills
  - An estimate of the quantities of excavation and fill, adjusted for anticipated swell or shrinkage

Feel free to contact me at [andyhjc@acpwa.org](mailto:andyhjc@acpwa.org) or (510) 670-6451 if you have any questions.

cc: applicant: Ellen Morris, Eden Housing, 22645 Grand St. Hayward, CA 94541  
Land Development Division

**CHAPTER 13.12 OF THE GENERAL ORDINANCE CODE OF THE COUNTY OF ALAMEDA  
RELATING TO WATERCOURSE PROTECTION**

The Board of Supervisors of the Alameda County Flood Control and Water Conservation District do ordain as follows:

**CHAPTER 13.12 - WATERCOURSE PROTECTION**

**ARTICLE I - GENERAL PROVISIONS**

**13.12.010 - Title.**

This chapter shall be known as the watercourse protection ordinance of Alameda County.

*(Prior gen. code § 7-200.0)*

**13.12.020 - Purpose.**

This chapter is enacted to safeguard and preserve watercourses, protect lives and property, prevent damage due to flooding, protect drainage facilities, control erosion and sedimentation, restrict discharge of polluted materials and enhance recreational and beneficial uses of watercourses.

*(Prior gen. code § 7-200.1)*

**13.12.030 - Definitions.**

Unless the context clearly requires a different meaning, the meanings given for the following words and phrases shall apply when said words and phrases are used in this chapter:

"Agricultural operation" means any land-related activity for the purpose of cultivating or raising plants or animals or conserving or protecting lands for such purposes when conducted on agriculturally zoned lands, and is not surface mining or borrow pit operations nor preparation for construction or construction of any structure for human occupancy.

"Bank" means any embankment, dike, levee, wall or similar feature of natural or man-made origin which adjoins or parallels any watercourse and which has as a function the confinement of the water of said watercourse.

"Board" means the board of supervisors of Alameda County.

"City" means an incorporated city in Alameda County.

"Development" means any act of filling, depositing, excavating or removing any natural material, or constructing, reconstructing or enlarging any structure, which requires a permit issued by the director of public works.

"Director of public works" means the director of public works of Alameda County, California, acting either directly or through his authorized deputies.

"District" means the Alameda County flood control and water conservation district.

"Floodway" means the channel of a watercourse and adjacent land areas that must be reserved in order to convey flood flows as determined by the director of public works. Where shown on a flood boundary and floodway map of the Federal Insurance Administration, "floodway" means a designation on said map.

"Maintenance" means the desilting, pruning or removal of vegetation, the removal of trash and debris, the removal of algae, water treatment, mosquito abatement activities, repair, or any other work required to maintain conveyance or storage capacities of watercourses or purity and quality of water, or to safeguard public health.

"Permit" means a permit issued by the director of public works pursuant to the provisions of this chapter.

"Permittee" means any person granted a permit under the provisions of this chapter.

"Person" means any individual or group of individuals, firm, corporation or public agency.

"Public agency" means any federal, state, regional or local government entity or any subdivision thereof.

"Setback" means a distance adjacent to an open channel watercourse within which development shall be controlled. Setback limits are defined in Article 5 of this chapter.

"Structure" means any works or constructions of any kind, including those of earth or rock, permanent or temporary, and including fences, poles, buildings, pavings, inlets, levees, tide gates, spillways, drop structures and similar facilities.

"Watercourse" means any conduit or appurtenant structure or any natural or man-made channel through which water flows continuously or intermittently in a definite direction and course or which is used for the holding, delay or storage of water. Natural channels shall generally be limited to those designated by a solid line or dash and three dots as shown in blue on the most recent U.S. Geological Survey 7.5 minute series of topographic maps. At the discretion of the director of public works, the definition of natural channel may be limited to those channels having a watershed area of fifty (50) acres or more, and this definition will be commonly used in the administration of this chapter except for those cases in which the director of public works determines that the definition must be extended to a natural channel with a watershed area smaller than fifty (50) acres in order to prevent a condition which is a menace to life and limb, endangers property, is a hazard to public safety, adversely affects the safety, use or serviceability of adjacent property, public way or drainage channel, or could adversely affect the water quality of any water body or watercourse were the definition not extended to a particular natural channel with a watershed area below fifty (50) acres.

*(Prior gen. code § 7-200.2)*

#### **13.12.040 - Jurisdiction.**

This chapter shall apply to the unincorporated area of Alameda County.

*(Prior gen. code § 7-200.3)*

#### **13.12.050 - Responsibility of director of public works.**

It shall be the responsibility of the director of public works to enforce the provisions of this chapter and he is hereby so authorized.

*(Prior gen. code § 7-200.4)*

**13.12.060 - Owner's and tenant's responsibility.**

Every person owning property through which a watercourse passes, or said person's lessee or tenant, shall keep and maintain that part of the watercourse within said property reasonably free of trash, debris, excessive vegetation and other obstacles which would pollute, contaminate or significantly retard the flow of water through the watercourse; shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse; and shall not remove healthy bank vegetation beyond that actually necessary for said maintenance or other maintenance specified in Section 13.12.190C of this chapter, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

*(Prior gen. code § 7-200.5)*

**13.12.070 - Not retroactive.**

This chapter shall be prospective in operation only. The provisions of this chapter shall not apply to existing construction for which all previously necessary permits were obtained. Said provisions shall also not apply to a project or development not yet constructed provided that an appropriate permit has been obtained and said permit bears a date prior to the effective date of this chapter.

*(Prior gen. code § 7-200.6)*

**13.12.080 - Administration.**

This chapter shall be administered for Alameda County by the district.

*(Prior gen. code § 7-200.7)*

**ARTICLE II - PERMIT PROCEDURES**

**13.12.090 - Requirements.**

No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the director of public works:

- A. Discharge into or connect any pipe or channel to a watercourse;
- B. Modify the natural flow of water in a watercourse;
- C. Carry out development within a setback, as defined in Article V of this chapter;
- D. Deposit in, plant in, or remove any material from a watercourse including its banks, except as required for necessary maintenance;
- E. Construct, alter, enlarge, connect to, change, or remove any structure in a watercourse; or
- F. Place any loose or unconsolidated material along the side of or within a watercourse or so close to the side as to cause a diversion of the flow, or to cause a probability of such material being carried away by stormwaters passing through said watercourse.

*(Prior gen. code § 7-201.0)*

### **13.12.100 - Restrictions.**

The intent of this chapter is to safeguard watercourses. A permit shall not be granted where, in the opinion of the director of public works, a proposed activity in or adjacent to a watercourse could result in disposal or deposition of oils, chemicals, poisons, trash, or other materials harmful to said watercourse.

*(Prior gen. code § 7-201.1)*

### **13.12.110 - District ordinance in effect.**

Nothing contained herein shall in any way supersede, void or preempt requirements of District Ordinance No. 34 (Alameda County Ordinance No. 441 N.S.). Said ordinance includes permit requirements for activities in district-owned rights-of-way or facilities.

*(Prior gen. code § 7-201.2)*

### **13.12.120 - Other permits.**

Nothing contained herein shall in any way supersede, void or preempt requirements of other governmental agencies, including federal, state, and local agencies, in regard to activities affecting watercourses. Also, the requirements of this chapter are not intended to duplicate the requirements of another agency. If, in the opinion of the director of public works, the requirements of this chapter will be substantially met by conditions prescribed by a permit granted by another agency, the director of public works may waive the permit requirements of this chapter. Any violation, however, of the requirements of this chapter, regardless of whether such violation may have occurred under provisions of another permit, may be subject to enforcement procedures and penalties prescribed by this chapter.

*(Prior gen. code § 7-201.3)*

### **13.12.130 - Permit applications.**

Permit applications shall be filed with the director of public works on forms furnished by his office. A schedule of fees and costs and a list of requirements and instructions shall be furnished each applicant. The director of public works may require any additional information he considers necessary to establish the identity of the applicant, the location of the project site, details concerning the proposed project, a timetable of proposed activities, existing site conditions, and anticipated site conditions following the proposed activities. An application shall be accepted as complete upon receipt of all required information and payment of fees.

*(Prior gen. code § 7-201.4)*

### **13.12.140 - Permit issuance.**

- A. In issuing a permit, the director of public works may prescribe conditions reasonably necessary to safeguard the effected watercourse pursuant to provisions of this chapter. Noncompliance with said conditions is deemed a violation of this chapter.
- B. A permit may be issued for any reasonable term and may be renewed if good cause therefor is shown. A written request for renewal shall be submitted to the director of public works who may require a new application and required fees, considering the time between the expiration date and the renewal request, revisions in county regulations, or changed circumstances in the immediate area of the site.



Any revised plan shall be submitted to the director of public works for review, and any costs thereof shall be at the applicant's expense.

- C. If a proposed activity could significantly affect the physical characteristics of a watercourse in another jurisdiction such as an incorporated city or an adjoining county, or could result in disposal or deposition of a foreign material in a watercourse upstream from such jurisdiction, that jurisdiction shall be notified prior to issuing a permit.

*(Prior gen. code § 7-201.5)*

#### **13.12.150 - Prosecution of work.**

The permittee shall begin the work or use authorized by a permit issued pursuant to this chapter within ninety (90) days from the date of issuance unless a different period is provided in the permit. Failure to begin said work or use on time or to prosecute it diligently shall be deemed a violation of this chapter.

*(Prior gen. code § 7-201.6)*

#### **13.12.160 - Appeals.**

The issuance, denial, cancellation, or conditioning of a permit pursuant to this chapter may, within fifteen (15) calendar days of such action, be appealed in writing by any person to the board. An appeal shall set forth the grounds therefor, the work proposed to be done and the method of accomplishing said work, together with sufficient factual, engineering and technical data to set forth the basis and the reasons for the appeal. Board shall make a final interpretation of requirements and shall announce its decision within thirty (30) calendar days after receipt of said written appeal.

*(Prior gen. code § 7-201.7)*

#### **13.12.170 - Responsibility.**

- A. Neither the issuance of a permit nor compliance with the conditions thereof, nor with the provisions of this chapter, shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of a permit hereunder serve to impose any liability upon the county, the district, a city, a special district, or its officers or employees, for injury or damage to persons or property. A permit issued pursuant to this chapter does not relieve the permittee of the responsibility of securing and complying with any other permit which may be required by any other public agency, ordinance, directive or law.
- B. It shall be the responsibility of any person whose operation may result in discharge into a watercourse to comply with applicable federal, state and local water quality standards and regulations.

*(Prior gen. code § 7-201.8)*

#### **13.12.180 - Fees.**

- A. The schedule of fees and costs shall be those established and adopted by the board from time to time by resolution. Before a permit is issued, the applicant shall deposit with the director of public works cash or a certified or cashier's check, in a sufficient sum to cover the fee for issuance of the permit, charges for review of plans, specifications and reports, other engineering services, field investigations, and necessary inspection or other work, all in accordance with schedules established and adopted by the board.

- B. No fee shall be required of public agencies.
- C. Public utilities may, at the option of the director of public works, make payment as billed by the director of public works instead of in advance.
- D. If, upon completion of any work under a permit there remains any excess of deposit or of fees or charges, the director of public works shall certify the same to the auditor for refund to the permittee or refund the same from any trust fund established under his jurisdiction for such purposes.
- E. If, upon completion of any work under a permit there is an insufficient deposit to cover the district's cost, the director of public works may require the permittee to reimburse the district in an amount equal to the cost deficit.

*(Prior gen. code § 7-201.9)*

#### **13.12.190 - Exemptions.**

The following activities are exempted from the provisions of this article except as provided herein:

- A. Agricultural operations, as long as these activities do not significantly pollute or damage watercourses or cause excessive erosion of banks and deposition of sediments in watercourses thereby requiring abatement measures and imposing cost burdens on the district and its taxpayers;
- B. Work within a public roadway right-of-way, where said public roadway right-of-way crosses a watercourse. The affected jurisdiction shall advise the district of details and schedule for such work;
- C. Minor or routine maintenance work performed by a property owner or his tenant on a watercourse flowing through his property pursuant to Section 13.12.060 of this chapter. Said maintenance work shall be limited to pruning and removal of excessive vegetation and removal of trash and debris;
- D. Performance of emergency work necessary to protect life or property when an urgent necessity therefor arises. The person performing such emergency work shall notify the director of public works promptly of the problem and work required and shall apply for a permit therefor within ten calendar days after commencing said work;
- E. The director of public works may, at his discretion, exempt the permit requirements of this article when an Alameda County grading permit has been obtained and all applicable requirements of this chapter have been satisfied.

*(Prior gen. code § 7-201.10)*

#### **13.12.200 - Performance of work—Inspection.**

The director of public works may inspect any work done pursuant to a permit under this chapter. No permittee shall be deemed to have complied with this chapter until a final inspection of the work has been made by the director of public works and he has certified in writing that the work has been completed in accordance with all requirements and conditions of the permit.

*(Prior gen. code § 7-201.11)*

**13.12.210 - Security.**

At the discretion of the director of public works, a permit may be withheld until the applicant has posted security in an amount satisfactory to the director of public works for the faithful performance of the work or the cost of removing the work or otherwise reconstructing or restoring a watercourse to conditions existing prior to such work in the event of default on the part of permittee. Said security shall be in the form of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state.

*(Prior gen. code § 7-201.12)*

**13.12.220 - Transfer of permit.**

No permit issued under this chapter may be transferred or assigned in any manner whatsoever, voluntarily or by operation of law, without the express consent of the director of public works.

*(Prior gen. code § 7-201.13)*

**ARTICLE III - ENFORCEMENT**

**13.12.230 - Suspension and revocation of permit.**

The director of public works may suspend or revoke a permit for good cause, subject to appeal to the board of supervisors. However, no work shall be performed pending appeal except as authorized by the director of public works.

*(Prior gen. code § 7-202.0)*

**13.12.240 - Abatement.**

Whenever the director of public works determines that any existing condition is a hazard to life or limb, or endangers structures, or adversely affects the use, function or physical integrity of a watercourse, or that any violation of this chapter exists, any such condition or violation is hereby declared to be a public nuisance and may be abated pursuant to the provisions of Chapter 15.28 of this code.

*(Prior gen. code § 7-202.1)*

**13.12.250 - Injunction.**

The county counsel, at the direction of the board of supervisors shall, or in the case of an emergency at the request of the director of public works, may petition the superior court for the issuance of a temporary restraining order, temporary injunction, or permanent injunction, or combination thereof, as may be appropriate, requiring any person not complying with this chapter to comply therewith.

*(Prior gen. code § 7-202.2)*

**13.12.260 - Nonexclusive remedies.**

The remedies provided herein are not exclusive, and are in addition to any other remedy or penalty provided by law for violation of this chapter.

*(Prior gen. code § 7-202.3)*

**ARTICLE IV - ADDITIONAL PROVISIONS**

**13.12.270 - Right of entry.**

Whenever necessary to enforce the provisions of this chapter, the director of public works may enter the premises at all reasonable times in the manner provided by law to perform any duty imposed by this chapter.

*(Prior gen. code § 7-203.0)*

**13.12.280 - Liability.**

Neither issuance of a permit under the provisions of this chapter nor compliance with the provisions hereof or with any conditions imposed in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability upon the county for damage to any person or property.

*(Prior gen. code § 7-203.1)*

**13.12.290 - Denial of other permits.**

No building, septic tank, water, sewer, electrical, or any other permit shall be issued by the county to any person for any premises or portion thereof which is in violation of this chapter and which violation is not corrected or approved for correction by the director of public works.

*(Prior gen. code § 7-203.2)*

**13.12.300 - Notice to adjacent owners.**

Upon the filing of an application for a permit, the director of public works may notify by mail the owners of property abutting the site, as shown on the latest equalized assessment roll, that an application for a watercourse protection permit has been submitted pursuant to this chapter, that they may comment at any stage of the procedure, and may lodge an appeal pursuant to the provisions of this chapter.

*(Prior gen. code § 7-203.3)*

**ARTICLE V - SETBACKS**

**13.12.310 - Requirements.**

- A. Setbacks are hereby established adjacent to open channel watercourses in conformance with details shown in Section 13.12.320 of this article.

- B. The purpose of setbacks is to safeguard watercourses by preventing activities that would contribute significantly to flooding, erosion or sedimentation, would inhibit access for watercourse maintenance, or would destroy riparian areas or inhibit their restoration. Accordingly, no development shall be permitted within setbacks, except as otherwise provided herein.
- C. In certain situations, where, in the opinion of the director of public works, it would be in the public interest to permit limited development within a setback, the director of public works may grant a permit for said development provided that the above-specified purpose would be satisfied. In such cases, the permit applicant shall submit sufficiently detailed plans and specifications, and any additional material required by the director of public works, to demonstrate that a proposed development adjacent to an open channel watercourse would meet said requirements.
- D. In all cases where development adjacent to an open channel is permitted within setback limits, the owner of the developed property shall assume all responsibility for any damage whatsoever to his property or to any structures erected thereon.
- E. No development shall be permitted within a setback where it would conflict with the requirements or any applicable county, district or city ordinance, regulation, directive or law.
- F. Setbacks shall be located outside of floodways.
- G. The director of public works shall make the determination as to setback limits and any permitted development within a setback.

*(Prior gen. code § 7-204.0)*

**13.12.320 - Setback criteria.**

See A, B, and C in Ordinance 82-18 for diagrams.

*(Prior gen. code § 7-204.1)*





# REVIEW OF AGENCY PLANNING APPLICATION

## THIS IS NOT A PROPOSAL TO PROVIDE WATER SERVICES

The technical data supplied herein is based on preliminary information, is subject to revision and is to be used for planning purpose ONLY

DATE: 03/25/2019 EBMUD MAP(S): 1542B432 EBMUD FILE:S-10760  
 AGENCY: Alameda County Community Development Agency AGENCY FILE: PLN2019-00024 FILE TYPE: Development Plan  
 Attn: Andrew Young  
 224 West Winton Ave. Room 111  
 HAYWARD, CA 94544

APPLICANT: Ellen Morris, Eden Housing OWNER: State of California  
 22845 Grand Street PO Box 23440  
 Hayward, CA 94541 Oakland, CA 94623

### DEVELOPMENT DATA

ADDRESS/LOCATION: 22447, 22459 & 22513 Ruby St; 1432, 1424, 1418 & 1404 A St, Rockaway Ln; 1481, 1473 Crescent Ave City:HAYWARD Zip Code: 94541

ZONING:LMDR PREVIOUS LAND USE: Residential

DESCRIPTION: Ruby St. Apartments - Construction of a single four-story apartment building with 72 dwelling units. TOTAL ACREAGE:6.08 ac.

TYPE OF DEVELOPMENT:

Multi Family Residential:72 Units

### WATER SERVICES DATA

PROPERTY: in EBMUD ELEVATION RANGES OF STREETS: 120-133 ELEVATION RANGE OF PROPERTY TO BE DEVELOPED: 120-133

All of development may be served from existing main(s)  
Location of Main(s):Crescent Avenue, Ruby Street

None from main extension(s)  
Location of Existing Main(s):

| PRESSURE ZONE | SERVICE ELEVATION RANGE | PRESSURE ZONE | SERVICE ELEVATION RANGE |
|---------------|-------------------------|---------------|-------------------------|
| C1A           | 100-200                 |               |                         |

### COMMENTS

Effective January 1, 2018, water service for new multiunit structures shall be individually metered or sub-metered in compliance with State Senate Bill 7 (SB-7). SB-7 encourages conservation of water in multifamily residential and mixed use multi-family and commercial buildings through metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to SB-7 requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with SB-7.

When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development. Engineering and installation of water mains and meters requires substantial lead time, which should be provided for in the project sponsor's development schedule. No water meters are allowed to be located in driveways. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

NL

CHARGES & OTHER REQUIREMENTS FOR SERVICE:  
Contact the EBMUD New Business Office at (510)287-1008.

*J.L. Jy* 3/29/19  
 Jennifer L. Mcgregor, Senior Civil Engineer, DATE  
 WATER SERVICE PLANNING SECTION





## Palmeri, Maria, CDA

---

**From:** Gonzales, Fernando  
**Sent:** Wednesday, July 10, 2019 11:31 AM  
**To:** Chauhan, Nisha, CDA  
**Cc:** Valderrama, Arthur; Orduna, Rodrigo, CDA  
**Subject:** SDR, PLN2019-00024 - Ruby Street Apartment Project  
**Attachments:** 4-2-19 Planning Referral Review Comments\_PLN2019-00024.pdf

Hi Nisha,

Land Development Department have completed the cursory review of the subsequent June 17, 2019 plan drawings exhibit and project referral letter regarding the above application. In addition to the specific and general comments as contained in the previous April 4, 2019 letter (copy enclosed) which are still applicable, the following comments are being offered:

1. Ownership and maintenance responsibility of the proposed "Parcel C" as well as the proposed "creek side trail" will have to be clearly defined and should be specifically outlined and included in the project Conditions of Approval.
2. It should be clearly defined whether or not the proposed "creek side trail" will be designed to also function as maintenance access road for the creek. This should also be specifically outlined and included in the project Conditions of Approval.

Thank you.

**Fernando B. Gonzales, P.E.**

Associate Civil Engineer  
Construction & Development Services Department  
Alameda County Public Works Agency  
951 Turner Court, Suite 100, Hayward, CA 94545  
Direct 510-670-5267 Facsimile 510-670-5269  
[fernando@acpwa.org](mailto:fernando@acpwa.org)



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# Alameda County Fire Department

## Fire Prevention Bureau

### Plan Review Comments

399 Elmhurst Street, Room 120, Hayward, California 94544 (510) 670-5853 Fax (510) 887-5836

06/20/2019

Alameda County  
Community Development Agency  
Planning Department  
224 West Winton Ave., Room 111  
Hayward, California 94544

|                        |                                 |              |            |
|------------------------|---------------------------------|--------------|------------|
| <b>To</b>              | Nisha Chauhan                   | <b>PLN #</b> | 2019-00024 |
| <b>Address</b>         | Ruby Street                     |              |            |
| <b>Job Description</b> | 72 Unit Affordable Housing      |              |            |
| <b>Reviewed By</b>     | Bonnie S. Terra, Division Chief |              |            |

**Review of Planning referrals are usually based on information and plans that lack sufficient information and details for specific comments. The primary focus of our review is to assure fire access to the site. Specific fire and building code issues will be addressed during the regular building permit submittal and review process.**

#### Conditions of Approval

The following conditions shall be met prior the issuance of a building permit and fire clearance for occupancy.

1. Project must comply with all building and fire code requirements in effect at time of building permit submittal.
2. The building must be equipped with fire sprinklers and a fire alarm system that includes fire sprinkler monitoring.
3. The building may also need an emergency response radio system. If existing systems cannot operate in the building.
4. If a fire pump is needed a fire pump room will need to be provided. That room will need to be directly accessible from a fire access road.

**The following are items that should be added or removed from the plans prior to building permit plan review submission.**

1. Add all of the applicable codes including additions to G0.00.
2. Remove all of the hose and access lines on sheet G0.01. As they are confusing and not correct in some cases.
3. On L1.1a -L1.1c, please remove the words fire access path from note 10.
4. On L1.2 please remove the words fire access path from note 15.
5. On sheet A1.101a please remove the reference to the Knox box at the gate along Ruby and move the box shown at the gate along the parking are to by the back entry door.
6. On sheet A1.101b please remove the reference to the Knox box at the gate along Ruby.
7. Please note the location of the fire riser and/or fire pump room along the fire access.



## Palmeri, Maria, CDA

---

**From:** Orduna, Rodrigo, CDA  
**Sent:** Tuesday, July 24, 2018 4:49 PM  
**To:** 'Ellen Morris'  
**Cc:** Curtis Caton; Kevin Riley; Theresa Ballard  
**Subject:** RE: Caltrans SLZ Creek Environ Mitigation Project - Doc Review  
**Attachments:** CEQA consultants updated June 2018.pdf

Greetings, Ellen.

Attached is a list of CEQA consultants that have done work with the County in the past.

Also, I forgot to mention earlier that the CEQA review will involve review of the effect of demolition of any potentially historic structures (any structure older than 50 years that is proposed to be demolished needs to be studied for potential historical significance).

Regards,

Rodrigo

Rodrigo Orduña, AICP  
Assistant Planning Director  
Alameda County Planning Department  
Community Development Agency

[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)  
telephone 510-670-6503  
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**From:** Ellen Morris [<mailto:Ellen.Morris@edenhousing.org>]  
**Sent:** Friday, July 20, 2018 02:48 PM  
**To:** Orduna, Rodrigo, CDA <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>  
**Cc:** Curtis Caton <[ccaton@pyatok.com](mailto:ccaton@pyatok.com)>; Kevin Riley <[kriley@pyatok.com](mailto:kriley@pyatok.com)>; Theresa Ballard <[tballard@pyatok.com](mailto:tballard@pyatok.com)>  
**Subject:** RE: Caltrans SLZ Creek Environ Mitigation Project - Doc Review

Thanks, Rodrigo!

Will your memo include our CEQA requirements and the County's preferred consultant? I should have mentioned that we will also need to complete a NEPA study.

Thanks,  
Ellen

**Ellen Morris | Project Developer**  
Eden Housing | 22645 Grand Street, Hayward, CA 94541  
510-247-8128 Office  
[Ellen.Morris@edenhousing.org](mailto:Ellen.Morris@edenhousing.org) | [www.edenhousing.org](http://www.edenhousing.org)

**From:** Orduna, Rodrigo, CDA [<mailto:rodrigo.orduna@acgov.org>]  
**Sent:** Friday, July 20, 2018 10:51 AM  
**To:** Ellen Morris <[Ellen.Morris@edenhousing.org](mailto:Ellen.Morris@edenhousing.org)>  
**Cc:** Curtis Caton <[ccaton@pyatok.com](mailto:ccaton@pyatok.com)>; Kevin Riley <[kriley@pyatok.com](mailto:kriley@pyatok.com)>; Theresa Ballard <[tballard@pyatok.com](mailto:tballard@pyatok.com)>  
**Subject:** RE: Caltrans SLZ Creek Environ Mitigation Project - Doc Review

Greetings, Ellen.

My apologies. I have been pulled to work on other issues and have not had time to come back to the pre-app notes. I have been hoping to finish them all of this past week. I hope to be able to do so in the next day or so.

Regards,

Rodrigo

Rodrigo Orduña, AICP  
Assistant Planning Director  
Alameda County Planning Department  
Community Development Agency

[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)  
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**From:** Ellen Morris [<mailto:Ellen.Morris@edenhousing.org>]  
**Sent:** Thursday, July 19, 2018 09:47 AM  
**To:** Orduna, Rodrigo, CDA <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>  
**Cc:** Curtis Caton <[ccaton@pyatok.com](mailto:ccaton@pyatok.com)>; Kevin Riley <[kriley@pyatok.com](mailto:kriley@pyatok.com)>; Theresa Ballard <[tballard@pyatok.com](mailto:tballard@pyatok.com)>  
**Subject:** RE: Caltrans SLZ Creek Environ Mitigation Project - Doc Review

Hi Rodrigo,

Have you circulated the notes yet? Just making sure I get a copy.

Thanks!  
Ellen

**Ellen Morris | Project Developer**  
Eden Housing | 22645 Grand Street, Hayward, CA 94541  
510-247-8128 Office  
[Ellen.Morris@edenhousing.org](mailto:Ellen.Morris@edenhousing.org) | [www.edenhousing.org](http://www.edenhousing.org)

**From:** Ellen Morris  
**Sent:** Thursday, July 12, 2018 9:51 AM  
**To:** Orduna, Rodrigo, CDA <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>  
**Cc:** Curtis Caton <[ccaton@pyatok.com](mailto:ccaton@pyatok.com)>; Kevin Riley <[kriley@pyatok.com](mailto:kriley@pyatok.com)>; Theresa Ballard <[tballard@pyatok.com](mailto:tballard@pyatok.com)>  
**Subject:** RE: Caltrans SLZ Creek Environ Mitigation Project - Doc Review

Thank you!

Ellen

**Ellen Morris | Project Developer**  
Eden Housing | 22645 Grand Street, Hayward, CA 94541  
510-247-8128 Office  
[Ellen.Morris@edenhousing.org](mailto:Ellen.Morris@edenhousing.org) | [www.edenhousing.org](http://www.edenhousing.org)

**From:** Orduna, Rodrigo, CDA [<mailto:rodrigo.orduna@acgov.org>]  
**Sent:** Thursday, July 12, 2018 9:49 AM  
**To:** Ellen Morris <[Ellen.Morris@edenhousing.org](mailto:Ellen.Morris@edenhousing.org)>  
**Cc:** Curtis Caton <[ccaton@pyatok.com](mailto:ccaton@pyatok.com)>; Kevin Riley <[kriley@pyatok.com](mailto:kriley@pyatok.com)>; Theresa Ballard <[tballard@pyatok.com](mailto:tballard@pyatok.com)>  
**Subject:** RE: Caltrans SLZ Creek Environ Mitigation Project - Doc Review

Greetings, Ellen.

I will get you those notes tomorrow.

Regards,

Rodrigo

Rodrigo Orduña, AICP

Assistant Planning Director  
Alameda County Planning Department  
Community Development Agency

[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)  
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**From:** Ellen Morris [<mailto:Ellen.Morris@edenhousing.org>]  
**Sent:** Wednesday, July 11, 2018 05:06 PM  
**To:** Orduna, Rodrigo, CDA <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>  
**Cc:** Curtis Caton <[ccaton@pyatok.com](mailto:ccaton@pyatok.com)>; Kevin Riley <[kriley@pyatok.com](mailto:kriley@pyatok.com)>; Theresa Ballard <[tballard@pyatok.com](mailto:tballard@pyatok.com)>  
**Subject:** RE: Caltrans SLZ Creek Environ Mitigation Project - Doc Review

Hi Rodrigo,

Just following up to see if you've prepared notes from the pre-app meeting on Ruby Street.

Thanks!  
Ellen

**Ellen Morris | Project Developer**  
Eden Housing | 22645 Grand Street, Hayward, CA 94541  
510-247-8128 Office  
[Ellen.Morris@edenhousing.org](mailto:Ellen.Morris@edenhousing.org) | [www.edenhousing.org](http://www.edenhousing.org)

**From:** Ellen Morris  
**Sent:** Tuesday, July 03, 2018 10:19 AM  
**To:** [rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)  
**Cc:** Curtis Caton <[ccaton@pyatok.com](mailto:ccaton@pyatok.com)>; Kevin Riley <[kriley@pyatok.com](mailto:kriley@pyatok.com)>; Theresa Ballard <[tballard@pyatok.com](mailto:tballard@pyatok.com)>  
**Subject:** FW: Caltrans SLZ Creek Environ Mitigation Project - Doc Review

Hi Rodrigo,

It was nice to meet you and the other members of the County's planning/building team at the Ruby Street Pre-App meeting last Friday. I wanted to share the information we've received on the proposed creekside trail and Caltrans' environmental mitigation work on the site. We're hoping that this information can inform the level of CEQA study that will need to be completed for the project to proceed.



Could you also share the notes/report you created for the meeting?

Let me know if you have any comments or questions.

Thanks!

Ellen



**Ellen Morris | Project Developer**

Eden Housing | 22645 Grand Street, Hayward, CA 94541

510-247-8128 Office

[Ellen.Morris@edenhousing.org](mailto:Ellen.Morris@edenhousing.org) | [www.edenhousing.org](http://www.edenhousing.org)

The mission of Eden Housing is to build and maintain high-quality, well-managed, service-enhanced affordable housing communities that meet the needs of lower income families, seniors and persons with disabilities.

[Eden is celebrating 50 years!](#)

---

**From:** Meghan Tiernan [<mailto:tiem@haywardrec.org>]

**Sent:** Friday, June 01, 2018 1:09 PM

**To:** Curtis Caton

**Subject:** FW: Caltrans SLZ Creek Environ Mitigation Project - Doc Review

Hi Curtis,

I apologize for not getting back to you sooner. Paul and I met with Bruce King of Friends of San Lorenzo Creek. Most of what we discussed is covered in the material Bruce sent below and attached regarding creek mitigation in the area. This may be more than you need but it's might be useful to have.

We are hoping to receive master plan from Alameda County showing the proposed trail alignment in this area but have not received them yet. As I understand, the trail alignment is simply shown diagrammatic line on the north/east side of the creek. The City of Hayward references the County's Watercourse Protection Ordinance (also attached) for creek setbacks, however, it's not clear in the ordinance if a trail can be placed within the setback. Any proposed alignment may need to be reviewed by the County.



Explore  
Play  
Learn

**Meghan Tiernan**

Capital Planning and Development Director

Hayward Area Recreation & Park District

1099 E Street | Hayward, CA | 94541

510-881-6712 (p) | 510-888-5758 (f)

[tiem@haywardrec.org](mailto:tiem@haywardrec.org)

[WWW.HAYWARDREC.ORG](http://WWW.HAYWARDREC.ORG)

From: Bruce King [<mailto:bruceking8@gmail.com>]

Sent: Thursday, March 22, 2018 1:44 PM

To: Paul McCreary <[McCP@haywardrec.org](mailto:McCP@haywardrec.org)>; Jennifer Pearce <[jennifer.pearce@acgov.org](mailto:jennifer.pearce@acgov.org)>; McElligott, Elizabeth, CDA <[elizabeth.mcelligott@acgov.org](mailto:elizabeth.mcelligott@acgov.org)>; Hank Ackerman <[Hank@acpwa.org](mailto:Hank@acpwa.org)>; Sara Bulzer <[Sara.Bulzer@hayward-ca.gov](mailto:Sara.Bulzer@hayward-ca.gov)>; Shindler, Mark@DOT <[mark.shindler@dot.ca.gov](mailto:mark.shindler@dot.ca.gov)>; Matt Turner <[matt.turner@acgov.org](mailto:matt.turner@acgov.org)>; Paul Keener <[PaulK@acpwa.org](mailto:PaulK@acpwa.org)>; Karl Zabel <[ZabK@haywardrec.org](mailto:ZabK@haywardrec.org)>; Meghan Tiernan <[tiem@haywardrec.org](mailto:tiem@haywardrec.org)>; King Leong <[leok@haywardrec.org](mailto:leok@haywardrec.org)>; Kiaaina, Ron@DOT <[ron.kiaaina@dot.ca.gov](mailto:ron.kiaaina@dot.ca.gov)>

Subject: Fwd: Caltrans SLZ Creek Environ Mitigation Project - Doc Review

All,

**This is a revision to my March 15 email to you.**

**I got some additional input and an updated Project Fact Sheet from Ron Kiaana (the project manager) via the Caltrans CPRA Coordinator. I therefore updated my March 15 email to you with the new information. See my updates in blue text below, along with a two revised attachments to this email (i.e., Project Fact Sheet and Doc Excerpts by FSLC).**

Bruce

---

## SCOPE AND PURPOSE

**Scope:** I reviewed project documents that I requested and recently received from Caltrans related to the environmental mitigation project on San Lorenzo Creek. This project was constructed in ~2016 roughly between A Street and the Japanese Gardens. Documents that I received from Caltrans CPRA Coordinator are attached to this email.

**Purpose:** This review was conducted to determine if these documents contained information that may assist in determining conditions or requirements that need to be known as land sales and development along this section of creek are planned. This review also provided additional information to support general FSLC recommendations related to creek protection and trail development.

## KEY REVIEW FINDINGS

Based on my review of the Caltrans project documents, here is a summary of some key findings:

- **Project Schedule: Two schedules were stated.**
  - **Caltrans:** Construction started in April 2016 and the work was completed in August 2016. The contractor is maintaining the site for a period of 3 years until the plantings are established. End of project is August 2019. (Project Mgr. Ron Kiaaina in 3/16/18 via CPRA email, and updated March 2018 Project Fact Sheet).
  - **California Department of Fish and Wildlife (CDFW):** Caltrans must monitor survival and vigor of plantings to ensure attainment of 75% survival after 5 years. In addition, the Caltrans plan must include a proposed endowment to fund the ongoing maintenance of the parcel (see CDFW Streambed Alteration Agreement, 14 Nov 2014, Page 6, Section 3.1).
- **Project Scope: Two similar project scopes were summarized.**
  - **Project Fact Sheet 2014 & 2018:** "The project will provide riparian enhancement and restoration by implementing invasive vegetation removal, bank restoration, and debris/trash removal along San Lorenzo Creek in Hayward and Castro Valley, CA. Bank restoration includes reseeding and native planting with grasses, willow cuttings, shrubs,

understory trees, and canopy trees throughout the existing banks and in a 20' wide riparian top of bank buffer zone" (original Dec 2014 and updated Mar 2018 Project Fact Sheet). "A conservation easement will be placed around the restored area" (The updated Mar 2018 Project Fact Sheet inserted the term "conservation easement" in place of the term "deed restriction").

- Project Mgr. Description 2018: "The mitigation project provides riparian enhancement and restoration along San Lorenzo Creek in Hayward and Castro Valley. The scope of work includes invasive vegetation removal, bank restoration, and debris/trash removal. The bank restoration includes reseeding and native planting with grasses, willow cuttings, shrubs, understory trees, and canopy trees throughout the existing banks. The mitigation site includes the San Lorenzo creek channel, bank, and a 20' wide riparian buffer zone beyond the top of bank on the north side of the creek. Erosion control is placed within the buffer zone, but no mitigation plantings are installed there. The mitigation site is protected from future development or alternation by a conservation easement." (Project Mgr. Ron Kiaaina via CPRA 3/16/18 email)
- **Area and Limit Definitions:** It appears to me that the Caltrans project documents inconsistently describe and show areas and limits. Stated areas and limits include the following: riparian corridor; invasive removal; invasive removal and restoration; bank restoration; 20-foot-wide, riparian, top-of-bank buffer zone; conservation easement; and restored area with deed restriction. Here are some of my more-specific findings:
  - In some cases, large areas shown as "riparian corridor," "invasive removal," and "restoration" are well beyond the "20-foot, top-of-bank, buffer zone" that was fenced by Caltrans. These areas are not synonymous as shown in the documents. (see photo log of existing conditions and Figure 2 in the Natural Environmental Study, May 2014).
  - "Conservation easement" areas were not shown in the 2014-2015 figures or plans. "Conservation easement" was listed in the May 2014 Figure 2 legend, but the easement line was only shown in one very limited section of creek bank near A Street on the Hayward-side of the creek. Recently, the project manager described the "conservation easement" as "the San Lorenzo creek channel, bank, and a 20' wide riparian buffer zone beyond the top of bank on the north side of the creek" (Ron Kiaaina via CPRA 3/16/18 email).

## RECOMMENDATIONS

Locations of and requirements for creek setbacks, conservation easements, and trails must be assessed, calculated, and determined for future site planning and development.

- **Watercourse Protection Ordinance (WPO).** WPO requirements for creek setbacks are established in the Alameda County . WPO setbacks must include required calculations and an assessment to determine locations of included riparian areas. Under the WPO, no development (e.g., trails, fences) is allowed within the creek setback. The WPO setback area could be considered a conservation easement in any site development plans.
- **Caltrans.** The location and management conditions of the legally-required "conservation easement" area needs to be determined and/or clearly shown on maps. Any original or updated requirements or agreements from other agencies (e.g., CDFW, water board) must also be included. Any new (>2015) maps created to show the "conservation easement" area should be compared to original (2014-2015) maps showing areas to be restored and buffered.
- Space requirements and location of the bicycle-pedestrian trail must be determined. This trail must be outside the creek setback and conservation easement area.

- Longer-term ownership and responsibilities for the Caltrans-created "conservation easement" area should be discussed now and determined when needed.
- Alameda County Flood Control and Water Conservation District should specify any requirements for flood control easements when needed.

Bruce King  
 Friends of San Lorenzo Creek  
[510-209-1410](tel:510-209-1410)

----- Forwarded message -----

From: Bruce King <[bruceking8@gmail.com](mailto:bruceking8@gmail.com)>

Date: Thu, Mar 15, 2018 at 3:32 PM

Subject: Caltrans SLZ Creek Environ Mitigation Project - Doc Review

To: Paul McCreary <[mccp@haywardrec.org](mailto:mccp@haywardrec.org)>, Jennifer Pearce <[jennifer.pearce@acgov.org](mailto:jennifer.pearce@acgov.org)>, "McElligott, Elizabeth, CDA" <[elizabeth.mcelligott@acgov.org](mailto:elizabeth.mcelligott@acgov.org)>, Hank Ackerman <[Hank@acpwa.org](mailto:Hank@acpwa.org)>, Sara Buizer <[Sara.Buizer@hayward-ca.gov](mailto:Sara.Buizer@hayward-ca.gov)>, "Shindler, Mark@DOT" <[mark.shindler@dot.ca.gov](mailto:mark.shindler@dot.ca.gov)>, Matt Turner <[matt.turner@acgov.org](mailto:matt.turner@acgov.org)>, Paul Keener <[PaulK@acpwa.org](mailto:PaulK@acpwa.org)>

Cc: Karl Zabel <[ZabK@haywardrec.org](mailto:ZabK@haywardrec.org)>, Meghan Tiernan <[tiem@haywardrec.org](mailto:tiem@haywardrec.org)>, King Leong <[leok@haywardrec.org](mailto:leok@haywardrec.org)>

#### SCOPE AND PURPOSE

**Scope:** I reviewed project documents that I requested and recently received from Caltrans related to the environmental mitigation project on San Lorenzo Creek. This project was constructed in ~2016 roughly between A Street and the Japanese Gardens. Documents that I received from Caltrans CPRA Coordinator are attached to this email.

**Purpose:** This review was conducted to determine if these documents contained information that may assist in determining conditions or requirements that need to be known as land sales and development along this section of creek are planned. This review also provided additional information to support general FSLC recommendations related to creek protection and trail development.

#### KEY REVIEW FINDINGS

Based on my review of the Caltrans project documents, here is a summary of some key findings:

- Caltrans must monitor survival and vigor of plantings to ensure attainment of 75% survival after 5 years. In addition, the Caltrans plan must include a proposed endowment to fund the ongoing maintenance of the parcel (see California Department of Fish and Wildlife [CDFW] Streambed Alteration Agreement, 14 Nov 2014, Page 6, Section 3.1).
- "Bank restoration includes reseeding and native planting with grasses, willow cuttings, shrubs, understory trees, and canopy trees throughout the existing banks and in a 20' wide riparian top of bank buffer zone. A deed restriction will be placed around the restored area" (see Project Fact Sheet).
- It appears to me that the Caltrans project documents inconsistently describe and show areas and limits. Stated areas and limits include the following: riparian corridor; invasive removal; invasive removal and restoration; bank restoration; 20-foot-wide, riparian, top-of-bank buffer zone; conservation easement; and restored area with deed restriction. Here are some of my more-specific findings:
  - In some cases, large areas shown as "riparian corridor," "invasive removal," and "restoration" are well beyond the "20-foot, top-of-bank, buffer zone" that was fenced by Caltrans. These areas are not synonymous as shown in the documents. (see photo log of existing conditions and Figure 2 in the Natural Environmental Study).

- "Conservation easement" and deed-restricted areas were not shown in the figures or plans. "Conservation easement" was listed in the Figure 2 legend, but the easement line was only shown in one very limited section of creek bank near A Street.

## RECOMMENDATIONS

Locations of and requirements for creek setbacks, conservation easements, and trails must be assessed, calculated, and determined.

- Requirements for creek setbacks are established in the Alameda County Watercourse Protection Ordinance (WPO). WPO setbacks must include required calculations and an assessment to determine locations of included riparian areas. Under the WPO, no development (e.g., trails, fences) is allowed within the creek setback. The WPO setback area could be considered a conservation easement.
- The location and maintenance conditions of the legally-required "conservation easement" and "deed-restricted" area noted in Caltrans documents needs to be determined and/or clearly shown on maps. Any requirements from other agencies (e.g., CDFW, water board) must also be included.
- Space requirements and location of the bicycle-pedestrian trail must be determined. This trail must be outside the creek setback and conservation easement area.
- Longer-term ownership and responsibilities for the Caltrans-created "conservation easement" and "deed-restricted" area should be discussed now and determined when needed.
- Alameda County Flood Control and Water Conservation District should specify any requirements for flood control easements when needed.

Bruce King  
Friends of San Lorenzo Creek  
[510-209-1410](tel:510-209-1410)

[Caltrans SLZCreek Mitigation Info Handout 2015.pdf](#)

"This message may contain confidential and/or proprietary information, and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."



**COUNTY OF ALAMEDA**  
**PUBLIC WORKS AGENCY**  
*INTER-OFFICE COMMUNICATION*

DATE : March 26, 2019  
TO : Andrew Young, Development Planning Division  
FROM : Andy Cho, Grading Division, Construction and Development Services  
SUBJECT : Case No. PLN 2019-00024, Site Development Review



Reference is made to the subject planning application that was referred to this office for review and comment. Per the project referral cover letter, this application is to allow an apartment building for 72 dwelling units and related site improvements at the lots located on Ruby Street; together with approval of a trail corridor north of A Street extending nor to Crescent Avenue and west to Rockaway Lane, unincorporated area of Castro Valley.

Based on our review of the submitted information, we have the following preliminary comments:

1. According to the Seismic Hazard Zones map published by the *California Geologic Survey*, the subject site is located within the designated zone of required investigation for liquefaction. A site-specific geotechnical investigation report, which documents the results of an investigation of the site for seismic hazards and recommends mitigation measures to reduce the risk of identified seismic hazards to acceptable levels, should be required prior to approval of any structures for human occupancy or any subdivision of land that contemplate the eventual construction of structures for human occupancy in compliance with the provisions of the Seismic Hazards Mapping Act and the Special Publication 117A
2. No grading shall be permitted until a grading plan and erosion and sedimentation control plans have been reviewed and approved by the County and a grading permit or exemption is obtained from this office in accordance with the provisions of the Alameda County Grading Ordinance
3. A geotechnical/geologic investigation report shall accompany the grading permit application in accordance with the provisions of the Alameda County Grading Ordinance Chapter 15.36.320. The report shall contain all of the elements listed under the Alameda County Grading Ordinance Chapter 15.36.350 as they may be applicable to the project
4. No grading work would be allowed during the rainy season, from October 1 to April 30, except upon a clear demonstration, to the satisfaction of the director of the public works, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site
5. Prior to any work within a watercourse setback, a watercourse encroachment permit or a grading permit shall be secured from this office in accordance with the Alameda County Watercourse Protection Ordinance. The Watercourse Ordinance established a setback of 20 feet from the top of bank. However, for existing bank slopes at 2 horizontal to 1 vertical, or steeper, establish the setback by drawing a line at a 2 horizontal to 1 vertical slope from the toe of the existing bank to a point where it intercepts the ground surface and then adding 20 feet. A site or grading plan shall delineate this watercourse setback accordingly



6. Prior to any grading work near/within the watercourse and near/within any potential riparian habitats for the state and federal protected species, the owner/developer shall secure necessary permits or approvals required from other regulatory state and federal agencies as required
7. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for Alameda County shows the 100-year floodplain along the creek. The boundaries of the floodplains need to be delineated on the grading plan in accordance with the FEMA map. Any improvements on the subject lot will be subject to the FEMA regulations
8. Sites with land disturbances greater than one (1) acre must file a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State General NPDES permit for Construction Activities. A copy of the NOI must be submitted to the District prior to issuance of a grading permit for the site or any land disturbance on the site. A Storm Water Pollution Prevention Plan (SWPPP) shall be made available to the District prior to issuance of grading permit or any land disturbance on the site

#### Specific Comments on Preliminary Grading Plans

9. Based on our review of the preliminary grading plans, i.e. C-4.1.1 and C-4.1.2, in the exhibit plans, we have the following suggestions and recommendations:
  - Include a legend block to provide explanations for the symbols and lines used on the grading plan
  - The lines used along the watercourse setback are somewhat confusing on the grading plan and should be clarified. Especially, the lines used for determination of the watercourse setback should be clarified including, but not limited to, approximate location of tops and toes of banks of any watercourses, 2:1 daylight line, watercourse setback along with any associated riparian habitat zones
  - Clarify the boundaries of any floodplains, as designated in accordance with the provisions of chapter 15.40 of this title
  - Include location and nature of known or suspected soil or geologic hazard areas, including seismic hazard boundaries as depicted on the maps published by the California Geologic Survey
  - A conceptual plan for erosion and sediment control including both temporary facilities and long-term site stabilization features such as planting or seeding for the area affected by the proposed grading
  - Typical cross sections (not less than two) of all existing and proposed graded areas taken at intervals not exceeding two hundred (200) feet and at locations of maximum cuts and fills
  - An estimate of the quantities of excavation and fill, adjusted for anticipated swell or shrinkage

Feel free to contact me at [andyhjc@acpwa.org](mailto:andyhjc@acpwa.org) or (510) 670-6451 if you have any questions.

cc: applicant: Ellen Morris, Eden Housing, 22645 Grand St. Hayward, CA 94541  
Land Development Division



## Palmeri, Maria, CDA

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**From:** Theresa Ballard <tballard@pyatok.com>  
**Sent:** Wednesday, July 10, 2019 11:08 AM  
**To:** Cho, Andy Hyun-Jae; Chauhan, Nisha, CDA  
**Cc:** Ellen Morris; Curtis Caton  
**Subject:** FW: Grading Comments on PLN 2019-00024, Ruby St  
**Attachments:** 190610 Transmittal.pdf

Hello Mr. Cho,

I neglected to send you this attachment on Monday when I received your recent comments for the Ruby Street Affordable Housing application. Regarding comment 1 that you did not receive a response to your original letter – our response was submitted on 6/10/19 with the updated drawing set but I think you must not have seen it. It's attached here. Direct responses to your Public Works' original comments start on page 3.

Thank you!  
-Theresa Ballard

**Theresa Ballard, AIA, LEED AP**  
Associate Principal

**PYATOK**

T. 510.465.7010 x108 / tballard@pyatok.com

Theresa Ballard / Associate Principal / 510.465.7010 x108 / [tballard@pyatok.com](mailto:tballard@pyatok.com)

>>>Please Note: **PYATOK** will be closed on the following Fridays during the Summer of 2019: June 7, 21; July 5, 19; August 2, 16, 30.

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**From:** Ellen Morris [<mailto:Ellen.Morris@edenhousing.org>]  
**Sent:** Monday, July 08, 2019 5:34 PM  
**To:** Theresa Ballard  
**Subject:** Fwd: Grading Comments on PLN 2019-00024, Ruby St

**Ellen Morris | Senior Project Developer**

Eden Housing | 22645 Grand Street, Hayward, CA 94541

510-247-8128 Office |

[Ellen.Morris@edenhousing.org](mailto:Ellen.Morris@edenhousing.org) | [www.edenhousing.org](http://www.edenhousing.org)



The mission of Eden Housing is to build and maintain high-quality, well-managed, service-enhanced affordable housing communities that meet the needs of lower income families, seniors and persons with disabilities.

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**From:** Cho, Andy Hyun-Jae <[andyhjc@acpwa.org](mailto:andyhjc@acpwa.org)>  
**Sent:** Monday, July 8, 2019 5:21:51 PM  
**To:** Chauhan, Nisha, CDA  
**Cc:** Gonzales, Fernando; Ellen Morris  
**Subject:** Grading Comments on PLN 2019-00024, Ruby St

Hi Nisha,

I have reviewed your project referral and offer the following comments regarding the subject application:

1. The general comments provided in the previous Inter-office Communication memo dated March 26, 2019, i.e. Comment #1 through #8, are still applicable. Copy of the memo attached herein
2. The watercourse setback lines delineated on the submitted plans look reasonable from the schematic standpoints, i.e. 2:1 plus 20'. However, the proposed earthwork is encroaching into the watercourse setback. Pursuant to Article V of the Watercourse Protection Ordinance, no development shall be allowed within the watercourse setback, except as otherwise provided in the said ordinance

Should you have any questions, feel free to contact me.

Regards,



Andy Cho, F.E.  
Assistant Engineer  
Construction & Development Services Department  
899 Elmhurst Street, Room 141, Hayward, CA 94544  
Phone 510.670.6431, Fax 510.670.5787, email: [andyhjc@acpwa.org](mailto:andyhjc@acpwa.org)

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Transmittal  
(delivery by courier)

**06/10/2019**

To:  
Nisha Chauhan, Senior Planner  
Planning Department  
Alameda County Community Development Agency  
224 West Winton Avenue  
Room 111  
Hayward, CA 94544-1215

**RE: Resubmittal for Proposed Development Review  
Located at 1744 Ruby Street, Castro Valley, CA  
PLN2019-00024**

Dear Ms. Chauhan,

This resubmittal includes responses to the Public Works Department, Fire Department, and Planning Department comments received earlier this year, based upon our February 2019 submittal.

Please find the following documents enclosed:

1. Updated Drawings dated 6/7/19
2. Comment Responses
3. Memo from Cox Castle Nicholson dated 6/7/19

Per your direction on 6/10/19, we are not resubmitting items that were already included with the original submittal. Those items are highlighted on the second page of this transmittal, and should already be in the County's Possession.

Sincerely,

Theresa Ballard, AIA  
Associate Partner  
PYATOK



This is a copy of the transmittal from our original submittal. We have highlighted the items that have already been provided to the County. Those items are not included again with this resubmittal.

DATE: ~~02/7/2019~~ **6/7/19**  
 Phil Sawrey-Kubicek  
 Alameda County Planning Department  
 (510) 670-5400  
 phil.sawrey-kubicek@acgov.org  
 RE: Ruby Street Family Apartments  
 FROM: Theresa Ballard, AIA

**TRANSMITTAL**

- Courier
- Hand Delivery
- Overnight
- Email
- Upload
- Regular Mail
- Fax #: Pages:

Phil,

Thank you for receiving this application for planning review of proposed affordable housing at Ruby Street in Castro Valley, and our environmental study, on behalf of Ellen Morris at Eden Housing. Enclosed you will find the following:

- Standard Application for Site Development Review, with Affidavit
- Site Development Review Application Supplement
- Stormwater Checklist for C.6/C.3 Compliance
- ~~Design Drawings (2/5/19) including the following (20 full size plus 1 reduced size set):~~ **updated 6/7/19**
  - ~~Architectural Drawings and Materials Board prepared by Pyatok Architects~~
  - ~~Civil Engineering Drawings prepared by Luk + Associates, including Plot Plan~~
  - ~~Landscape Architecture Drawings prepared by JETT Landscape Architecture + Design~~
- Memorandum from Pyatok Architects (2/7/19) describing use of Density Bonus Law
- Memorandum from Eden Housing (1/10/19) describing funding constraints
- Memorandum from Restoration Design Group (2/11/19)
- Final Geotechnical Investigation by Rockridge Geotechnical (2/6/19)
- Flood Insurance Rate Map (8/3/09) indicating flood hazard areas
- Memorandum from Urban Planning Partners (2/1/19) identifying environmental impacts
- ~~Check # 6816 for \$4,000.00 for Planning Department fees~~
- ~~Check # 6918 for \$4,000.00 for Public Works Department fees~~

Please feel free to contact either Ellen or myself with any questions regarding this project.

Ellen Morris, Project Developer  
 Eden Housing  
 (510) 247-8218  
 Ellen.Morris@edenhousing.org

Theresa Ballard, AIA, Associate Principal  
 Pyatok Architects, Inc.  
 (510) 465-7010 x.108  
 tballard@pyatok.com

Best Regards,   
 Theresa Ballard



6/10/2019

Below are our responses to comments made by County of Alameda agencies based upon the submittal dated 2/5/16.

*Original comments are in italicized font.*

**Responses are in bold font.**

| Public Works Comments - dated 3/26/19 |   |
|---------------------------------------|---|
| 1                                     | <p><i>According to the seismic Hazard Zones map published by the California Geological Survey, the subject site is located within the designated zone of required investigation for liquefaction . A site-specific geotechnical investigation report, which documents the results of an investigation of the site for seismic hazards and recommends mitigation measures to reduce the risk of identified seismic hazards to acceptable levels, should be required prior to approval of any structures for human occupancy or any subdivision of land that contemplate the eventual construction of structures for human occupancy in compliance with the provisions of the Seismic Hazards Mapping Act and the Special Publication 117A</i></p> <p><b>A site-specific geotechnical report (dated 2/6/19) prepared by Rockridge Geotechnical was provided our original submittal on 2/7/19. At the time of building permit application, this team will provide an update from the geotechnical engineer evaluating the proposed design.</b></p> |
| 2                                     | <p><i>No grading shall be permitted until a grading plan and erosion and sedimentation control plans have been reviewed and approved by the county and a grading permit or exemption is obtained from this office in accordance with the provisions of the Alameda County Grading Ordinance</i></p> <p><b>This is acknowledged, and is noted in the County Grading Notes on Grading Plan Sheet C-4.1.2. A Preliminary Grading Plan (sheets C-4.1.1 and C-4.1.2), and a preliminary Erosion Control Plan (sheet C-7.1) are included with this package.</b></p>   |
| 3                                     | <p><i>A geotechnical/geologic investigation report shall accompany the grading permit application in accordance with the provisions of the alameda county grading ordinance Chapter 15.36.320. The report shall contain all of the elements listed under the Alameda County Grading Ordinance Chapter 15.36.350 as they may be applicable to the project</i></p> <p><b>This is acknowledged. A geotechnical report was provided with our original submittal on 2/7/19. It will be provided at the time of grading and building permit application.</b></p>  |
| 4                                     | <p><i>No grading work shall be allowed during the rainy season, from October 1 to April 30, except upon a clear demonstration, to the satisfaction of the director of the public works, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site</i></p> <p><b>This is acknowledged, and is noted on Sheet C-4.1.2.</b></p>  |

Ruby Street - Eden Housing  
Responses to County Agency Comments

|  |  |
|--|--|
| 5  | <p><i>Prior to any work within a watercourse setback, a watercourse encroachment permit or a grading permit shall be secured from this office in accordance with the Alameda County Watercourse Protection Ordinance. The Watercourse Ordinance established a setback of 20 feet from the top of the bank. However, for existing bank slopes at 2 horizontal to 1 vertical, or steeper, established the setback by drawing a line at a 2 horizontal and 1 vertical slope from the toe of the existing bank to a point where it intersects the ground surface and then adding 20 feet. A site or grading plan shall delineate this watercourse setback accordingly.</i></p> <p>This is acknowledged, and noted in the See County Grading Notes on sheet C-4.1.2. The required creek setback has been located per the County's Watercourse Protection Ordinance, and is noted on site plan sheets. Refer to C-4.1.1 and C-4.1.2 for identifacaiton of creek setback edge and C-4.1.3 for creek slope/setback determination sections.</p> |
| 6  | <p><i>Prior to any grading work near/within the watercourse and near/within any potential riparian habitats for the state and federal protected species, the owner/developer shall secure necessary permits or approvals required from other regulatory state and federal agencies as required</i></p> <p>This is acknowledged, and is noted on Sheet C-4.1.2.</p>   |
| 7  | <p><i>The federal emergency management Agency (FEMA) Flood Insurance Rate Map for Alameda County shows the 100-year floodplain along the creek. The boundaries of the floodplains need to be delineated on the grading plan in accordance with the FEMA map. Any improvements on the subject lot will be subject to FEMA regulations</i></p> <p>Extents of FEMA flood plain zone indicated on C-1.1, C-1.2, A1.01,</p>   |
| 8  | <p><i>Sites with land disturbances greater than one (1) acre must file a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State General NPDES permit for Construction Activities. A copy of the NOI must be submitted to the District prior to issuance of a grading permit for the site or any land disturbance on the site. A Stormwater Pollution Prevention PLaN (SWPPP) shall be made available to the District prior to issuance of grading permit or any land disturbance on the site</i></p> <p>This is acknowledged, and is noted on Sheet C-4.1.2.</p>   |
| <b>Specific Comments on Preliminary Grading Plan</b> |  |
| 9  | <p><i>Based on our review of the preliminary grading plans, i.e. C-4.1.1 and C-4.1.2, in the exhibit plans, we have the following suggestions and recommendations.</i></p>   |
| 9.1  | <p><i>Include a legend block to provide explanation for the symbols and lines used on the grading plan</i></p> <p>Legend added on C-4.1.1.</p>   |

Ruby Street - Eden Housing  
Responses to County Agency Comments

|            |   |
|------------|---|
| <b>9.2</b> | <p><i>The lines used along the watercourse setback are somewhat confusing on the grading plan and should be clarified. Especially, the lines used for determination of the watercourse setback should be clarified including, but not limited to, approximate location of the tops and toes of banks of any watercourse, 2:1 daylight line, watercourse setback along with any associated riparian habitat zones</i></p> <p>The location of the creek setback has been recalculated with this clarification based upon the toe of the bank. The toe and corresponding creek setback are indicated on the grading plans, and on C-4.1.3 are section drawings indicating the creek setback calculation method used.</p> |
| <b>9.3</b> | <p><i>Clarify the boundaries of any floodplains, as designated in accordance with the provisions of chapter 15.40 of this title</i></p> <p>Extents of FEMA flood plain zone indicated on C-1.1, C-1.2, A1.01,</p>   |
| <b>9.4</b> | <p><i>Include location and nature of known or suspected soil or geologic hazard areas, including seismic hazard boundaries as depicted on the maps published by the California Geologic Survey</i></p> <p>We have consulted the California Geologic Survey GIS Data Viewer. The entirety of the site (along with much of the neighborhood) is within a Liquefaction Zone. This is noted in the site-specific Geotechnical Report provided with this resubmittal.</p>  |
| <b>9.5</b> | <p><i>A conceptual plan for erosion and sediment control including both temporary facilities and long-term site stabilization features such as planting or seeding for the area affected by the proposed grading</i></p> <p>Refer to the Erosion Control Notes on C-7.1</p>   |
| <b>9.6</b> | <p><i>Typical cross sections (not less than two) of all existing and proposed graded areas taken at intervals not exceeding two hundred (200) feet and at locations of maximum cuts and fills</i></p> <p>See sheet C-4.1.3.</p>   |
| <b>9.7</b> | <p><i>An estimate of the quantities of excavation and fill, adjusted for anticipated swell or shrinkage</i></p> <p>See earthwork table on sheet C-4.1.1.</p>  |

**Fire Department Comments - dated 3/26/19**

|          |  |
|----------|--|
| <b>1</b> | <p><i>Given this is an R2 occupancy the project will be required to have a NFPA 72 compliant fire alarm system with fire sprinkler monitoring installed. Please note this on the plans as a deferred submittal.</i></p> <p>See the Building Code Notes on the Cover Sheet, G0.00</p> |
| <b>2</b> | <p><i>This project will be required to comply with the adopted building and fire codes in affect at the time of building permit submittal.</i></p>   |

Ruby Street - Eden Housing  
Responses to County Agency Comments

|    |   |
|----|---|
|    | <p>See the Building Code Notes on the Cover Sheet, G0.00</p>  |
| 3  | <p><i>Alameda County adopts Appendix D of the fire code. Therefore, all buildings that are 30 foot or greater in height must have an aerial fire department access roadway on at least one entire side of the building. This roadway must be 26 feet in height and shall be located not less than 15 feet and no more than 30 feet from the structure. Please show the location of the aerial fire department access road on the plans.</i></p> <p>Refer to the Fire Access Diagram shown on sheet G0.01. An aerial fire department access roadway is provided at the southwestern (page south) side of the building.</p> |
| 4  | <p><i>Please show the location of all fire hydrants that will serve the project. Please note if they are existing or if they will be installed new as part of this project.</i></p> <p>Two existing and one new fire hydrants are indicated on sheet G0.01</p>  |
| 5  | <p><i>Please remove hose reach information shown on sheet G0.01 as it is not accurate.</i></p> <p>The hose reach information on G0.01 has been revised as requested.</p>  |
| 6  | <p><i>On sheet G0.01 there are rectangles and squares with a note indicating ladder access to be provided at each bedroom to level 2 and 3. Please clarify what these are and what is meant by the statement.</i></p> <p>Ladder access symbols and language has been removed as requested.</p>  |
| 7  | <p><i>The required fire flow for this building with sprinklers is 1500 gpm at 20 psi. Please provide documentation that this demand can be met by the required fire hydrant.</i></p> <p>This information has been requested and will be provided under separate cover. If there is inadequate pressure, a fire pump or other solution will be proposed in the building permit application set.</p>  |
| 8  | <p><i>Please note the location of the fire riser and/or fire pump room along the fire access.</i></p> <p>Fire Pump Room added on the southern portion of the ground floor, visible on sheet A2.01.</p>  |
| 9  | <p><i>The fire access shown on G0.01 including the hammerhead turn around cannot be verified. Please provide this information at a 20, 30 or 40 scale.</i></p> <p>The turnaround provided and scale of the fire access diagram on G0.01 has been revised as requested.</p>  |
| 10 | <p>On sheet A2.04 a corridor is noted outside the elevators. Is this a corridor or a hallway?</p> <p><i>Corridor tag locations on A2.01 - A2.04 have been revised to clarify corridor areas. Elevator smoke curtains are indicated at all elevator doors.</i></p>   |
| 11 | <p><i>All stairwells are shown as being open from the 1st to 4th floor with the exception of stairwell 1 at the 1st floor. Please provide basic exiting information.</i></p>  |



Ruby Street - Eden Housing  
Responses to County Agency Comments

The drawings have been revised to indicate proper enclosure of the stairwells with walls and doors as required. Additional existing information has been provided on sheet G0.02.

**Planning Department Comments - dated 4/12/19**

Please update the project to include:

**1** *A public access easement for the trail along the project side of the creek.*

An easement is included as part of this project, consisting of the full 14' width necessary to create a trail.

**2** *A public access easement from Ruby Street to the proposed trail.*

A second easement is included as part of this project, covering the specially paved path leading from Ruby Street back to the trail easement.

**3** *Physical improvements to the public access walkway between Ruby Street and the proposed trail, to include an entry feature and signage identifying access to the creek trail.*

The site plan, A1.01a, has been revised to include differentiated and widened paving at the creek trail access path and new monument signage where the access path meets the sidewalk

**4** *Modifications to the project parking lot and Fire Access Lane design to incorporate Fire Department access to the 4th story roof at the southeast end of the proposed building.*

The fire access plan has been revised to provide for a Fire Access Lane in the area noted. Refer to sheet G0.01.

**5** *Show locations of all proposed fencing and gates, including their materials.*

Fences and Gates are located on the architectural and landscape site plans, A1.01a and L1.1a. Fences and gates are both also visible on the architectural elevations, A3.03 - A3.05. Additional information about the fences is on L2.1.

**6** *Updated drawings and narrative to differentiate the probability and potential between:*

**6a** *Full construction of a creek trail and use of the A Street parcel frontage as a H.A.R.D. park.*

Parcel B, which has an A Street frontage, is not part of this application package. See our response to comment 6e for a complete description of the three site options provided in this resubmittal.

**6b** *Full construction of a creek trail and use of the A Street parcel as another, private use.*

Parcel B, which has an A Street frontage, is not part of this application package. See our response to comment 6e for a complete description of the three site options provided in this resubmittal.

Ruby Street - Eden Housing  
Responses to County Agency Comments

|           |  |
|-----------|--|
| <b>6c</b> | <p><i>Partial "pedestrian-only" creek trail and long-term retention of CalTrans-required chain-link fencing.</i></p> <p>Parcel B, which has an A Street frontage, is not part of this application package. See our response to comment 6e for a complete description of the three site options provided in this resubmittal.</p>   |
| <b>6d</b> | <p><i>Partial "pedestrian-only" creek train and replacement of CalTrans-required chain-link fencing with bollard-and-chain fencing (or some other, more "visually accessible" fencing between the trail and the creek)</i></p> <p>Parcel B, which has an A Street frontage, is not part of this application package. See our response to comment 6e for a complete description of the three site options provided in this resubmittal.</p>   |
| <b>6e</b> | <p><i>Some other combination of the above trail components.</i></p> <p>Summary of the trail options provided:</p> <p>Site Option A: L1.1a and A1.01a:<br/>4' wide pedestrian trail<br/>bollard and wire rope fencing between the trail and creek<br/>14' wide trail easement, allowing for future potential widening of the trail</p> <p>Site Option B: L1.1b and A1.01b:<br/>10' wide pedestrian/bicycle trail with 2' gravel or decomposed granite shoulders on each side<br/>bollard and wire rope fencing<br/>14' wide trail easement</p> <p>Site Option C: L1.1c and A1.01c:<br/>no trail provided<br/>Existing chain-link fencing is retained for protection of the Conservation Area<br/>14' wide trail easement allows for future trail development</p> <p>With all three site options, the two proposed easements for the full trail and the public access from Ruby Street are the same.</p> |
| <b>7</b>  | <p><i>Revise and update the CEQA document, where applicable.</i></p> <p>Questions related to the CEQA document should be communicated directly to Urban Planning Partners.</p>   |



Cox, Castle & Nicholson LLP  
50 California Street, Suite 3200  
San Francisco, California 94111-4710  
P: 415.262.5100 F: 415.262-5199

Scott B. Birkey  
415.262.5162  
sbirkey@coxcastle.com

File No. 083156

June 7, 2019

**VIA E-MAIL**

Nisha Chauhan, Senior Planner  
Planning Department  
Alameda County Community Development Agency  
224 West Winton Ave, Rm. 111  
Hayward, CA 94544-1215

**Re: 1744 Ruby Street Project, Castro Valley, Alameda County**

Dear Nisha:

On behalf of Eden Housing and its affiliate Ruby Street, L.P. (collectively, "Eden"), we write in regard to Eden's affordable housing project located at 1744 Ruby Street in Castro Valley, Alameda County ("Project"), and the Project's consistency with the County's underlying land use controls and ability to further the County's efforts at satisfying its regional housing needs contribution.

**Project Background**

In response to neighborhood feedback on the Project's original design, Eden submitted a Site Development Review application on February 7, 2019. Among other things, that application proposed the construction of a single two- to four-story building with a total area of approximately 79,917 square feet. The building would contain 8 studio units, 27 one-bedroom units, 18 two-bedroom units, and 18 three-bedroom units, for a total of 71 units affordable at 20 to 60 percent of the area median income. (An additional unit would be occupied by the Project's community manager.) In addition, that application proposed approximately 109 parking spaces.

Eden is now submitting a revised set of drawings in response to additional public comments and referral comments received from County agencies. These revised drawings show a reconfiguration of the emergency fire access for the Project, and an increased separation between the parking and San Lorenzo Creek to comply with the County's Watercourse Protection Ordinance. No changes have been made to the number or mix of residential units, parking counts, or square footages of the structure.

Pursuant to the State and County's density bonus laws, the Project is entitled to a 35 percent increase in the allowable residential density, in addition to waivers of development standards that physically preclude construction of the Project with its entitled density bonus. The Project is also eligible for three incentives or concessions. The 72 units proposed by the Project would be within the increased residential density to which the Project is entitled pursuant to the density bonus laws. The Project would use waivers and concessions for height, setbacks, open space, and other requirements. We note that pursuant to the density bonus laws, the County may not deny the proposed density bonus, waivers, or concessions except in only very limited circumstances, such as an adverse impact upon health, safety, or the physical environment. (See, e.g., Gov't Code § 65915(d)(3).)

When originally acquired from Caltrans by Eden, the site comprised 21 separate parcels. After approval by the County of a Boundary Adjustment, the site is now comprised of 3 separate parcels: **Parcel A**, which will include the Project development, and consists of approximately 2.95 acres; **Parcel B**, which fronts A Street and will not be developed, and consists of approximately 0.34 acre; and **Parcel C**, which is adjacent to San Lorenzo Creek and will not be developed, and consists of approximately 2.99 acres. Eden's current entitlement applications apply solely to development on Parcel A, and any building or use concepts as to Parcels B and C are wholly speculative at this time. As such, the County's review and approval of the Project are limited to the development proposed for Parcel A.

#### **Consistent with General Plan and Zoning**

Even as revised, the Project is fully consistent with the Castro Valley General Plan (March 2012) and the County's Zoning Ordinance. The General Plan designates the site as Residential Low Density Multifamily, which allows low density multifamily residential uses and a density of between 18 and 22 dwelling units per acre. The Zoning for this site is R-S-D-20 (Suburban Residential, 2,000 square foot MBSA) District, which allows residential uses and a density of 20 dwelling units per acres. The Project is a residential development that would result in 72 dwelling units, which is within the range of permitted densities with the density bonus. Accordingly, the Project is fully consistent with the permitted uses and densities required under the General Plan and the zoning for this site.

#### **Increases Housing Stock in Furtherance of Housing Element**

The Department of Housing and Community Development ("HCD") issued its Housing Element Annual Progress Report on December 4, 2018. HCD identified Alameda County as a jurisdiction that has not made sufficient progress toward certain Regional Housing Needs Allocation.<sup>1</sup> The Alameda County General Plan Annual Report for 2017 (the most recent

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<sup>1</sup> See, for example, HCD's Annual Progress Report Permit Summary, available at <http://www.hcd.ca.gov/community-development/housing-element/index.html>; and HCD's SB 35 Statewide Determination Summary, available at [http://www.hcd.ca.gov/community-development/housing-element/docs/SB35\\_StatewideDeterminationSummary.pdf](http://www.hcd.ca.gov/community-development/housing-element/docs/SB35_StatewideDeterminationSummary.pdf).

Report available on the Internet) states that the Association of Bay Area Governments determined that total housing construction need for the unincorporated area of Alameda County is 1,769 housing units for the current planning period of 2015-2023, an annual average of 253 units.<sup>2</sup> Tellingly, this Report indicates that from January 1, 2017 to December 31, 2017, the County's Public Works Agency permitted only 35 dwelling units. Clearly, more needs to be done to bolster the County's housing supply.

Eden's Project will contribute to the County's housing stock by providing a total of 72 new multi-family residential units, 71 of which will be permanently affordable to Extremely Low Income to Low Income households. In addition, the Project site is identified in the County's General Plan 2015-2023 Housing Element (adopted May 5, 2015) "sites inventory" chart as consisting of land available for the development of housing in the unincorporated areas of Alameda County to satisfy the County's contribution to the region's future housing needs.<sup>3</sup>

#### **Complies with Biological Resources Overlay Zone**

The site is located within the Biological Resources Overlay Zone established by the County's General Plan. The purpose of this Zone is to protect areas with important biological resources, such as creeks, hillsides, and riparian areas, by requiring special review of proposed development projects. Because the Project site is within this Zone and given its proximity to San Lorenzo Creek, a biologist conducted a reconnaissance-level survey of the Project site to evaluate the potential occurrence of special-status species and sensitive habitats on the site. Prior to conducting this survey, a review of background information and literature was performed for occurrences of special-status plant and wildlife species on or adjacent to the Project site. The biologist concluded that the Project would not result in any significant impacts related to biological resources and, thus, no mitigation measures related to these impacts pursuant to the California Environmental Quality Act are necessary. Accordingly, the Project complies with the Biological Resources Overlay Zone.

#### **Consistent with Legislative Policies of the Housing Accountability Act**

The County's approval of the Project is consistent with the legislative policies identified in California's Housing Accountability Act. In particular, the Project is in furtherance of the Act's policy to "increase the approval and construction of new housing for all economic segments of California's communities" and to "enhance the approval and supply of housing affordable to Californians of all income levels." (Gov't Code §§ 65589.5(a)(2)(B) & (K).) We note that the Housing Accountability Act strictly limits a local government's ability to disapprove or condition approval of an affordable housing development project in such a manner

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<sup>2</sup> Available at <https://www.acgov.org/cda/planning/generalplans/documents/AlamedaCountyGeneralPlanAnnualReport2017.pdf>.

<sup>3</sup> Properties comprising the Project site include, but are not limited to, the Ruby Street addresses identified on page 13 of the "sites inventory" chart included in the Housing Element.

Nisha Chauhan, Senior Planner  
June 7, 2019  
Page 4

that renders the housing development project infeasible. (Gov't Code § 65589.5(d).) The Act also strictly limits a local government's ability to disapprove all other housing development projects or to impose a condition that a project be developed at a lower density if that project complies with the General Plan and zoning. (Gov't Code § 65589.5(j)(1).)

\* \* \*

On behalf of Eden, we look forward to working with you and other County staff on processing the revised Project. Please do not hesitate to contact me should you have questions regarding any of the above.

Sincerely,



Scott B. Birkey

083156\10736894v3

cc: Ellen Morris, Ruby Street, L.P.

## Palmeri, Maria, CDA

---

**From:** Rogers, John  
**Sent:** Wednesday, July 31, 2019 4:01 PM  
**To:** Chauhan, Nisha, CDA; Lepere, Bill; Valderrama, Arthur  
**Cc:** Cho, Andy Hyun-Jae  
**Subject:** RE: FEMA Zone A study timing?

Nisha-

Any COA related to a Special Flood Hazard Area has to be related to PWA permit application, not issuance. The Building Code requires that the SFHA be shown on the plans prior to the start of plan check, but in the case of Ruby St. we aren't sure about the SFHA (boundaries or elevation) – so that means that this flood study has to be completed (and accepted by the County) prior to application to BID.

The flood-resistant design requirements of the Building Code would pertain to not only the actual building, but all other existing and proposed facilities and features on the total project site. Some developers prefer to get around this by drawing a line around the building (and the associated service lines and other equipment) and getting FEMA to agree (by means of a CLOMA request) that the area beyond the line will not be affected by the base flood.

In the event that the project will include any filling with the SFHA, there will have to be a LOMR-F (Letter of Map Revision Based on Fill) – or a CLOMR-F (Conditional Letter of Map Revision Based on Fill) – filed with FEMA. Not clear from the plans if this is the case at Ruby St., but if the construction of the trail would require the filling of the ground at any point within the area of either the current or the adjusted SFHA, we would typically require the approval of the CLOMR-F request prior to trail construction – and that would mean that the flood study would have to be completed and accepted prior to the CLOMR-F request.

JohnR

---

**From:** Chauhan, Nisha, CDA  
**Sent:** Wednesday, July 31, 2019 2:35 PM  
**To:** Rogers, John <johnr@acpwa.org>; Lepere, Bill <bill@acpwa.org>; Valderrama, Arthur <arthur@acpwa.org>  
**Subject:** RE: FEMA Zone A study timing?

John and Bill,

I did a lot of flood protection CEQA work so I am familiar with some of the issues, but I am clearly not an engineer. With that in mind, what I am thinking, is that it appears that the actual physical building would not be in the flood hazard zone (please correct me if I am wrong), only the proposed trail. So, would this COA language work for you guys?

COA: Prior to issuance of the building permit or grading permit, whichever is issued first, the applicant shall submit to PWA a Zone A FIRM study using the FEMA Zone A Manual for Determining Base Flood Elevations in Special Flood Hazard Areas.

Please feel free to revise the COA text. I don't know how to incorporate the CLOMA and LOMA into the COA.

Thank you,  
Nisha

Nisha Chauhan, AICP  
Senior Planner  
Alameda County  
Community Development Agency  
510.670.6541

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**From:** Rogers, John <[johnr@acpwa.org](mailto:johnr@acpwa.org)>  
**Sent:** Wednesday, July 31, 2019 12:25 PM  
**To:** Lepere, Bill <[bill@acpwa.org](mailto:bill@acpwa.org)>; Valderrama, Arthur <[arthur@acpwa.org](mailto:arthur@acpwa.org)>; Chauhan, Nisha, CDA <[nisha.chauhan@acgov.org](mailto:nisha.chauhan@acgov.org)>  
**Subject:** RE: FEMA Zone A study timing?

Bill-

Hank has advised that the hazard area shown on the FIRM may not be accurate (unconservative), which would typically mean that there should be an early study to support a CLOMA request to FEMA – and this request would typically have to be approved by FEMA prior to discretionary approval; i.e., it should be part of the staff report and not a “prior-to-building-permit-application” COA. However, in this case, it does not appear to me that the building design would be affected even if the hazard was somewhat larger, so the study could then be postponed at-risk to BID submittal – and the CLOMA could be handled as a LOMA.

If it were me, I would do the study ASAP – just to avoid any confusion later on.

JohnR

**From:** Lepere, Bill  
**Sent:** Wednesday, July 31, 2019 11:40 AM  
**To:** Rogers, John <[johnr@acpwa.org](mailto:johnr@acpwa.org)>; Valderrama, Arthur <[arthur@acpwa.org](mailto:arthur@acpwa.org)>; Chauhan, Nisha, CDA <[nisha.chauhan@acgov.org](mailto:nisha.chauhan@acgov.org)>  
**Subject:** Fwd: FEMA Zone A study timing?

John

Can you answer Nishas question below

Bill

Sent from my Sprint Samsung Galaxy S® 6.

----- Original message -----  
**From:** "Chauhan, Nisha, CDA" <[nisha.chauhan@acgov.org](mailto:nisha.chauhan@acgov.org)>  
**Date:** 7/31/19 11:33 AM (GMT-08:00)  
**To:** "Lepere, Bill" <[bill@acpwa.org](mailto:bill@acpwa.org)>



Cc: "Orduna, Rodrigo, CDA" <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>

Subject: FEMA Zone A study timing?

Hi Bill,

Do you know by when an applicant (Eden Housing for the Ruby Street project along San Lorenzo Creek, in this instance) would need to submit the FEMA Zone A hydrology study to PWA? The applicant wants to know when they need to submit the study. And, I need to incorporate this requirement into the staff report as a COA.

Is it at the building permit phase?

Thank you,  
Nisha

Nisha Chauhan, AICP  
Senior Planner  
Alameda County  
Community Development Agency  
510.670.6541

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April 1, 2019

Ellen Morris  
22645 Grand St.  
Hayward, CA 94541

**Subject: Eden Housing Project, Proposed Four-Story Apartment**

Daniel M. Akagi  
President

Dave Sadoff  
President Pro Tem

Ralph Johnson  
Secretary

Melody Appleton  
Secretary Pro Tem

Timothy McGowan  
Board Member

Roland P. Williams, Jr.  
General Manager

Dear Ms. Morris:

Alameda County Community Development Agency has informed Castro Valley Sanitary District (CVSan) of your proposed development by Ruby Street and Crescent Avenue. The proposed development of a four-story apartment building containing 72 dwelling units will require the installation of a new sanitary sewer mainline on the property. This mainline will connect to the CVSan mainline on Crescent Ave. To meet the CVSan construction standards for new pipe the sewer mainline will need to be a minimum eight (8) inches in diameter.

The existing eight (8) inch vitrified clay pipe (VCP) sanitary sewer downstream of the proposed development was installed in the mid 1940's. These segments have been identified through CVSan's Gravity Sewer Asset Management Plan as high priority in terms of possible repair or replacement. It is anticipated that the apartment development may expedite the need to repair or replace the existing main. The cost of such repair or replacement may be passed on to the developer per CVSan Code Section 4300(c). A further determination will be made once the expected flow and capacity needs are submitted to CVSan for review.

If you have question or concerns please feel free to contact me by phone (510) 537-0757, ext. 108, or via email, [matthewl@cvsan.org](mailto:matthewl@cvsan.org).

Kind regards,

Matthew Lee  
Engineering Technician

Cc: Andrew Young, Development Planning Division, 224 West Winton,  
Hayward, CA 94544

S:\Address History\Ruby\Eden Housing Proj\Eden Housing Project Referral Comments\_2019-04-01.docx



# Alameda County Sheriff's Office

Eden Township Substation  
15001 Foothill Boulevard, San Leandro, CA 94578-1008



**Gregory J. Ahern, Sheriff**

Director of Emergency Services  
Coroner - Marshal

April 24, 2019

Alameda County Community Development Agency  
224 West Winton Avenue #111  
Hayward, CA 94544

Attention: Andrew Young

**RE: PLN2019-00024**

My staff reviewed the attached application and has expressed concern based on the cumulative effect of allowing additional growth with no provision for additional law enforcement resources. While it would seem each new project does not create a significant law enforcement problem, the total number of new projects ultimately impacts the sheriff's office ability to respond to calls for service. This also includes additional impact on support staff in records, warrants and dispatch.

While the sheriff's office supports the concept of affordable housing, the scope and location of this project may also add to the potential for theft and vandalism, especially during the construction phase(s). The sheriff's office would like to see additional security features added during the construction phase(s) to restrict access and provide additional lighting and physical security. The final construction should include adequate exterior lighting, security cameras, and complete perimeter fencing, consistent with the principles of Crime Prevention Through Environmental Design (CPTED).

If further assistance is needed, please contact Deputy Steve Sweeney at (510) 667-3620.

Gregory J. Ahern,  
Sheriff-Coroner

A handwritten signature in blue ink, appearing to read "DAB", is written over a faint circular stamp.

David A. Blanchard, Captain  
Eden Township Division

GJA:DAB:sgs



# **PUBLIC COMMENTS**





**To: Andrew Young, Planner  
Nisha Chauhan, Planner  
Alameda County Planning Department  
224 W. Winton Avenue, Rm 111  
Hayward, CA 94544**

**From:**  
**Anita Wah  
Alan M. Fishman  
Joia S. Fishman  
1719 Grove Way, Castro Valley  
[anitawah@sbcglobal.net](mailto:anitawah@sbcglobal.net)**

**Subject: Site Development Review of Eden Housing's Proposed  
Ruby Street Project**

We are writing in support of the comments on this site development submitted to you by Bruce King of the Friends of San Lorenzo Creek on March 26, 2019. We agree with all parts of this detailed analysis. **We agree with Mr. King's recommendation that the project not be approved.** In particular, we would like you to pay attention to the following points in your further review of this site.

- The need for a correct determination of the creek setback.
- An environmental assessment of this site in terms of the need for protection of biological resources and wildlife corridors
- Resolution of questions about the multi-use trail
- Conflicts between the current site plans and the content of the Castro Valley General Plan of 2012 (Chapters 7 and 8), including the designation of this site as "Sensitive Habitat" and "Oak Riparian Woodland/Wildlife Corridor"

We also wish to make two additional comments and recommendations based on our experience as 22-year residents of 1719 Grove Way.

**FIRST, regional housing planning is urgently needed, with cooperation between local jurisdictions.** We, and all of the many neighbors with whom we have discussed these issues, agree that more housing needs to be built, including low-income housing. We also agree that our neighborhood is ideally located for additional housing. However, there are several sites within a few blocks of Ruby Meadow that are more suitable for this development because they do not have the disadvantages outlined by Mr. King in his comments. These include the large former City Hall site behind Safeway and numerous other derelict and abandoned building between the Safeway center and downtown Hayward. Most of these are in the City of Hayward rather than in unincorporated Alameda County. We believe that

planning for housing needs to be done on a regional basis, involving cooperation between Alameda County and the City of Hayward, so that the most suitable site can be found for locating this urgently needed housing. We suggest consideration of the old City Hall site, which also has a large amount of parking space and easier access to shopping and transportation. CalTrans Parcel 9 is another possibility.

**SECOND, any development needs to consider how the requirements of the Quimby Act will be met.** State and regional requirements specify three to five acres of parkland per 1000 residents, and our area falls far short of this guideline. Our neighborhood includes land owned or controlled by five different jurisdictions: East Bay Municipal Water District, the Hayward Unified School District, Alameda County, the City of Hayward, and Hayward Area Recreation District. None of these can act alone to ensure that we have adequate parkland and open space. Again, regional planning is essential. Ruby Meadow, site of the proposed development, is one of the few local parcels still suitable for parks and open space. It should be preserved for this purpose, and building should occur on one of the numerous nearby sites that have already been cleared and cannot be repurposed for wildlife or recreation.

On March 14, 2019, the City of Hayward held an informational meeting about development plans for CalTrans Parcels 8 and 9 at Douglas Morrison Theater. Even though this meeting was held directly across the creek from Ruby Meadow, the Ruby Street project was not even mentioned. This event was emblematic of the lack of coordination and cooperation in housing development and planning between the City of Hayward and Alameda County. On that occasion, we wrote a letter to the City of Hayward addressing the need for regional planning to meet the dual needs of adequate affordable housing and sufficient urban green space. To date, forty-four residents have expressed written support for this letter. We all agree that our support for any future development is contingent on receiving plans that result from the cooperation between the various jurisdictions. We have forwarded to you in a separate document this letter and the names of the supporters.

## FRIENDS OF SAN LORENZO CREEK

Date: March 26, 2019

To: Andrew Young, Planner  
Alameda County Planning Department  
224 W. Winton Avenue, Rm 111  
Hayward, CA 94544

From: Bruce King  
Friends of San Lorenzo Creek  
BruceKing8@gmail.com



Cc: Ellen Morris, Eden Housing Project Manager

Subject: Friends of San Lorenzo Creek Comments on the  
Site Development Review of Eden Housing's Proposed Ruby Street Project

Dear Planning Department,

This letter provides comments on the behalf of Friends of San Lorenzo Creek (FSLC) on the Review of Site Development Review (SDR) PLN2019-00024 of Eden Housing's proposed Ruby Street Project consisting of: a) a four-story apartment building containing 72 dwelling units (at 24.5 units per acre) and 109 open parking spaces all on 2.95 acres; and b) a trail corridor design on 2.99 acres. All of the above is subject to a pending boundary adjustment to merge 20 parcels and create 3 new parcels (noted as Parcel A, B, and C in the plans).

This proposed project is in a wildlife corridor of San Lorenzo Creek. FSLC comments focus on ensuring the creek, banks, required creek setbacks, oak riparian woodland, and wildlife corridor of the creek are protected from development and maintained in a healthy condition.

### **GENERAL COMMENT – PROJECT APPROVAL NOT RECOMMENDED**

Friends of San Lorenzo Creek does not recommend approval of this proposed SDR and plan for the general reasons listed below and as detailed further in this letter.

- The creek setback was not correctly determined. Proper calculation and assessment will result in less developable land.
- An environmental assessment has not been provided that shows what biological resources need to be protected, especially resources beyond the minimum creek setback such as Oak Riparian Woodland/Wildlife Corridor. This will likely result in less developable land.
- Important questions regarding the multi-use trail and Parcels A, B, and C need some public clarity, resolution, and planning.

## **SPECIFIC COMMENTS**

### **1.0 EXTEND REVIEW AND COMMENT TIMELINE**

Comment. On March 24, FSLC objected via email to the document-release and review timelines being given to the community, listed reviewers on the Project Referral, and the CVMAC. These groups have not yet been given an assessment of the biological resources, along with the extent and value of the Oak Riparian Woodland/Wildlife Corridor, on which to base their fundamental evaluations of the extent of land/habitat to be covered/impacted by this development.

Additional Information. Project Referral reviewers must submit comments by April 2 and the community by April 9. After that, the environmental Initial Study (IS) will only be available by April 12, and "comments may be considered when the Council [CVMAC] recommends an action to the Planning Director" on April 22 (per the Neighborhood Courtesy Notice). So that gives everyone (including agencies and the community) only ten days to get the IS, review and submit comments on the IS, revise their previous comments on the plans as needed, and give compiled comments to the CVMAC with sufficient time for the CVMAC to review the comments before their April 22 meeting.

### **2.0 RE-DETERMINE THE CREEK SETBACK**

#### **2.1 Creek Setback is Too Small. Correctly Determine the 2:1+20ft Setback**

Comment. The minimum creek setback as defined in the Watercourse Protection Ordinance (WPO) needs to be correctly determined and shown on the plans. In addition, proposed "development" as defined in the WPO needs to be removed from the creek setback area consisting of the minimum setback plus any additional riparian area. See Attachment C for excerpts of the WPO.

Explanation. The minimum creek setback was incorrectly determined as shown in the proposed Ruby Street project plans (see Attachment B). The actual location of the minimum creek setback boundary line is further away from the creek than is shown on the plans. In some cases, the actual minimum setback may be an additional ten feet or more from the setback line shown on the plans.

Further Explanation. The WPO requires that the slope of the creek bank used to calculate the minimum setback be 2:1 (horizontal to vertical) or flatter. The "bank" consists of the sides of the channel between which the flow is confined. The 2:1 slope calculation starts at the bottom of the bank (i.e., bank "toe"). At this site, the slope line ends at the point where the slope line exists the ground beyond the top-of-bank. Plan C-0.3 (Lot Line Adjustment) in this proposed plan set show the 2:1 slope calculation starting at the creek midline, rather than the required bank toe. Since the creek midline is often ten feet or more from the bank toe at this site, the minimum creek setback boundary line is misrepresented in the proposed plans by the same amount. Using the incorrect slope calculation starting point: a) is technically incorrect and has no basis in bank stability; b) results in significant loss of minimally-calculated, riparian area and corridor; and c) could lead to loss of any "developments" placed within the setback due to bank erosion and failure. This reach of San Lorenzo Creek has many steep, unstable banks due

to lack of upstream sediment transfer, ongoing creek down-cutting, and past human activity that pushed soil and debris (e.g., broken concrete) over the creek banks.

## 2.2 Add Additional Riparian Areas to the Minimum Creek Setback

**Comment.** After recalculating and determining the location of the minimum creek setback (as described in Comment 2.1, above), add additional riparian areas found by completing the environmental assessments covered in Comments 3.1, 3.2, and 3.3.

**Note:** The WPO specifies a minimum 2:1 +20-foot creek setback, plus inclusion of any additional existing or repairable riparian areas (as stated in the WPO purposes).



*Some steep and unstable banks of San Lorenzo Creek*

## **3.0 ENVIRONMENTAL ASSESSMENT AND PLAN MODIFICATION**

### 3.1 Provide an Environmental Assessment and Modify the Project Plan to Protect Resources

**Comment.** Provide an environmental assessment of the location, value, and required protections of the riparian areas, biological resources, and the wildlife corridor using required procedures and standards, including: a) CEQA environmental review; b) Purpose and requirements in the WPO to protect riparian areas and their ability to be restored; and c) Castro Valley General Plan goals, policies, and actions. Areas outside the minimum WPO creek setback deserve special attention, since the minimum creek setback (when calculated properly) already protects biological resources within the minimum setback. Remove proposed development from habitat areas and mitigate for any impacts.

**Background.** The Castro Valley General Plan designates much of the Ruby Street proposed project area as: a) "Sensitive Habitat" and "Oak Riparian Woodland/Wildlife Corridor" in Figure 7-1; and b) "High Priority Biological Resource" in Figure 7-2. Attachment B has blow-ups of these Figures that show these habitats and resources at this site.

Continuous aquatic and terrestrial natural wildlife corridors follow the natural creeks throughout this area and cross this proposed project site. The creeks include San Lorenzo

Creek, Chabot Creek, and Castro Valley Creek. These continuous, natural-creek corridors extend from the hills in the east, down Crow Creek and San Lorenzo Creek, through this proposed project site, to Foothill Boulevard, to Route 238 Parcel 8, up Chabot Creek to Strobridge Avenue, and up Castro Valley Creek to Grove Way. This proposed project site is largest open site between Carlos Bee Park and a site upstream at the end of Charlene Way, and therefore has greater significance for supporting wildlife in the corridor. Attachment B has satellite views of: a) these wildlife corridors following the natural creeks throughout this area; and b) the presence of native, riparian, and oak woodland habitat across the proposed project site.

Here are excerpts from Section 7.1 of the CV General Plan that help define and outline protections for these habitats, resources, and corridors.

- Castro Valley has significant biological resources, primarily concentrated in creek corridors.
- Oak/riparian woodland is considered the most biologically sensitive habitat
- Oak riparian woodland, coastal scrub, and grassland vegetation serve as the primary wildlife movement corridors for common and special-status wildlife species within the Castro Valley planning area, as shown in Figure 7-1.
- Non-native dominant habitats also may serve as movement corridors when continuous with habitats supporting native vegetation.
- Wildlife corridors allow animals to have an adequate range of habitat area to search for food, flee from predators, and find protected areas for newborns. In an urbanized area, continuous wildlife corridors, such as creeks, are particularly important.
- All areas supporting native vegetation or providing suitable habitat for special-status species are considered sensitive habitat areas, including oak riparian woodland and naturalized native trees that provide potential nesting habitat for bird species. Sensitive habitat areas also include creeks.
- Habitat exists in small pockets woven throughout residential neighborhoods, primarily along creeks.

### 3.2 Assess Sensitive Habitat & Remove Proposed Development from These Areas

Comment. Assess and show locations of “sensitive habitat” across the site, especially in areas outside the creek setback where development is currently being proposed. The CV General Plan states that “sensitive habitat” includes: a) creeks; and b) all areas supporting native vegetation or providing suitable habitat for special-status species, including oak riparian woodland and naturalized native trees that provide potential nesting habitat for bird species. Revise plans and remove “development” from areas covered with “sensitive habitat” and provide mitigations for more-isolated or minor “sensitive habitat” that will be impacted.

Additional Information. Attachment B provides satellite views of the presence of native, riparian, and oak woodland habitat across the proposed project site. Some of these areas would be covered by the proposed development, most notably by parking lots. In addition, Plans C-4.1.1 and C-4.1.2 show 30 or more trees to be removed. Plans L1.1 and L2.1 show new trees to be planted (21 native oaks and 70 non-native trees).



### 3.3 Assess the Wildlife Corridor and Modify Plans to Support Wildlife

**Comment.** An environmental assessment needs to include this site's role in this area's continuous, creek, wildlife corridor system and an assessment of the area and habitat needed on this site to support common native and special status wildlife in and moving through the corridor. Modify the project plans as needed to support wildlife on this site in the context of the corridor.



*Wildlife in the corridor. A herd of deer inhabit Ruby Meadow, the proposed project site. Another herd of deer inhabit Route 238 Parcel 8. Egrets and hawks are also often seen immediately upstream of this project site and A Street. The egret pictured here was at Grove Way and Orange Avenue, about 0.3 miles from the project site. Fish also inhabit San Lorenzo, Chabot, and Castro Valley Creeks.*

### 3.4 Mitigate for Trees to Be Removed

First, address Comment 3.2 regarding protecting native trees and oak woodland sensitive habitat. Then, any native trees that will be removed, should be replaced at a high replacement-to-removal ratio. Note: Plans C-4.1.1 and C-4.1.2 show 30 or more trees to be removed. Plans L1.1 and L2.1 show new trees to be planted (21 native oaks and 70 non-native trees).

## 4.0 RESOLVE QUESTIONS REGARDING THE PARCELS AND TRAIL

### 4.1 Make Parcel Owners, Operators, and Functions More Transparent

**Comment.** Who is currently and/or in the future buying, owning, and operating/maintaining Parcels A, B, and C? What are the proposed functions of Parcels A, B, and C?

**Additional Information.** Twenty (20) parcels are being merged (reportedly awaiting final recording by the County) and three (3) new parcels are being created. This is Caltrans land being sold to or managed by a non-profit using at least some public funding and to unspecified public agencies (e.g., ACPWA?, ACFCWCD?, HARD?). The reviewers and the public should generally and strategically know how funds are proposed for spending, who is making improvements, who is proposed to manage/operate each new parcel, and what is the proposed function(s) of each parcel. Proposed projects and parcel line changes should not be approved

without knowing basic information. The table below is a simplified example of information that should be available:

|                      | Parcel A | Parcel B | Parcel C |
|----------------------|----------|----------|----------|
| Parcel Buyer & Price |          |          |          |
| Parcel Owner         |          |          |          |
| Parcel Operator      |          |          |          |
| Parcel Function      |          |          |          |

Additional Notes: The plans appear to show most of the multi-use trail being located in Parcel A and B. In addition, Caltrans is currently required to complete their mitigation project which is mostly on Parcel C. This mitigation project is on a permanent, creek conservation easement established by Caltrans. Lastly, ACPWA or ACFCWD was considering accepting responsibility and an endowment for this conservation easement.

#### 4.2 Multi-Use Trail Questions That Need Resolution

Comment. Listed below are examples of questions that need to be addressed regarding this segment of the multi-use trail.

Additional Information. The plans indicate the multi-use trail proposed route is on Parcel A and B. In addition, the legends in Plans L1.1 and L1.2 state the trail is an "Optional Trail" and "Future Trail," respectively. Also, the plans provide no additional trail information. Lastly, HARD has reportedly discussed operation of this trail.

#### Trail Questions:

- 4.2.1 If the trail is on Parcel A, will Eden Housing own the trail or the land under the trail?
- 4.2.2 Who will own the land under the trail and the trail itself?
- 4.2.3 Who will pay for the trail?
- 4.2.4 Who will operate and maintain the trail?
- 4.2.5 Who will build the trail, and should the trail (or portions thereof such as grading or underground utilities) be constructed during construction on Parcel A?
- 4.2.6 What trail planning and development is needed by the County as the trail leaves this project site on A Street to the south and Crescent Avenue to the north?
- 4.2.7 What is the nearer-term and longer-term pedestrian and traffic plan for the trail and its connection to A Street? The answer should affect the trail route on Parcel B.

#### 4.3 Parcel "C" Questions That Need Resolution

- 4.3.1 How will visibility and access to San Lorenzo Creek be enabled and restricted? Short and long-term plans are needed before public access to Parcels A, B, and C is enabled. Many creek banks are too steep and unstable to allow people to walk down the banks. Native and/or restored vegetation could be damaged by human activity. The creek is dangerous

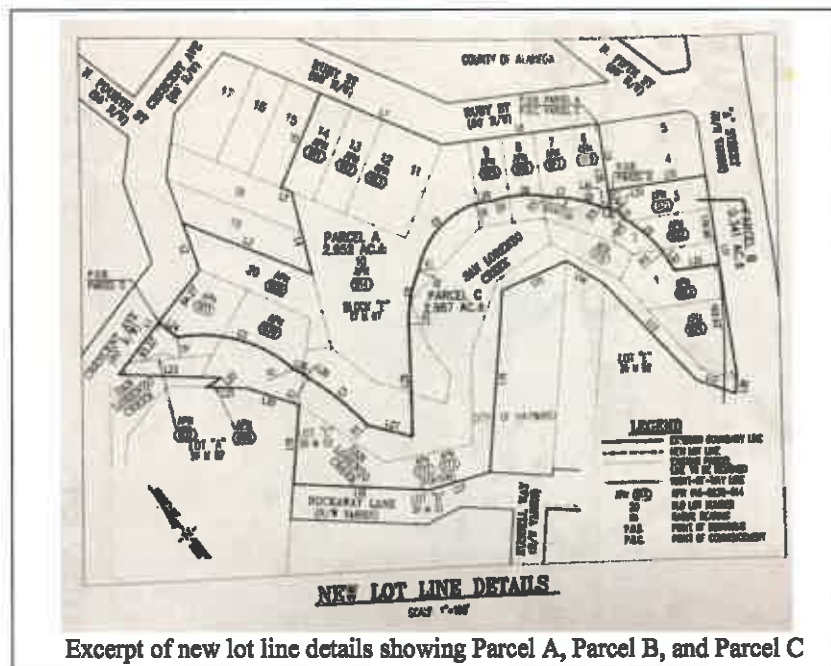


when higher water is present, and the creek bed contains a lot of slippery broken concrete blocks.

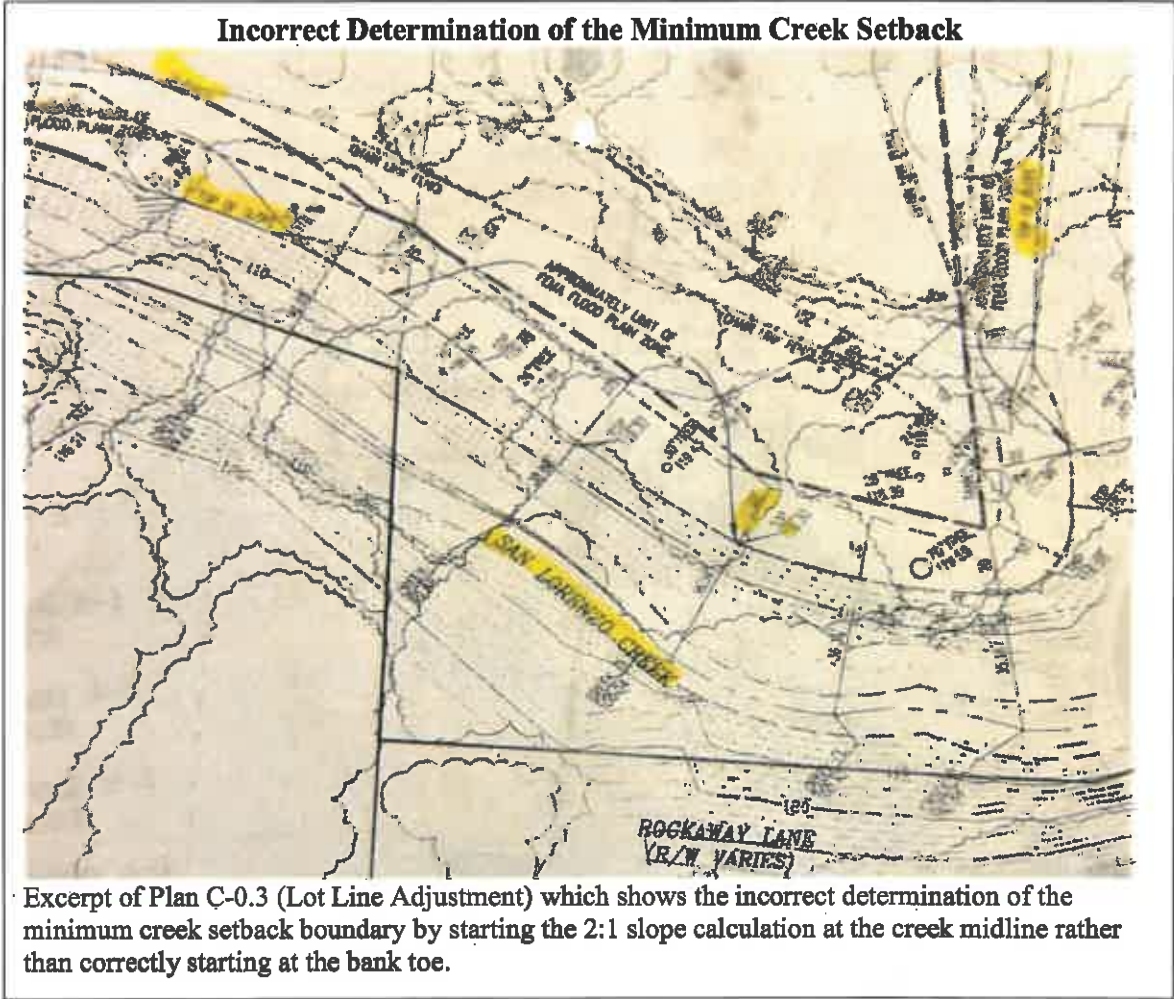
- 4.3.2 Shouldn't the multi-use trail be located on Parcel C rather than Parcel A? Shouldn't Public Works and/or HARD have ownership and responsibility for the trail rather than the owner of Parcel A?
- 4.3.3 Who will ultimately be responsible for acceptance of the conservation easement from Caltrans?
- 4.3.4 How will liabilities be handled related to structures in the City of Hayward that are near and over-hanging the creek top-of-bank?
- 4.3.5 What is the location of the Caltrans cyclone fence located near the top-of-bank, and will this fence be used or removed?
- 4.3.6 Who will be responsible for a native landscape and irrigation plan (e.g., for areas not previously restored by Caltrans)?

## ATTACHMENT A

### Project Plan Excerpts



**ATTACHMENT A (Continued)**



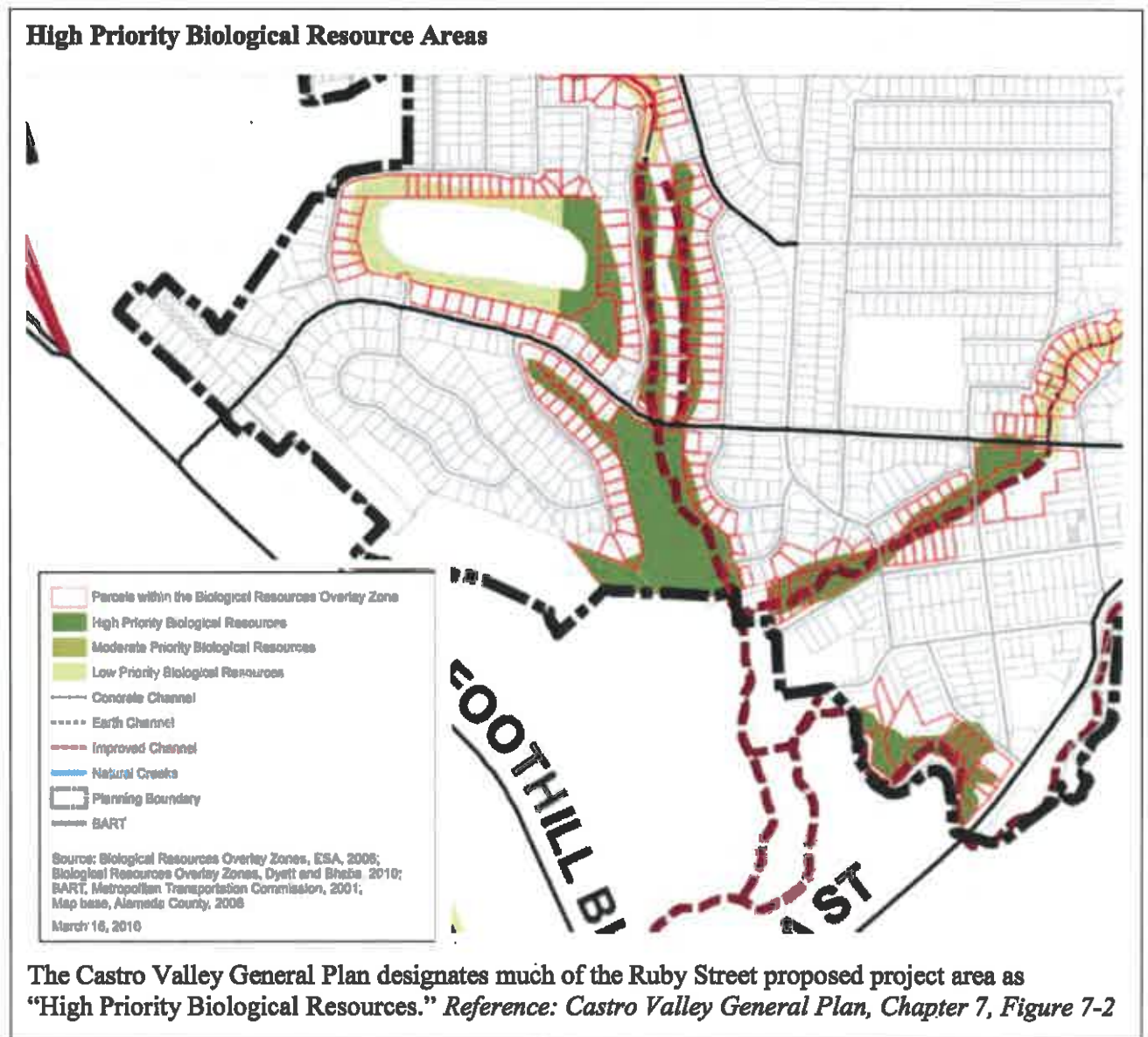
## ATTACHMENT B

### Castro Valley General Plan Biological Resources and Habitat Overlays and Satellite Views of the Site and Vegetation from 2002 to 2019

The Castro Valley General Plan designates much of the Ruby Street proposed project area as

- “High Priority Biological Resources,” and
- “Sensitive Habitat” and “Oak Riparian Woodland/Wildlife Corridor.”

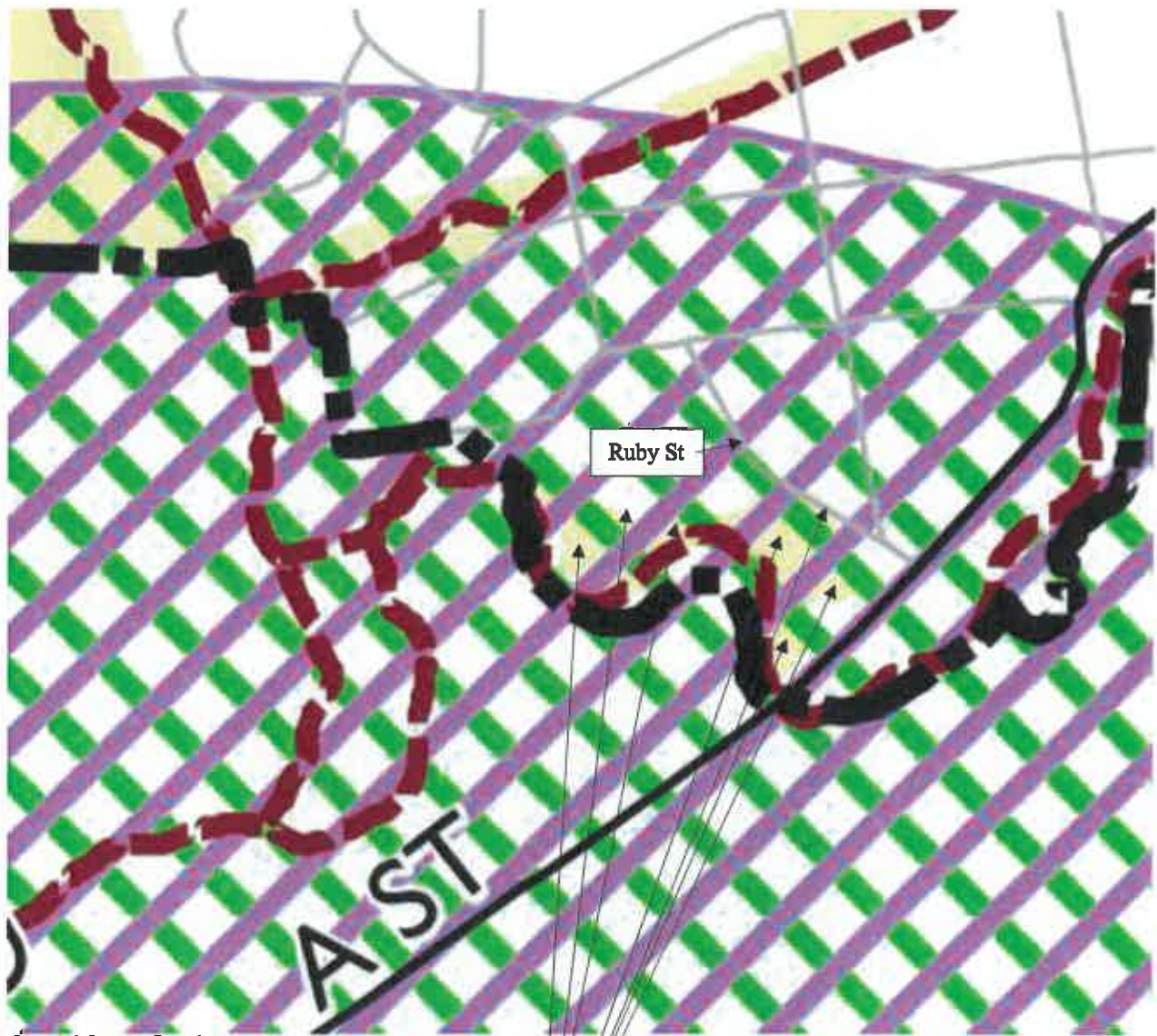
These biological resources and the corresponding Oak Riparian Woodland are visible in the satellite views of the site and correlate with the areas shown in the Castro Valley General Plan.





**ATTACHMENT B (Continued)**

**Sensitive Habitat and Oak Riparian Woodland/Wildlife Corridor Areas**



- |                               |                                    |                           |   |                   |
|-------------------------------|------------------------------------|---------------------------|---|-------------------|
| <b>Special Status Species</b> |                                    | <b>Sensitive Habitats</b> |   |                   |
|                               | California Red-Legged Frog         |                           | Coastal Scrub / Wildlife Corridor           |                   |
|                               | Great Blue Heron                   |                           | Grassland / Wildlife Corridor               |                   |
|                               | Linn's Micro-Blind Harvesterman    |                           | No-native Dominant Habitat                  |                   |
|                               | Pallid Bat                         |                           | Oak Riparian Woodland/<br>Wildlife Corridor |                   |
|                               | San Francisco Dusky-Footed Woodrat |                           |   |                   |
|                               | Western Mustiff Bat                |                           |   |                   |
|                               |                                    |                           |   | San Lorenzo Creek |

The Castro Valley General Plan designates much of the Ruby Street proposed project area as "Sensitive Habitat" and "Oak Riparian Woodland/Wildlife Corridor."

*Reference: Castro Valley General Plan, Chapter 7, Figure 7-1*

## ATTACHMENT B (Continued)

### Wildlife Corridors



Continuous aquatic and terrestrial natural wildlife corridors follow the natural creeks throughout this area and cross this proposed project site. The creeks include San Lorenzo Creek, Chabot Creek, and Castro Valley Creek.





**ATTACHMENT B (Continued)**

**Ruby St Satellite View 2019**



Biological resources and the corresponding Oak Riparian Woodland are visible in the satellite views of the site and correlate with the bio and habitat areas shown in the CV General Plan overlays.



### ATTACHMENT B (Continued)



Biological resources and the corresponding Oak Riparian Woodland are visible in the satellite views of the site and correlate with the bio and habitat areas shown in the CV General Plan overlays.





## ATTACHMENT C

### Excerpts of the Watercourse Protection Ordinance Setback and Development Requirements

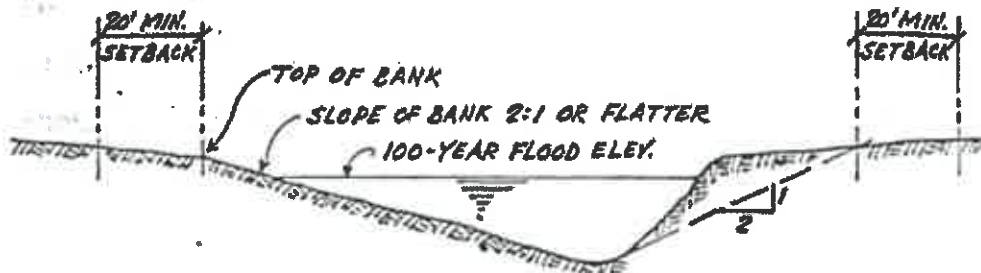
Alameda County General Ordinances, Chapter 13.12

#### Section 13.12.040 - Jurisdiction

This chapter shall apply to the unincorporated area of Alameda County.

#### Section 13.12.320: Setback Criteria (Excerpts only)

Section A - Typical where 100-year storm flow is contained within banks of existing watercourse.



#### Section 13.12.310: Requirements (Excerpts only)

- The purpose of setbacks is to safeguard watercourses by preventing activities that would contribute significantly to flooding, erosion or sedimentation, would inhibit access for watercourse maintenance, or would destroy riparian areas or inhibit their restoration. Accordingly, no development shall be permitted within setbacks, except as otherwise provided herein.
- In certain situations, where, in the opinion of the director of public works, it would be in the public interest to permit limited development within a setback, the director of public works may grant a permit for said development provided that the above-specified purpose would be satisfied.
- The director of public works shall make the determination as to setback limits and any permitted development within a setback.

In addition, WPO Section 13.12.030 defines the following terms:

- "Development" means any act of filling, depositing, excavating or removing any natural material, or constructing, reconstructing or enlarging any structure, which requires a permit issued by the director of public works.
- "Structure" means any works or constructions of any kind, including those of earth or rock, permanent or temporary, and including fences, poles, buildings, pavings, inlets, levees, tide gates, spillways, drop structures and similar facilities.
- "Permit" means a permit issued by the director of public works pursuant to the provisions of this chapter. [Click here to see copy of ACFCWCD [Water Course Permit](#)]

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See all definitions and requirements of the WPO (~9 pages) online at:

- The body of the ordinance, but not the setback criteria is at:  
[https://library.municode.com/ca/alameda\\_county/codes/code\\_of\\_ordinances?nodeId=TIT13PULSE\\_CH13.12WAPR](https://library.municode.com/ca/alameda_county/codes/code_of_ordinances?nodeId=TIT13PULSE_CH13.12WAPR)
- Set Back Criteria diagrams are at: <http://friendsofsanlorenzocreek.org/ord13-12-320.htm>

## ATTACHMENT D

### Castro Valley General Plan Excerpts from Chapter 7 Biological Resources & Chapter 8 Trails

**MARCH 2012**

#### **Castro Valley General Plan**

[https://www.acgov.org/cda/planning/generalplans/documents/CastroValleyGeneralPlan\\_2012\\_FINAL.pdf](https://www.acgov.org/cda/planning/generalplans/documents/CastroValleyGeneralPlan_2012_FINAL.pdf)

Included in this document:

#### **CHAPTER 7 BIOLOGICAL RESOURCES**

##### **7.1 WILDLIFE AND SENSITIVE HABITATS**

- Wildlife Habitat and Corridors
- Special Status Species
- Biological Resources Overlay Zone

##### **7.2 CREEKS AND STREAMS**

##### **7.3 VEGETATION**

#### **CHAPTER 8 COMMUNITY FACILITIES, PARKS, AND SCHOOLS**

##### **8.3 TRAILS.**

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#### **Chapter 7 Biological Resources**

##### **7.1 WILDLIFE AND SENSITIVE HABITATS**

Castro Valley has significant biological resources, primarily concentrated in creek corridors, canyons, and hillside open space areas. Many of the eastern hillside areas have been set aside as permanent open space as part of Planned Unit Developments, but other areas do not have similar protection. Castro Valley is also immediately adjacent to regional parks and County Measure D open space conservation areas. Open space areas within Castro Valley function as wildlife corridors for species to cross between larger habitat areas. This element addresses the protection of Castro Valley's biological resources, including animal species, plant species, and wildlife habitat. Its main provision is the creation of a Biological Resources Overlay Zone, which will establish special development and review requirements on properties with significant biological resources.

Alameda County is updating its Resource Conservation, Open Space, and Agriculture (ROSA) elements. The Castro Valley General Plan and the County ROSA must be consistent with one another. The updated ROSA will replace existing documents, including the 1966 Scenic Route Element, the 1973 Open Space Element, and the 1977 Specific Plan for Areas of Environmental Significance. The ROSA elements will also address plans and policies for Measure D lands

##### **Wildlife Habitat and Corridors**

The western and central portions of the Castro Valley General Plan Area are largely developed. There are small pockets of areas that provide wildlife habitat woven through these areas of residential lots, primarily

along creeks. The primary native wildlife habitat is oak/ riparian woodland that occurs along creeks. Other undeveloped areas in western and central Castro Valley are dominated by non-native plant species. The eastern portions of the General Plan Area support primarily native habitats. Large, undeveloped portions of this area, typically on steep hillsides or in canyons, have been set aside as open space as part of planned unit developments. Ornamental landscaping with large trees, shrubs and other vegetation may provide potential nesting habitat for raptors known to nest in urbanized areas and other special-status bird species.

As shown in Figure 7-1, oak riparian woodland, coastal scrub, and grassland vegetation serve as the primary wildlife movement corridors for common and special-status wildlife species within the Castro Valley planning area. Crow Creek and San Lorenzo Creek are deeply incised creeks with well-developed riparian areas. These two creeks serve as a primary migration route through the eastern half of the planning area for both aquatic and terrestrial species.

For this element, non-native dominant habitat is defined as areas supporting ruderal vegetation (non-native plant species favoring disturbed sites), ornamental or naturalized non-native trees (such as Monterey pine and eucalyptus), and shrubs (such as cotoneaster). Non-native dominant habitats also may serve as movement corridors when continuous with habitats supporting native vegetation. Wildlife corridors allow animals to have an adequate range of habitat area to search for food, flee from predators, and find protected areas for newborns. In an urbanized area, continuous wildlife corridors, such as creeks, are particularly important.

All areas supporting native vegetation or providing suitable habitat for special-status species are considered sensitive habitat areas, including oak riparian woodland and naturalized native trees that provide potential nesting habitat for bird species. Sensitive habitat areas also include creeks and wetlands with the potential to be considered jurisdictional by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act or by the California Department of Wildlife. Habitat exists in small pockets woven throughout residential neighborhoods, primarily along creeks.

Fish and Game under California Fish and Game Code Sections 1600- 1607. In addition, Alameda County has a Tree Ordinance (Chapter 12.11 of the County General Code), which provides protection for any tree in a public right-of-way that is at least ten feet in height and has a trunk that is at least two inches in diameter.

### Special Status Species

Table 7.1-1 lists the special-status species with associated vegetation type found within the Castro Valley planning area. The only special status animal species that have been observed in the Castro Valley planning area are yellow warbler and steelhead trout. Yellow warbler (*Dendroica petechia*) is a State species of special concern. Steelhead (*Onchorhynchus mykiss*) are a federally-listed Threatened Species, and a CDFG Species of Special Concern and have been observed in San Lorenzo Creek, Castro Valley Creek, and Crow Creek in the last ten years. The planning area also includes portions of the Critical Habitat for Alameda whipsnake (USFWS, 2006).

The planning area potentially supports the following special status animal species, based on the fact that the type of habitat that supports these species exists in Castro Valley: Steelhead, California tiger salamander, California red-legged frog, Alameda whipsnake, Western pond turtle, California horned lizard, Yellow warbler, Burrowing owl, Sharp-shinned hawk, white-tailed kite, Bats (*Myotis* spp., Pacific western big-eared bat, and greater western mastiff bat), Lum's micro-blind harvestman, great blue heron, Cooper's hawk, and red-tailed hawk. In addition, the following special-status plant species have the potential to occur in the planning area: Santa Cruz tarplant, alkali milk vetch, big-scale balsamroot,

fragrant fritillary, Diablo helianthella, and Robust monardella.

**Table 7.3.1: Listed Species and Associated Vegetation**

| Presence or Status (Local, Seasonal, or Transient)                             | Associated Vegetation Types                         |
|--|---|
| Santa Cruz Sabrewing   | Coastal scrub                                       |
| Seeweed  | Coastal   |
| California tiger salamander  | Fields and adjacent grasslands                      |
| California red-legged frog   | Coastal scrub and adjacent grasslands               |
| Ancient murrelets  | Coastal scrub and adjacent grasslands and woodlands |
| Yerba Buena  | Coastal   |
| Western pond turtle  | Coastal scrub                                       |
| California horned lizard   | Coastal scrub, grassland, riparian woodland         |
| Yellow warbler   | Oak Riparian woodland                               |
| Burrowing owl  | Grassland   |
| Sharp-shinned hawk, white-tailed kite  | Oak Riparian woodland                               |
| San Joaquin kit fox, Pacific western sparrow hawk, and greater western woodrat | Oak Riparian woodland                               |
| Other Representative Species   | Associated Vegetation Types                         |
| Big bluestem   | Grassland   |
| Black-necked stilts  | Coastal scrub, oak riparian woodland                |
| Black-necked stilt   | Coastal scrub, grassland                            |
| Fragrant fritillary  | Coastal scrub                                       |
| Great blue heron   | Oak Riparian woodland                               |
| Golden-crowned kinglet, vesper sparrow, and other species                      | Oak Riparian woodland, riparian, riparian habitat   |
| Lark sparrow   | Grassland   |
| Mountain quail   | Grassland   |
| Robin  | Coastal scrub, grassland                            |

Source: EPA, 2000; SanC&WPA, 2000

### Biological Resources Overlay Zone

Figure 7-2, Biological Resources Overlay Zone (BROZ), illustrates the biological resource priority levels throughout Castro Valley. The purpose of the Overlay Zone is to protect areas with important biological resources, such as creeks, hillsides, and riparian areas, by requiring special review of proposed development projects. The review process would be required on all sites with high priority biological resources and on large sites (over two acres) with moderate or low priority biological resources.

Special review may involve environmental review, site plan and development review, and/or the application of County policy or ordinance requirements during review of development permit applications. The special review process will: evaluate the actual value of the habitat on the property; establish site planning parameters to preserve the most critical and/or most sensitive habitat areas; and establish conditions of approval to protect special status species during construction and occupancy. The special review requirements should be proportionate to the scale of the development project and the amount of valuable habitat on the property. On larger properties with high priority biological resources, the special review should require a biological assessment by a qualified biologist. For small home additions, application of standard conditions during building permit review would be more appropriate.

Development is allowed on parcels within the BROZ; however, the review process shall determine the level of development allowed and the design features necessary to protect biological resources. In order to ensure the protection of resources, property owners may not necessarily be entitled to the maximum amount of development allowed under the zoning on BROZ parcels.

Priority levels shown on the map are based on a habitat area's biological sensitivity and its role as habitat

for threatened species. For example, oak/riparian woodland is considered the most biologically sensitive habitat, while coastal scrub and grassland are considered common plant communities. However, these communities may have higher preservation value when they provide potential habitat for threatened species or suitable habitats for supporting special status plants. In addition, grassland habitats have the potential to contain wetland habitats and/or small drainages that are a high priority for preservation. Isolated patches of non-native dominant habitat surrounded by development are considered a low priority for preservation.

Future field surveys may identify features within grassland and nonnative dominant habitats that would increase the preservation value of certain areas within these habitat types (i.e. wetlands and other aquatic features). The priority scheme for habitats within Castro Valley is as follows:

High Priority

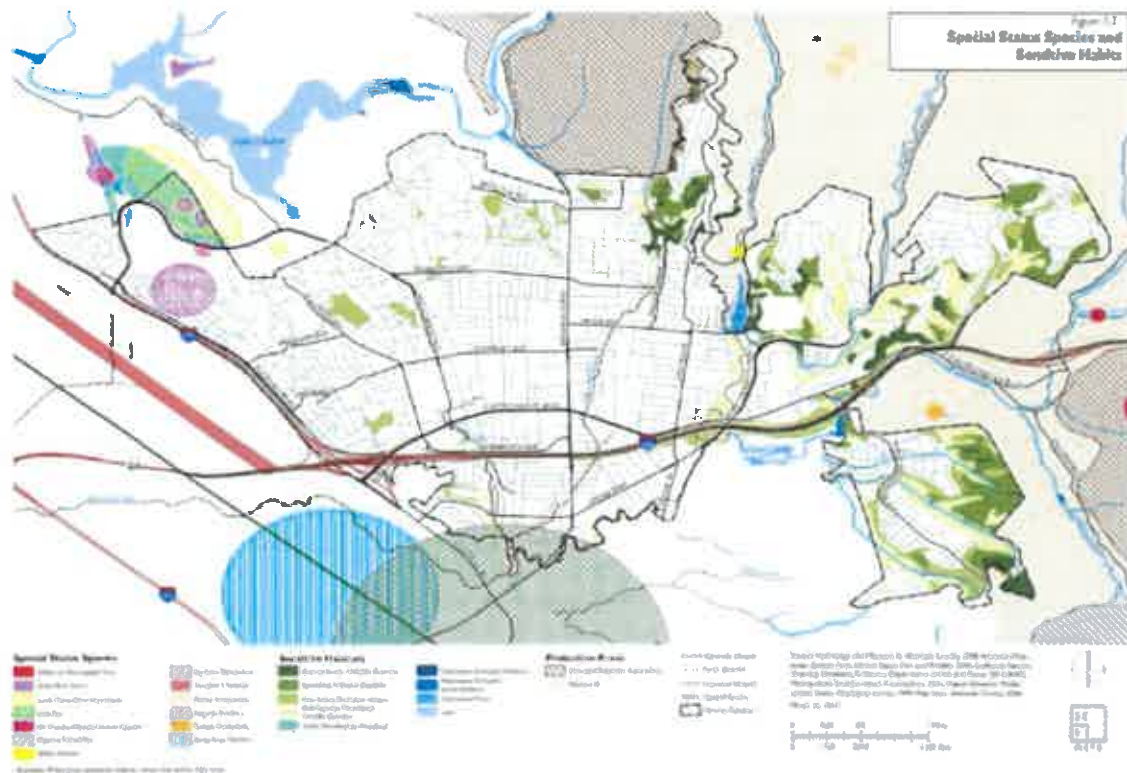
- Drainages
- Oak Riparian Woodland
- General Plan designated natural open space areas
- Coastal scrub on both sides of the Castro Valley Creek Improved Channel reach
- Coastal scrub just east of Cull Canyon Drive
- Coastal scrub between Jensen Road and Castro Valley Blvd/ Villareal Drive

Moderate Priority

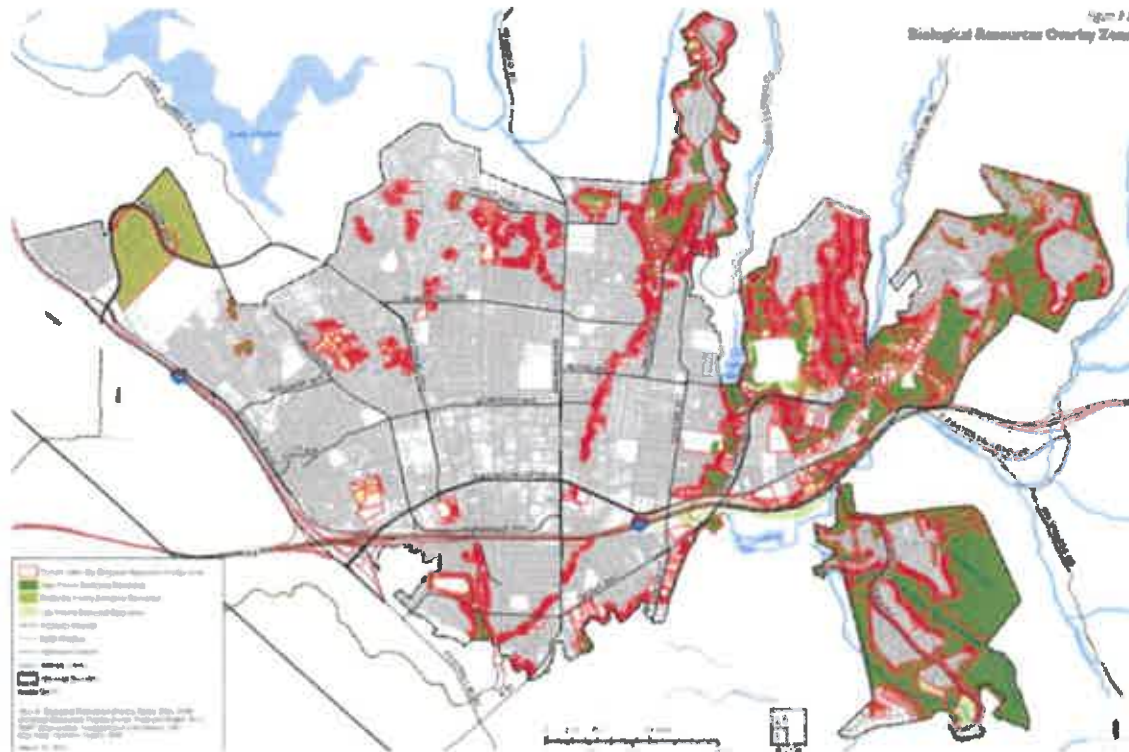
- Other Coastal Scrub areas
- Grasslands

Low Priority

- Non-native Dominant Habitat







## WILDLIFE AND SENSITIVE HABITAT GOAL

### Goal 7.1-1 \*\*

Protect Castro Valley's native wildlife through conservation and restoration of natural habitat.

## WILDLIFE AND SENSITIVE HABITAT POLICIES

### Policy 7.1-1 \*\*

**Major Wildlife Corridors Protection.** Protect the major wildlife corridors that run through or are adjacent to Castro Valley: (1) the corridor along the East Bay Hills in the forest and chaparral between major interstate highways; and (2) along creeks.

### Policy 7.1-2 \*\*

**Comprehensive Habitat Preservation.** Preserve a continuous band of open space consisting of a variety of plant communities and wildlife habitat to provide comprehensive rather than piecemeal habitat conservation.

### Policy 7.1-3 \*\*

**Open Space Preservation.** Preserve the undeveloped areas designated as open space within planned unit developments as permanent open space.

### Policy 7.1-4 \*\*

**Open Space Objectives.** Require that open space provided as part of a development project be designed to achieve multiple objectives, including but not limited to: recreation, scenic values, habitat protection, and

public safety.

**Policy 7.1-5 \*\*\***

**Riparian Habitat. New development shall not disturb any riparian habitat.**

**Policy 7.1-6 Watershed Plan Coordination. Encourage the formation of a San Lorenzo Watershed Commission charged with ensuring coordination between multiple agencies and overseeing preparation of a comprehensive watershed plan**

**WILDLIFE AND SENSITIVE HABITAT ACTIONS**

**Biological Resources**

**Action 7.1-1 \***

**Biological Resources Overlay Zone. Explore the possibility of a biological resources overlay zone delineating high, moderate, and low priority areas for habitat preservation, to ensure maximum protection of biological resources.**

- Require discretionary review for all development applications on properties within the high priority biological resources overlay zone, and for large sites over two acres in size with moderate or low priority biological resources. Discretionary review could include one or more of the following: environmental assessment per the California Environmental Quality Act; site plan and development review; and/ or the application of Board policy or other ordinance requirements.
- Establish in the ordinance that on lands with biological resources, new development is not necessarily entitled to achieve the maximum density allowed by the underlying zoning. An environmental assessment may be required, prepared by a qualified biologist, which shall be the basis for establishing development constraints specific to the property in question. Development intensity may be required to be reduced up to 50 percent of the intensity allowed by the underlying zoning, depending on the extent and value of the biological resources on the site.
- Establish thresholds of review for different types of projects, and different types of waterways. For example, a comprehensive environmental assessment should be required for new subdivisions, whereas minor improvements such as fences or decks may be exempt from special review if they meet specific standards.

**Action 7.1-2**

**Biological Resources Maps and Inventories. Maintain maps and inventories of biological resources to use when conducting site plan and development review. Update these resources regularly to include new information from site surveys that are conducted in the planning area.**

**Action 7.1-3 \***

**Design Guidelines for Biological Resource Zones. Establish guidelines to ensure that development planned on or adjacent to high and moderate priority areas designated on the Figure 7-2, Biological Resources Overlay Zone will be designed to minimize impacts on sensitive resources and habitat areas.**

- Apply these guidelines through the Planning Department's project review process.
- Include information about ways in which special-status plant and wildlife populations on private properties can be protected over time.

- Specify that watercourses and areas dominated by native trees and shrubs be left undisturbed by development to the maximum extent feasible.

#### Sensitive Habitat

##### Action 7.1-4 \*\*

Open Space Preservation Mechanisms. Evaluate mechanisms to preserve open space and wildlife habitat to determine the most feasible options, such as zoning, fee title purchase, conservation easement purchase, or conservation easement dedication through density transfer, or density bonuses.

##### Action 7.1-5

Habitat Restoration Funding. Evaluate the feasibility of property tax credits and other possible funding sources for habitat restoration on larger size private lands as an incentive to foster the implementation of habitat restoration actions by private landowners.

##### Action 7.1-6 \*\*\*

Riparian Woodlands and Wetlands Mitigation. Discourage loss of riparian woodlands and seasonal and perennial wetlands, including ponds, by requiring replacement mitigation at a ratio to be determined by the value of the habitat to be lost. To facilitate replacement mitigation, the County shall support the creation of wetland or other habitat mitigation banks.

##### Action 7.1-7 \*

Preservation and Protection of Riparian Vegetation. Consider adopting an ordinance to preserve and protect riparian vegetation, with exceptions for clearing hazards, clearing blocked channels, and other activities necessary for public safety.

##### Policy 7.1-8

Historical Woodlands and Grasslands. Encourage the East Bay Regional Park District to restore historical woodlands and grasslands to provide natural habitat and reduce fire danger.

#### Wildlife Corridors

##### Action 7.1-9 \*

Connect Open Space to Large Habitat Areas. In the review of new subdivisions and other new development, require the preservation of adequately wide strips of undisturbed land to connect larger tracts of natural habitat or areas with biological resources.

##### Action 7.1-10 \*\*

Conservation Easements. Encourage local land trusts and other easement holders to prioritize and acquire easements that serve to protect wildlife corridors.

##### Action 7.1-11

Public Infrastructure. Actively encourage agencies responsible for public infrastructure to site and design roadways and utilities in such a way as to minimize impacts to wildlife corridors, creeks, and regional trails. Where appropriate, grade-separated crossings and/or other features should be used to maintain the viability of the affected corridor.

##### Action 7.1-12

Wildlife Movement Corridors. Protect the wildlife movement corridors of special status species where they cross under I-580.



## 7.2 CREEKS AND STREAMS

Creeks play a critical role in wildlife habitat protection, water quality protection (by filtering pollutants), surface water drainage, and flood prevention. There are several perennial and seasonal creeks within the Castro Valley planning area (see Figure 7-1). The main ones include Crow Creek, Cull Creek, San Lorenzo Creek, Castro Valley Creek, and Chabot Creek. Several unnamed tributaries convey flows to these creeks; however, this map shows only few of them. Various creek segments are natural, managed in concrete-lined or earthen channels, or contained in a closed conduit (culvert). As mentioned in Section 7.1, the well-developed riparian areas along Crow Creek and San Lorenzo Creek are important wildlife habitats and corridors.

These drainage patterns within Castro Valley are shaped by the region's topography, which consists of steeper areas located along the foothills of the Diablo Range that gradually flatten out onto an alluvial plain. Water drains from higher elevation areas in the adjacent undeveloped land outside the urbanized area, through Castro Valley, and then down through Hayward and San Lorenzo before it reaches San Francisco Bay. Sections of San Lorenzo Creek, Chabot Creek and Castro Valley Creek have been altered over the years with channels and culverts to convey higher flows.

The County has a Watercourse Protection Ordinance (Chapter 13.12 of the County General Code) that applies across the unincorporated area of Alameda County. Its purpose is to safeguard and preserve watercourses, protect lives and property, prevent damage due to flooding, protect drainage facilities, control erosion and sedimentation, and enhance the recreational and beneficial uses of watercourses. In order to better protect creeks and riparian corridors and enhance their benefits for wildlife and Castro Valley's quality of life, specific actions should include revisions to the ordinance.

### CREEKS AND STREAMS GOAL

#### GOAL 7.2-1 \*\*\*

Preserve and restore creek channels, and riparian habitat to protect and enhance wildlife and aquatic-life corridors, flood protection, and the quality of surface water and groundwater.

### CREEKS AND STREAMS POLICIES

#### Policy 7.2-1 \*\*\*

**Creek and Flood Channels.** Protect all creeks and engineered channels that traverse the urbanized area of Castro Valley.

#### Policy 7.2-2 \*\*\*

**Creek Setbacks.** Establish adequate creek set backs to maintain and where appropriate enhance important stream functions.

#### Policy 7.2-3 \*\*\*

**Creek Uses.** Manage creeks for multiple uses including: scenic quality, recreation, water quality, soil conservation, groundwater recharge, and wildlife habitats.

#### Policy 7.2-4 \*\*\*

**Natural/Nonstructural Creek Drainage Systems.** Use and reclaim or fully restore natural or nonengineered creek drainage systems to the maximum extent feasible and look for opportunities to convert structural stormwater drain

### CREEKS AND STREAMS ACTIONS

**Action 7.2-1**

**Alameda County's Watercourse Protection Ordinance.** Revise the County's Watercourse Protection Ordinance to ensure maximum protection of creeks and adjacent riparian habitat by requiring new development to provide sufficient setbacks and rights-of-way to meet the County's objectives for storm drainage, flood control, habitat protection, recreation, and other appropriate uses. Include the following provisions:

- Do not allow grading or structures within a creek bed, unless they are required to prevent flooding and erosion that pose an imminent hazard to public health and safety, or to prevent serious property damage;
- Require the preservation and/or restoration of natural drainage and habitat to the maximum extent feasible, without causing further acceleration of water flow or erosion further downstream;
- Increase the setback for habitable structures to ensure adequate distance between structures and an open creek channel.
- Require construction methods that minimize flooding and erosion;
- Consider limiting the amount of impervious surface within 100 feet of the top of the creek bed channel to limit erosion and acceleration of water flow into the creek channel;
- Establish basic standards for development in or near creekside areas, in order to clarify and expedite the permitting process;
- Require preparation of a creek protection plan for new construction or significant expansion on creekside properties. The creek protection plan shall: be prepared by qualified professionals; establish areas most suitable for construction; and identify construction procedures that will minimize impacts on creek channels and riparian vegetation.

**Action 7.2-2**

**Review Procedures and Meetings.** Establish review procedures and convene regular meetings to coordinate relevant departments, divisions, and public agencies to manage creek management and preservation goals.

**Action 7.2-3**

**Comprehensive Creek Corridor Open Space Plan.** Work with public agencies, nonprofit organizations, and other interested parties to develop a Comprehensive Creek Corridor Open Space Plan. The Plan shall identify: key acquisitions along creek corridors; restoration potential along creek corridors; and alternative management practices along creek corridors.

**Action 7.2-4**

**San Lorenzo Creek Action Plan.** Implement the San Lorenzo Creek Action Plan, prepared as part of the County Public Works Stormwater Quality Management Plan, as well as other restoration and trail projects in the San Lorenzo Creek watershed, to the extent that funds are available.

**Action 7.2-5**

**Creek Protection and Restoration.** Work with nongovernmental organizations such as the Friends of San Lorenzo Creek, the Urban Creeks Council on creek protection and restoration efforts in order to support community involvement and resource enhancement.

### 7.3 VEGETATION

In addition to providing habitat and movement corridors for a variety of wildlife species, Castro Valley's native and non-native vegetation contributes to the character of the area and provides other environmental benefits. The term "urban forest" is sometimes used to describe all of the vegetation, both public and private, in a community. In Castro Valley, the urban forest comprises vegetation in the planning area's neighborhood, community, and regional parks; street trees; community gardens; and even ornamental landscaping and backyard vegetable gardens on private property.

This variety of vegetation helps to manage stormwater by preventing erosion and plays a crucial function in water quality protection by filtering pollutants. Trees beautify neighborhoods, increase property values, reduce noise and air pollution, and create privacy. Trees also provide shade for recreational enjoyment, buildings, and paved areas. Work with non-governmental organizations on stream protection and creek restoration, such as with Chabot Creek. Site planning with trees in appropriate locations can reduce the need for air conditioning and associated energy consumption. Although most of the orchards and farms that once abounded in Castro Valley have been replaced by development, an increasing number of residents are cultivating home gardens that provide food as well as environmental benefits.

The County's Tree Ordinance protects larger trees in public right-of-ways but no similar protection exists for trees on private property. Although the Castro Valley Central Business District Specific Plan includes landscaping requirements and guidelines, there are no comparable provisions applicable to development in other parts of the planning area.

#### VEGETATION GOAL

##### GOAL 7.3-1

Maintain, preserve, and enhance trees and vegetation to provide environmental and aesthetic benefits.

#### VEGETATION POLICIES

##### Policy 7.3-1

Alameda County Tree Ordinance. Continue to implement and enforce the Alameda County Tree Ordinance to protect trees in the public right-of-way.

##### Policy 7.3-2 \*\*

Native Environment. Maintain and enhance the existing environment by preserving existing native trees and plants whenever feasible, replacing trees on-site, and adding trees and other vegetation in the public right-of-way.

##### Policy 7.3-3

Gardening. Support local gardening by facilitating community gardens and creating markets for local goods.

#### VEGETATION ACTIONS

##### Action 7.3-1

Enforcement of Alameda County Tree Ordinance. Ensure that there is sufficient funding to enforce the Alameda County Tree Ordinance. Require permits for planning, pruning, or removing trees in the public right-of-way.

##### Action 7.3-2 \*

**Heritage Trees.** Consider amending the Tree Ordinance to preserve and protect heritage trees including native oaks and other significant native trees on private property.

**Action 7.3-3**

**Native Trees and Plants.** Adopt guidelines to promote the use of native trees and plants when landscaping on any County property. Consider adopting guidelines to mitigate the impact of private development on land with significant habitat value.

**Action 7.3-4**

**Community Gardens.** Identify potential community garden sites and support the establishment of such gardens.

**Action 7.3-5**

**Planter Strips.** Consider amending the County zoning ordinance to prohibit paving of planter strips.

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**Chapter 8  
Community Facilities, Parks and Schools**

This section not included in this excerpt of the CV General Plan.

**8.1 COMMUNITY FACILITIES**

This section not included in this excerpt of the CV General Plan.

**8.2 PARKS AND RECREATION**

This section not included in this excerpt of the CV General Plan.

**8.3 TRAILS**

Castro Valley residents have easy access to East Bay Regional Park District trails but, in contrast to more recently developed communities, there are relatively few trails and pathways connecting neighborhoods to one another or to the extensive resources that surround the community. Because most of the planning area was built up before communities recognized the value of making provision for non-automated transportation, the challenge is to identify and take advantage of opportunities to develop off-road pedestrian, biking, and equestrian trails as the community is built-out and redeveloped within its relatively limited existing boundaries.

**TRAILS GOAL**

**GOAL 8.3-1 \*\*\***

Provide a comprehensive system of hiking, equestrian and bicycle trails to connect major park and recreation areas within and adjacent to the Castro Valley Planning Area, to connect neighborhoods, and to provide an alternative means of access between neighborhoods and the downtown.

**TRAILS POLICIES**

**Policy 8.3-1 \*\*\***

**Integration of Trails in New Development.** Incorporate trails, greenways, and linear recreation facilities as integral components of new development.

**Policy 8.3-2**

**Enhancement of Public Awareness about Trails. Increase public awareness of trails and pathways.**

**Policy 8.3-3 \*\*\***

**Location of Trails within Flood Control and Riparian Corridors. When feasible, locate trails within the boundaries of flood control and riparian corridors. Site creekside trails to minimize disruption to riparian areas. Incorporate trails, greenways, and linear recreation facilities as integral concepts of new development.**

**TRAILS ACTIONS**

**Action 8.3-1**

**Amendment of Subdivision Requirements for Trail Linkages. Amend the County subdivision ordinance to require projects abutting existing parklands to provide linkages to the trail system.**

**Action 8.3-2**

**Downtown Pedestrian and Bicycle Path. Study the feasibility of developing a pedestrian and bicycle path linking the new Castro Valley Library to surrounding commercial and residential areas along Castro Valley Creek.**

**Action 8.3-3 \*\*\***

**Multiple Uses for Land Adjacent to Natural Watercourses. Identify opportunities for acquiring land along Castro Valley's natural watercourses to meet multiple objectives of flood protection, recreation, improved water quality, and increased non-motorized connectivity between residential, commercial, and civic areas.**

**Action 8.3-4 \*\*\***

**Multi-Use Trail System. Coordinate with HARD, the Cities of Hayward and San Leandro, and the East Bay Regional Park District to provide trailheads and linkages to a multi-use trail system.**

**Action 8.3-5**

**Funding for Signage and Maps of Trail System. Seek public and private funding to install attractive signage and produce maps illustrating trails and pathways.**

**Action 8.3-6 \*\*\***

**Route 238 Corridor Trail. Coordinate with HARD and other park agencies to incorporate a multi-use trail into the plans for development on land in the former Route 238 Corridor.**



## **Villanueva, Vincent P, CDA**

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**From:** Bev Herborn <dbherborn@comcast.net>  
**Sent:** Monday, April 8, 2019 4:41 PM  
**To:** Young, Andrew, CDA  
**Subject:** Ruby St. Project #PLN2019-00024

I'm addressing my concerns for this 72 unit project on Ruby St. in Castro Valley.

1. Ruby St. is a short cut thorough fair street getting to and from A. St. from all surrounding neighborhoods all day long. There is consistent traffic flow anytime of the day. 72 units with an average of 2+ cars per unit brings over 140 more cars coming and going all day long. The curve in the street makes for a dangerous situation for neighbors entering and exiting their property at any given time currently. Has there been a traffic study done?

2. With low and VERY low income units this will automatically lower the property values of the surrounding neighborhood. Along with that will increase crime, noise, trash, needles, traffic and insufficient parking in this quiet neighborhood.

3. A three to four story building is a MASSIVE structure that does not fit into this existing neighborhood. This height of building will be an eyesore from the street and should not be anywhere near street view or near any existing structures that surround it. This is not a commercial area, this is a quiet residential neighborhood.

4. This existing field is home to tons of wildlife anytime of the year and has been that way for years. What will happen to these animals? There are families of deer, turkey, Canadian honkers, coyotes that make their homes here. Why cant this be open space or parkland?

Thank you.





**Villanueva, Vincent P, CDA**

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**From:** Anita Wah <anitawah@sbcglobal.net>  
**Sent:** Tuesday, April 9, 2019 2:51 PM  
**To:** Young, Andrew, CDA; Chauhan, Nisha, CDA  
**Subject:** Comments on Ruby St. Project  
**Attachments:** RubyStProjectComment\_Wah\_Fishman.pdf

Dear Mr. Young and Ms. Chauhan,

We have attached comments on the Ruby St. Project. We are fully in support of the comments submitted by Bruce King for the Friends of San Lorenzo Creek. We have also made two additional comments.

In another email, we will send supplementary information and indication of support for the points in our letter by other residents.

Sincerely,  
Anita Wah  
Alan M. Fishman  
Joia S. Fishman  
1719 Grove Way  
Castro Valley



**To: Andrew Young, Planner  
Nisha Chauhan, Planner  
Alameda County Planning Department  
224 W. Winton Avenue, Rm 111  
Hayward, CA 94544**

**From:**  
**Anita Wah  
Alan M. Fishman  
Joia S. Fishman  
1719 Grove Way, Castro Valley  
[anitawah@sbcglobal.net](mailto:anitawah@sbcglobal.net)**

**Subject: Site Development Review of Eden Housing's Proposed  
Ruby Street Project**

We are writing in support of the comments on this site development submitted to you by Bruce King of the Friends of San Lorenzo Creek on March 26, 2019. We agree with all parts of this detailed analysis. **We agree with Mr. King's recommendation that the project not be approved.** In particular, we would like you to pay attention to the following points in your further review of this site.

- The need for a correct determination of the creek setback.
- An environmental assessment of this site in terms of the need for protection of biological resources and wildlife corridors
- Resolution of questions about the multi-use trail
- Conflicts between the current site plans and the content of the Castro Valley General Plan of 2012 (Chapters 7 and 8), including the designation of this site as "Sensitive Habitat" and "Oak Riparian Woodland/Wildlife Corridor"

We also wish to make two additional comments and recommendations based on our experience as 22-year residents of 1719 Grove Way.

**FIRST, regional housing planning is urgently needed, with cooperation between local jurisdictions.** We, and all of the many neighbors with whom we have discussed these issues, agree that more housing needs to be built, including low-income housing. We also agree that our neighborhood is ideally located for additional housing. However, there are several sites within a few blocks of Ruby Meadow that are more suitable for this development because they do not have the disadvantages outlined by Mr. King in his comments. These include the large former City Hall site behind Safeway and numerous other derelict and abandoned building between the Safeway center and downtown Hayward. Most of these are in the City of Hayward rather than in unincorporated Alameda County. We believe that

planning for housing needs to be done on a regional basis, involving cooperation between Alameda County and the City of Hayward, so that the most suitable site can be found for locating this urgently needed housing. We suggest consideration of the old City Hall site, which also has a large amount of parking space and easier access to shopping and transportation. CalTrans Parcel 9 is another possibility.

**SECOND, any development needs to consider how the requirements of the Quimby Act will be met.** State and regional requirements specify three to five acres of parkland per 1000 residents, and our area falls far short of this guideline. Our neighborhood includes land owned or controlled by five different jurisdictions: East Bay Municipal Water District, the Hayward Unified School District, Alameda County, the City of Hayward, and Hayward Area Recreation District. None of these can act alone to ensure that we have adequate parkland and open space. Again, regional planning is essential. Ruby Meadow, site of the proposed development, is one of the few local parcels still suitable for parks and open space. It should be preserved for this purpose, and building should occur on one of the numerous nearby sites that have already been cleared and cannot be repurposed for wildlife or recreation.

On March 14, 2019, the City of Hayward held an informational meeting about development plans for CalTrans Parcels 8 and 9 at Douglas Morrison Theater. Even though this meeting was held directly across the creek from Ruby Meadow, the Ruby Street project was not even mentioned. This event was emblematic of the lack of coordination and cooperation in housing development and planning between the City of Hayward and Alameda County. On that occasion, we wrote a letter to the City of Hayward addressing the need for regional planning to meet the dual needs of adequate affordable housing and sufficient urban green space. To date, forty-four residents have expressed written support for this letter. We all agree that our support for any future development is contingent on receiving plans that result from the cooperation between the various jurisdictions. We have forwarded to you in a separate document this letter and the names of the supporters.

**Villanueva, Vincent P, CDA**

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**From:** Anita Wah <anitawah@sbcglobal.net>  
**Sent:** Tuesday, April 9, 2019 2:55 PM  
**To:** Young, Andrew, CDA; Chauhan, Nisha, CDA  
**Subject:** additional support for comments on Ruby St. Project  
**Attachments:** CityofHayward\_re\_Parcel8.pdf; SupportersPage1.pdf; SupportersPage2.pdf

Dear Mr. Young and Ms. Chauhan,

Attached is a letter we wrote to the City of Hayward about the Parcel 8 planning. It was endorsed by 44 residents. Since the points in this letter are the same as those we made in our comments on the Ruby St. Project, we believe that this indicates support for our position.

Thank you for your attention.

Sincerely,  
Anita Wah  
Alan M. Fishman  
Joia S. Fishman  
1719 Grove Way, Castro Valley



**To: The City of Hayward**  
**From: Residents in the neighborhood of Parcel 8**  
**RE: Issues to be addressed prior to development of Parcel 8**  
**Date: March 14, 2019**

**We respectfully request that the City of Hayward address the following questions before plans for the development of Parcel 8 are completed and approved.**

**How will the requirements of the Quimby Act be met?**

State and regional requirements call for three to five acres of parkland per 1000 residents. The unincorporated areas near Parcels 8 and 9 do not come close to meeting this requirement. There are no acceptable recreational areas for children and families within walking distance of the Grove Way neighborhood between Foothill Boulevard and Redwood Road. Residents do not view Carlos Bee Park as a safe place for groups of children to play unaccompanied. (Anyone familiar with the park needs no explanation for this statement.) It is not large enough for adults to use for activities such as running or hiking. The playground at Stobridge School met some of these requirements until the school district fenced it to preclude after-hours and weekend access by the people who support it with their taxes. The land in Parcel 8, with a connecting trail to Carlos Bee, would perfectly fill the need for local parkland, while preserving a wildlife corridor.

**Why must Parcel 8 be developed for housing when for years the City of Hayward has neglected to develop the adjacent old City Hall area behind the Safeway shopping complex?**

This area is a public hazard, an eyesore, and an unconscionable waste of land. For years, the City failed to address this problem. Then, to off-load the responsibility, the City sold it to a developer. Apparently, there were no requirements attached to the sale with regard to development, and the building and surrounding area remain neglected and become more dangerous every year. This parcel is ideally located for mixed-income housing that would have access to transportation, shopping, banking, and even medical care, without the need for a car. The City's inaction on this parcel suggests a belief there is no need for housing in this location and hence that Parcel 8 need not be developed either. If there is a need to create housing (which we support), the old City Hall parcel should be developed first, before Parcel 8 is paved over and its potential as parkland is forever lost.

**Why is the City of Hayward not coordinating with Alameda County, Hayward Unified School District, Hayward Area Recreational District, and East Bay MUD in development plans?**

We all live near the Hayward/Castro Valley boundary. Those of us who are Castro Valley residents live within a few blocks of Hayward, where we have no voting power, but where decisions affect us greatly. The meeting at Douglas Morrison Theater is farther away from Parcel 8 than it is to a soon-to-be-developed parcel in Castro Valley, which is not even being discussed. Our neighborhood includes land owned by all of the jurisdictions listed above. Since they are not required to plan for development and parkland on a regional basis, we must beg for the attention of each jurisdiction separately. We believe that coordination should be required, and that the various jurisdictions should present a joint plan to the residents. We oppose any further planning and development until this requirement is met.

**The residents supporting this statement are listed on the accompanying page.**





We endorse the letter to the City of Hayward regarding issues to be address<sup>ed</sup> prior to development of Parcel 8.

| NAME             | ADDRESS              |
|------------------|----------------------|
| Anita Wah        | 1719 Grove Way       |
| Alan Fishman     | 1719 Grove Way       |
| Joia Fishman     | 1719 Grove Way       |
| Rita Sklar       | 21730 Gail Drive     |
| Joseph Sklar     | 21730 Gail Drive     |
| Aldo Del Col     | 1706 Grove Way       |
| Arielen Perdue   | 1712 Grove Way       |
| BJ Parma         | 1897 Grove Way       |
| Carole Parma     | 1879 Grove Way       |
| Nancy Duman      | 1707 Grove Way       |
| Hannah Witzemann | 1713 Grove Way       |
| Judy Wright      | 1251 Rex Road        |
| Janie Faiola     | 2275 Grove way #2    |
| Pete             | 2413 Sebastopol lane |
| Lajla Abrao      | 1741 Knox St.        |
| Ann Maris        | 1490 Grove Way CV    |
| Bradley Maris    | 1490 Grove Way CV    |
| Jared Perkins    | 21473 GARY DR        |
| CASEY PERKINS    | 21473 GARY DR.       |
| Brandi Gomes     | 21549 Knoll way C.V. |
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|                  |                      |



We endorse the letter to the City of Hayward regarding issues to be address<sup>ed</sup> prior to development of Parcel 8.

| NAME                                 | ADDRESS                                   |
|--------------------------------------|---|
| BRUCE KING <i>Bruce King</i>         | 3127 TERRY CT CASTRO VALLEY CA 94546      |
| <i>Charles Pisano</i>                | 377 Perkins Dr. Hayward Ca 94541          |
| Cristina Baron <i>Cristina Baron</i> | 1140 E ST Hayward 94541                   |
| <i>Maria Stuyva</i>                  | 550 Caled Place, Hayward 94544            |
| <i>Paulette Fuso</i>                 | 91157 Tepic Place #9, Hayward, 94544      |
| Erica Maciel                         | 18364 Hunter Ave Hayward 94541            |
| Ellie Hirstain.                      | 24085 Dover lane Hayward, 94541           |
| Theesa Hirstein                      | 1665 E Street Hayward 94541               |
| Erika Cortez                         | 471 Blue Bonnet Place, Hayward            |
| Karen Metcalf                        | 22427 Santa Clara Way CA 94544            |
| <i>Yori Gonzalez</i>                 | 21049 Baker Rd Castro Valley, CA 94546    |
| <i>Crueli Polan-Sun</i>              | 50 Austin Ave. Hayward, CA 94544          |
| PUNIT KAUR                           | 1458 ALMERIA DRIVE Hayward CA 94544       |
| <i>Kalinya Meekie</i>                | 21609 Orange Ave Castro Valley CA 94546   |
| Annie Yo                             | 98862 Granada Dr Hayward CA 94544         |
| Ariel Nelson                         | 1718 DR APT B Hayward, CA 94541           |
| Stacey Moore                         | 21424 Hamland Ave Hayward 94541           |
| William Bui                          | 348 BRIDGE CREEK WAY, HAYWARD, 94545      |
| ERIDELA GOMEZ                        | 19057 Helton St. Castro Valley, CA, 94546 |
| GIANNINA CALDERON                    | 26676 WAUCHULA WAY HAYWARD, CA 94545      |
| JOSE FLORES                          | 21279 MEERLAND AV. HAYWARD CA 94541       |
| Lorena Del Valle Lopez               | 22774 Myrtle St. Hayward, CA 94541        |
| Julie Machado                        | 22248 Main St Hayward CA 94541            |
| <i>Catherine Gentilini</i>           | 3180 Cromwell Pl Hayward CA 94542         |
| GABBY WRIGHT                         | 1251 REX RD HAYWARD, CA 94541             |
| Karen Alabaster                      | 19615 Buren Pl. Castro Valley, CA         |
| KRISTINE STANDLEY                    | 1728 CRESCENT AVE 94546                   |



**Villanueva, Vincent P, CDA**

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**From:** Dr. Ann E. Maris <dr.annm@gmail.com>  
**Sent:** Tuesday, April 9, 2019 4:28 PM  
**To:** Chauhan, Nisha, CDA; Young, Andrew, CDA  
**Subject:** Eden Housing's Ruby St Proposal  
**Attachments:** 2019Apr9RubyMeadow2.pdf  
  
**Categories:** Ruby St-Eden Housing

Please find my comments attached here.



Ann E. Maris, PhD  
Organizer Grove Way Neighborhood Association  
1490 Grove Way  
Castro Valley, CA 94546

April 9, 2019

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

Attn: Nisha Chauhan [nisha.chauhan@acgov.org](mailto:nisha.chauhan@acgov.org), Andrew Young [Andrew.young@acgov.org](mailto:Andrew.young@acgov.org)

Re: Eden Housing, Inc. Development Application PLN2019-00024

Dear County Planner Chauhan,

I am writing to voice my concerns about the Eden Housing, Inc. proposal to build a new development on Ruby Street, Castro Valley. My family has lived on Grove Way since 1972 and we have seen a lot of changes. I am disappointed that the public has received little-to-no notice of this proposed development, including the lot line changes already carried out with this development in mind. If it weren't for neighbors communicating among ourselves, we wouldn't even know about this development. Although only a few neighbors directly border the CalTrans properties on Ruby Street, the lives of many people would be negatively impacted by the drastic change of the area proposed by this development. The public needs to receive better notification of what is planned for the area in order to provide the County with accurate public input. The public also needs to be given more time between the announcement and the time allotted to provide comments. Ten days is too short of a window.

Eden Housing has not communicated well with neighbors. They held a January 2019 meeting in which the audience was not permitted to ask questions until protests erupted and one question was permitted. After the Eden Housing presentation, various representatives were available at the rear of the room to answer questions. I met with their biologist who told me that the deer and wildlife "will go elsewhere" and that the deer can live in the creek. When I protested that deer don't live in the creek, rather they live in the meadow, he replied that he

saw them in the creek when he did his site visit. The Eden Housing project has made no provisions for resident wildlife or their continued existence. In fact, their biologist did the opposite, dismissing the value of their presence. The neighborhood's peaceful enjoyment of wildlife in Ruby Meadow forms a large part of the character and benefits of the neighborhood; therefore, the wildlife's continued presence must be considered and even encouraged. Specifically, the Castro Valley General Plan shows that these Ruby Street parcels are in a highly sensitive biological area that needs special consideration. Details were outlined to your department in a March 26, 2019 letter from Bruce King, Friends of San Lorenzo Creek. I agree with his expert analysis and concerns.

Overall, the proposed Eden Housing development is in stark contrast with the Castro Valley General Plan, the Watercourse Protection Ordinance, and other standards. The 2012 CV General Plan (pages 2-4) describes the "clear vision" for Castro Valley that emerged through "community input and planning analysis." Six **key objectives** are described. The first involves revitalizing the central business district. The Eden Housing proposal needs to be considered in light of the other five key objectives: 1) "Preserve the area's defining natural characteristics, embodied in the hills, canyons, creeks, and rural corridors, and views to those natural areas;" 2) "Improve access for children to schools, parks and recreation facilities, and provide safer streets for walking and bicycling, in order to create a good environment for raising a family;" 3) "Provide facilities for activities and entertainment venues for all age groups... Ensure safe residential streets where traffic speed and noise do not dominate residential streets, and where residents, especially children, can walk or bike to schools, neighbors, stores, and other destinations;" 4) "Preserve the small town "rural" character of Castro Valley, with low scale buildings, views to the natural areas...;" 5) "Reduce impacts of regional traffic and freeway traffic, so that local streets contribute rather than detract from the quality of life in the community."

The creek-side trail in the Eden Housing proposal is not dependent on new development and should be built by H.A.R.D. and Friends of San Lorenzo Creek. It makes sense to extend Carlos Bee Park to include Ruby Meadow. This trail and park area would fulfill key General Plan objectives by 1) preserving the area's natural characteristics and views to those areas, 2)



providing safe access for bikers and pedestrians, 3) contributing to activities and entertainment for all age groups, 4) preserve rural Castro Valley character and views to natural areas, and 5) allowing Ruby Street to contribute rather than detract from the quality of life in the community. Ruby Street neighbors already complain about drivers cutting through from A Street, speeding, traffic back-ups, and difficulty getting out of the driveway during commute hours. Almost 80 more residences on this tiny semi-rural street would be tragic.

The Eden Housing proposal would degrade living conditions in the neighborhood in terms of increased population density, blocked skyline, increased ambient noise, trash, automobile and pedestrian traffic, and the removal of wildlife. Over and over again, both newcomers and long-term residents here describe how the best part of our neighborhood is the wildlife and peaceful views of nature. The Ruby Street parcels are the last undeveloped green spot in the neighborhood and contribute greatly to the quality of life here.

The Castro Valley General Plan also discusses residential development rates (pages 3-16). The 15-year annual average between 1990-2005 is 135 units built per year; however, those data include several "very large subdivisions." For example, between years 2004-2005, the average was only 32 units per year. The Eden Housing proposal alone adds 225% more than this. This proposed development is large and will have significant impact on the neighborhood. Furthermore, the General Plan anticipated that there were "no large sites remaining that can be subdivided." The Eden Housing lot line changes and proposal combines approximately twenty separate parcels together in order to build more homes than the original lot sizes and zoning would have allowed. In addition, this large development is proposed in an area of highly sensitive biological habitat.

The Eden Housing proposal includes pervious pavement, which requires periodic vacuuming. This loud noise in already sensitive habitat would further terrify any resident wildlife, disrupting their nesting, feeding, and natural activities.

The proposed building is a bad idea because it is in highly sensitive Oak Riparian Woodland, and the trail also would wind through this sensitive area. The trail's location is a huge question with regard to pedestrian, bicycle, and other transport modalities which disturb resident wildlife. The trail is almost indescribably valuable to residents for both travel and recreation, but it cannot be built directly next to the creek or within the protected setback area. Therefore, when we consider proper placement of the trail, the developable land shown by Eden Housing's plan is reduced, making this building project excessive and inappropriate for the area. The creek cuts deeply into the earth, bordered by tall cliffs. Vegetative and artificial barricades must be planned for public safety and to preserve the current and potential wildlife habitat. Trail construction should be done where and how it is the least disruptive and dangerous, and the most economically feasible, not in the leftover unstable land below high-rise rental housing.

Chapter 5 of the CV General Plan is about Community Character and Design: "Castro Valley has a unique character that has evolved based on its natural setting and its history. Residents of Castro Valley feel strongly about preserving the character of Castro Valley, and enhancing the aspects of it that they enjoy. This element contains policies and actions to preserve and enhance the community character and design of Castro Valley. The main features that define the desired character of Castro Valley are its "natural setting" and "neighborhood character." **"The natural amenities that contribute [to] Castro Valley's quality of life include: hillsides, canyons, creeks, trees, and the views of these natural resources."** Physical features reflect the agricultural and small-town character of Castro Valley before it became a suburban bedroom community. These include **"undeveloped hillsides and canyons, neighborhoods with streets without curbs and sidewalks, and mature trees in front yards and along streets."** The development of Ruby Meadow would destroy natural amenities of Castro Valley as described in Chapter 5. Ruby Street is a neighborhood without curbs and sidewalks, and with mature trees in front yards and along the street. Neighbors like it this way, as noted in the Castro Valley General Plan, and want it to stay this way. *We want the aspects of Castro Valley that we enjoy enhanced, not removed.*

The August 2011 EPA report, *The Green Solution Project*, describes San Lorenzo Creek: (Section 10.2, pages 10-12) "While all the creeks in the planning area have some issues with erosion, siltation, and urban or agriculture runoff, **only San Lorenzo Creek is listed as impaired**. The pollutant diazinon has been identified in this creek, which indicates agricultural pesticides have entered it through runoff and sewer lines. Even though there are no major discharges to Castro Valley Creek, copper has been found in it." Castro Valley Creek joins San Lorenzo Creek just beyond Eden Housing's proposed development, and continues to the San Francisco Bay. Diazinon is a pesticide, outlawed for residential use in 2004 but still permitted for agriculture. It is considered to be of relatively high toxicity for vertebrates (17-mg per kg body weight kills 50% of mice tested). Not only Eden Housing's proposed development, but any development next to creeks has been shown time and time again to result in increased pollutants in the water and increased temperatures, damaging both habitat and wildlife.

Public Works' commented on this proposal in August 2018 about unstable soil and dangerous conditions. The building's base must be constructed at least one foot above the flood plain, but yet the flood plain map is inaccurate. How tall will this building be? The proposed four-story building already exceeds local building height by double. It also doesn't make sense to park a huge building onto the small unstable lot and then force massive amounts of engineering to design it safely when Eden Housing could simply build at an alternate location.

For example, the Eden Housing project could be built on another CalTrans lot, which the City of Hayward calls "Parcel 9." Hayward presented the idea of building a hotel there at their March 14, 2019 public meeting. Neighbors don't want another hotel here in the area because the two currently on Foothill Blvd, a few hundred feet from Hayward's proposed hotel, bring unnecessary crime and blight to the neighborhood. The two existent hotels have the lowest yelp ratings of all the businesses here on Foothill Blvd between Grove and City Center Drive. Consumers don't like them and residents don't like them. The neighborhood does not need another low budget hotel. Instead, we would feel more positive about having additional rental housing in Parcel 9, such as the project proposed by Eden Housing. Also, please

**consider creating housing in nearby buildings that have been vacant for decades. For example, the former Hayward City Hall could accommodate many more dwellings than Ruby Meadow and building there would not damage open space land that could be restored. Several other developments in the area have already been approved, so also developing in Ruby Meadow would further burden an area already full of new developments.**

**In summary, I ask that the Eden Housing proposal be denied as presented and that Eden Housing considers building in locations outside of Ruby Meadow. I ask that Alameda County coordinates better with the City of Hayward, the neighbors, and relevant agencies, to consider the entire area around Grove Way (Ruby Meadow + Parcel 8 + Parcel 9) when building on CalTrans land that has been off the tax books for fifty years. I agree with the analysis from Friends of San Lorenzo Creek and with the community letter circulated by the Fishman/Wah family. Please help our neighborhood improve and recover from the damages inflicted by CalTrans.**

**Sincerely,**

**Ann E. Maris, PhD**

**Grove Way Neighbor and**

**Organizer Grove Way Neighborhood Association**

## **Villanueva, Vincent P, CDA**

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**From:** Sheri Bywater <ung44@aol.com>  
**Sent:** Tuesday, April 9, 2019 4:44 PM  
**To:** Young, Andrew, CDA; Chauhan, Nisha, CDA  
**Subject:** 78 UNITS ON RUBY STREET A BAD IDEA

Dear Andrew and Nisha,

I'm writing this letter in hopes that you can stop this housing project. Ruby street is a quiet neighborhood and a large apartment building doesn't fit in. **If anything please reduce the amount of units.** Castro Valley is an overcrowded mess. I don't care that there are reports that say it won't affect the environment or cause traffic problems. They make no sense and in my opinion, they are false reports made by people who will make a buck off of it and not have to live near the consequences.

Have you tried to park at Trader Joes or Castro Village lately? On a weekend especially! Good luck with that.

Unless an existing apartment building is being converted, I'm strongly against any new housing developments in Castro Valley (low income or not). It was a nice place once. I will be moving away as soon as I can! Thanks!

Regards,

Ursula Gee

Very Unhappy Castro Valley Resident and high rate taxpayer of 35 years!

## **Villanueva, Vincent P, CDA**

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**From:** Terry Preston <mtmpreston@comcast.net>  
**Sent:** Monday, July 8, 2019 3:24 PM  
**To:** Chauhan, Nisha, CDA  
**Cc:** Lepere, Bill; Ackerman, Hank; Lopez, Albert, CDA; supervisormiley@gmail.com  
**Subject:** Ruby St. Eden Housing proposed project along San Lorenzo Creek  
**Attachments:** Ruby Meadow project comments.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Attached are comments from the Ohlone Audubon Society regarding the Eden Housing-Ruby Street proposed project.

Terry Preston



**Young, Andrew, CDA**

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**Subject:** FW: Eden Housing Development at Ruby Meadow

**From:** Liz Dunbar <eadunbar@gmail.com>

**Sent:** Tuesday, April 9, 2019 3:33 PM

**To:** Young, Andrew, CDA <andrew.young@acgov.org>; Chauhan, Nisha, CDA <nisha.chauhan@acgov.org>

**Subject:** Eden Housing Development at Ruby Meadow

Hi Andrew & Nisha,

I am writing to you with my concerns about the Eden Housing's proposed development at the Ruby Meadow in the Baywood Community of Castro Valley.

I write as a homeowner who lives on Knox Street just around the corner from the Japanese Garden and Ruby Meadow. I never received the Neighborhood Courtesy Notice sent on March 19, 2019 about the development project.

This is a very peaceful area and most of us in this part of the neighborhood choose to live here as we are close to nature & wildlife. We often see deer grazing, great blue herons flying by, and turkeys congregating. I run these streets and particularly love running on Crescent and Ruby past the meadow. It is very hard for me to envision a four story structure with a large parking lot on this site. In addition, I've been told that there is a plan for an additional 30-40 cars to use off street parking. There does not seem to be much additional room for off-street parking now, even before construction begins.

Already, Baywood's 5th street is used as a pass through for cars trying to get to A Street. Is there a traffic study that we neighbors can see? The thought that 100+ more cars will be on our neighborhood roads does not seem "well thought" out.

I've been attending meetings of the CALIFORNIA STATE ROUTE 238 CORRIDOR LANDS project spearheaded by Jennifer Ott from the City of Hayward. These meetings have been very productive with community input encouraged. I don't feel that the same consideration has been given to us Baywood residents in this Eden Housing proposed development. As stated earlier, I didn't even get a notification and I live less than .25 mile away.

As you can see by my email footer, I am a local realtor. I do understand the need for housing of all kinds. However, there are other locations that seem to be better suited for such development. Parcels 8 & 9 on the 238 corridor lands would seem to be more conducive to a 4 story structure with parking for 100+ cars. What about the old Hayward City Hall location?

Thank you for taking the time to read my email.

Best regards,

Liz

**LIZ DUNBAR**

Realtor Associate  
Residential & Investment Properties  
DRE #01394756

510.898.8627

eadunbar@gmail.com

vonrollrealestate.com



**RE/MAX ACCORD** 3327 Castro Valley Blvd · Castro Valley, CA 94546 · 510.690.9600





## **Villanueva, Vincent P, CDA**

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**From:** Anne Gross;Jo/1 <jag811@comcast.net>  
**Sent:** Tuesday, April 9, 2019 1:46 PM  
**To:** Young, Andrew, CDA  
**Subject:** proposed Ruby Street development

Andrew Young  
Interim Senior Planner  
Alameda County Planning Dept.  
224 W.Winton Ave., Rm 111  
Hayward CA 94544

Dear Mr. Young:

Thank you for the notice regarding the proposed development of apartments on Ruby Street in Hayward/Castro Valley. I am a lifelong Hayward resident who currently lives in the Fairview area of Hayward, but who grew up on Grove Way and Orange Avenue in Hayward/Castro Valley. My childhood home on Grove Way was bought by Caltrans in 1968 for the now-abandoned freeway project, so I am well aware of the history of these former Caltrans properties. Our former home on Grove Way was demolished last summer due to many years of neglect by Caltrans, and then the city of Hayward. My mother is 98 years old and is still living in our family home on Orange Avenue.

I am writing to you to express my concerns regarding developing a 72 unit apartment building on Ruby Street. I drive past this property daily on my way to see my mother and often stop by to see the many deer and flock of wild turkeys that graze there. There is a scarcity of open space and natural settings in this area and it appalls me to think of a large apartment building going up there and displacing the wildlife. The deer live down in the creek and have few options for feeding themselves. They are a pleasure to observe and should be allowed to continue to live and graze there. The planning department needs to consider conserving the very few natural areas of beauty which enhance our lives rather than crowding high density residential development along a natural creek.

I do understand the need for more low-income housing here. (Indeed, the only reason I am able to afford my house on D Street is because I was able to buy it from Caltrans as a long-term tenant back in 1984.) There are other areas of space more conducive to developing apartments or condos, specifically on Grove Way where my former house stood, as well as the corridor along Foothill Blvd. There are also two apartment buildings formerly owned by Caltrans adjoining the creek on 4th Street. Why can't those be redeveloped rather than destroying the beautiful park-like setting of the Ruby Street property?

Thank you for your consideration of my concerns.

Yours truly,

Jo Anne Gross  
2533 D Street  
Hayward CA 94541  
510-305-1229



## Villanueva, Vincent P, CDA

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**From:** Steven King <even.steven.king@gmail.com>  
**Sent:** Tuesday, April 9, 2019 3:36 PM  
**To:** Chauhan, Nisha, CDA; Young, Andrew, CDA  
**Subject:** Friends of San Lorenzo Creek Comments on the Site Development Review of Eden Housing's Proposed Ruby Street Project

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Dear Planning Department,

My wife and I live in San Leandro and our backyard borders the San Lorenzo Creek where it flows its last miles into San Francisco Bay. In this gravel bottom area of the flood control channel, our Creek slows down, pools, attracts birds and is home to some fish and amphibians. Although we consider ourselves to be living on the bank of a real creek, our section is far from natural. However, further upstream of the flood control channel, as in the Ruby Street area, the natural San Lorenzo Creek remains virtually intact. There, we all have the opportunity and obligation to protect and maintain the Creek and riparian corridor in a healthy condition.

As a Friend of Friends of San Lorenzo Creek, I know it is essential to preserve the existing San Lorenzo Creek stream beds, banks, setbacks, riparian and wildlife corridors and sensitive habitats in accordance with the Watercourse Protection Ordinance and the Castro Valley General Plan. As planned, Eden Housing's Proposed Ruby Street Project will not achieve this goal.

I DO NOT RECOMMEND APPROVAL of the proposed Ruby Street Project plan for the general reasons listed below.

- The creek setback was not correctly determined. Proper calculation and assessment will result in less developable land.
- An environmental assessment has not been provided that shows what biological resources need to be protected, especially resources beyond the minimum creek setback such as Oak Riparian Woodland/Wildlife Corridor. This will likely result in less developable land.
- Important questions regarding the multi-use trail and Parcels A, B, and C need some public clarity, resolution, and planning.

I also agree with and ask that Friends of San Lorenzo Creek's specific comments be addressed and the project be changed or moved elsewhere to protect this site's biological and public resources. These specific comments are detailed in the March 26 letter titled "Friends of San Lorenzo Creek Comments on the Site Development Review of Eden Housing's Proposed Ruby Street Project".

Sincerely,

Steven King  
Friends of San Lorenzo Creek  
1038 Duzmal Avenue  
San Leandro, CA 94579  
(510) 851-2886



## **Villanueva, Vincent P, CDA**

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**From:** Hd02mona <Hd02mona@comcast.net>  
**Sent:** Tuesday, April 9, 2019 8:38 PM  
**To:** Young, Andrew, CDA; Chauhan, Nisha, CDA  
**Subject:** Ruby Meadow

April 9, 2019

Attn: Andrew Young  
Nisha Chauhan

Alameda County Planning and CVMAC should not approve the Eden Housing Proposal in Ruby Meadow.

I have many concerns regarding the proposal. Development of this Meadow will destroy the habitat and neighborhood. This area should be preserved and have open space and park improvements, not development which will destroy the entire area. The San Lorenzo Creek is a wildlife corridor, vital to the native trees and wildlife to be sustained. Ruby Meadow requires protection and preservation. Please refer to Chapters 5 and 7 of the Castro Valley General Plan.

Park space is necessary for the mental health of ALL residents! Ruby Meadow is a central location for many neighborhoods in Hayward and Castro Valley that would have access to a beautiful wildlife habitat, Creek, and Oak Riparian Woodland. This wildlife corridor needs to be preserved .

CalTrans has totally mismanaged their properties, with the goal to have the properties fall into disrepair so that they could evict tenants . The properties were bought from homeowners by force. These families were not even given the opportunity to purchase-back their family homes. This seems to have been calculated so that CalTrans could then sell off the properties to developers. This shows their complete disregard to residents and to the wildlife that inhabit the surrounding areas. The complete destruction of these properties is the proof. For Eden Housing being given the opportunity to purchase this land without input from citizens is incomprehensible.

Thank you very much for your attention to this very important matter.

Respectfully,

Ramona Confer  
Lifelong resident of both Hayward and Castro Valley, Retired Hayward Unified School District Classified Employee

## **Villanueva, Vincent P, CDA**

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**From:** Philip McDonald <pjmac74@gmail.com>  
**Sent:** Monday, July 8, 2019 10:17 AM  
**To:** Chauhan, Nisha, CDA  
**Subject:** San Lorenzo Creek

Dear, MS Chauhan,

I am opposed to the proposed development of the project on San Lorenzon Creek near the Pianos Plus and Hayward Area senior Center.

I think this would be better used as a park/open space area. There will never be a parcel of land like this this, close to downtown, available again ever. Please develop this for public use.

Thank You, Philip McDonald



**Villanueva, Vincent P, CDA**

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**From:** Chauhan, Nisha, CDA  
**Sent:** Wednesday, April 10, 2019 10:27 AM  
**To:** Young, Andrew, CDA  
**Subject:** Eden/Ruby comment

Nisha Chauhan, AICP  
Senior Planner  
Alameda County  
Community Development Agency  
510.670.6541

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**From:** Bev Herborn <dbherborn@comcast.net>  
**Sent:** Tuesday, April 9, 2019 4:48 PM  
**To:** Chauhan, Nisha, CDA <nisha.chauhan@acgov.org>  
**Subject:** Ruby Meadows, Ruby St. Project #PLN2019-00024

Please do not approve the Eden Housing Proposal in Ruby Meadow because..

This existing field is home to tons of wildlife anytime of the year and has been that way for years. These animals have no where to go. There are families of deer, turkey, Canadian honkers, coyotes that have made their homes here. Castro Valley needs more parks and open space.

Ruby St. is a short cut thorough fair street getting to and from A. St. from all surrounding neighborhoods all day long. There is consistent traffic flow anytime of the day. 72 units with an average of 2+ cars per unit brings over 140 more cars coming and going all day long. The curve in the street makes for a dangerous situation for neighbors entering and exiting their property at any given time currently.

With LOW and VERY LOW income units this will automatically LOWER PROPERTY VALUES of the surrounding neighborhood. Along with that will increase CRIME, NOISE, TRASH, TRAFFIC and INSUFFICIENT PARKING in this quiet neighborhood.

**A three to four story building is a MASSIVE structure that does not fit into this existing neighborhood. The height of this of structure will be an eyesore from the street and should not be anywhere near street view or near any existing structures that surround it. This is not a commercial area, this is a quiet residential neighborhood.**



## Villanueva, Vincent P, CDA

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**From:** Kristine Standley <standley.kristine@gmail.com>  
**Sent:** Tuesday, April 9, 2019 5:42 PM  
**To:** Young, Andrew, CDA; Chauhan, Nisha, CDA  
**Subject:** Re: Ruby Street Meadow Project: PLN2019-00024

Hi Mr. Young & Ms. Chauhan

Thanks for your response. I wanted to voice a few comments and observations about this proposed project, anticipating they will be indicative of a pattern you might receive from our neighborhood.

I saw you at the recent MAC meeting but had to run home afterwards and didn't introduce myself. I really kinda enjoyed what I learned about Fill Import, however.

Regarding Ruby Street Meadow Proposal, I simply don't support a residential development here of any size. I do support Eden Housing and understand the need for affordable housing but not in some of the remaining green space around, please.

It should remain an open meadow connecting to other open spaces, providing for a healthy living environment for our community as set forth in the Quimby Act. Surely there are other more opportune spots like the nearby Oak Street parcel.

This parcel(s) connects to other oak riparian woodland and creek wildlife corridors in the immediate area, and it does occur to me this presents a unique development opportunity. Carlos Bee Park is right across the creek from the end of Crescent Avenue and just over the hill from parcels 8+9 and would be easily enjoyed by more with the addition of a bridge, connecting the two areas and creating a really nice environment for a truly magnificent enhanced recreational open space, available to the residents of my neighborhood as well as the future residents of the parcels 8 + 9 in Hayward. It may not appear to be so easily connected but it is.

I walk the area quite a bit and it's kinda interesting how close it is, the hills make things seem further. Even though I live closer to A Street, I consider Shadyspring a neighborhood street, and walk it regularly, right next to Carlos Bee Park. It might not seem that connected, and yet it is. I would welcome upgraded facilities along a ridgeline corridor equipped with paved walkways for baby carriages, wheelchairs, folks with multiple hip replacements who might like a handrail in spots and bikes. Bird watching would be stupendous. I see kids flying kites and being made more healthy but that interaction with nature. All sorts of outdoor activities and programs. Educational gardens etc. The list of ideas is limitless.

There have been deficits in communicating about this project with us. I have a better understanding of the MAC's role in distributing information (learned at last eve meeting) - just want better more timely information. Based on my above comments, I think a 500 foot radius is not enough and would suggest a much broader effort to provide updated information on local proposals, allowing for a better response from the larger community. There have been decades long, burdensome issues connected with these parcels and it is time for better community input on Ruby Street and its meadow.

I'd be available to walk the area with you, should it be helpful. Some of us locals decided to start referring to this as a meadow a while back and I believe it helped solidify our regard for this as open space. I'd like to introduce you. Thanks for your time Andrew. Please excuse any typos.  
Kristine Standley

1728 Crescent Avenue  
510 393 7552

On Apr 5, 2019, at 5:03 PM, Young, Andrew, CDA <[andrew.young@acgov.org](mailto:andrew.young@acgov.org)> wrote:

Hi, Kristine,

I just thought I would add that we mailed out the attached Courtesy Notice on March 19<sup>th</sup>, but it appears your address fell outside the 500 foot radius from the Project site that we used for the mailing list. However, we will be sure to include you on any e-mail communication and add you to the USPS mailing list as well. As Ms. Chauhan indicated, we will be in touch soon with any new news of hearings and how you can keep in touch.

We referred the project to Linda Gardner at the County Dept. of Housing and Community Development, but I don't have specific information on what her agency's role will be for this project, except that obviously they are interested in seeing the County work towards meeting its goals for affordable housing in our adopted Housing Element.

KIND REGARDS,  
ANDREW YOUNG

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**From:** Chauhan, Nisha, CDA  
**Sent:** Friday, April 5, 2019 3:22 PM  
**To:** [standley.kristine@email.com](mailto:standley.kristine@email.com)  
**Cc:** Young, Andrew, CDA <[andrew.young@acgov.org](mailto:andrew.young@acgov.org)>; Orduna, Rodrigo, CDA <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>  
**Subject:** FW: Ruby Street Meadow Project: PLN2019-00024

Hi Kristine,

I assume that you are referring to the proposed project located along the west side of Ruby Street, north of A Street, near San Lorenzo Creek.

I'm taking over the project for Andy Young. He is still on board to assist because of his background with this area. We are still considering the project design and a few other issues. We will keep you posted after we assess some recent revisions.

Regards,  
Nisha

Nisha Chauhan, AICP  
Senior Planner  
Alameda County  
Community Development Agency  
510.670.6541

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**From:** Young, Andrew, CDA  
**Sent:** Friday, April 5, 2019 1:32 PM  
**To:** Chauhan, Nisha, CDA <[nisha.chauhan@acgov.org](mailto:nisha.chauhan@acgov.org)>  
**Cc:** Gardner, Linda, CDA <[linda.gardner@acgov.org](mailto:linda.gardner@acgov.org)>; Orduna, Rodrigo, CDA <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>  
**Subject:** FW: Ruby Street Meadow Project: PLN2019-00024

**From:** Kristine Standley <[standley.kristine@gmail.com](mailto:standley.kristine@gmail.com)>  
**Sent:** Friday, April 5, 2019 12:04 PM  
**To:** Young, Andrew, CDA <[andrew.young@acgov.org](mailto:andrew.young@acgov.org)>  
**Subject:** Ruby Street Meadow Project: PLN2019-00024

RE: March 19, 2019 notice

Hey Andrew

I have been to meetings about this Ruby Street Meadow proposal, expressed interest in participation and signed up for information.

Considering I received news and a forward of this notice **only** after email communication with an Eden staff member just this past week, several weeks after this notice is dated, I have a few questions for you.

How I can get better connected to timely information on this proposal?

What are the official target boundaries of your notice recipients?

Do you work with Linda Gardner? In what capacity?

Thanks Andrew, I look forward to your response.

Kristine Standley  
1728 Crescent Avenue  
Castro Valley

<Courtesy Notice for postcard-11x14 format.pdf>

## Villanueva, Vincent P, CDA

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**From:** Marlina Rose Selva <dr.selva3@gmail.com>  
**Sent:** Tuesday, April 9, 2019 11:02 AM  
**To:** Young, Andrew, CDA  
**Cc:** Ackerman, Hank; Valderrama, Arthur; Paul McCreary; Orduna, Rodrigo, CDA; Ellen Morris; Gonzales, Fernando; Chauhan, Nisha, CDA  
**Subject:** Letter w/ Comments on SDR of Ruby Street Project  
**Attachments:** Letter with Comments on Proposed Ruby St Project-signed.pdf

Dear Mr. Young,

Attached is my letter with comments on the Site Development Review (SDR) for Eden Housing's proposed Ruby Street Project. I am a Friend of San Lorenzo Creek and I live in the community. I do not recommend approval of this SDR and plan as proposed. I look forward to further discussions or meetings on this topic.

Sincerely,  
Marlina R. Selva, Psy.D.



Marlina Rose Selva  
A Friend of San Lorenzo Creek  
Neighbor in the Community  
Upper B Street Area in Hayward, CA  
dr.selva3@gmail.com

April 8, 2019

Alameda County Planning Department  
224 West Winton Avenue, Room 111  
Hayward, CA 94544  
Attention: Andrew Young, Planner

Cc: Ellen Morris, Eden Housing Project Manager  
Nisha Chauhan, Planner

Re: Comments on the Site Development Review of Eden Housing's Proposed Ruby Street Project

Dear Mr. Young,

I am a friend of San Lorenzo Creek and am writing this letter to provide comments on the proposed Ruby Street Project. I live in the community and close to the creek. I observe the wildlife and habitat that are a part of the active ecosystem in the area.

I do not recommend approval of this Site Development Review (SDR) and plan, because a) the project site is located in an Oak Riparian Woodland/Wildlife Corridor, b) an environmental assessment has not been provided that shows what biological resources need to be protected, particularly beyond the minimum creek setback (e.g., Oak Riparian Woodland/Wildlife Corridor), c) the creek setback was incorrectly determined, which will result in the destruction of an ecosystem, and d) there is a significant deficit in the amount of open space in the neighborhood in comparison to standards based on the Quimby Act (California Government Code section 66477).

There are special status-species, common species, and native wildlife habitat in this area. I see deer, egrets, hawks, wild turkeys, and other wildlife. This corridor is crucial in maintaining interconnectedness between wildlife populations and providing suitable habitat during periods of migration. Even just a few oak trees can help prevent the isolation of populations and facilitate the movement and dispersal of some bird species, for example. Deer receive protection and food as they travel along the riparian corridor.

The Castro Valley General Plan reflects this importance. For example, Section 7.1 of the CV Plan outlines that "oak riparian woodland, coastal scrub, and grassland vegetation serve as the primary wildlife movement corridors for common and special-status wildlife species within the Castro Valley planning area," as shown in Figure 7-1. Furthermore, oak riparian woodland and

naturalized native trees are considered by the CV General Plan to be sensitive habitat areas suitable for special-status species; these provide potential nesting habitat for bird species. Creeks are also considered by the CV General Plan to be sensitive habitat areas. The CV General Plan designates much of the Ruby Street proposed project area as "Sensitive Habitat," "Oak Riparian Woodland/Wildlife Corridor," and "High Priority Biological Resource." According to the CV General Plan, oak/riparian woodland is considered the most biologically sensitive habitat. The CV General Plan defines and outlines protections for these habitats, resources, and corridors.

Moreover, Alameda County's Watercourse Protection Ordinance (WPO) protects the 20-foot, minimum setback of the creek plus riparian areas and their ability to be restored. The proposed Ruby Street project plans display a minimum creek setback that was determined incorrectly. The plans should actually show a minimum creek setback boundary line that is located further away to ensure creek and habitat protection.

Alameda County's Flood Control and Conservation District includes a section on their website dedicated to floodplain mapping in the San Lorenzo Creek Watershed. The District attributes extensive development in Castro Valley over the years as the cause for greater runoff to flow into the creeks. Despite efforts to remove some of the properties, it continues to be a challenge to find cost-effective solutions to provide greater flood protection to properties within the watershed.

Urban conservation and creek restoration is much needed more than ever. The local and federal government make pledges to help in the fight against climate change. This does not simply mean reducing greenhouse gas emissions to safer levels. Nature can help cities and areas like those in the Ruby Street area solve some of the biggest challenges such as access to clean air, clean water, and a stable climate. In cities across the globe, organizations are working together to restore and protect the watersheds. There is recent discussion on the Hayward Regional Shoreline and rising sea levels. The San Lorenzo Creek Watershed is a system of creeks that pours out into the eastern shore of the San Francisco Bay. We cannot have a healthy Bay without healthy creeks. Trees and vegetation located in riparian areas not only provide critical wildlife habitat, but also aid in flood control, regulation of temperature, and prevention of erosion.

It is of concern that a biologist has not written an environmental assessment for this proposed project. The timeline given to the public is also of concern. The Neighborhood Courtesy Notice dated March 19, 2019 states that the public can view the documents at the Planning Department and submit comments by April 9. It also states that the environmental Initial Study will be available on April 12, and comments on this document may be considered when the CVMAC recommends an action to the Planning Director. This fast timeline leaves only 10 days to review the environmental Initial Study before the CVMAC meeting on April 22. It therefore also renders the public unable to submit comments on this biological-environmental assessment by April 9 for consideration in the staff report.

Eden Housing describes in its mission statement on the website an aim to "build and maintain high quality, well-managed, service-enhanced affordable housing communities that meet the



diverse needs of lower income families, seniors, and persons with disabilities.” It goes without saying that this is a respectable mission. Eden Housing also describes a vision “for everyone to have access to safe, decent, affordable housing” and a belief that “housing is a basic human necessity that is essential to everyday life and future success.” Access to clean air and clean water are also a public right. Human health and natural environmental ecosystems deserve protection. Irreversibly destroying wildlife habitat for this proposed project shows a placement of profit before both public health and nature.

A large body of research, including findings from Stanford University, has established a relationship between increasing urbanization and increased rates of mental illness, with the explanation being further removal from nature. Urbanized areas with trees do not provide anywhere near the mental health benefits (e.g., decreased depression, anxiety, stress, and ADHD symptoms) compared to natural settings (e.g., grassland area scattered with Oak trees and shrubs). University of Illinois recently published findings that urban and rural counties across the nation with the lowest socioeconomic status appeared to benefit the most with better health outcomes (as evidenced by lower Medicare costs) from increases in forests and shrubs. Research also shows that connections to nature are critical to children’s social, emotional, and cognitive development. Elders, children, and families need nature to thrive and there is a disparity in the accessibility to parks, trails, and open space in economically repressed communities compared to more affluent areas.

The Ruby Street Project proposed by Eden Housing is not appropriate in this riparian area of the San Lorenzo Creek Watershed as it paves natural land in order to urbanize. Whole habitats will be eliminated in addition to the depletion of permanent resources. In order to build this project, a natural environment must be destroyed. The housing and human activity that come along with the conversion of land into an urban system produces many destructive and irreversible effects on the natural environment such as air pollution, sediment and soil erosion, increased flooding magnitude, loss of habitat, and climate change. No amount of mitigation can correct the negative impact of the proposed project's land usage.

I understand that it can be difficult to balance environmental protections with economic growth. It is no question that there is a lack of affordable housing in the local area, despite the appearance of various housing units for lease (including apartments on Grove Way). Members of the community should not pay the consequence for the problems caused by CalTrans or anyone else. It has been proven that profit has been placed over the needs of the people and the natural environment, as evidenced by a significant deficit in the amount of open space in the neighborhood (in reference to Quimby Act standards), neglect of previously livable homes in areas that have now been parceled out and sold privately, and a proposed hotel in an area more suitable for the Ruby Street Project proposed by Eden Housing.

Sincerely,

*Marlina R. Selva*

Marlina R. Selva, Psy.D.  
A Friend of San Lorenzo Creek



## Villanueva, Vincent P, CDA

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**From:** Liz Dunbar <eadunbar@gmail.com>  
**Sent:** Tuesday, April 9, 2019 3:33 PM  
**To:** Young, Andrew, CDA; Chauhan, Nisha, CDA  
**Subject:** Eden Housing Development at Ruby Meadow

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Hi Andrew & Nisha,

I am writing to you with my concerns about the Eden Housing's proposed development at the Ruby Meadow in the Baywood Community of Castro Valley.

I write as a homeowner who lives on Knox Street just around the corner from the Japanese Garden and Ruby Meadow. I never received the Neighborhood Courtesy Notice sent on March 19, 2019 about the development project.

This is a very peaceful area and most of us in this part of the neighborhood choose to live here as we are close to nature & wildlife. We often see deer grazing, great blue herons flying by, and turkeys congregating. I run these streets and particularly love running on Crescent and Ruby past the meadow. It is very hard for me to envision a four story structure with a large parking lot on this site. In addition, I've been told that there is a plan for an additional 30-40 cars to use off street parking. There does not seem to be much additional room for off-street parking now, even before construction begins.

Already, Baywood's 5th street is used as a pass through for cars trying to get to A Street. Is there a traffic study that we neighbors can see? The thought that 100+ more cars will be on our neighborhood roads does not seem "well thought"out.

I've been attending meetings of the CALIFORNIA STATE ROUTE 238 CORRIDOR LANDS project spearheaded by Jennifer Ott from the City of Hayward. These meetings have been very productive with community input encouraged. I don't feel that the same consideration has been given to us Baywood residents in this Eden Housing proposed development. As stated earlier, I didn't even get a notification and I live less than .25 mile away.

As you can see by my email footer, I am a local realtor. I do understand the need for housing of all kinds. However, there are other locations that seem to be better suited for such development. Parcels 8 & 9 on the 238 corridor lands would seem to be more conducive to a 4 story structure with parking for 100+ cars. What about the old Hayward City Hall location?

Thank you for taking the time to read my email.

Best regards,

Liz





## **Villanueva, Vincent P, CDA**

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**From:** Ana Maria Gonzalez <amglezj1@yahoo.com>  
**Sent:** Thursday, April 18, 2019 9:35 PM  
**To:** Young, Andrew, CDA  
**Cc:** Ana Maria Gonzalez  
**Subject:** Project No: PLN2019-00024

This project of 72 dwellings and 109 parking spaces = 1.5 parking per unit, it is not sufficient. It is unfair for its future, as well as for current residents. There are too many vehicles in the surrounding area as it is, and not enough parking. I understand you are trying to help the environment and maximize the number of residential units. But I feel it is also discrimination against this population. Realistically, these families tend to work two jobs, most adults work, if not all; teenagers go to school, some have extra curriculum activities, others have full time jobs, and some have it all.

One vehicle per unit is simply not enough per family. Unless they are retire. As much as we would love to depend on public transportation, most of the time it is not feasible for most people. Personally, it takes me 15-20 minutes to get to work driving my own vehicle. But if I take BART, it would take me at least an hour. Besides that I would not be able to be on time to take my daughter to some of her volunteer work at her high school after hours. In one of the meetings we tried to bring this issue but we were not given permission to speak.

Before you make a final decision, I really would like you to re-consider the number of parking spaces that you would provide. If necessary, do an anonymous survey targeting future residents.

Thank you,

Ana M Gonzalez

## **Villanueva, Vincent P, CDA**

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**From:** Amelia Wong <awong@toolworks.org>  
**Sent:** Thursday, October 24, 2019 9:56 AM  
**To:** Chauhan, Nisha, CDA  
**Subject:** CEQA Review of Eden Housing's Ruby Street Project

Dear Nisha,  
good Morning!

I am Deaf and I am 71 years old. I am live with the group home . I wanted to move other new place. please help me to find new place . I did signed up.  
thank you so much..

Diana Daniels

Alameda County's CEQA review of Eden Housing's Ruby Street project was thorough and comprehensive. It is clear that this proposed project development will have no adverse impacts to the community. In fact, Eden Housing's development will have a positive community impact. Not only will it provide much-needed affordable housing to the community, but it will also create public access to parkland and the San Lorenzo Creek Trail.

I do have a few comments about this material and wanted to get them to you in writing as I am presented with a family commitment and cannot participate.

1. I don't find any references to Fire, Sheriff, CHP or other public agencies participation herein. Is it somewhere I am missing?

2. I strongly oppose moving RUBY STREET parcel from a U designation to medium density. Just a quick glance supports my view that we need more open space NATURAL, and this property appears to fit that depiction. Especially south of 580.

Many of us don't recall knowing this zoning had been altered and felt it was not adequately publicly noticed.

In fact, in my opinion, much of the material regarding the 238 Right of Way connected property has not been well circulated. Many of the Baywood residents don't find the County as responsive as we had hoped. These parcels have been a source of contention since the 1980's and many of the residents simply don't understand the process that continues to ignore their expectations.

We were not aware this change had been made in the CVGP and don't quite understand how this happened.

It had been zoned U during the 238 conversations and we were told it would remain open space.

3. I strongly request additional public meetings regarding this particular piece of property (Ruby ST) and its development as open space.

4. I find paving and landscape requirements but nothing about Pedestrian right of ways. Walking in our Baywood area is dangerous as it is throughout CV. Pedestrians are challenged and parking regulations are not enforced, I don't find any references to those issues.

5. I found no reference to pedestrian issues in commercial lots.

## **Villanueva, Vincent P, CDA**

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**From:** Horrisberger, Christina, CDA  
**Sent:** Thursday, May 9, 2019 4:20 PM  
**To:** Kristine Standley  
**Cc:** Chauhan, Nisha, CDA; Crutchfield, Andrea, CDA  
**Subject:** Re: Part 2, Workshop comments

No problem. You will be added to the notification list.

Best regards,

Christina Horrisberger  
Senior Planner  
Alameda County  
Community Development Agency  
510.670.6118

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**From:** Kristine Standley <standley.kristine@gmail.com>  
**Sent:** Thursday, May 9, 2019 4:08 PM  
**To:** Horrisberger, Christina, CDA  
**Subject:** Part 2, Workshop comments

Apologies Christina, I am a bit of a dinosaur on my Mac and sent this email before I had completed. I do appreciate your time in reviewing my offerings, I know it makes a difference to get our involvement, and I want to be a good responsive partner.

As an aside, I don't support Eden going into the Ruby Street parcel, the whole thing is wrong. BUT I could support a more urban retail/residential podium style building proposal at the Trader Joes site. More data needed :)

Thanks again for your time and efforts, and Andrea's. Please add me to your outbound mailing lists.

Kristine Standley  
standly.kristine@gmail.com  
1728 Crescent Avenue 94546





## Villanueva, Vincent P, CDA

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**From:** Orduna, Rodrigo, CDA  
**Sent:** Monday, May 13, 2019 4:17 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** FW: Written Comments for CVMAC and AC Planning Department Public Hearing on 05/13/19

FYI for the Ruby Street property.

Rodrigo Orduña, AICP  
Assistant Planning Director  
Alameda County Planning Department  
Community Development Agency

[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)  
telephone 510-670-6503  
facsimile 510-785-8793

224 West Winton Avenue, Suite 111  
Hayward, CA 94544  
<http://www.acgov.org/cda>

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**From:** Marlina Rose Selva <dr.selva3@gmail.com>  
**Sent:** Monday, May 13, 2019 04:10 PM  
**To:** Moore, Chuck, Castro Valley MAC <Chuck.Moore@acgov.org>; Adams, Dolly, Castro Valley MAC <Dolly.Adams@acgov.org>; Carbone, Ken, Castro Valley MAC <Ken.Carbone2@acgov.org>; Killebrew, Shannon, Castro Valley MAC <Shannon.Killebrew@acgov.org>; Crawford, Marc, Castro Valley MAC <Marc.Crawford@acgov.org>; Cunha, Sheila, Castro Valley MAC <Sheila.Cunha@acgov.org>; Riche, Ted, Castro Valley MAC <Ted.Riche@acgov.org>  
**Cc:** Lopez, Albert, CDA <Albert.Lopez@acgov.org>; Orduna, Rodrigo, CDA <rodrigo.orduna@acgov.org>  
**Subject:** Written Comments for CVMAC and AC Planning Department Public Hearing on 05/13/19

Dear Castro Valley Municipal Advisory Committee and Alameda County Planning Department,

I am writing to submit comments for the public hearing held on 05/13/19. I appreciate the opportunity to provide comments and I am open to further discussing my comments with you as well as working together in any way possible.

Public health is just as much in a state of crisis right now as housing affordability is, and it's directly correlated with our sedentary lifestyles, prolonged states of high-stress levels, further removal from nature, lack of green space access, and lack of access to clean air and clean water. All of these factors come along with urbanization, which is directly correlated with increased rates of mental illness and/or physical health problems (further removal from nature has been found to be the mediating variable of this relationship between increased urbanization and rates of depression and anxiety). Research also shows that in the most densely populated cities such as San Francisco and New York, rates in rent and housing continue to increase while construction also continues to increase; these cities (along with Washington DC, San Diego, Boston, Miami, etc.) already have the largest supply in housing in the nation for their size and San

Francisco already has the tallest average building height in the U.S. despite criticism suggesting it's not allowing taller buildings to meet demand. We really need to take a step back and slow down before approving zoning changes.

There is currently a significant deficit in the amount of open space in Alameda County in comparison to standards based on the Quimby Act (California Government Code section 66477). It is critical that the CVMAC/planning department and any other relevant persons or organizations adhere to the Castro Valley General Plan, update the plan and its maps with corrections on actual accessible park space, and follow protections that are outlined for biologically sensitive habits, resources, and corridors. The United Nations has recently issued reports supporting the need for protections as one million species of plants and animals have been pushed to the brink of extinction. The UN reported that one of the main ways that humans are reducing biodiversity is by converting natural environments into urban systems. For the sake of public health and biodiversity, I encourage you all to proceed with caution when considering zoning changes and land usage. We might not quickly resolve the debate regarding the "housing crisis," but we can allow people equal access to parks, open space, and recreation in harmony with our natural ecosystems to sustain humanity, plants, and wildlife, which are all interconnected.

Thank you for your time and consideration.

Sincerely,

Marlina R. Selva, Psy.D.  
A Friend of San Lorenzo Creek  
Raised by parents in Castro Valley for 18 years

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Marlina R. Selva, Psy.D.

## Villanueva, Vincent P, CDA

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**From:** Ellen Morris <Ellen.Morris@edenhousing.org>  
**Sent:** Thursday, May 16, 2019 1:54 PM  
**To:** Orduna, Rodrigo, CDA; Chauhan, Nisha, CDA; Young, Andrew, CDA  
**Subject:** FW: Alameda County Planning Department May 13th hearing questions

FYI – a kind reply!

**Ellen Morris | Senior Project Developer**  
Eden Housing | 22645 Grand Street, Hayward, CA 94541  
510-247-8128 Office  
[Ellen.Morris@edenhousing.org](mailto:Ellen.Morris@edenhousing.org) | [www.edenhousing.org](http://www.edenhousing.org)

**From:** Jennifer Padilla [mailto:j.shari.ewing@gmail.com]  
**Sent:** Thursday, May 16, 2019 1:48 PM  
**To:** Ellen Morris <Ellen.Morris@edenhousing.org>  
**Subject:** Re: Alameda County Planning Department May 13th hearing questions

Hi Ellen,

Thank you so much for your time and this in-depth information! These concerns have been brewing in the back of our minds for a couple months now.

My husband grew up in an area of Hayward that was once new and safe (as most of the older neighborhoods) but for the lack of a better word, deteriorated at a very fast pace. He experienced many high density low income housing complexes go up with good intentions, but poor management just lead to an increase in crime and essentially turned the structures into poverty/crime epicenters. Some good examples are the poorly managed apartment complexes in Ashland (San Leandro). I noticed Eden Housing has property there, but sadly the nearby complexes are a high source of crime/drugs for our friend's neighborhood which is located nearby. Since we didn't know much about Eden, it was easily assumed that their structure also contributed to the crime/drugs along with the other complexes. Incidences happen there and in the nearby boulevard almost weekly.

On the other hand, I'm more acquainted with the common policy I've experienced with these new housing structures that a "percentage" of the households are allotted for low income. So when we heard that the entire project will be low income we instantly had fears that history would be repeating itself like what my husband experienced and what our friend lives with. We obviously didn't have access to that detailed of a description of the project so your input is extremely helpful!

I'm so happy to hear that Eden Housing Company is so organized and involved in their projects. It's rare to come across companies that actually appear to have a genuine interest and hands on involvement in their projects, not only for its initial development but also hopefully for its life.

We received notice that a similar project is being proposed on the corner of Grove and Redwood Rd (also possibly managed by Eden ; again we received limited information this early on) and this definitely brings relief to us that the project may actually work.

Thank you again for your time and input!

- Joe and Jen Padilla

On Wed, May 15, 2019 at 2:40 PM Ellen Morris <[Ellen.Morris@edenhousing.org](mailto:Ellen.Morris@edenhousing.org)> wrote:

Hi Jennifer,

Thank you for your questions about Eden's Ruby Street project.

Eden Housing develops, owns, and operates all of its buildings for the long-term. Our property management arm, Eden Housing Management, Inc. (EHMI), will be providing on-site property management services for the entire life of the property. The Community Manager and Maintenance Technician will both work at the property full-time to ensure the highest quality of property management, resident engagement, and site maintenance. Like most of our properties, Ruby Street will include a staff unit so that our Community Manager or Maintenance Technician can live on site and provide oversight 24 hours/day.

As with any residential property, our tenants will be required to enter into a lease and are fully accountable for any violations. As an income-restricted affordable housing development, Ruby Street will also be required to comply with strict regulatory requirements from a long list of public agencies and lenders, including Alameda County, the CA Dept of Housing & Community Development, and the CA Tax Credit Allocation Committee. This means that our residents will be selected from a long waiting list, required to complete a background check, and required to provide income certification documents. Households must meet with management in person and recertify their income every year; households with new members who haven't been reported will be in violation of their leases. This helps us address issues like overcrowding.

On your site security questions, our experience is that a well-designed, well-managed building adds curb appeal and brings in the eyes and street life that reduce opportunistic crime. Our building will have secure entry points for residents, parking, and bicycles as well as an extensive security camera system. However, we also hope that our site is somewhat permeable for neighbors who wish to access San Lorenzo Creek through our site. If you look at the site plan, I think you'll see a two entry points off Ruby St and Crescent Ave to facilitate this exact engagement.

We anticipate serving families who earn between 20% and 80% of the Area Median Income for Alameda County. For a family of 4, this means we would serve a family earning between \$24,780 and \$99,190 annually. Given that minimum wage in Alameda County is only \$12/hr (about \$24,000 per year working full time), you can see that this project is intended to serve working families who would struggle to stay in Alameda County were it not for an opportunity like Ruby Street.

Eden also provides on-site resident services to all of our residents. While the exact program can't be confirmed until our project is entitled and we proceed toward securing financing, I am developing the community spaces to include an on-site after school program for children in the project. Residents will also have access to a Resident Services Coordinator to plan activities and facilitate connections with local resources.

Lastly, we are a long way from selecting a contractor but I am happy to make that information public.

Thank you again for your questions. I understand the concerns you have for your neighborhood and appreciate the opportunity to show you how Ruby Street can contribute to its long-term stability and success.

Ellen



Ellen Morris | Senior Project Developer  
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**Eden is celebrating 50 years!**

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**From:** Jennifer Padilla <[j.shari.ewing@gmail.com](mailto:j.shari.ewing@gmail.com)>  
**Sent:** Monday, May 13, 2019 8:30 AM  
**To:** Horrisberger, Christina, CDA  
**Subject:** Alameda County Planning Department May 13th hearing questions

Hello Christina,

My husband and I live near this proposed site and have questions and concerns that we would very much like to be addressed at the upcoming hearing on May 13th in Castro Valley. There was mention of Eden Housing possibly being the property management company overseeing the project. Since I am unsure of the company fulfilling this role I will use "Management" in place of whichever company will be filling this role.

- How is "management" taking care of the facility/property?
- Will "management" STAY the property management company for this property or eventually pass the property and it's management off to new ownership/subcontractor (I.e.- CBRE, Cushman & Wakefield, JLL?)
- What is "management's" screening process for its residences?
- What steps are being taken to prevent the introduction/surge of drugs and violence that seems to inevitably plague large multiple unit projects such as this? Both now and far into the future (10/20yrs out)

-What premeditated actions will be taken to prevent crime? Will there be a heavier police presence? Surveillance cameras for the protection of the tenants?(Crime in this area has been on the rise lately)

-What actions will "management" be taking to prevent/enforce restrictions on the designated number of people allowed to stay per unit (subletting, 1 bedroom unit/15 people- extended family, etc)

-If "management" is in fact Eden Housing, their site highlights their passion for helping their tenants/families thrive. What programs do they have in place to help their tenants develop and succeed to avoid complacency?

-Will the contractors chosen for the project be made public before the start of the project?

-Will there be any options for medium income families who are also unable to afford to live in the area who don't qualify for low income housing?

Thank you so much for your time. We want the best for our community both now and in the future, but sadly reality seems to show that good intentions are sometimes taken advantage of by the darker side of human nature and are short lived. We would love for this project to work for a better future.

-Joe and Jennifer

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## Villanueva, Vincent P, CDA

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**From:** Ellen Morris <Ellen.Morris@edenhousing.org>  
**Sent:** Thursday, May 16, 2019 3:28 PM  
**To:** Jennifer Padilla  
**Cc:** Chauhan, Nisha, CDA  
**Subject:** RE: Alameda County Planning Department May 13th hearing questions

Hi Jen and Joe,

Thanks for your reply. I really appreciate you being open to considering this project in your neighborhood. I hope you're willing to provide this feedback through public comment when we go to the CVMAC this summer (date TBD).

Eden actually took over ownership and management of a troubled apartment complex in Ashland in 2009. It's been a long process to turn it around but we're really starting to see some successes there.

You're correct that Eden is partnering with First Presbyterian Church on the Grove/Redwood project – that one is much earlier in the planning process but it's very exciting!

Thanks!  
Ellen

**Ellen Morris | Senior Project Developer**  
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crime/drugs along with the other complexes. Incidences happen there and in the nearby boulevard almost weekly.

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Ellen



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-Joe and Jennifer

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**Villanueva, Vincent P, CDA**

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**From:** Sheri Bywater <slbywater@outlook.com>  
**Sent:** Friday, July 5, 2019 10:44 AM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Low income housing. 78 units at Ruby Meadow

Please do not let this happen. There are plenty of other places that are more suitable for a large apartment building.



We already have too much traffic and crowding in Castro Valley and Ruby Meadow is one of the few open Open Spaces left. This is a really bad plan!

I heard about the environmental impact reports saying everything will be fine.  
Obviously, this report is only in favor of developers opinion and its false information!  
Sent from my Verizon smartphone



**Villanueva, Vincent P, CDA**

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**From:** Bruce King <bruceking8@gmail.com>  
**Sent:** Friday, July 5, 2019 1:13 PM  
**To:** Chauhan, Nisha, CDA  
**Cc:** Ellen Morris; Orduna, Rodrigo, CDA; Lopez, Albert, CDA  
**Subject:** Fwd: Ruby Project Questions

Hi Nisha,

I am following up regarding the questions and requests that I emailed this Monday, and I called about on June 26 and today. Can County Planning please respond?

Bruce

----- Forwarded message -----

**From:** Bruce King <[bruceking8@gmail.com](mailto:bruceking8@gmail.com)>  
**Date:** Mon, Jul 1, 2019 at 8:09 AM  
**Subject:** Ruby Project Questions  
**To:** Nisha Chauhan <[nisha.chauhan@acgov.org](mailto:nisha.chauhan@acgov.org)>  
**Cc:** Ellen Morris <[Ellen.Morris@edenhousing.org](mailto:Ellen.Morris@edenhousing.org)>, CDA <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>

Nisha,

Friends of San Lorenzo Creek (FSLC) received the June 17 Project Referral for the proposed Ruby project that you sent. I called and left you a message on June 26 regarding a few questions that we have before formulating comments on this latest proposed plan. We are looking for some responses to the questions and requests listed below.

**1. Site and Project Specific Environmental Assessment**

1A) When is the draft environmental assessment (e.g., Initial Study) of site and project-specific effects going to be available (see County's March statements below)?

1B) Has the County's expectations regarding a project-specific environmental assessment changed since March? If yes, why and who in the County is setting the expectations regarding a project-specific environmental assessment?

**County's March 2019 Statements:**

The March 11 Project Referral and/or March 19 Neighborhood Courtesy Notice states: a) "...the streamlined CEQA review will involve the preparation of an Initial Study and environmental checklist focused on those effects which were not identified in the General Plan EIR and are specific or peculiar to the site and the project, including effects on air quality, biological resources, cultural resources, noise, and transportation and traffic; b) The Initial Study is expected to be available by April 12, 2019; and c) A summary of the approach to complying with CEQA on these terms prepared by the applicant's consultant, Urban Planning Partners, Inc., is enclosed."

**2. Request for Comments and Documents**

This is a request for copies of comments and documents Alameda County (e.g., Planning) has received related to this project, including: a) comments received from the jurisdictions and County organizations (e.g., divisions, departments) listed on the Project Referrals; and b) copies of initial, draft, or other environmental or CEQA documents that have been prepared specific to this proposed project and site.

**3. Response to Community Comments**

**When and how is The County going to respond to community comments?**

**FSLC and the community submitted comments in response to the March 11 Project Referral and/or March 19 Neighborhood Courtesy Notice. The community's comments, and majority of FSLC's March 26 comments, have not been addressed.**

**4. Project Review Path**

**If the Ruby project moves forward, what will be the review process (e.g., CVMAC, Planning Commission, Board of Zoning Adjustments, BOS)?**

**Bruce King  
Friends of San Lorenzo Creek  
510-209-1410**



**Villanueva, Vincent P, CDA**

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**From:** D. L. Lewis <buffymacleod@gmail.com>  
**Sent:** Saturday, July 6, 2019 11:21 AM  
**To:** Chauhan, Nisha, CDA  
**Cc:** Sheri Bywater  
**Subject:** Please!  
**Attachments:** 20190625\_201332.jpg

I (a low-income single disabled female senior citizen) am strongly opposed to the development of Ruby Meadow. I used to live on Ruby Street and so enjoyed seeing the wildlife (photo attached) who depend upon the meadow and creek for survival. It would be exceedingly cruel to destroy this rare and beautiful natural environment.

There are plenty of places that could be used as an alternative property; places that would be improved, not destroyed, by the building of high-density apartments. If building proceeds at Ruby Meadow, everyone; both animals and humans; who live in the area will suffer!!!

Do I need to emphasize how much the political careers of those who force this development on the community will be damaged if the needs and desires of the present residents are ignored? If they refuse to listen, they will be known as tyrants, and that is no exaggeration.

Everyone knows that the "low-income" housing will be of no benefit to the truly poor citizens of this area. There is no excuse for this environmental crime.

D.







## **Villanueva, Vincent P, CDA**

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**From:** Omar S. <omarsultan2@gmail.com>  
**Sent:** Sunday, July 7, 2019 10:12 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Ruby St. Apartments

Good day Ms. Chauhan,

My name is Omar Sultan and I live at 21578 Knoll Way in Castro Valley. I'm writing to voice concern regarding the plans to construct an apartment complex in the meadow habitat on Ruby Street. I feel it is important that I share my thoughts with you since you are a Senior Planner involved in the project.

I live less than a mile from the proposed site of the apartment complex on Ruby Street. The proposed site is located within a riparian zone and is a unique natural habitat for plants, trees, insects, aquatic life, reptiles, birds, and animals. Construction of an apartment complex in this sensitive area would result in significant environmental degradation and be devastating to the species that depend on this area as their habitat. In addition, satellite overlay of the proposed plan indicates the construction of the parking lot will result in the destruction and removal of a significant number of mature trees of various species.

The California Environmental Quality Act (CEQA) requires the staff of county agencies to conduct an Environmental Review that identifies the potential impacts a project may have to the environment. The purpose of these studies are to inform governmental decision makers and the public of the potential environmental effects of proposed activities and to identify ways to mitigate or avoid environmental damage. The developer of this site, Eden Housing, has not done such a study. I am deeply concerned of the plans to move forward with the development without knowledge of the environmental impact. In the strongest terms, I encourage preservation of the area and a thorough assessment of the environmental impact the development plans may have on the area. Thank you for your time and attention.

Thank you,

Omar Sultan  
21578 Knoll Way  
Castro Valley, CA 94546  
510-736-4321

## **Villanueva, Vincent P, CDA**

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**From:** Najla Abrao <ngabrao@gmail.com>  
**Sent:** Wednesday, April 10, 2019 7:22 AM  
**To:** Young, Andrew, CDA; Chauhan, Nisha, CDA  
**Subject:** Site Development Review of Eden Housing's Proposed Ruby Street Project  
**Attachments:** Ruby St SDR FSLC Comments 2019 Mar 26.pdf

Hello Mr. Young and Ms. Chauhan,

I am writing to say I agree with the comments on the Ruby St. Project from Bruce King/ Friends of San Lorenzo Creek.

Sincerely,  
Najla Abrao



## Villanueva, Vincent P, CDA

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**From:** Bruce King <bruceking8@gmail.com>  
**Sent:** Sunday, July 7, 2019 10:42 PM  
**To:** Chauhan, Nisha, CDA  
**Cc:** Ackerman, Hank; Cho, Andy Hyun-Jae; Lopez, Albert, CDA; Paul McCreary; BOS District 4; Ellen Morris; Orduna, Rodrigo, CDA; Rogers, John; Valderrama, Arthur  
**Subject:** Fwd: FSLC Comments on Ruby St Project dated June 2019  
**Attachments:** Ruby St SDR FSLC Comments 2019 July 8.pdf; AC Specific Plan for Areas of Environmental Significance 1977 May.pdf

Note the previous email and the now attached Alameda County Specific Plan for Areas of Environmental Significance (SPAES).

----- Forwarded message -----

**From:** Bruce King <bruceking8@gmail.com>  
**Date:** Sun, Jul 7, 2019 at 10:36 PM  
**Subject:** FSLC Comments on Ruby St Project dated June 2019  
**To:** Nisha Chauhan <nisha.chauhan@acgov.org>  
**Cc:** Hank Ackerman <Hank@acpwa.org>, Andy Cho <andyhic@acpwa.org>, Lopez, Albert, CDA <Albert.Lopez@acgov.org>, Paul McCreary <mccp@haywardrec.org>, <nate.miley@acgov.org>, Ellen Morris <Ellen.Morris@edenhousing.org>, CDA <rodrigo.orduna@acgov.org>, John Rogers <johnr@acpwa.org>, Arthur Valderrama <arthur@acpwa.org>

Nisha Chauhan,  
Development Planning Division

Attached are comments from Friends of San Lorenzo Creek (FSLC) on the Site Development Review (SDR) for Eden Housing's proposed Ruby Street Project. This SDR was received for review via the Project Referral dated June 17, 2019.

FSLC does not recommend approval of this SDR and plan.

Bruce King  
Friends of San Lorenzo Creek





## FRIENDS OF SAN LORENZO CREEK

Date: July 8, 2019

To: Nisha Chauhan, Senior Planner  
Alameda County Planning Department  
224 W. Winton Avenue, Rm 111  
Hayward, CA 94544

From: Bruce King  
Friends of San Lorenzo Creek  
BruceKing8@gmail.com



Cc: Hank Ackerman, ACPWA Flood Control  
Andy Cho, ACPWA Grading Division  
Albert Lopez, Planning Director  
Paul McCreary, HARD General Manager  
Nate Miley, Alameda County Supervisor, District 4  
Ellen Morris, Eden Housing Project Manager  
Rodrigo Orduna, Assistant Planning Director  
John Rogers, ACPWA Permits  
Arthur Valderrama, ACPWA Land Development

Subject: Friends of San Lorenzo Creek Comments on  
Site Development Review of Eden Housing's Proposed Ruby Street Project  
Provided in the Project Referral dated June 17, 2019

Dear Planning Department,

This letter provides comments on the behalf of Friends of San Lorenzo Creek (FSLC) on Eden Housing's proposed Ruby Street Project (Site Development Review PLN2019-00024) as included in the June 17, 2019, Project Referral.

This project includes: a) a four-story apartment building containing 72 dwelling units (at 24.5 units per acre) and ~109 open parking spaces all on 2.95 acres; and b) a trail corridor design on 2.95 acres. All of the above is subject to a pending boundary adjustment to merge 21 parcels and create 3 new parcels (noted as Parcel A, B, and C in the plans).

This proposed project is in a riparian and wildlife corridor of San Lorenzo Creek. FSLC comments focus on ensuring the creek, banks, required creek setbacks, oak riparian woodland, and wildlife corridor of the creek are protected and maintained in a healthy condition.

FSLC does not recommend approval of this project.

## **GENERAL COMMENT – PROJECT APPROVAL NOT RECOMMENDED**

Friends of San Lorenzo Creek does not recommend approval of this proposed SDR and plan for the general reasons listed below and as detailed further in this letter.

- Previous comments provided by the community and FSLC have mostly not been addressed.
- This project is designed to maximize affordable housing and provide a section of the San Lorenzo Creek Trail. But the project covers over with development the biological resources of Ruby Meadow and some of the creek setback and conservation areas.
- The creek setback has not been correctly determined. The current plans propose non-compliant “development” (i.e., grading) in the minimum creek setback and conservation easement areas. Removal of grading from the minimum creek setback, and required assessment of the riparian areas, will result in a larger creek setback and significantly less land that can be developed.
- An Environmental Impact Report (EIR) is needed. An environmental assessment has not been conducted that shows the biological and other resources that need protection, especially resources beyond the minimum creek setback such as Oak Riparian Woodland and Wildlife Corridor.
- Important questions regarding the multi-use trail and Parcels A, B, and C still need some public clarity, resolution, and planning.

## **SPECIFIC COMMENTS**

### 1.0 Address and respond to previous FSLC and community comments

The county and this project need to address and respond to comments provided by FSLC and the community. The community provided comments on this proposed project, the trail, all the associated parcels, and the future of the site in response to the March 11 Project Referral and/or March 19 Neighborhood Courtesy Notice. The majority of FSLC and the community's comments have not been addressed. March 26 comments from FSLC are numbered and provided in Attachment 2 of this letter.

### 2.0 Assess the biological and other resources, complete an Environmental Impact Report (EIR), and do not damage the Riparian Woodland and Wildlife Corridor

The June updated plans continue to indicate that the size of proposed project is too big for the site and will result development that removes and/or covers: a) the riparian woodland and wildlife habitat of Ruby Meadow; and b) large portions of the riparian habitat along the top-of-bank in the creek setback and conservation easement areas. In fact, the Castro Valley General Plan identifies much of this site as having High Priority Biological Resources, Sensitive Habitat, Oak Riparian Woodland, and Wildlife Corridor. The General Plan also specifies special review and biological assessment to determine the level of development allowed, design features to protect biological resources, and possible reduction in maximum amount of development allowed under the zoning for the site. In addition, the County's Watercourse Protection Ordinance (WPO) and Specific Plan for Areas of Environmental Significance (SPAES) also require assessment and protection of the riparian areas. Lastly, the assessment also needs to evaluate the biological importance of this site given the history of extensive loss of riparian-wildlife corridor up and down stream of this site. This project has

not provided an assessment and EIR. This proposed project will significantly damage the riparian woodland and wildlife corridor and should not be built.

Examples of other specific topics the EIR needs to cover include:

2.1 The 20 or more coast live oak trees on Parcel A in Ruby Meadow, including the many heritage oaks with circumferences of eight feet or more and up to 12 feet.

2.1 Cultural and archeological resources, such as:

- The known prehistory and Native American archeological site [CA-ALA-566](#) in this vicinity; and
- The presence of the [Juan Bautista de Anza expedition camp #98](#) on San Lorenzo Creek on March 31, 1776 and the current designated Juan Bautista de Anza National Trail

### 3.0 Move housing to a site without sensitive habitat

This project is designed to maximize affordable housing and provide a section of the San Lorenzo Creek Trail but does not protect the biological resources of Ruby Meadow or the creek top-of-banks. The community has been advocating for: a) the site to be open space and park with substantially less development; and b) location of the low-income housing to a site that does not have such extensive habitat (e.g., another Route 238 site). The park district has discussed this site's park potential with the County.

### 4.0 Correctly determine the creek setback and remove all development from the setback

4.1 First, identify the WPO creek setback, which includes all riparian areas, riparian areas that can be restored, and the minimum creek setback (creek toe + 2:1 slope + 20 feet).

The March and current proposed plans have only identified the minimum creek setback.

4.2 Second, remove all proposed development from the creek setback, including the proposed grading of soils over ~60% of the 20-foot setback area and associated conservation easement area.

#### Additional Explanation:

The grading plans show the daylight limit extended over ~60% of the 20-foot setback area and associated conservation easement area. See excerpts of the grading plans in Attachment 1. Such grading is defined as "development" under the WPO, is generally not permitted under the WPO, and does not satisfy the purposes of the WPO. Go to Attachment C in the attached March 27 FSLC comments and see the relevant definitions and requirements of the WPO. Note that: a) "Development" means any act of filling, depositing, excavating or removing any natural material; and b) One of the purposes of the WPO that must be satisfied is prevention of activities that would "...destroy riparian areas or inhibit their restoration."

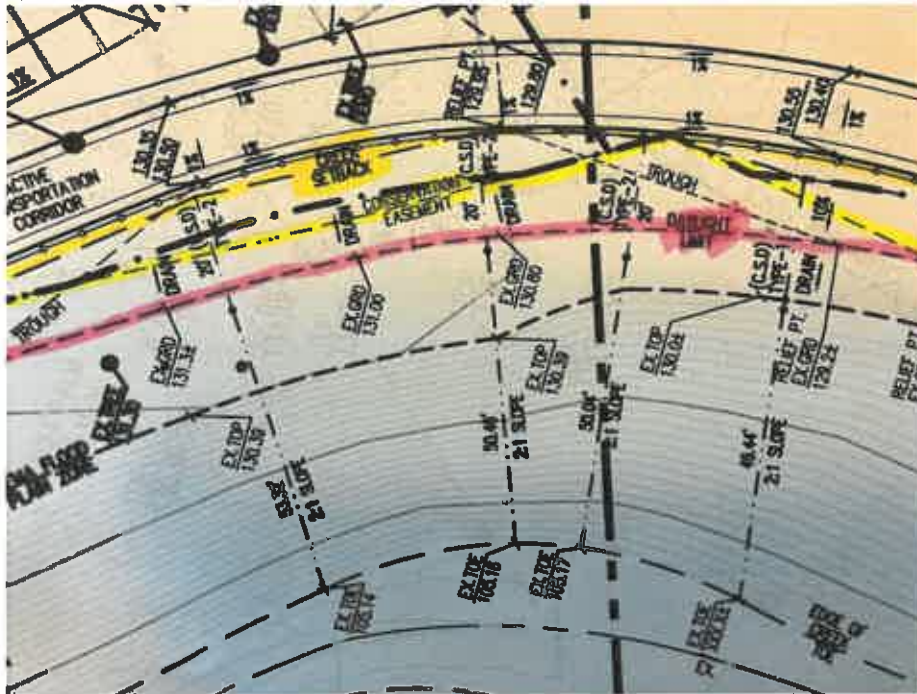
**5.0 Develop a vision and plan for the Route 238 properties**

The County should develop a vision and plan for the Route 238 properties between the Grove Way area and A Street that includes private and public developments along with parks, open space, conservation easements, and multi-use trails. An integrated vision and plan should be developed between the County, City of Hayward, HARD, developers, current property owners, and the community. The community should not be presented with proposed plans for a specific location without a common understanding of the larger plan and connections for the Ruby area and the Route 238 properties.

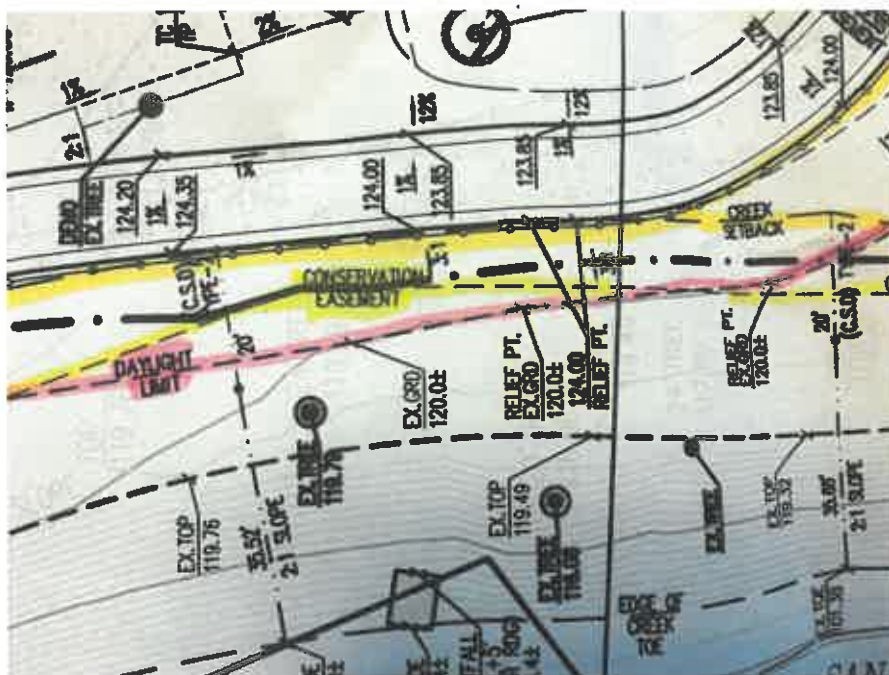
**SPAES DOCUMENT ENCLOSURE**

The County's Specific Plan for Areas of Environmental Significance (SPAES) was attached to the email that transmitted these FSLC comments.

**ATTACHMENT 1**  
**Daylight Limits Showing Development (i.e., Grading)**  
**Covering the Creek Setback and Conservation Easement**

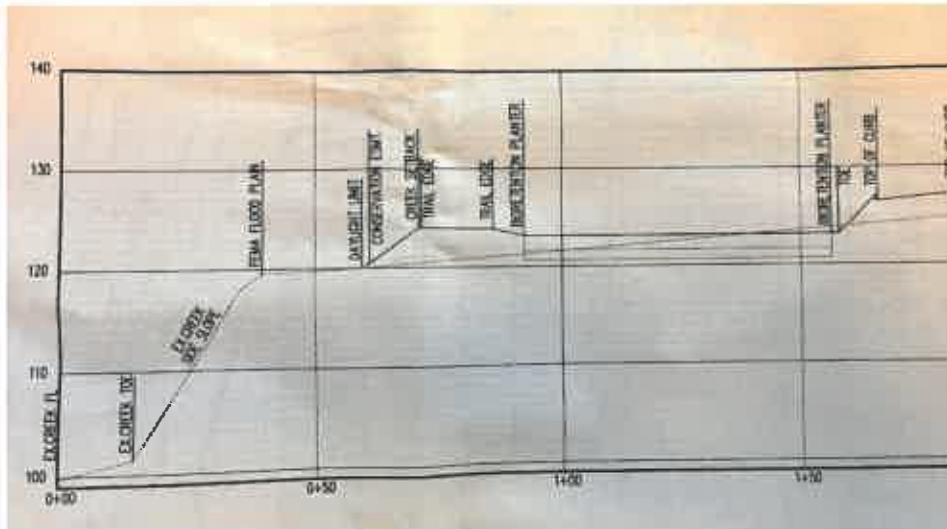


Grading Plan C4.1.2 at Matchline C4.1.1

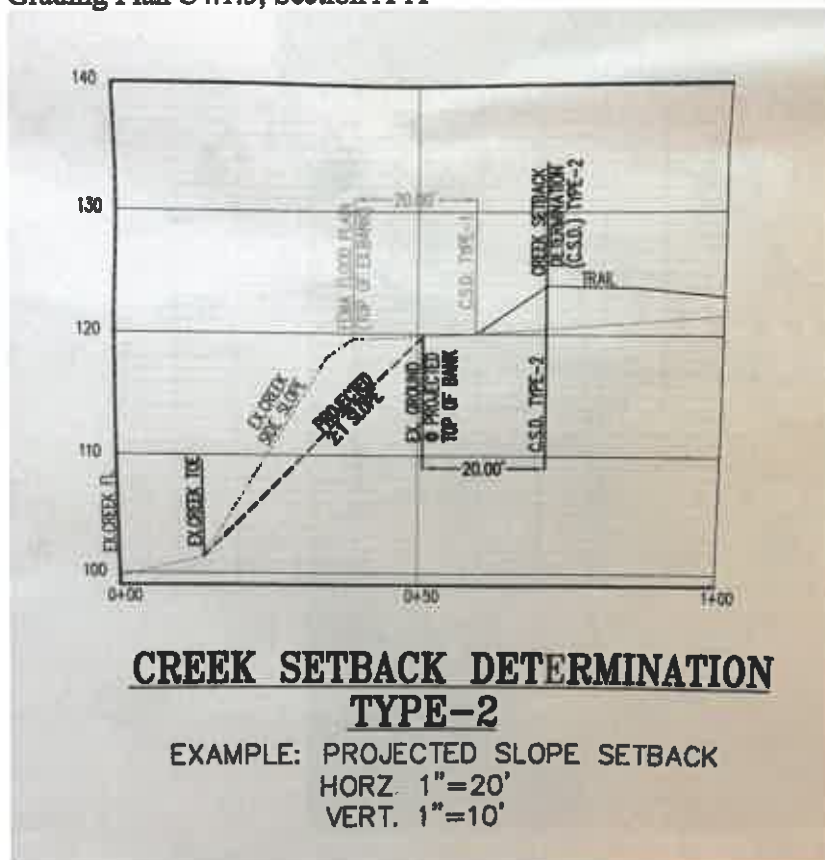


Grading Plan C4.1.1 at Section A-A

**ATTACHMENT 1  
 (Continued)  
 Daylight Limits Showing Development (i.e., Grading)  
 Covering the Creek Setback and Conservation Easement**



Grading Plan C4.1.3, Section A-A



Grading Plan C4.1.3, Creek Setback Determination Type-2 (minimum setback of 2:1 +20 feet)



**ATTACHMENT 2**  
**FRIENDS OF SAN LORENZO CREEK**

Date: March 26, 2019

To: Andrew Young, Planner  
Alameda County Planning Department  
224 W. Winton Avenue, Rm 111  
Hayward, CA 94544

From: Bruce King  
Friends of San Lorenzo Creek  
BruceKing8@gmail.com



Cc: Ellen Morris, Eden Housing Project Manager

Subject: Friends of San Lorenzo Creek Comments on the  
Site Development Review of Eden Housing's Proposed Ruby Street Project

Dear Planning Department,

This letter provides comments on the behalf of Friends of San Lorenzo Creek (FSLC) on the Review of Site Development Review (SDR) PLN2019-00024 of Eden Housing's proposed Ruby Street Project consisting of: a) a four-story apartment building containing 72 dwelling units (at 24.5 units per acre) and 109 open parking spaces all on 2.95 acres; and b) a trail corridor design on 2.99 acres. All of the above is subject to a pending boundary adjustment to merge 20 parcels and create 3 new parcels (noted as Parcel A, B, and C in the plans).

This proposed project is in a wildlife corridor of San Lorenzo Creek. FSLC comments focus on ensuring the creek, banks, required creek setbacks, oak riparian woodland, and wildlife corridor of the creek are protected from development and maintained in a healthy condition.

**GENERAL COMMENT – PROJECT APPROVAL NOT RECOMMENDED**

Friends of San Lorenzo Creek does not recommend approval of this proposed SDR and plan for the general reasons listed below and as detailed further in this letter.

- The creek setback was not correctly determined. Proper calculation and assessment will result in less developable land.
- An environmental assessment has not been provided that shows what biological resources need to be protected, especially resources beyond the minimum creek setback such as Oak Riparian Woodland/Wildlife Corridor. This will likely result in less developable land.
- Important questions regarding the multi-use trail and Parcels A, B, and C need some public clarity, resolution, and planning.

## **SPECIFIC COMMENTS**

### **1.0 EXTEND REVIEW AND COMMENT TIMELINE**

**Comment.** On March 24, FSLC objected via email to the document-release and review timelines being given to the community, listed reviewers on the Project Referral, and the CVMAC. These groups have not yet been given an assessment of the biological resources, along with the extent and value of the Oak Riparian Woodland/Wildlife Corridor, on which to base their fundamental evaluations of the extent of land/habitat to be covered/impacted by this development.

**Additional Information.** Project Referral reviewers must submit comments by April 2 and the community by April 9. After that, the environmental Initial Study (IS) will only be available by April 12, and "comments may be considered when the Council [CVMAC] recommends an action to the Planning Director" on April 22 (per the Neighborhood Courtesy Notice). So that gives everyone (including agencies and the community) only ten days to get the IS, review and submit comments on the IS, revise their previous comments on the plans as needed, and give compiled comments to the CVMAC with sufficient time for the CVMAC to review the comments before their April 22 meeting.

### **2.0 RE-DETERMINE THE CREEK SETBACK**

#### **2.1 Creek Setback is Too Small. Correctly Determine the 2:1+20ft Setback**

**Comment.** The minimum creek setback as defined in the Watercourse Protection Ordinance (WPO) needs to be correctly determined and shown on the plans. In addition, proposed "development" as defined in the WPO needs to be removed from the creek setback area consisting of the minimum setback plus any additional riparian area. See Attachment C for excerpts of the WPO.

**Explanation.** The minimum creek setback was incorrectly determined as shown in the proposed Ruby Street project plans (see Attachment B). The actual location of the minimum creek setback boundary line is further away from the creek than is shown on the plans. In some cases, the actual minimum setback may be an additional ten feet or more from the setback line shown on the plans.

**Further Explanation.** The WPO requires that the slope of the creek bank used to calculate the minimum setback be 2:1 (horizontal to vertical) or flatter. The "bank" consists of the sides of the channel between which the flow is confined. The 2:1 slope calculation starts at the bottom of the bank (i.e., bank "toe"). At this site, the slope line ends at the point where the slope line exists the ground beyond the top-of-bank. Plan C-0.3 (Lot Line Adjustment) in this proposed plan set show the 2:1 slope calculation starting at the creek midline, rather than the required bank toe. Since the creek midline is often ten feet or more from the bank toe at this site, the minimum creek setback boundary line is misrepresented in the proposed plans by the same amount. Using the incorrect slope calculation starting point: a) is technically incorrect and has no basis in bank stability; b) results in significant loss of minimally-calculated, riparian area and corridor; and c) could lead to loss of any "developments" placed within the setback due to



bank erosion and failure. This reach of San Lorenzo Creek has many steep, unstable banks due to lack of upstream sediment transfer, ongoing creek down-cutting, and past human activity that pushed soil and debris (e.g., broken concrete) over the creek banks.

## 2.2 Add Additional Riparian Areas to the Minimum Creek Setback

Comment. After recalculating and determining the location of the minimum creek setback (as described in Comment 2.1, above), add additional riparian areas found by completing the environmental assessments covered in Comments 3.1, 3.2, and 3.3.

Note: The WPO specifies a minimum 2:1 +20-foot creek setback, plus inclusion of any additional existing or repairable riparian areas (as stated in the WPO purposes).



*Some steep and unstable banks of San Lorenzo Creek*

## **3.0 ENVIRONMENTAL ASSESSMENT AND PLAN MODIFICATION**

### 3.1 Provide an Environmental Assessment and Modify the Project Plan to Protect Resources

Comment. Provide an environmental assessment of the location, value, and required protections of the riparian areas, biological resources, and the wildlife corridor using required procedures and standards, including: a) CEQA environmental review; b) Purpose and requirements in the WPO to protect riparian areas and their ability to be restored; and c) Castro Valley General Plan goals, policies, and actions. Areas outside the minimum WPO creek setback deserve special attention, since the minimum creek setback (when calculated properly) already protects biological resources within the minimum setback. Remove proposed development from habitat areas and mitigate for any impacts.

Background. The Castro Valley General Plan designates much of the Ruby Street proposed project area as: a) "Sensitive Habitat" and "Oak Riparian Woodland/Wildlife Corridor" in Figure 7-1; and b) "High Priority Biological Resource" in Figure 7-2. Attachment B has blow-ups of these Figures that show these habitats and resources at this site.

Continuous aquatic and terrestrial natural wildlife corridors follow the natural creeks throughout this area and cross this proposed project site. The creeks include San Lorenzo Creek, Chabot Creek, and Castro Valley Creek. These continuous, natural-creek corridors extend from the hills in the east, down Crow Creek and San Lorenzo Creek, through this proposed project site, to Foothill Boulevard, to Route 238 Parcel 8, up Chabot Creek to Strobridge Avenue, and up Castro Valley Creek to Grove Way. This proposed project site is largest open site between Carlos Bee Park and a site upstream at the end of Charlene Way, and therefore has greater significance for supporting wildlife in the corridor. Attachment B has satellite views of: a) these wildlife corridors following the natural creeks throughout this area; and b) the presence of native, riparian, and oak woodland habitat across the proposed project site.

Here are excerpts from Section 7.1 of the CV General Plan that help define and outline protections for these habitats, resources, and corridors.

- Castro Valley has significant biological resources, primarily concentrated in creek corridors.
- Oak/riparian woodland is considered the most biologically sensitive habitat
- Oak riparian woodland, coastal scrub, and grassland vegetation serve as the primary wildlife movement corridors for common and special-status wildlife species within the Castro Valley planning area, as shown in Figure 7-1.
- Non-native dominant habitats also may serve as movement corridors when continuous with habitats supporting native vegetation.
- Wildlife corridors allow animals to have an adequate range of habitat area to search for food, flee from predators, and find protected areas for newborns. In an urbanized area, continuous wildlife corridors, such as creeks, are particularly important.
- All areas supporting native vegetation or providing suitable habitat for special-status species are considered sensitive habitat areas, including oak riparian woodland and naturalized native trees that provide potential nesting habitat for bird species. Sensitive habitat areas also include creeks.
- Habitat exists in small pockets woven throughout residential neighborhoods, primarily along creeks.

### 3.2 Assess Sensitive Habitat & Remove Proposed Development from These Areas

Comment. Assess and show locations of "sensitive habitat" across the site, especially in areas outside the creek setback where development is currently being proposed. The CV General Plan states that "sensitive habitat" includes: a) creeks; and b) all areas supporting native vegetation or providing suitable habitat for special-status species, including oak riparian woodland and naturalized native trees that provide potential nesting habitat for bird species. Revise plans and remove "development" from areas covered with "sensitive habitat" and provide mitigations for more-isolated or minor "sensitive habitat" that will be impacted.

Additional Information. Attachment B provides satellite views of the presence of native, riparian, and oak woodland habitat across the proposed project site. Some of these areas would be covered by the proposed development, most notably by parking lots. In addition, Plans C-

4.1.1 and C-4.1.2 show 30 or more trees to be removed. Plans L1.1 and L2.1 show new trees to be planted (21 native oaks and 70 non-native trees).

### 3.3 Assess the Wildlife Corridor and Modify Plans to Support Wildlife

**Comment.** An environmental assessment needs to include this site's role in this area's continuous, creek, wildlife corridor system and an assessment of the area and habitat needed on this site to support common native and special status wildlife in and moving through the corridor. Modify the project plans as needed to support wildlife on this site in the context of the corridor.



*Wildlife in the corridor. A herd of deer inhabit Ruby Meadow, the proposed project site. Another herd of deer inhabit Route 238 Parcel 8. Egrets and hawks are also often seen immediately upstream of this project site. The egret pictured here was at Grove Way and Orange Avenue, about 0.3 miles from the project site. Fish also inhabit San Lorenzo, Chabot, and Castro Valley Creeks.*

### 3.4 Mitigate for Trees to Be Removed

First, address Comment 3.2 regarding protecting native trees and oak woodland sensitive habitat. Then, any native trees that will be removed, should be replaced at a high replacement-to-removal ratio. Note: Plans C-4.1.1 and C-4.1.2 show 30 or more trees to be removed. Plans L1.1 and L2.1 show new trees to be planted (21 native oaks and 70 non-native trees).

## 4.0 RESOLVE QUESTIONS REGARDING THE PARCELS AND TRAIL

### 4.1 Make Parcel Owners, Operators, and Functions More Transparent

**Comment.** Who is currently and/or in the future buying, owning, and operating/maintaining Parcels A, B, and C? What are the proposed functions of Parcels A, B, and C?

**Additional Information.** Twenty (20) parcels are being merged (reportedly awaiting final recording by the County) and three (3) new parcels are being created. This is Caltrans land being sold to or managed by a non-profit using at least some public funding and to unspecified public agencies (e.g., ACPWA?, ACFCWCD?, HARD?). The reviewers and the public should

generally and strategically know how funds are proposed for spending, who is making improvements, who is proposed to manage/operate each new parcel, and what is the proposed function(s) of each parcel. Proposed projects and parcel line changes should not be approved without knowing basic information. The table below is a simplified example of information that should be available:

|                      | Parcel A | Parcel B | Parcel C |
|----------------------|----------|----------|----------|
| Parcel Buyer & Price |          |          |          |
| Parcel Owner         |          |          |          |
| Parcel Operator      |          |          |          |
| Parcel Function      |          |          |          |

**Additional Notes:** The plans appear to show most of the multi-use trail being located in Parcel A and B. In addition, Caltrans is currently required to complete their mitigation project which is mostly on Parcel C. This mitigation project is on a permanent, creek conservation easement established by Caltrans. Lastly, ACPWA or ACFCWD was considering accepting responsibility and an endowment for this conservation easement.

#### 4.2 Multi-Use Trail Questions That Need Resolution

**Comment.** Listed below are examples of questions that need to be addressed regarding this segment of the multi-use trail.

**Additional Information.** The plans indicate the multi-use trail proposed route is on Parcel A and B. In addition, the legends in Plans L1.1 and L1.2 state the trail is an "Optional Trail" and "Future Trail," respectively. Also, the plans provide no additional trail information. Lastly, HARD has reportedly discussed operation of this trail.

#### Trail Questions:

- 4.2.1 If the trail is on Parcel A, will Eden Housing own the trail or the land under the trail?
- 4.2.2 Who will own the land under the trail and the trail itself?
- 4.2.3 Who will pay for the trail?
- 4.2.4 Who will operate and maintain the trail?
- 4.2.5 Who will build the trail, and should the trail (or portions thereof such as grading or underground utilities) be constructed during construction on Parcel A?
- 4.2.6 What trail planning and development is needed by the County as the trail leaves this project site on A Street to the south and Crescent Avenue to the north?
- 4.2.7 What is the nearer-term and longer-term pedestrian and traffic plan for the trail and its connection to A Street? The answer should affect the trail route on Parcel B.

#### 4.3 Parcel "C" Questions That Need Resolution

- 4.3.1 How will visibility and access to San Lorenzo Creek be enabled and restricted? Short and long-term plans are needed before public access to Parcels A, B, and C is enabled. Many creek banks are too steep and unstable to allow people to walk down the banks. Native and/or restored vegetation could be damaged by human activity. The creek is dangerous when higher water is present, and the creek bed contains a lot of slippery broken concrete blocks.
- 4.3.2 Shouldn't the multi-use trail be located on Parcel C rather than Parcel A? Shouldn't Public Works and/or HARD have ownership and responsibility for the trail rather than the owner of Parcel A?
- 4.3.3 Who will ultimately be responsible for acceptance of the conservation easement from Caltrans?
- 4.3.4 How will liabilities be handled related to structures in the City of Hayward that are near and over-hanging the creek top-of-bank?
- 4.3.5 What is the location of the Caltrans cyclone fence located near the top-of-bank, and will this fence be used or removed?
- 4.3.6 Who will be responsible for a native landscape and irrigation plan (e.g., for areas not previously restored by Caltrans)?

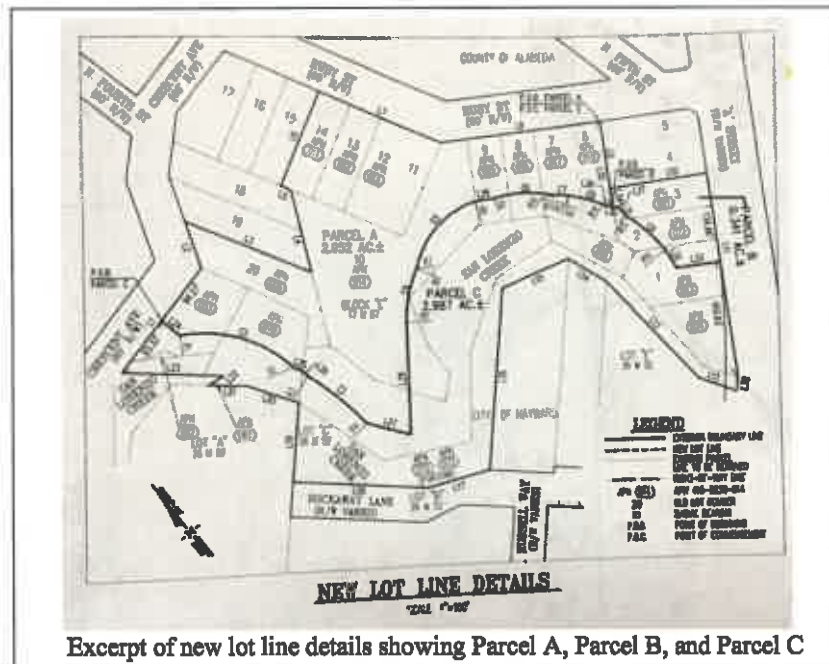


## ATTACHMENT A

### Project Plan Excerpts

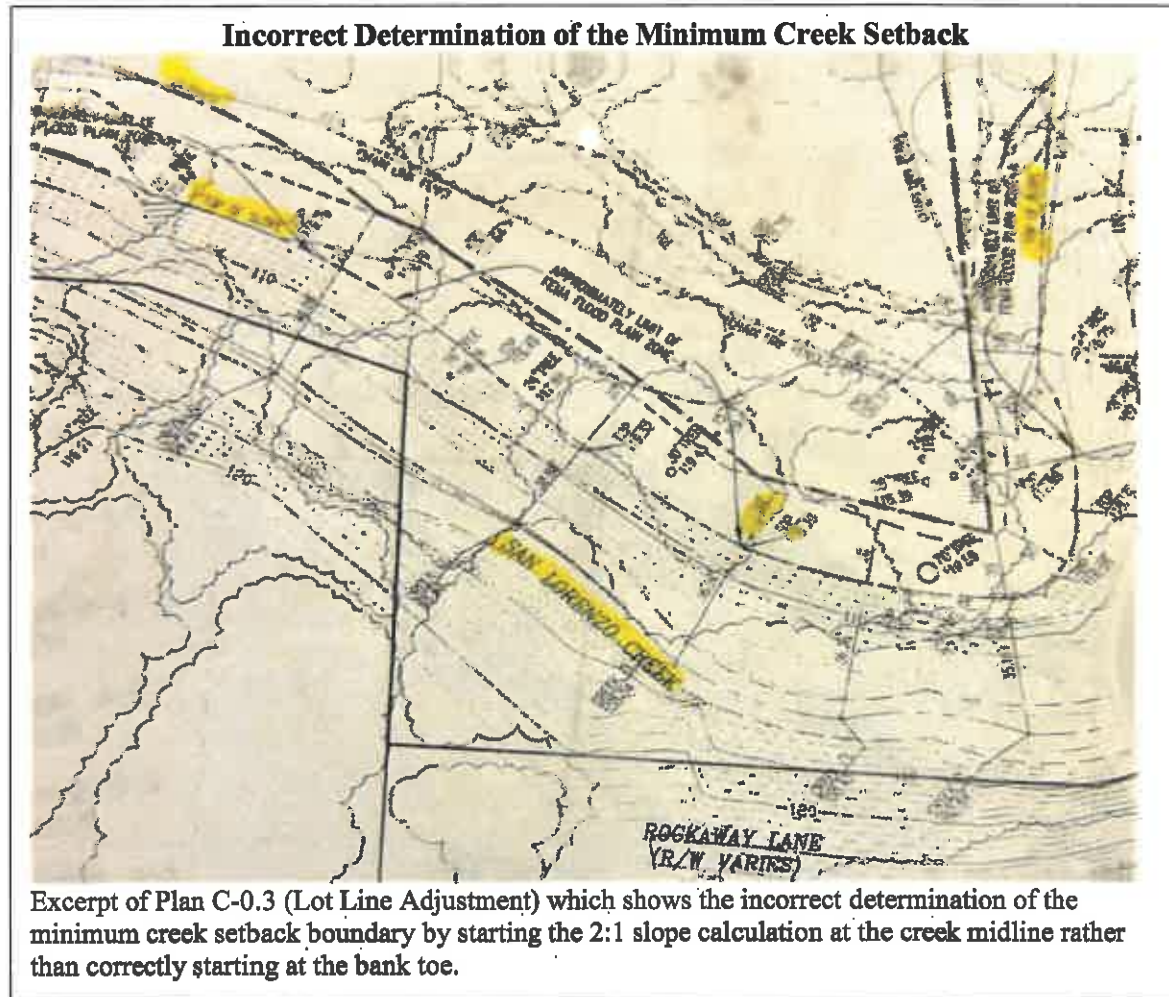


Excerpt of the landscape site plan L.1.1



Excerpt of new lot line details showing Parcel A, Parcel B, and Parcel C

### ATTACHMENT A (Continued)



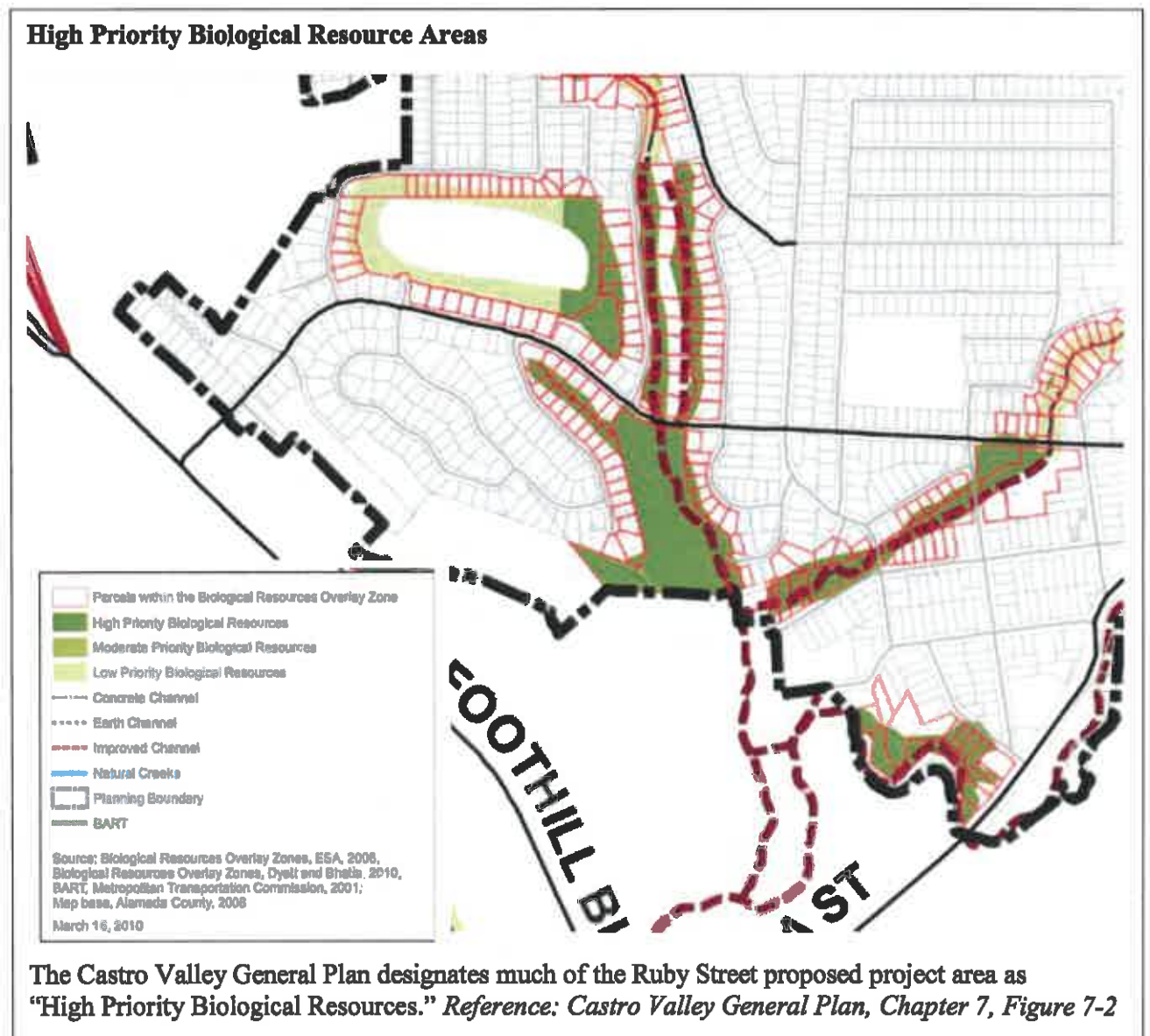
## ATTACHMENT B

### Castro Valley General Plan Biological Resources and Habitat Overlays and Satellite Views of the Site and Vegetation from 2002 to 2019

The Castro Valley General Plan designates much of the Ruby Street proposed project area as

- "High Priority Biological Resources;" and
- "Sensitive Habitat" and "Oak Riparian Woodland/Wildlife Corridor."

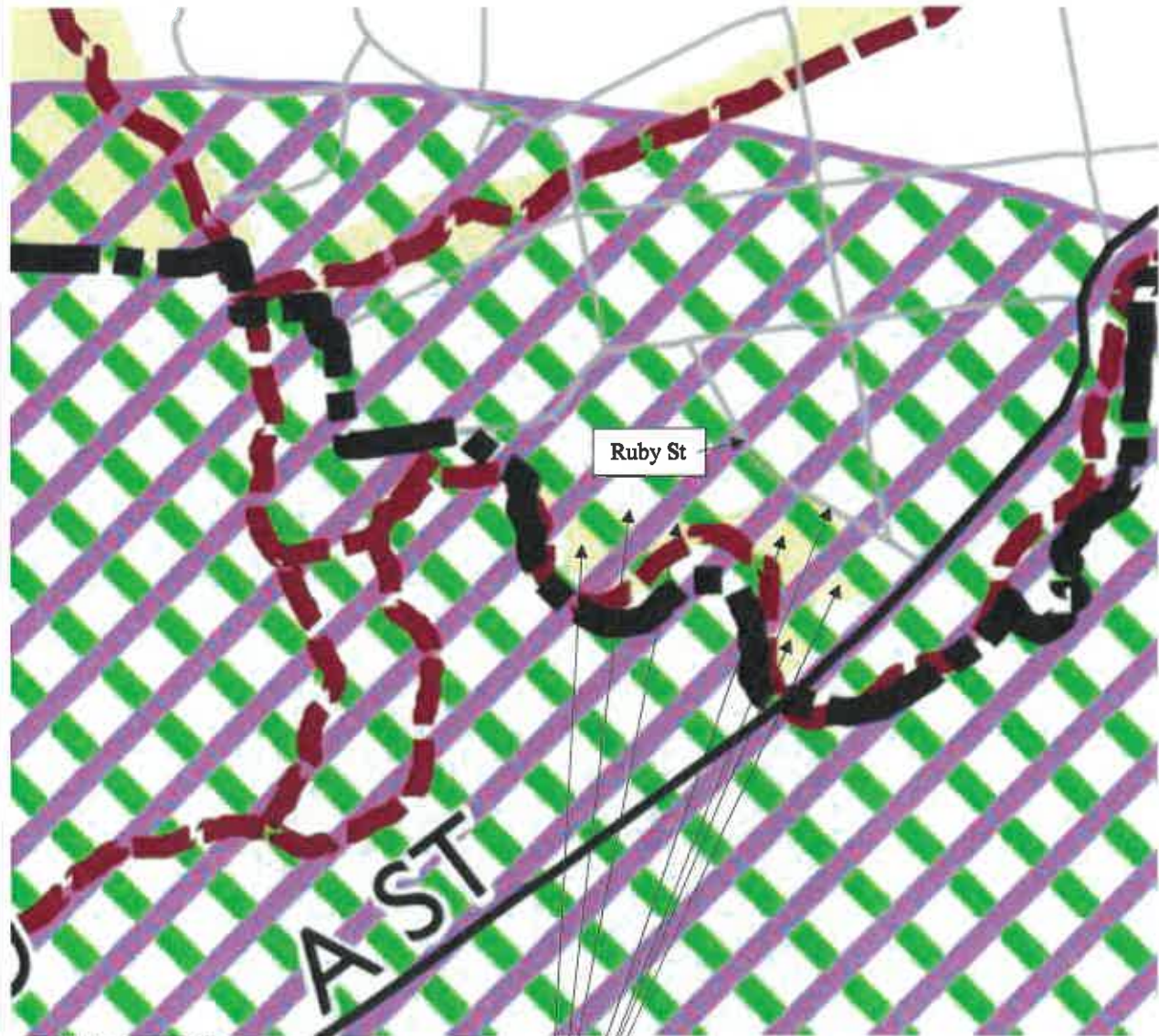
These biological resources and the corresponding Oak Riparian Woodland are visible in the satellite views of the site and correlate with the areas shown in the Castro Valley General Plan.











**ATTACHMENT B (Continued)**

**Sensitive Habitat and Oak Riparian Woodland/Wildlife Corridor Areas**



**Special Status Species**

-  California Red-Legged Frog
-  Great Blue Heron
-  Lum's Micro-Blind Harvestman
-  Palmd Bat
-  San Francisco Dusky-Footed Woodrat
-  Western Massiff Bat

**Sensitive Habitats**

-  Coastal Scrub / Wildlife Corridor
-  Grassland / Wildlife Corridor
-  Non-native Dominant Habitat
-  Oak Riparian Woodland/ Wildlife Corridor

 San Lorenzo Creek

The Castro Valley General Plan designates much of the Ruby Street proposed project area as "Sensitive Habitat" and "Oak Riparian Woodland/Wildlife Corridor."

*Reference: Castro Valley General Plan, Chapter 7, Figure 7-1*

## ATTACHMENT B (Continued)

### Wildlife Corridors



Continuous aquatic and terrestrial natural wildlife corridors follow the natural creeks throughout this area and cross this proposed project site. The creeks include San Lorenzo Creek, Chabot Creek, and Castro Valley Creek.





**ATTACHMENT B (Continued)**

**Ruby St Satellite View 2019**



Biological resources and the corresponding Oak Riparian Woodland are visible in the satellite views of the site and correlate with the bio and habitat areas shown in the CV General Plan overlays.



### ATTACHMENT B (Continued)



Biological resources and the corresponding Oak Riparian Woodland are visible in the satellite views of the site and correlate with the bio and habitat areas shown in the CV General Plan overlays.





## ATTACHMENT C

### Excerpts of the Watercourse Protection Ordinance Setback and Development Requirements

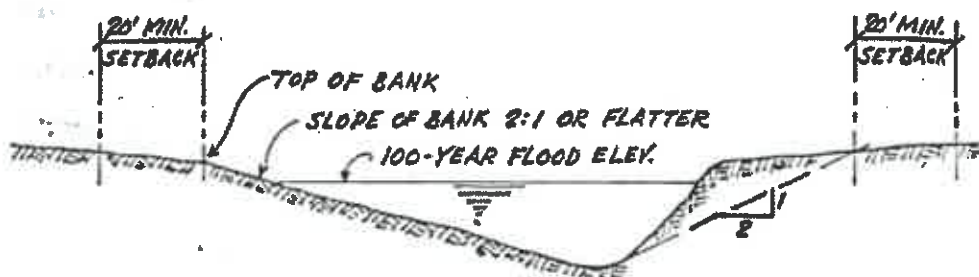
Alameda County General Ordinances, Chapter 13.12

Section 13.12.040 - Jurisdiction

This chapter shall apply to the unincorporated area of Alameda County.

Section 13.12.320: Setback Criteria (Excerpts only)

Section A - Typical where 100-year storm flow is contained within banks of existing watercourse.



Section 13.12.310: Requirements (Excerpts only)

- The purpose of setbacks is to safeguard watercourses by preventing activities that would contribute significantly to flooding, erosion or sedimentation, would inhibit access for watercourse maintenance, or would destroy riparian areas or inhibit their restoration. Accordingly, no development shall be permitted within setbacks, except as otherwise provided herein.
- In certain situations, where, in the opinion of the director of public works, it would be in the public interest to permit limited development within a setback, the director of public works may grant a permit for said development provided that the above-specified purpose would be satisfied.
- The director of public works shall make the determination as to setback limits and any permitted development within a setback.

In addition, WPO Section 13.12.030 defines the following terms:

- "Development" means any act of filling, depositing, excavating or removing any natural material, or constructing, reconstructing or enlarging any structure, which requires a permit issued by the director of public works.
- "Structure" means any works or constructions of any kind, including those of earth or rock, permanent or temporary, and including fences, poles, buildings, pavings, inlets, levees, tide gates, spillways, drop structures and similar facilities.
- "Permit" means a permit issued by the director of public works pursuant to the provisions of this chapter. [Click here to see copy of ACFCWCD [Water Course Permit](#)]

See all definitions and requirements of the WPO (~9 pages) online at:

- The body of the ordinance, but not the setback criteria is at:  
[https://library.municode.com/ca/alameda\\_county/codes/code\\_of\\_ordinances?nodeId=TTT13PUSC\\_CH13.12WAPR](https://library.municode.com/ca/alameda_county/codes/code_of_ordinances?nodeId=TTT13PUSC_CH13.12WAPR)
- Set Back Criteria diagrams are at: <http://friendsofsanlorenzocreek.org/ord13-12-320.htm>

**ATTACHMENT D**  
**Castro Valley General Plan Excerpts**  
**from**  
**Chapter 7 Biological Resources & Chapter 8 Trails**

**MARCH 2012**

**Castro Valley General Plan**

[https://www.acgov.org/cda/planning/generalplans/documents/CastroValleyGeneralPlan\\_2012\\_FINAL.pdf](https://www.acgov.org/cda/planning/generalplans/documents/CastroValleyGeneralPlan_2012_FINAL.pdf)

Included in this document:

**CHAPTER 7 BIOLOGICAL RESOURCES**

**7.1 WILDLIFE AND SENSITIVE HABITATS**

- Wildlife Habitat and Corridors
- Special Status Species
- Biological Resources Overlay Zone

**7.2 CREEKS AND STREAMS**

**7.3 VEGETATION**

**CHAPTER 8 COMMUNITY FACILITIES, PARKS, AND SCHOOLS**

**8.3 TRAILS**

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**Chapter 7**  
**Biological Resources**

**7.1 WILDLIFE AND SENSITIVE HABITATS**

Castro Valley has significant biological resources, primarily concentrated in creek corridors, canyons, and hillside open space areas. Many of the eastern hillside areas have been set aside as permanent open space as part of Planned Unit Developments, but other areas do not have similar protection. Castro Valley is also immediately adjacent to regional parks and County Measure D open space conservation areas. Open space areas within Castro Valley function as wildlife corridors for species to cross between larger habitat areas. This element addresses the protection of Castro Valley's biological resources, including animal species, plant species, and wildlife habitat. Its main provision is the creation of a Biological Resources Overlay Zone, which will establish special development and review requirements on properties with significant biological resources.

Alameda County is updating its Resource Conservation, Open Space, and Agriculture (ROSA) elements. The Castro Valley General Plan and the County ROSA must be consistent with one another. The updated ROSA will replace existing documents, including the 1966 Scenic Route Element, the 1973 Open Space Element, and the 1977 Specific Plan for Areas of Environmental Significance. The ROSA elements will also address plans and policies for Measure D lands

**Wildlife Habitat and Corridors**

The western and central portions of the Castro Valley General Plan Area are largely developed. There are small pockets of areas that provide wildlife habitat woven through these areas of residential lots, primarily

along creeks. The primary native wildlife habitat is oak/ riparian woodland that occurs along creeks. Other undeveloped areas in western and central Castro Valley are dominated by non-native plant species. The eastern portions of the General Plan Area support primarily native habitats. Large, undeveloped portions of this area, typically on steep hillsides or in canyons, have been set aside as open space as part of planned unit developments. Ornamental landscaping with large trees, shrubs and other vegetation may provide potential nesting habitat for raptors known to nest in urbanized areas and other special-status bird species.

As shown in Figure 7-1, oak riparian woodland, coastal scrub, and grassland vegetation serve as the primary wildlife movement corridors for common and special-status wildlife species within the Castro Valley planning area. Crow Creek and San Lorenzo Creek are deeply incised creeks with well-developed riparian areas. These two creeks serve as a primary migration route through the eastern half of the planning area for both aquatic and terrestrial species.

For this element, non-native dominant habitat is defined as areas supporting ruderal vegetation (non-native plant species favoring disturbed sites), ornamental or naturalized non-native trees (such as Monterey pine and eucalyptus), and shrubs (such as cotoneaster). Non-native dominant habitats also may serve as movement corridors when continuous with habitats supporting native vegetation. Wildlife corridors allow animals to have an adequate range of habitat area to search for food, flee from predators, and find protected areas for newborns. In an urbanized area, continuous wildlife corridors, such as creeks, are particularly important.

All areas supporting native vegetation or providing suitable habitat for special-status species are considered sensitive habitat areas, including oak riparian woodland and naturalized native trees that provide potential nesting habitat for bird species. Sensitive habitat areas also include creeks and wetlands with the potential to be considered jurisdictional by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act or by the California Department of Wildlife habitat exists in small pockets woven throughout residential neighborhoods, primarily along creeks.

Fish and Game under California Fish and Game Code Sections 1600- 1607. In addition, Alameda County has a Tree Ordinance (Chapter 12.11 of the County General Code), which provides protection for any tree in a public right-of-way that is at least ten feet in height and has a trunk that is at least two inches in diameter.

#### Special Status Species

Table 7.1-1 lists the special-status species with associated vegetation type found within the Castro Valley planning area. The only special status animal species that have been observed in the Castro Valley planning area are yellow warbler and steelhead trout. Yellow warbler (*Dendroica petechia*) is a State species of special concern. Steelhead (*Onchorhynchus mykiss*) are a federally-listed Threatened Species, and a CDFG Species of Special Concern and have been observed in San Lorenzo Creek, Castro Valley Creek, and Crow Creek in the last ten years. The planning area also includes portions of the Critical Habitat for Alameda whipsnake (USFWS, 2006).

The planning area potentially supports the following special status animal species, based on the fact that the type of habitat that supports these species exists in Castro Valley: Steelhead, California tiger salamander, California red-legged frog, Alameda whipsnake, Western pond turtle, California horned lizard, Yellow warbler, Burrowing owl, Sharp-shinned hawk, white-tailed kite, Bats (*Myotis* spp., Pacific western big-eared bat, and greater western mastiff bat), Lum's micro-blind harvestman, great blue heron, Cooper's hawk, and red-tailed hawk. In addition, the following special-status plant species have the potential to occur in the planning area: Santa Cruz tarplant, alkali milk vetch, big-scale balsamroot,

fragrant fritillary, Diablo helianthella, and Robust monardella.

**Table 7.2-2: Listed Species and Associated Vegetation**

| Species or Plant Group Name                      | Associated Vegetation Type  |
|--|---|
| Salvia douglasii                                 | Coastal scrub   |
| Santholus  | Creek   |
| California tiger salicormia                      | Forest and adjacent grasslands  |
| Lathyrus holosericeus                            | Creek, grass, and adjacent grasslands   |
| Alameda phacelia                                 | Creek, scrub and adjacent grasslands and woodlands  |
| Species or Plant Group Name                      | Associated Vegetation Type  |
| Watershed fern                                   | Creek and ponds   |
| Lathyrus holosericeus                            | Coastal scrub, grassland, riparian woodland   |
| White warbler                                    | Oak Riparian woodland   |
| Burnham oak                                      | Grassland   |
| Sheep-soot oak (white oak)                       | Oak Riparian woodland   |
| White oak  | Oak Riparian woodland   |
| White oak (var. laevis)                          | Oak Riparian woodland, oak and grassland, riparian oak, and grassland-woodland (mostly oak) |
| Species or Plant Group Name                      | Associated Vegetation Type  |
| Bigonon subsericeus                              | Grassland   |
| Diablo helianthella                              | Coastal scrub, oak riparian woodland  |
| Robust monardella                                | Coastal scrub, grassland  |
| Fragrant fritillary                              | Coastal scrub   |
| Great blue fern                                  | Oak Riparian woodland   |
| Copper & black, variegated fern, and other ferns | Oak Riparian woodland, riparian woodland habitat  |
| Low & mountain hemlock                           | Grassland   |
| Roadside aster                                   | Grassland   |
| Robust monardella                                | Coastal scrub, grassland  |

Source: FSA, 2006; Clark & Brown, 2009

### Biological Resources Overlay Zone

Figure 7-2, Biological Resources Overlay Zone (BROZ), illustrates the biological resource priority levels throughout Castro Valley. The purpose of the Overlay Zone is to protect areas with important biological resources, such as creeks, hillsides, and riparian areas, by requiring special review of proposed development projects. The review process would be required on all sites with high priority biological resources and on large sites (over two acres) with moderate or low priority biological resources.

Special review may involve environmental review, site plan and development review, and/or the application of County policy or ordinance requirements during review of development permit applications. The special review process will: evaluate the actual value of the habitat on the property; establish site planning parameters to preserve the most critical and/or most sensitive habitat areas; and establish conditions of approval to protect special status species during construction and occupancy. The special review requirements should be proportionate to the scale of the development project and the amount of valuable habitat on the property. On larger properties with high priority biological resources, the special review should require a biological assessment by a qualified biologist. For small home additions, application of standard conditions during building permit review would be more appropriate.

Development is allowed on parcels within the BROZ; however, the review process shall determine the level of development allowed and the design features necessary to protect biological resources. In order to ensure the protection of resources, property owners may not necessarily be entitled to the maximum amount of development allowed under the zoning on BROZ parcels.

Priority levels shown on the map are based on a habitat area's biological sensitivity and its role as habitat



for threatened species. For example, oak/riparian woodland is considered the most biologically sensitive habitat, while coastal scrub and grassland are considered common plant communities. However, these communities may have higher preservation value when they provide potential habitat for threatened species or suitable habitats for supporting special status plants. In addition, grassland habitats have the potential to contain wetland habitats and/or small drainages that are a high priority for preservation. Isolated patches of non-native dominant habitat surrounded by development are considered a low priority for preservation.

Future field surveys may identify features within grassland and nonnative dominant habitats that would increase the preservation value of certain areas within these habitat types (i.e. wetlands and other aquatic features). The priority scheme for habitats within Castro Valley is as follows:

**High Priority**

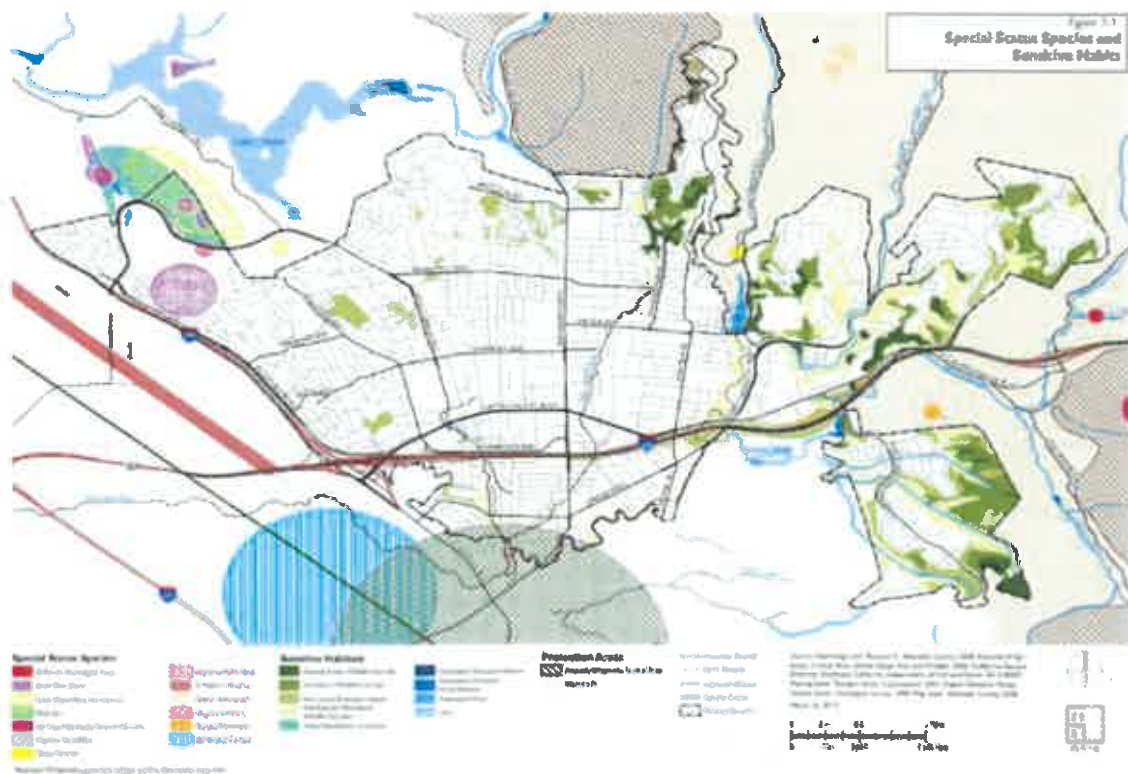
- Drainages
- **Oak Riparian Woodland**
- General Plan designated natural open space areas
- Coastal scrub on both sides of the Castro Valley Creek Improved Channel reach
- Coastal scrub just east of Cull Canyon Drive
- Coastal scrub between Jensen Road and Castro Valley Blvd/ Villareal Drive

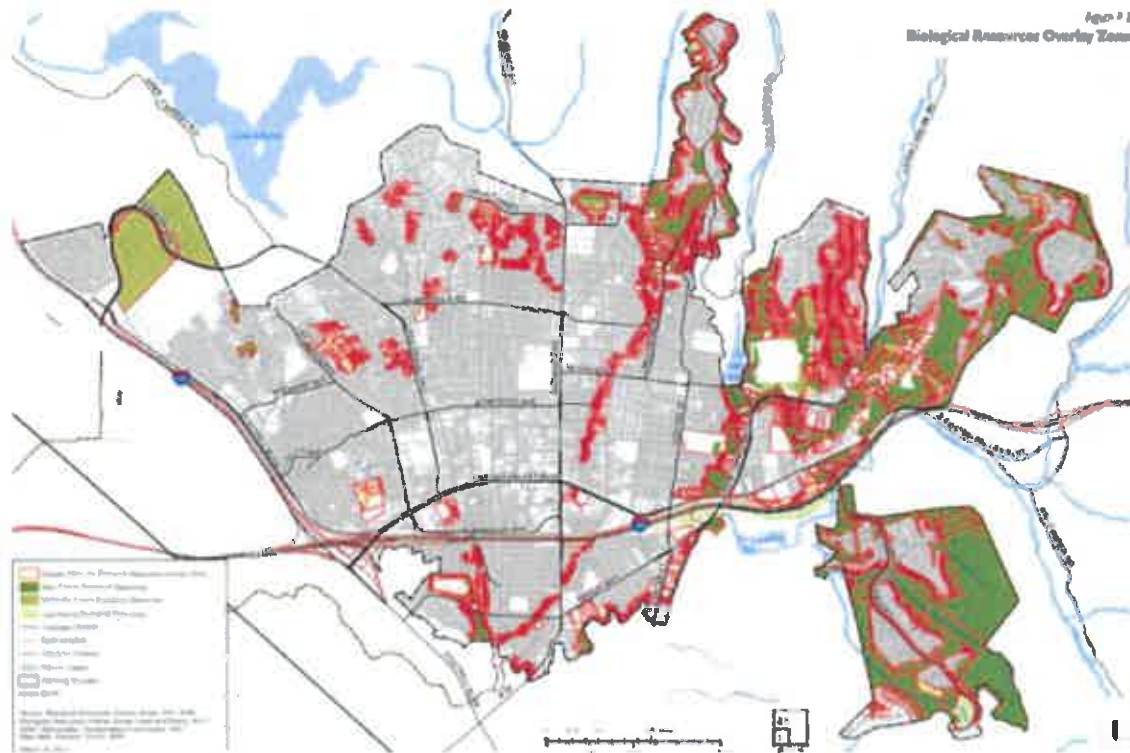
**Moderate Priority**

- Other Coastal Scrub areas
- Grasslands

**Low Priority**

- Non-native Dominant Habitat





## **WILDLIFE AND SENSITIVE HABITAT GOAL**

### **Goal 7.1-1 \*\***

Protect Castro Valley's native wildlife through conservation and restoration of natural habitat.

## **WILDLIFE AND SENSITIVE HABITAT POLICIES**

### **Policy 7.1-1 \*\***

**Major Wildlife Corridors Protection.** Protect the major wildlife corridors that run through or are adjacent to Castro Valley: (1) the corridor along the East Bay Hills in the forest and chaparral between major interstate highways; and (2) along creeks.

### **Policy 7.1-2 \*\***

**Comprehensive Habitat Preservation.** Preserve a continuous band of open space consisting of a variety of plant communities and wildlife habitat to provide comprehensive rather than piecemeal habitat conservation.

### **Policy 7.1-3 \*\***

**Open Space Preservation.** Preserve the undeveloped areas designated as open space within planned unit developments as permanent open space.

### **Policy 7.1-4 \*\***

**Open Space Objectives.** Require that open space provided as part of a development project be designed to achieve multiple objectives, including but not limited to: recreation, scenic values, habitat protection, and

public safety.

**Policy 7.1-5 \*\*\***

**Riparian Habitat.** New development shall not disturb any riparian habitat.

**Policy 7.1-6 Watershed Plan Coordination.** Encourage the formation of a San Lorenzo Watershed Commission charged with ensuring coordination between multiple agencies and overseeing preparation of a comprehensive watershed plan

**WILDLIFE AND SENSITIVE HABITAT ACTIONS**

**Biological Resources**

**Action 7.1-1 \***

**Biological Resources Overlay Zone.** Explore the possibility of a biological resources overlay zone delineating high, moderate, and low priority areas for habitat preservation, to ensure maximum protection of biological resources.

- Require discretionary review for all development applications on properties within the high priority biological resources overlay zone, and for large sites over two acres in size with moderate or low priority biological resources. Discretionary review could include one or more of the following: environmental assessment per the California Environmental Quality Act; site plan and development review; and/ or the application of Board policy or other ordinance requirements.

- Establish in the ordinance that on lands with biological resources, new development is not necessarily entitled to achieve the maximum density allowed by the underlying zoning. An environmental assessment may be required, prepared by a qualified biologist, which shall be the basis for establishing development constraints specific to the property in question. Development intensity may be required to be reduced up to 50 percent of the intensity allowed by the underlying zoning, depending on the extent and value of the biological resources on the site.

- Establish thresholds of review for different types of projects, and different types of waterways. For example, a comprehensive environmental assessment should be required for new subdivisions, whereas minor improvements such as fences or decks may be exempt from special review if they meet specific standards.

**Action 7.1-2**

**Biological Resources Maps and Inventories.** Maintain maps and inventories of biological resources to use when conducting site plan and development review. Update these resources regularly to include new information from site surveys that are conducted in the planning area.

**Action 7.1-3 \***

**Design Guidelines for Biological Resource Zones.** Establish guidelines to ensure that development planned on or adjacent to high and moderate priority areas designated on the Figure 7-2, Biological Resources Overlay Zone will be designed to minimize impacts on sensitive resources and habitat areas.

- Apply these guidelines through the Planning Department's project review process.

- Include information about ways in which special-status plant and wildlife populations on private properties can be protected over time.

- Specify that watercourses and areas dominated by native trees and shrubs be left undisturbed by development to the maximum extent feasible.

#### Sensitive Habitat

##### Action 7.1-4 \*\*

Open Space Preservation Mechanisms. Evaluate mechanisms to preserve open space and wildlife habitat to determine the most feasible options, such as zoning, fee title purchase, conservation easement purchase, or conservation easement dedication through density transfer, or density bonuses.

##### Action 7.1-5

Habitat Restoration Funding. Evaluate the feasibility of property tax credits and other possible funding sources for habitat restoration on larger size private lands as an incentive to foster the implementation of habitat restoration actions by private landowners.

##### Action 7.1-6 \*\*\*

Riparian Woodlands and Wetlands Mitigation. Discourage loss of riparian woodlands and seasonal and perennial wetlands, including ponds, by requiring replacement mitigation at a ratio to be determined by the value of the habitat to be lost. To facilitate replacement mitigation, the County shall support the creation of wetland or other habitat mitigation banks.

##### Action 7.1-7 \*

Preservation and Protection of Riparian Vegetation. Consider adopting an ordinance to preserve and protect riparian vegetation, with exceptions for clearing hazards, clearing blocked channels, and other activities necessary for public safety.

##### Policy 7.1-8

Historical Woodlands and Grasslands. Encourage the East Bay Regional Park District to restore historical woodlands and grasslands to provide natural habitat and reduce fire danger.

#### Wildlife Corridors

##### Action 7.1-9 \*

Connect Open Space to Large Habitat Areas. In the review of new subdivisions and other new development, require the preservation of adequately wide strips of undisturbed land to connect larger tracts of natural habitat or areas with biological resources.

##### Action 7.1-10 \*\*

Conservation Easements. Encourage local land trusts and other easement holders to prioritize and acquire easements that serve to protect wildlife corridors.

##### Action 7.1-11

Public Infrastructure. Actively encourage agencies responsible for public infrastructure to site and design roadways and utilities in such a way as to minimize impacts to wildlife corridors, creeks, and regional trails. Where appropriate, grade-separated crossings and/or other features should be used to maintain the viability of the affected corridor.

##### Action 7.1-12

Wildlife Movement Corridors. Protect the wildlife movement corridors of special status species where they cross under I-580.

## 7.2 CREEKS AND STREAMS

Creeks play a critical role in wildlife habitat protection, water quality protection (by filtering pollutants), surface water drainage, and flood prevention. There are several perennial and seasonal creeks within the Castro Valley planning area (see Figure 7-1). The main ones include Crow Creek, Cull Creek, San Lorenzo Creek, Castro Valley Creek, and Chabot Creek. Several unnamed tributaries convey flows to these creeks; however, this map shows only few of them. Various creek segments are natural, managed in concrete-lined or earthen channels, or contained in a closed conduit (culvert). As mentioned in Section 7.1, the well-developed riparian areas along Crow Creek and San Lorenzo Creek are important wildlife habitats and corridors.

These drainage patterns within Castro Valley are shaped by the region's topography, which consists of steeper areas located along the foothills of the Diablo Range that gradually flatten out onto an alluvial plain. Water drains from higher elevation areas in the adjacent undeveloped land outside the urbanized area, through Castro Valley, and then down through Hayward and San Lorenzo before it reaches San Francisco Bay. Sections of San Lorenzo Creek, Chabot Creek and Castro Valley Creek have been altered over the years with channels and culverts to convey higher flows.

The County has a Watercourse Protection Ordinance (Chapter 13.12 of the County General Code) that applies across the unincorporated area of Alameda County. Its purpose is to safeguard and preserve watercourses, protect lives and property, prevent damage due to flooding, protect drainage facilities, control erosion and sedimentation, and enhance the recreational and beneficial uses of watercourses. In order to better protect creeks and riparian corridors and enhance their benefits for wildlife and Castro Valley's quality of life, specific actions should include revisions to the ordinance.

### CREEKS AND STREAMS GOAL

#### GOAL 7.2-1 \*\*\*

Preserve and restore creek channels, and riparian habitat to protect and enhance wildlife and aquatic-life corridors, flood protection, and the quality of surface water and groundwater.

### CREEKS AND STREAMS POLICIES

#### Policy 7.2-1 \*\*\*

Creek and Flood Channels. Protect all creeks and engineered channels that traverse the urbanized area of Castro Valley.

#### Policy 7.2-2 \*\*\*

Creek Setbacks. Establish adequate creek set backs to maintain and where appropriate enhance important stream functions.

#### Policy 7.2-3 \*\*\*

Creek Uses. Manage creeks for multiple uses including: scenic quality, recreation, water quality, soil conservation, groundwater recharge, and wildlife habitats.

#### Policy 7.2-4 \*\*\*

Natural/Nonstructural Creek Drainage Systems. Use and reclaim or fully restore natural or nonengineered creek drainage systems to the maximum extent feasible and look for opportunities to convert structural stormwater drain

### CREEKS AND STREAMS ACTIONS

**Action 7.2-1**

**Alameda County's Watercourse Protection Ordinance.** Revise the County's Watercourse Protection Ordinance to ensure maximum protection of creeks and adjacent riparian habitat by requiring new development to provide sufficient setbacks and rights-of-way to meet the County's objectives for storm drainage, flood control, habitat protection, recreation, and other appropriate uses. Include the following provisions:

- Do not allow grading or structures within a creek bed, unless they are required to prevent flooding and erosion that pose an imminent hazard to public health and safety, or to prevent serious property damage;
- Require the preservation and/or restoration of natural drainage and habitat to the maximum extent feasible, without causing further acceleration of water flow or erosion further downstream;
- Increase the setback for habitable structures to ensure adequate distance between structures and an open creek channel.
- Require construction methods that minimize flooding and erosion;
- Consider limiting the amount of impervious surface within 100 feet of the top of the creek bed channel to limit erosion and acceleration of water flow into the creek channel;
- Establish basic standards for development in or near creekside areas, in order to clarify and expedite the permitting process;
- Require preparation of a creek protection plan for new construction or significant expansion on creekside properties. The creek protection plan shall: be prepared by qualified professionals; establish areas most suitable for construction; and identify construction procedures that will minimize impacts on creek channels and riparian vegetation.

**Action 7.2-2**

**Review Procedures and Meetings.** Establish review procedures and convene regular meetings to coordinate relevant departments, divisions, and public agencies to manage creek management and preservation goals.

**Action 7.2-3**

**Comprehensive Creek Corridor Open Space Plan.** Work with public agencies, nonprofit organizations, and other interested parties to develop a Comprehensive Creek Corridor Open Space Plan. The Plan shall identify: key acquisitions along creek corridors; restoration potential along creek corridors; and alternative management practices along creek corridors.

**Action 7.2-4**

**San Lorenzo Creek Action Plan.** Implement the San Lorenzo Creek Action Plan, prepared as part of the County Public Works Stormwater Quality Management Plan, as well as other restoration and trail projects in the San Lorenzo Creek watershed, to the extent that funds are available.

**Action 7.2-5**

**Creek Protection and Restoration.** Work with nongovernmental organizations such as the Friends of San Lorenzo Creek, the Urban Creeks Council on creek protection and restoration efforts in order to support community involvement and resource enhancement.

### 7.3 VEGETATION

In addition to providing habitat and movement corridors for a variety of wildlife species, Castro Valley's native and non-native vegetation contributes to the character of the area and provides other environmental benefits. The term "urban forest" is sometimes used to describe all of the vegetation, both public and private, in a community. In Castro Valley, the urban forest comprises vegetation in the planning area's neighborhood, community, and regional parks; street trees; community gardens; and even ornamental landscaping and backyard vegetable gardens on private property.

This variety of vegetation helps to manage stormwater by preventing erosion and plays a crucial function in water quality protection by filtering pollutants. Trees beautify neighborhoods, increase property values, reduce noise and air pollution, and create privacy. Trees also provide shade for recreational enjoyment, buildings, and paved areas. Work with non governmental organizations on stream protection and creek restoration, such as with Chabot Creek. Site planning with trees in appropriate locations can reduce the need for air conditioning and associated energy consumption. Although most of the orchards and farms that once abounded in Castro Valley have been replaced by development, an increasing number of residents are cultivating home gardens that provide food as well as environmental benefits.

The County's Tree Ordinance protects larger trees in public right-of-ways but no similar protection exists for trees on private property. Although the Castro Valley Central Business District Specific Plan includes landscaping requirements and guidelines, there are no comparable provisions applicable to development in other parts of the planning area.

#### VEGETATION GOAL

##### GOAL 7.3-1

Maintain, preserve, and enhance trees and vegetation to provide environmental and aesthetic benefits.

#### VEGETATION POLICIES

##### Policy 7.3-1

Alameda County Tree Ordinance. Continue to implement and enforce the Alameda County Tree Ordinance to protect trees in the public right-of-way.

##### Policy 7.3-2 \*\*

Native Environment. Maintain and enhance the existing environment by preserving existing native trees and plants whenever feasible, replacing trees on-site, and adding trees and other vegetation in the public right-of-way.

##### Policy 7.3-3

Gardening. Support local gardening by facilitating community gardens and creating markets for local goods.

#### VEGETATION ACTIONS

##### Action 7.3-1

Enforcement of Alameda County Tree Ordinance. Ensure that there is sufficient funding to enforce the Alameda County Tree Ordinance. Require permits for planning, pruning, or removing trees in the public right-of-way.

##### Action 7.3-2 \*



**Heritage Trees.** Consider amending the Tree Ordinance to preserve and protect heritage trees including native oaks and other significant native trees on private property.

**Action 7.3-3**

**Native Trees and Plants.** Adopt guidelines to promote the use of native trees and plants when landscaping on any County property. Consider adopting guidelines to mitigate the impact of private development on land with significant habitat value.

**Action 7.3-4**

**Community Gardens.** Identify potential community garden sites and support the establishment of such gardens.

**Action 7.3-5**

**Planter Strips.** Consider amending the County zoning ordinance to prohibit paving of planter strips.

-----  
**Chapter 8**

**Community Facilities, Parks and Schools**

This section not included in this excerpt of the CV General Plan.

**8.1 COMMUNITY FACILITIES**

This section not included in this excerpt of the CV General Plan.

**8.2 PARKS AND RECREATION**

This section not included in this excerpt of the CV General Plan.

**8.3 TRAILS**

Castro Valley residents have easy access to East Bay Regional Park District trails but, in contrast to more recently developed communities, there are relatively few trails and pathways connecting neighborhoods to one another or to the extensive resources that surround the community. Because most of the planning area was built up before communities recognized the value of making provision for non-automated transportation, the challenge is to identify and take advantage of opportunities to develop off-road pedestrian, biking, and equestrian trails as the community is built-out and redeveloped within its relatively limited existing boundaries.

**TRAILS GOAL**

**GOAL 8.3-1 \*\*\***

Provide a comprehensive system of hiking, equestrian and bicycle trails to connect major park and recreation areas within and adjacent to the Castro Valley Planning Area, to connect neighborhoods, and to provide an alternative means of access between neighborhoods and the downtown.

**TRAILS POLICIES**

**Policy 8.3-1 \*\*\***

**Integration of Trails in New Development.** Incorporate trails, greenways, and linear recreation facilities as integral components of new development.



**Policy 8.3-2**

**Enhancement of Public Awareness about Trails. Increase public awareness of trails and pathways.**

**Policy 8.3-3 \*\*\***

**Location of Trails within Flood Control and Riparian Corridors. When feasible, locate trails within the boundaries of flood control and riparian corridors. Site creekside trails to minimize disruption to riparian areas. Incorporate trails, greenways, and linear recreation facilities as integral concepts of new development.**

**TRAILS ACTIONS**

**Action 8.3-1**

**Amendment of Subdivision Requirements for Trail Linkages. Amend the County subdivision ordinance to require projects abutting existing parklands to provide linkages to the trail system.**

**Action 8.3-2**

**Downtown Pedestrian and Bicycle Path. Study the feasibility of developing a pedestrian and bicycle path linking the new Castro Valley Library to surrounding commercial and residential areas along Castro Valley Creek.**

**Action 8.3-3 \*\*\***

**Multiple Uses for Land Adjacent to Natural Watercourses. Identify opportunities for acquiring land along Castro Valley's natural watercourses to meet multiple objectives of flood protection, recreation, improved water quality, and increased non-motorized connectivity between residential, commercial, and civic areas.**

**Action 8.3-4 \*\*\***

**Multi-Use Trail System. Coordinate with HARD, the Cities of Hayward and San Leandro, and the East Bay Regional Park District to provide trailheads and linkages to a multi-use trail system.**

**Action 8.3-5**

**Funding for Signage and Maps of Trail System. Seek public and private funding to install attractive signage and produce maps illustrating trails and pathways.**

**Action 8.3-6 \*\*\***

**Route 238 Corridor Trail. Coordinate with HARD and other park agencies to incorporate a multi-use trail into the plans for development on land in the former Route 238 Corridor.**



# Specific Plan For Areas of

# Environmental Significance



PLAN  
NORTH

Alameda County, California

May, 1977

**THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA**

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**NUMBER 169590**

**ADOPT "SPECIFIC PLAN FOR AREAS OF ENVIRONMENTAL SIGNIFICANCE"**

**WHEREAS**, the Board of Supervisors of Alameda County has adopted a General Plan for the County, including Open Space, Conservation and Scenic Highway Elements thereof; and

**WHEREAS**, said adopted General Plan and Elements contain recommended regulations and policies for various special areas of Alameda County; and

**WHEREAS**, Section 65400 of the State of California Government Code requires local planning agencies to investigate and make recommendations to the legislative body upon reasonable and practical means for putting into effect the General Plan and parts thereof; and

**WHEREAS**, the Planning Commission has considered a Specific Plan for Areas of Environmental Significance to implement portions of the General Plan and its Elements; and

**WHEREAS**, said Commission did hold public hearings on the Specific Plan; and

**WHEREAS**, notice of said public hearings was given as required by law; and

**WHEREAS**, the Specific Plan was reviewed in accordance with the provisions of the California Environmental Quality Act and an Environmental Impact Report was prepared with respect thereto; and

**WHEREAS**, said Environmental Impact Report indicates no significant adverse environmental impacts would result from the project; and

**WHEREAS**, said Planning Commission found that adoption of the Specific Plan framework would serve to implement the General Plan and its Elements in a manner satisfactorily in compliance with State law and recommended adoption of the Specific Plan to this Board of Supervisors;

**NOW, THEREFORE, BE IT RESOLVED** that this Board of Supervisors hereby adopts said "Specific Plan for Areas of Environmental Significance," including its two initial components pertaining to riparian areas and scenic routes, and policies and procedures contained therein.

**November 4, 1976**

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## **Specific Plan For Areas of Environmental Significance**

### **I Purpose**

Pursuant to California Government Code, Section 65450, this Specific Plan is to implement environmental and natural resource policies of the Alameda County General Plan and its elements by designation and management of areas of environmental significance. The Specific Plan serves to add precision to General Plan policies, and to specify regulatory standards which apply to private and public actions alike.

### **II General Objectives**

The overriding objective of this Specific Plan is the management of County lands of environmental significance in a manner consistent with the policies of the General Plan and its Elements to:

1. Preserve distinctive, natural features of the county;
2. Preserve areas of scenic beauty and cultural significance;
3. Minimize pollution of the environment of all kinds, including air pollution and water pollution;
4. Ensure that natural resources remain in abundant supply for future generations;
5. Minimize risk to life and property;
6. Understand and work within environmental limitations;
7. Maintain wildlife in the County through sustaining their habitats;
8. Consider those areas of environmental significance as high priority in any County-wide acquisition, lease, regulatory, or enforcement programs;
9. Generally guide the decision-making process toward harmony with, rather than dominance of, the natural environment.

### **III Implementation Procedures**

#### **A. Zoning**

The process of Site Development Review (SDR) is to be the major implementation method of this Specific Plan. Performance standards for designated Areas of Environmental Significance will follow from the policies of this Specific Plan. Minor projects determined to be consistent with the policies of the particular Area of Environmental Significance may be approved as to zoning and would not need to undergo SDR. Projects subject to other review, such as Subdivision Regulations, Variances, Conditional Use Permits, or EIRs, would also not undergo SDR.

SDR involves input (through referral of project plans) from appropriate agencies, coordinated by the Planning Department. For projects in riparian corridors, mandatory referrals would include the Alameda County Flood Control and Water Conservation District, the Health Department, and other concerned agencies with appropriate expertise.

#### **B. Subdivision Regulations**

The policies of the Specific Plan will apply to proposed subdivisions and will be implemented through the Subdivision Ordinance, rather than Site Development Review.

#### **C. Building Permits**

Specifications for structures in Areas of Environmental Significance will be guided by the Specific Plan policies.

#### **D. Public Project Review**

As mandated by State law, the Planning Commission will consider applicable Specific Plans for Areas of Environmental Significance in referrals of public projects to determine consistency with the General Plan.

#### **E. Environmental Impact Reports**

Significant projects in Areas of Environmental Significance will require Environmental Impact Reports because of their significant location. The EIR will analyze the impacts of the proposal based upon the management objectives and policies for the appropriate Area of Environmental Significance.



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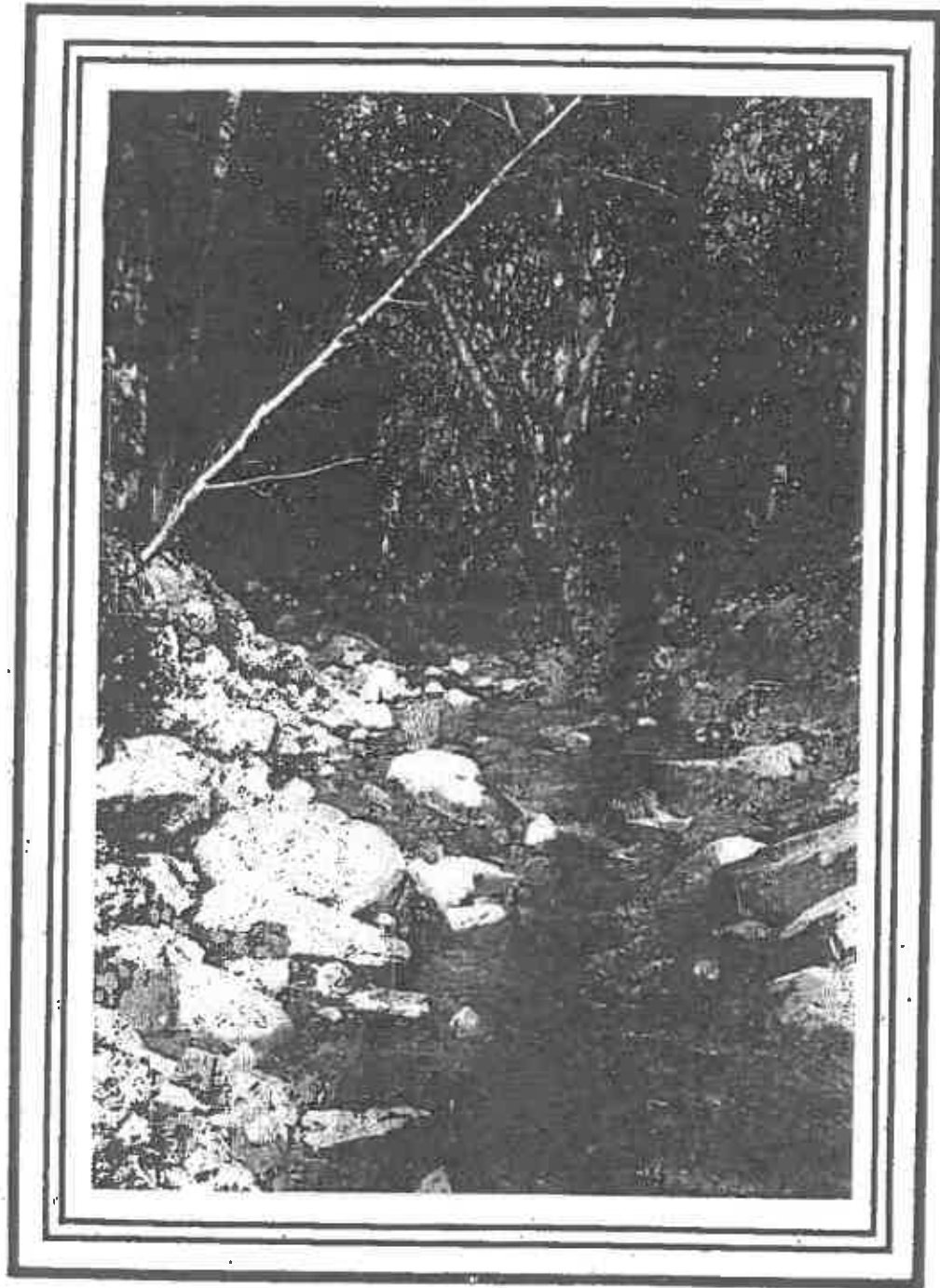
**Specific Plan For Areas of Environmental Significance**

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**F. Easements, Development Rights, Acquisition, Purchase, and Other Means May Also be Used to Implement the Specific Plan**

The adoption of this Specific Plan and the necessary ordinance changes described above shall constitute the County Open Space Zoning Ordinance, as required by California law for implementation of the Open Space Element of the General Plan. The Areas of Environmental Significance shall be mapped according to explicit criteria and shall become a part of the official Zoning Map. The Zoning Map may show special regulatory notations.





## Riparian Areas



## **IV Areas Of Environmental Significance**

### **A. Riparian Areas**

#### **1. Environmental Significance; Need for Management**

The natural watercourses of Alameda County are valuable but endangered resources. The riparian vegetation associated with them encompass a wide variety of plants which provide living conditions for a great number of wildlife species, including fish, waterfowl, songbirds, and small game.

The shade provided by trees along watercourses helps maintain cooler water temperatures and thus retard algae blooms and enhance fish habitat. Dense tree growth protects stream banks from erosion. Lush strips of trees and ground cover help purify the air and provide an aesthetically pleasing variation to the eye, and in so doing preserve the scenic character of unincorporated Alameda County.

Natural riparian areas are of great ecological importance by providing valuable topsoil, groundwater recharge, sandy beaches, and wildlife habitats. Such areas are particularly valuable in the semiarid climate characterizing much of unincorporated Alameda County.

Riparian areas are beneficial for agricultural and ranching operations by providing water for irrigation and livestock and trees to shade livestock during summer heat. They also help to recharge groundwater, the primary source of water for most farms.

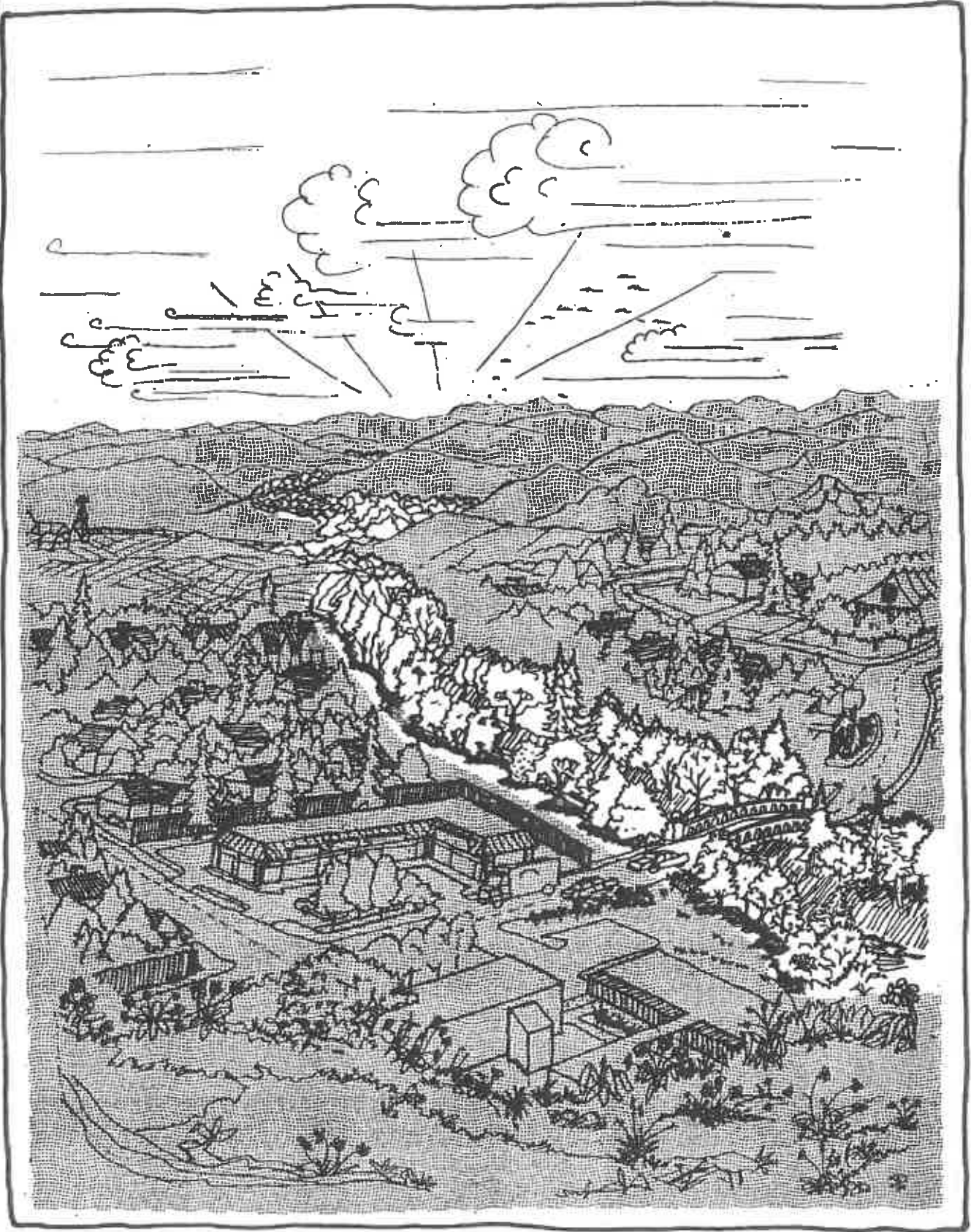
State-wide surveys establish that riparian habitat has suffered greatly under expanding development. Thousands of acres have been inundated by reservoirs and stripped for channels, ditches, housing tracts, and highways. The California Fish and Wildlife Plan predicts an additional fifteen percent loss of this resource by 1980.

The steady loss of riparian environments in Alameda County is found to be a problem needing wide management and regulation to check. Once lost, such areas cannot be recovered, thus the need for this Specific Plan to ensure the protection of these Areas of Environmental Significance and their preservation for the benefit and enjoyment of future generations.

**2. Designation of Riparian Areas**

The riparian areas of the County will be studied jointly by the staff of Alameda County Planning Department and the Alameda Flood Control and Water Conservation District and the location and limits of Riparian Areas of Environmental Significance delineated subject to adoption by the County Planning Commission and County Board of Supervisors. Selection will be based on the following criteria:

- (1) The riparian area is designated as Primary Open Space on the Open Space Element of the Alameda County General Plan.
- (2) Large portions of the riparian area are still in their natural state.
- (3) The existence and areal extent of riparian vegetation and woodland is evident.
- (4) The watercourse, though not entirely natural, is of such value because of its scarcity (such as in an urbanized area) as to make its management desirable.
- (5) The riparian area is important for groundwater recharge.
- (6) The riparian area is scenic.
- (7) An expressed desire by local residents to protect a natural watercourse.
- (8) The riparian area is important to fish and wildlife.
- (9) The riparian area is important to public health, safety, or welfare.
- (10) The riparian area is subject to periodic inundation.
- (11) The riparian area has significant recreation potential.
- (12) The riparian area is important for agricultural and ranching operations.
- (13) No corridor studies will be performed in areas zoned Agricultural without prior approval of the Board of Supervisors.



**Riparian Corridor**





## **Specific Plan For Areas of Environmental Significance**

For purposes of the Specific Plan, a Riparian Area is defined as any area for which a watercourse, intermittent or perennial; pond; lake; marsh; or any other wetland; or the vegetation or wildlife dependent on or associated with any of the above, forms the environmental focal point. The limits of a Riparian Area of Environmental Significance will normally be considered the demarcation line between the vegetation zones of wetland and upland; but for administrative convenience, riparian corridors will be established adjacent to watercourses and other bodies of water extending a sufficient distance from it such that all riparian vegetation is included. Policies and administrative procedures will apply to all development totally or partially within these corridors.

### **3. Management Objectives**

- (1) The protection, conservation, and promotion of the water resources of Alameda County.
- (2) The preservation of fish and wildlife habitats.
- (3) The protection of natural riparian environments.
- (4) The protection of life and property.
- (5) The protection of watercourses from pollution and sedimentation by unsuitable development in riparian corridors.
- (6) The recognition of the limitations and potentialities inherent in the riparian environment and its management.
- (7) The preservation of the scenic character which natural watercourses provide the County.

### **4. Policies**

- (1) Private property rights are to be respected in all cases.
- (2) Where possible, development inimical to riparian area management objectives is to be discouraged in those areas.
- (3) Development in riparian Areas of Environmental Significance is to be reviewed to assure the minimum possible impact on the riparian environment and to conform to any regulatory notations on the official Zoning Map.

## **Specific Plan For Areas of Environmental Significance**

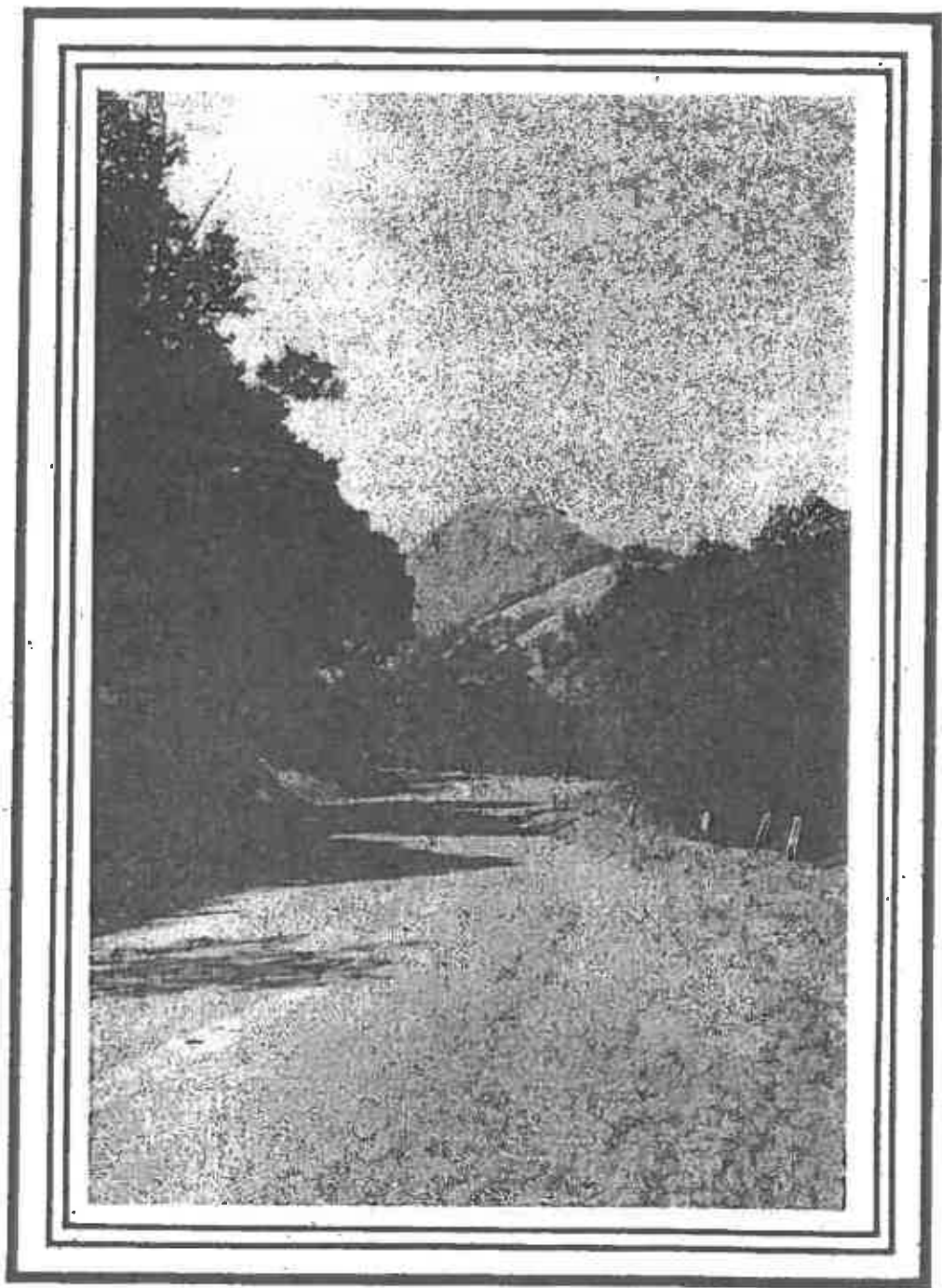
- (4) If the environmental limitations warrant, most development may be prohibited in certain areas.
- (5) In the case of development permitted in riparian Areas of Environmental Significance, design and construction standards will be formulated if needed for watercourse protection. Setbacks from the watercourse may be required.
- (6) Development by the various agencies of Alameda County shall be consistent, when possible, with the management objectives for riparian areas.
- (7) Changes in the hydraulic characteristics of watercourses which may result in alteration of the watercourse so as to conflict with riparian area management objectives should not occur unless a clear public advantage outweighing such conflict can be demonstrated. The burden of proof shall be on those proposing the changes. Hydraulic characteristics are the features of a watercourse which determine its water conveyance capacity, including (but not limited to) size and configuration of cross section of watercourse; alignment of watercourse; gradient of watercourse; texture of materials along the watercourse; size, configuration, and other characteristics of structures within the watercourse.
- (8) The long-term preservation of natural and seminatural riparian areas and their wildlife habitat shall be a guiding criterion in public decisions.

### **5. Corridor Study Priorities**

Priority for the order in which watercourse corridor studies are to be carried out will depend on the degree of threat of destruction of the particular watercourse and its riparian area. Higher priority will be accorded riparian corridors for which this threat is the most pronounced and for which the riparian area is richest in terms of woodland development, diversity of fauna and flora, and uniqueness in its context. Lowest priority would be assigned riparian areas in isolated areas of the County with little urbanization pressure.

Corridors for watercourses in areas covered by quarry permits will not be studied until completion of the Reclamation Plan now being prepared for sand and gravel extraction operations in the Livermore-Amador Valley.

Adoption of the Specific Plan would commence application of the Policies contained in Section 4 in existing regulatory procedures. Site Development Review implementation would not occur until the riparian corridor study was completed for any specific watercourse.



## Scenic Routes



**B. Scenic Routes**

**1. Environmental Significance; Need for Management**

Views from scenic routes in Alameda County afford esthetically pleasing experiences to the traveler by automobile or bicycle. The use of these routes to reach recreational and cultural pursuits can in itself be a stimulating and recreational experience.

The existence, enhancement, and maintenance of scenic routes can help to promote tourism in Alameda County, provide for use of leisure time, and lighten the burden of necessary daily trips. Landmarks and views visible from scenic routes can aid in orientation and give County residents a sense of place and pride in the scenic resources of the County.

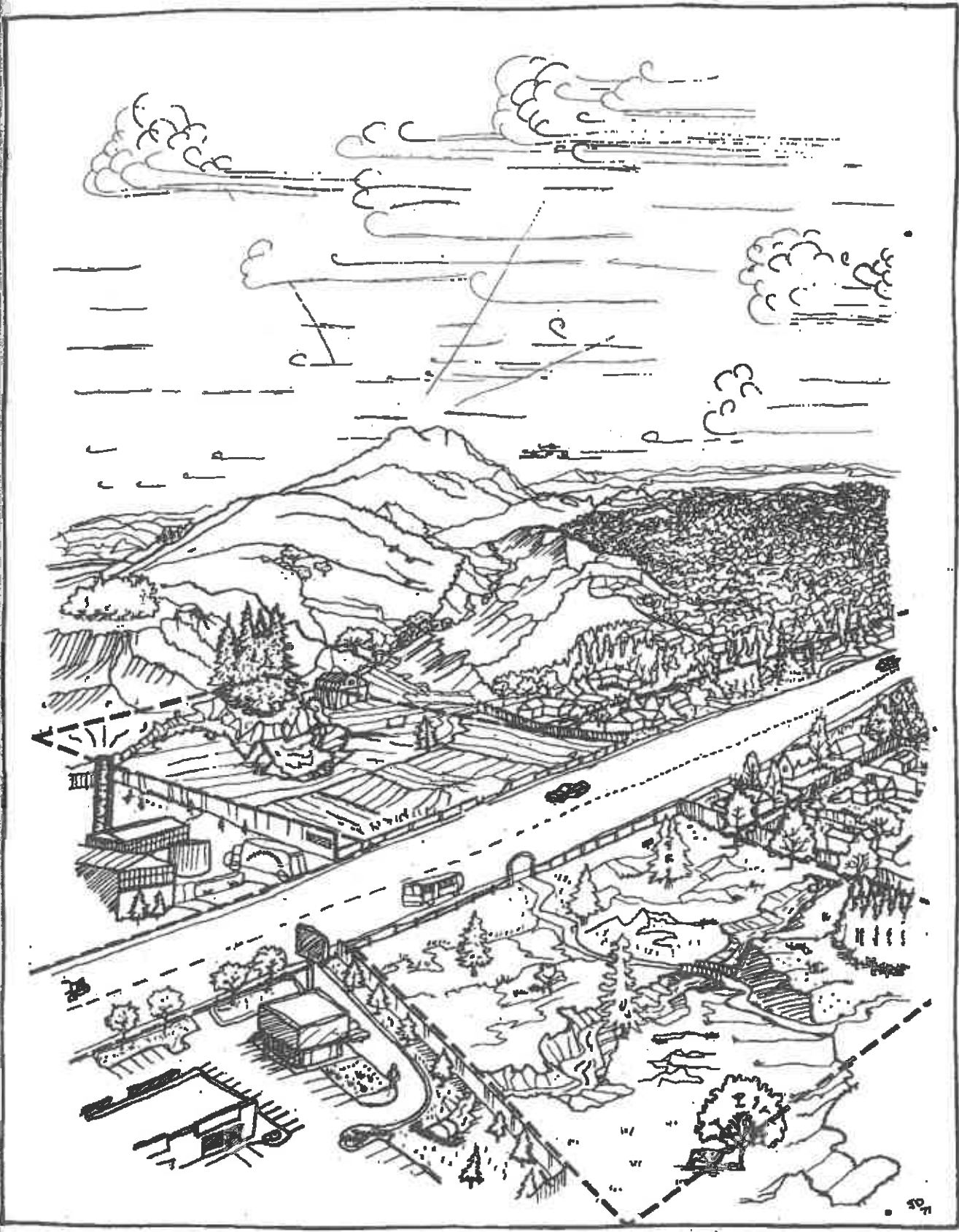
Preservation of the scenic quality of these routes can assist in stabilizing or increasing property values and the economy of the County through preserving and adding to its attractions.

Proper management of scenic routes can promote multiple recreational uses, including bicycle paths, trails, picnicking, and observation points where appropriate throughout the County.

Problems occur when buildings are placed at such proximity or angle to the route as to block scenery. Problems are also created when certain land uses which are inimical to aesthetic appreciation, such as junkyards, drive-ins, or overhead transmission towers, become visible from a scenic route. Finally, large signs can obscure views and detract from scenery.

Lesser problems which can occur include lack of identification of scenic routes on the routes themselves and lack of programs or publicity to encourage private enhancement of the scenic quality of lands adjacent to scenic routes. The presence of these problems generates the need for this portion of the Specific Plan to ensure the proper management of scenic route corridors.









## **Specific Plan For Areas of Environmental Significance**

### **2. Location and Criteria for Selection**

The Scenic Route Element of the Alameda County General Plan, adopted in 1966, establishes the roads designated as scenic routes throughout the County. The regulatory program established in this portion of the Specific Plan for Areas of Environmental Significance applies only to those routes in the unincorporated portions of the County, and comprises forty-three roads or portions of roads in the County Road System. Incorporated communities in the County have independent Scenic Route Elements and implementation programs which are coordinated with the County Element.

The establishment of regulatory corridors of scenic routes will be undertaken for each individual route in the order specified in Section 5. Priority has been assigned on the basis of traffic volumes through areas of highest scenic quality and existence or potentiality of adjacent land uses which undercut the objectives of the scenic route program. The Scenic Route Element defines scenic corridors as either "areas that extend beyond the scenic route right-of-way that are of sufficient scenic quality to be acquired by State or local jurisdictions, or areas to which development controls should be applied for purposes of preserving and enhancing relatively nearby views or maintaining unobstructed views along the scenic route and providing a pleasant route of travel."

The Element further states that "width of scenic corridors will vary from the depth of lots adjacent to the right-of-way in highly urban areas to a distance of one thousand feet in rural areas having a high scenic quality." The corridors established will be irregular in width, especially in more urban areas, shrinking to the road boundary where no scenic qualities adjoin, and expanding as necessary where views from the route are outstanding.

The delineation of corridors would be done with the help of property owners near scenic routes, Alameda County Road Division, knowledgeable persons from local colleges, and other interested parties, coordinated by the Planning Department. Final boundaries will be subject to Planning Commission and Board of Supervisors action following public hearings.

### **3. Management Objectives**

- (1) The implementation of the Scenic Route Element of the Alameda County General Plan.
- (2) The conservation, enhancement, and protection of scenic views observable from scenic routes.

## **Specific Plan For Areas of Environmental Significance**

- (3) The provision, where possible and appropriate, of multiple recreational uses, trails, roadside rests, picnicking, and observation points on present or future publicly owned lands adjacent to scenic routes, and the encouragement of such uses on private lands adjacent to scenic routes.
- (4) The provision of a means of coordinating scenic route trails with other trail systems in the County.
- (5) The provision for bicycle use as a major type of recreation and viable transportation in the County.
- (6) The encouragement of private initiative in enhancing scenic routes.

### **4. Policies**

- (1) Where possible, proposed development of a character inimical to scenic route management objectives is to be modified in scenic route corridors.
- (2) Development in Scenic Route Areas of Environmental Significance is to be reviewed to assure the minimum possible impact on views and landscape quality visible from scenic routes.
- (3) The objectives of this Scenic Route section of the Specific Plan for Areas of Environmental Significance shall be important criteria in public decisions relating to both public and private projects.
- (4) On-route identification of scenic routes should be encouraged. Adoption of a symbol representing Alameda County Scenic Routes should be studied.
- (5) Special controls on signs should be exercised in scenic route corridors.
- (6) Supplemental zoning regulations, primarily site design review, should be used to preserve vistas in scenic route corridors.
- (7) Certain uses inherently inimical to aesthetic appreciation of scenery may be prohibited in scenic route corridors if screening is not feasible.
- (8) Landscaping is to be encouraged in scenic route corridors to provide added visual interest, to frame scenic views, and to screen unsightly views.
- (9) Height limitations upon buildings which would block views from scenic routes should be set.

**Specific Plan For Areas of Environmental Significance**

**5. Corridor Study Priorities—Scenic Routes in Unincorporated Alameda County**

|                                      | Length<br>in Miles |                              | Length<br>in Miles |
|--------------------------------------|--------------------|------------------------------|--------------------|
| 1. Redwood Road                      | 11.0               | 23. Teala Road               | 11.0               |
| 2. Interstate 680*                   | 11.0               | 24. Mines Road               | 19.0               |
| 3. Interstate 580*                   | 20.0               | 25. Flynn Road               | 3.0                |
| 4. Route 92 (Jackson)                | 1.0                | 26. Greenville Road          | 3.5                |
| 5. Niles Canyon Road                 | 7.0                | 27. Cross Road               | 2.0                |
| 6. Foothill Road<br>(San Ramon Road) | 11.0               | 28. Del Valle Road           | 3.0                |
| 7. Route 238                         | 2.0                | 29. Arroyo Road              | 2.0                |
| 8. Grow Canyon Road                  | 8.0                | 30. Mission Boulevard        | 1.0                |
| 9. Palomares Road                    | 11.0               | 31. Byron Bethany Road       | 1.5                |
| 10. Vineyard Avenue                  | 4.0                | 32. Morgan Territory<br>Road | 1.5                |
| 11. Fairview Avenue                  | 0.5                | 33. Highland Road            | 4.5                |
| 12. Cull Canyon Road                 | 7.0                | 34. Dougherty Road           | 2.0                |
| 13. Altamont Pass                    | 9.0                | 35. Tassajara Road           | 3.0                |
| 14. Kilikare Road                    | 4.0                | 36. Doolan Road              | 3.0                |
| 15. Norris Canyon Road               | 2.5                | 37. Vargas Road              | 0.5                |
| 16. Mountain House Road              | 5.0                | 38. Mill Creek Road          | 0.5                |
| 17. Fairmont Drive<br>(Plaza)        | 0.5                | 39. Nimitz Freeway           | 0.5                |
| 18. Grant Line Road                  | 1.0                | 40. Skyline Boulevard        | 2.0                |
| 19. Patterson Pass Road              | 10.0               | 41. Lake Chabot Road         | 1.5                |
| 20. Vasco Road                       | 3.0                | 42. Calaveras Road           | 8.0                |
| 21. N. Livermore Road                | 4.5                | 43. Geary Road               | 7.0                |
| 22. Vasco Road                       | 5.0                |                              |                    |

\*Preliminary corridor studies have been prepared by CalTrans.



**Villanueva, Vincent P, CDA**

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**From:** Carmin Cerullo <carminccerullo@aol.com>  
**Sent:** Sunday, July 7, 2019 10:35 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Ruby Meadow 238 Project

Hello,

I am a member of the Baywood community in Castro Valley and am very concerned over the proposed construction of apartments at Ruby Meadow in Castro Valley. I understand that there is a need for more housing, especially in the Bay Area but we need to create housing in a smarter and more logical way than by taking every open land space and paving it over. There are already various apartments around that area. Why not build housing on Oak Street? Also a major concern is that Eden Housing has not conducted an environmental impact report for this area. Housing trends come and go but what is left once everything is paved over? We need to speak up for those that do not have voices and for those that will be impacted. As a member of this community I feel I should have a right to voice my opinion on what happens in the community and at this point I would like to vote no on the housing project.

Thank you for your time,

**Villanueva, Vincent P, CDA**

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**From:** Carmin Cerullo <carminccerullo@aol.com>  
**Sent:** Sunday, July 7, 2019 10:21 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Cal Trans 238 Ruby Meadow

Hello,

I am quite concerned over the proposed building of apartments in Ruby Meadow off of A Street in Castro Valley. I do not want this development especially since Eden Housing has not conducted an environmental impact study. I understand the demand for housing in the Bay Area but there are many open lots, Oak Street is an example. We need to build smarter and as a member of this community I feel the neighborhood should have input into their neighborhood. Once every open patch of land is paved over, what is left? People and housing trends come and go but we also have a responsibility to protect those that do not have voices.

Thank you for your time,

Carmin Cerullo



## Villanueva, Vincent P, CDA

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**From:** Kristine Standley <standley.kristine@gmail.com>  
**Sent:** Monday, July 8, 2019 12:41 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Ruby Meadow

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon Nisha

I understand my name is on your list of recipients for information regarding the proposed development, unfortunately that is after your decision making process.

We believe we have not been appropriately included in the planning and development of this proposed association with Eden Housing, in fact in all the 238 properties.

Overwhelmingly the residents of our area DO NOT WANT this as it is overlarge and an inappropriate building for this site as evidenced by the recontouring of the creek banks etc. and the overriding of many environmental concerns, with apparent little regard for us residents.

Why does this continue to move forward as if a done deal? Please help.us.  
Thank you, Kristine

Kristine Standley  
1728 Crescent Ave, Castro Valley, CA 94546  
510.393.7552

## Villanueva, Vincent P, CDA

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**From:** Sheri Bywater <slbywater@outlook.com>  
**Sent:** Sunday, April 7, 2019 2:08 PM  
**To:** Young, Andrew, CDA  
**Subject:** Proposed Ruby Street project

Hi Andrew,

I've been a Castro Valley resident for 54 years and I am strongly against putting 78 units on Ruby Street. They just tore down I believe five homes on that land and I don't see where putting 78 units is going to help our problem with traffic, congestion and noise. I don't see any more than 10 units going in there. There are other vacant properties in Hayward that would be a much better fit for such a large project please don't ruin our little neighborhood.

There's a lot of wildlife that lives over there including foxes. People like to come over and gays over at the field while they're walking their dogs. I know I live directly across the street.

I'm not trying to be selfish and I understand that something needs to be put over there but anything more than 10 units is way too much.

Please help make this stop! My neighbors and I are very upset over this





## **Villanueva, Vincent P, CDA**

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**From:** Steven King <even.steven.king@gmail.com>  
**Sent:** Monday, July 8, 2019 8:53 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Site Development Review of Eden Housing's Proposed Ruby Street Project

Dear Planning Department,

As a member of Friends of San Lorenzo Creek, I do not recommend approval of this proposed SDR and plan for the general reasons listed below and as detailed further in the comments by Bruce King, Friends of San Lorenzo creek, July 8, 2019.

- Previous comments provided by the community and FSLC have mostly not been addressed.
- This project is designed to maximize affordable housing and provide a section of the San Lorenzo Creek Trail. But the project covers over with development the biological resources of Ruby Meadow and some of the creek setback and conservation areas.
- The creek setback has not been correctly determined. The current plans propose non-compliant "development" (i.e., grading) in the minimum creek setback and conservation easement areas. Removal of grading from the minimum creek setback, and required assessment of the riparian areas, will result in a larger creek setback and significantly less land that can be developed.
- An Environmental Impact Report (EIR) is needed. An environmental assessment has not been conducted that shows the biological and other resources that need protection, especially resources beyond the minimum creek setback such as Oak Riparian Woodland and Wildlife Corridor.
- Important questions regarding the multi-use trail and Parcels A, B, and C still need some public clarity, resolution, and planning.

**GENERAL COMMENT – PROJECT APPROVAL NOT RECOMMENDED**

Sincerely,

Steven King  
Friends of San Lorenzo Creek



## **Villanueva, Vincent P, CDA**

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**From:** Bev Herborn <dbherborn@comcast.net>  
**Sent:** Monday, July 8, 2019 1:32 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Ruby Meadow Project

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I oppose this 4 story structure next to my property. I am the homeowner at 22431 Ruby St. I bought this property years ago for it being in this quiet neighborhood. How can a 4 story massive structure be allowed in a residential neighborhood such as this? This building so close to my property will take away most of the sunlight and privacy to my house. With it brings unnecessary noise and major traffic issues for this street and neighborhood. The density of this project is massive for the amount of land available to build on. The wildlife in this neighborhood needs preserving and more of this property needs to stay open. There are more suitable properties for a massive project such as this that does not have such a major impact to the surrounding neighborhood and wildlife. Please consider the negativity of this massive project to Ruby St.

Thank you.

Bev Herborn

dbherborn@comcast.net

## **Villanueva, Vincent P, CDA**

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**From:** brad ma <vjmoon17@yahoo.com>  
**Sent:** Monday, July 8, 2019 10:22 AM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Ruby meadows section 8

Dear ones

We need to do an ERI report on Ruby meadows and section 8.

I am not for these proposed developments.

We need more open space not poorly planned developments.

Time to bring in the community whom will be solidly impacted by these proposals.

Now is the time while we have this chance to save these green spaces for now and the future.

Sincerely Viviane Deleon



**Villanueva, Vincent P, CDA**

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**From:** Alan Fishman <slzfishman@yahoo.com>  
**Sent:** Monday, July 8, 2019 5:11 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Ruby Meadows Site

Dear Planner Nisha Chauhan:

As a resident of Castro Valley and living near Ruby Meadows, I have the following serious concerns of the planned housing development of this site:

**1. Damage to Riparian Woodland and Wildlife Corridor**

The June updated plans continue to indicate that the size of proposed project is too big for the site and will result in development that removes and/or covers: a) the riparian woodland and wildlife habitat of Ruby Meadow; and b) large portions of the riparian habitat along the top-of-bank in the creek setback and conservation easement areas. In fact, the Castro Valley (CV) General Plan identifies much of this site as having High Priority Biological Resources, Sensitive Habitat, Oak Riparian Woodland, and Wildlife Corridor. The General Plan also specifies special review and biological assessment to determine the level of development allowed, design features to protect biological resources, and possible reduction in maximum amount of development allowed under the zoning for the site. In addition, the County's Watercourse Protection Ordinance (WPO) and Specific Plan for Areas of Environmental Significance (SPAES) also require assessment and protection of the riparian areas. This project has not completed such assessment and will significantly damage the riparian woodland and wildlife corridor.

**2. Address Climate Crisis Concerns:**

On this property are many mature oak trees. To cut these trees would have a significant impact on the carbon removal that these trees provide. We cannot afford to ignore the issue of climate crisis, especially when California State is aggressively enacting regulations and laws that are fast becoming a model for the rest of the nation.

**3. Move Housing to Site without Sensitive Habitat**

This project is designed to maximize affordable housing and provide a section of the San Lorenzo Creek Trail, but does not protect the biological resources of Ruby Meadow or the creek top-of-banks. The community has been advocating for: a) the site to be open space and park with substantially less development; and b) location of the affordable housing to a site that does not have such extensive habitat (e.g., another Route 238 site). The park district has discussed this site's park potential with the County.

#### 4. Environmental Justice and Equity Issues

Ruby Meadows is in Castro Valley limits, but the residents of this area are in the Hayward Unified School District. Since this is a low income housing project, parents in this housing project should be able to send their children to Castro Valley Unified School District since their schools are significantly better than Hayward's. This cannot become another example where poor children get an inferior education than children from a higher socio-economic status. The proposed site for this housing development should be moved to an area in Castro Valley, but within the Castro Valley Unified School District Boundaries.

The following are actions I would like to see implemented:

1. Assess and implement a plan for this site that protects the site and corridor's riparian and High Priority Biological Resources as described and prescribed under CEQA, the CV General Plan, WPO, and SPAES. Resources include riparian areas, and the Oak Riparian Woodland and Wildlife Corridor of San Lorenzo Creek and Ruby Meadow. Do not build projects on this site that nearly cover Ruby Meadow and remove its woodlands.
2. Develop a vision and plan for the Route 238 properties between the Grove Way area and A Street that includes private and public developments along with parks, open space, conservation easements, and multi-use trails. An integrated vision and plan should be developed between the County, City of Hayward, HARD, developers, current property owners, and the community. This need should be presented at the planned (not scheduled) CVMAC meeting to discuss the Route 238 properties. The community should not be presented with proposed plans without a common understanding of the larger plan and connections for the Ruby area and the Route 238 properties.

Sincerely,

Alan Fishman  
Resident of Castro Valley (but in Hayward Unified School District)



**Ohlone Audubon Society**  
**A Chapter of the National Audubon Society**  
**Serving Southern Alameda County**

July 8, 2019

**To: Nisha Chauhan, Senior Planner**  
**Alameda County Planning Department**  
**224 West Winton Ave.**  
**Hayward, CA 94544**

**From: Terry Preston, Conservation Co-chair**  
**Ohlone Audubon Society**  
[mtmpreston@comcast.net](mailto:mtmpreston@comcast.net)

**Cc: Hank Ackerman, ACPWA**  
**Bill Lepere, ACPWA**

**Dear Planning Department,**

**Thank you for this opportunity to comment on the Eden Housing Ruby St. proposed project. We have reviewed the plans and documents. We apologize if the text below sounds repetitive but we feel that given the history of failure to protect these riparian corridors, repetition may help drive the urgency home.**

**After careful consideration of the wildlife habitat value of the site, Ohlone Audubon Society believes that this proposed project requires an Environmental Impact Report as directed by CEQA. CEQA requires a cumulative impact analysis (CEQA Guidelines Section 15130) when the cumulative impacts of past, present and future actions result in significant damage to the San**

Lorenzo Creek ecosystem. An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3).

Given the scarcity of suitable habitat and similar open space areas adjacent to this creek and given that there are many more suitable sites available for this project we believe that the proposed project should not go forward. Other options that do not destroy the valuable habitat should be seriously considered for the site.

There is substantial evidence that this project, in addition to all past and potential future projects along the banks of San Lorenzo Creek will have significant negative cumulative impacts on the health of San Lorenzo Creek, its wildlife and other biological resources and ultimately San Francisco Bay. In addition, a 20' setback is simply not enough to support the needs of the wildlife that may use it. There is a creek bank and channel for movement along the wildlife corridor but the project would leave little left to fill the need of a place to nest, raise young, hunt and forage. The stream course and setback are not enough.

The project site has an abundance of biological resources. The type of topography and vegetation provides habitat for over 60 bird and mammal species along with an undetermined number of insect, amphibian, reptile and fish species. It also includes heritage trees and potentially significant Historical and Cultural value.

In addition, the proposed project does not comply with the regulatory guidelines of Plans and Ordinances established for Alameda County as discussed below.

#### **CUMULATIVE IMPACT ASSESSMENT REQUIRED BY CEQA**

CEQA guidelines state:

***"The environmental health of a proposed project site clearly illustrates "that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time."***

CEQA requires a cumulative impact analysis (CEQA Guidelines Section 15130) of a proposed project. An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3). In other words:

***"The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."***



A Cumulative Impact analysis must also consider the potential of **future** impacts on wildlife and biological resources from Climate Change. According to recent National Audubon Society studies, our changing climate is shrinking and shifting bird ranges ***“which could imperil nearly half of U.S. birds within this century.”*** Ruby St. meadow is the type of habitat that is becoming rare in the southern Alameda County area and has incrementally been destroyed for development. Cumulatively, this type of habitat is significantly threatened.

### **NON-COMPLIANCE WITH EXISTING REGULATORY PLANS**

The proposed development does not comply with the ***Castro Valley General Plan*** and the ***Specific Plan for Areas of Environmental Significance (SPAES)***.

#### **Revised Castro Valley General Plan**

As stated in the Castro Valley General Plan the area lies within a biological resource overlay zone, an area designated as biologically sensitive and significant habitat. Given this fact, we wonder why the site is being considered for development.

As directed in the Castro Valley General Plan ***“...revise the County’s Watercourse Protection Ordinance to ensure maximum protection of creeks and adjacent riparian habitat by requiring new development to provide sufficient setbacks and rights-of-way to meet the County’s objectives for storm drainage, flood control, habitat protection...”***

One intent of the CV General Plan is to protect wildlife habitat such as wildlife corridors. One tool that was to be utilized was the ***“Revised Watercourse Protection Ordinance”***. The ***1980 Watercourse Protection Ordinance*** failed to comply with SPAES and does not protect riparian woodland buffers. The proposed Revised Watercourse Protection Ordinance did provide some protection for these sensitive areas. Unfortunately, the process of revising the Watercourse Protection Ordinance was terminated by a vote by the CV Municipal Advisory Committee. No further action to protect these areas has taken place.

#### **Specific Plan for Areas of Environmental Significance - 1976**

Along with the Castro Valley General Plan, the **Specific Plan for Areas of Environmental Significance** along with the **Draft Revised Watercourse Protection Ordinance** urge the protection of wildlife corridors along riparian areas. We have known that these habitats are vital to a healthy creek environment. We have known that since 1976. By failing to implement this plan we have failed to protect them. It is imperative now to enforce the principles of these Plans.

The purpose of the 1976 ***Specific Plan for Areas of Environmental Significance (SPAES)*** is to preserve a **buffer zone** between creeks and development ***“sufficient in that all riparian vegetation is included...”*** The importance of fully functional wildlife corridors was emphasized in the SPAES EIR prepared for the adoption of this Plan. The importance and

**need for wildlife corridors which include forage for wildlife that may nest or roost nearby or elsewhere was emphasized in the legal EIR process for this Plan adoption.**

The updated Castro Valley General Plan verifies the continued active status of the 1977 Specific Plan for Areas of Environmental Significance in the following statement:

***“Alameda County is updating its Resource Conservation, Open Space, and Agriculture (ROSA) elements. The Castro Valley General Plan and the County ROSA must be consistent with one another. The updated ROSA will replace existing documents, including the 1966 Scenic Route Element, the 1973 Open Space Element, and the 1977 Specific Plan for Areas of Environmental Significance. The ROSA elements will also address plans and policies for Measure D lands.”***

The **ROSA** update has not yet been adopted. The 1976 Specific Plan for Areas of Environmental Significance has not yet been repealed. Although often ignored, the Plan legally remains an active Plan. Again, we wonder, when the County possesses the knowledge that these areas are sensitive and threatened and identified as needing protection, why haven't they been protected?

This particular proposed project site possesses all the requirements of a functional wildlife corridor as defined in **SPAES**. It is illustrated by the high volume of wildlife that can be seen in the meadow daily.

#### **OTHER ACTIONS TAKEN**

In addition, in the early 2,000's, citizens showed serious concern about the destruction of riparian woodland buffers along our streams. This resulted in the 2006 Moratorium on building in riparian areas. This was another well-intentioned effort but it was also not implemented or enforced. The wildlife that utilize the stream corridor for movement must also utilize the adjacent vegetative zones for feeding and nesting. That part of the riparian ecosystem is disappearing.

#### **IMPORTANCE OF WILDLIFE RIPARIAN CORRIDORS**

As stated, native riparian woodland areas are disappearing rapidly so it is imperative that we work to protect what remains. In 1976, when the Specific Plan for Areas of Environmental Significance was adopted, Planners knew the value of these riparian buffers. Unfortunately, this Plan has rarely been enforced

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Many kinds of plants including grasses, shrubs, vines, and trees grow in the riparian woodland. Left unshaded, the stream water warms by as much as 10 Celsius degrees (18 Fahrenheit degrees). Even the removal of tree canopy and vegetation far away from a stream or lake can contribute to thermal pollution by speeding up the erosion of soil into the water, one of the main causes of water pollution. Upslope vegetation helps shade and partially protect the

stream from the impact of adjacent land uses, and provides habitat and nutrient input into the stream.

Streamside buffers are a sanctuary for animals because they provide cover, water, and food and nesting habitat, all of which are necessary for survival. For aquatic species, streamside buffers are important because they provide shade.

### BIOLOGICAL RESOURCES

The importance of the habitat on this site has been emphasized. The existing habitat at the Ruby St project site has the present and future potential to support over 38 bird and 20 mammal species along with the yet to be studied number of insect, amphibian and reptile species. Climate change will certainly alter this number. Many of these threatened species utilize habitat such as Ruby meadow.

We were unable to assess plant species on site. The site had recently been mowed down to stubble. We were able to view the existing tree species.

We measured over 20 very large oak trees (*Quercus agrifolia*), and redwood trees (*Sequoia sempervirens*) bay laurel (*Umbellularia californica*) and fruit trees, many of which appeared to be historic/heritage. We did not count or assess the trees and vegetation within the setback and the creek bank and channel. These areas should be covered in the EIR.

Details of the biological resources we observed can be provided upon request.

Thank you for this opportunity to comment. Please keep me informed on the evolution of this project proposal.

Terry Preston

Conservation Co-chair, Ohlone Audubon Society



## Villanueva, Vincent P, CDA

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**From:** GWNA Admin <ann@groveswayneighborhood.org>  
**Sent:** Monday, July 8, 2019 5:24 PM  
**To:** Chauhan, Nisha, CDA  
**Cc:** Ackerman, Hank; Cho, Andy Hyun-Jae; Lopez, Albert, CDA; Paul McCreary; BOS District 4; Ellen Morris; Orduna, Rodrigo, CDA; Rogers, John; Valderrama, Arthur  
**Subject:** Ruby Meadow Development PLN2019-00024  
**Attachments:** RubyCaltransLand.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ann E. Maris, PhD  
Organizer Grove Way Neighborhood Association  
1490 Grove Way  
Castro Valley, CA 94546

July 8, 2019

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

Attn: Nisha Chauhan [nisha.chauhan@acgov.org](mailto:nisha.chauhan@acgov.org)

Re: Eden Housing, Inc. Development Application PLN2019-00024

Dear County Planner Chauhan,

I am writing to represent the concerns of the Grove Way Neighborhood Association (GWNA) regarding Eden Housing's proposal to build a four-story apartment building on Ruby Street next to the San Lorenzo Creek in Castro Valley. We are against the proposal. GWNA membership consists of neighbors and other groups and people who are interested maintaining and improving living conditions in the Grove Way area, primarily between A Street and Foothill Boulevard. The proposed Ruby development will eliminate a great pleasure of the neighborhood that we have enjoyed for as many decades as any of us can remember—wildlife, peacefully grazing in a meadow by the creek, under heritage trees, new baby deer, powerful bucks, juvenile deer kicking up their heels, water fowl, raptors, woodland birds, marsupials, and even carnivorous predators. Neighbors do not want the meadow habitat destroyed, and instead support building new housing on plentiful vacant lots, such as on Oak Street. Neighbors need to be included in the public discussion before the County changes lot lines, rezones, and allows destruction of creek habitat in this former public Caltrans land. Many of us previously wrote comments to the County about the 4-story

apartments proposed for Ruby Meadow. This new version actually proposes grading the creek banks down in order to make more room for apartments, instead of *building the development out of the creek setback* as the ordinances require. Eden Housing is required by their purchase contract to attempt to develop, but they are not required to develop Ruby Meadow. In fact, their purchase contract recognizes that development may not be possible in Ruby Meadow.

The Ruby Meadow site at San Lorenzo Creek has multiple special significant effects peculiar to this specific site that need to be examined by conducting a full Environmental Impact Report. This development proposal is not consistent with the 2012 Castro Valley General Plan Goals (4.2-1, 4.10-1, 5.1-1, 5.2-1, 5.6-1, 6.2-1, 7.1-1, 7.2-1, 7.3-1, 10.2-1, 10.3-1) or Policies (4.2-1, 4.3-1, 4.3-3, 5.1-1, 5.2-1, 5.6-2, 5.6-3, 5.6-5, 7.1-1, 7.1-2, 7.1-5, 7.2-1, 7.3-2, 8.2-1, 8.2-3, 8.2-14, 10.2-4) (Also see Chapter 4.10, Actions 5.2-4, 8.3-3, and Figures 3-1, 4-1, 4-2, 4-4, 5-1, 7-1, 7-2, 10-2, 10-4)

The developer, Eden Housing, proposes skipping any environmental assessment (CEQA), and instead wants approval to simply "tier" from the 2012 Castro Valley General Plan's EIR (Environmental Impact Report). This is not okay, because the Ruby Meadow development is not consistent with the CV General Plan; therefore, Ruby Meadow development was not part of the previous EIR. Ruby Meadow and San Lorenzo Creek have multiple special significant effects peculiar to the site, such as its use by the Ohlone for a transitional campsite, the location of the first reliable water source "San Lorenzo Water Company," and its location in a neighborhood dense with seniors and disabled persons who need access to parks facilities. Although only a few neighbors directly border the CalTrans properties on Ruby Street, the lives of many people would be negatively impacted by the drastic change of the area proposed by this development.

Eden Housing has made no provisions for resident wildlife or their continued existence. In fact, their biologist did the opposite, dismissing the value of their presence. The neighborhood's peaceful enjoyment of wildlife in Ruby Meadow forms a large part of the character and benefits of the neighborhood; therefore, the wildlife's continued presence must be considered and even encouraged. Specifically, the Castro Valley General Plan shows that these Ruby Street parcels are in a highly sensitive biological area that needs special examination.

Listed here are 14 specific reasons that neighbors do not want development in Ruby Meadow along the San Lorenzo Creek:

### **Importance of Contiguous Habitat**

Carlos Bee Park connects two open space wildlife reserves (Parcel 8 and Ruby Meadow) in an urban area. It is important to evaluate the Caltrans properties here as a whole for natural resources and potential habitat restoration because Parcel 8 and Ruby Meadow *are connected* by the open space in Carlos Bee Park. Studies show that having continuity between patches of habitat allows the wildlife to continue existing in an urban environment.

The Ruby Street properties lie directly next to San Lorenzo Creek and the area is designated by the Castro Valley General Plan to be a High Priority Biological Resource (Figures 7-1 and 7-2), because the Oak Riparian Woodland is potential habitat for several special status species and is a wildlife corridor. The Eden Housing proposal includes pervious pavement, which requires periodic vacuuming. This loud noise in already sensitive habitat would further terrify any resident wildlife, disrupting their nesting, feeding, and natural activities.

### **Community Health and Wellness**

The Caltrans properties surrounding Carlos Bee Park allow a special opportunity to examine many historical features of the natural and manmade world. Not only does this area enhance community health by being a large green space in a more and more densely populated urban area, but it provides many untapped educational opportunities.

### **Important Component of San Francisco Bay**

The San Lorenzo Creek is a large contributor to the SF Bay waters. It is also recognized as being one of the most polluted creeks in the Bay area. The number one contributor to creek pollution is urban development. San Lorenzo Watershed health is important because Ruby Meadow is the last natural creek (riparian corridor/habitat) before San Lorenzo Creek is channeled (in a concrete channel) for the remainder of its trip to the SF Bay.

In this small area, there are two separate creek confluences: first the North Fork of the San Lorenzo Creek combines Castro Valley Creek and Chabot Creek at Carlos Bee Park, then that waterway joins San Lorenzo Creek at the Japanese Gardens. Preservation and restoration of the Ruby Meadow creek habitat is critical because the water of the San Lorenzo Creek Watershed travels directly to the San Francisco Bay, meaning that development next to the creek will further degrade our water quality.

### **Geological Resource: Active and Inactive Faults**

The active Hayward fault runs nearby and is statistically overdue. At least two other faults here (Chabot and Carlos Bee) have been inactive for over 30,000 years, but the hills and twisted creeks here show geologically how their activity shaped the land. Many yet undiscovered and/or documented fissures exist here. The soil type changes from the west side of the hill to the east side. The soil type also changes north to south across the face of the parcel 8 hill. The tip of Parcel 8 is the exposed gabbro rock of a much older era, the floor of the Jurassic ocean. This is geological evidence that earth movements caused the prehistoric ocean floor to push upward, forming the hills. The way that San Lorenzo Creek snakes through Ruby Meadow demonstrates prehistoric land movements.

### **Ruby Meadow Development Contradicts Castro Valley General Plan**

Ruby Meadow is shown as protected habitat in the Castro Valley General Plan. The Castro Valley General Plan describes the necessity to protect natural, historic, or community resources, which Ruby Meadow is. The issue of zoning in the Caltrans properties as they pass from public to private ownership, after sixty years, was not discussed publicly and neighbors were unaware of what is happening. Ruby Meadow should be zoned Open Space and protected, not zoned for apartments. The Castro Valley General Plan for in-fill development does not include Ruby Meadow, or indicate that its zoning will change, yet Ruby Meadow has had lot line changes done, zoning changes, and in-fill development plans that include housing density bonuses and skipping the Environmental Impact Report. This is not consistent with preserving valuable natural resources.

Ruby Meadow is an obvious oak riparian woodland and creek wildlife corridor that requires protection and preservation as covered in the Castro Valley General Plan. The General Plan designates Ruby Meadow as *Sensitive Habitat - Oak Riparian Woodland/Wildlife Corridor* and an area of *High Priority Biological Resource*. In addition, The General Plan states that all areas supporting native vegetation such as naturalized native trees, areas providing suitable habitat for special status species (i.e., at least three potential species in this case), and creeks are considered sensitive habitat to be protected. The Plan also extensively states that wildlife corridors, especially along Castro Valley's creeks, need to be preserved. It's apparent that native trees and wildlife inhabit this meadow and use this wildlife corridor.

Chapter 5 of the CV General Plan is about Community Character and Design: "Castro Valley has a unique character that has evolved based on its natural setting and its history. Residents of Castro Valley feel strongly about preserving the character of Castro Valley, and enhancing the aspects of it that they enjoy.



This element contains policies and actions to preserve and enhance the community character and design of Castro Valley. The main features that define the desired character of Castro Valley are its “natural setting” and “neighborhood character.”

**“The natural amenities that contribute [to] Castro Valley’s quality of life include: hillsides, canyons, creeks, trees, and the views of these natural resources.”** Physical features reflect the agricultural and small-town character of Castro Valley before it became a suburban bedroom community. These include **“undeveloped hillsides and canyons, neighborhoods with streets without curbs and sidewalks, and mature trees in front yards and along streets.”** The development of Ruby Meadow would destroy natural amenities of Castro Valley as described in Chapter 5. Ruby Street is a neighborhood without curbs and sidewalks, and with mature trees in front yards and along the street. Neighbors like it this way, as noted in the Castro Valley General Plan, and want it to stay this way. *We want the aspects of Castro Valley that we enjoy enhanced, not removed.*

### **Alameda County does not Recognize the Value of Ruby Meadow**

The Housing Authority of Alameda County *should not* have offered Ruby Meadow for high-density development purposes because it is a valuable cultural, historical, environmental, and community resource. A **full** Environmental Impact Report needs to be done for the proposed Ruby Meadow development because Ruby Meadow has **never** been examined for this type of proposed development. Previous EIRs that do mention the Ruby area are outdated and only looked at Ruby Meadow as a minor component of the larger, defunct, 238 freeway project. This is the last undeveloped bit of green in the area and it is vital to maintain the wildlife corridor. Another local Caltrans property, Parcel 9 on Oak Street, would be more appropriate for this development, instead of market rate housing or a hotel, because Parcel 9 is closer to public transportation and commercial services and is not suitable for habitat like Ruby Meadow is.

### **Ohlone Indians Lived and Camped Near the San Lorenzo Creek**

Published research from Caltrans, and others, show that Ohlone human remains and artifacts have been unearthed at multiple sites in the area, including near San Lorenzo Creek and Ruby Meadow (Site CA-566). The Ohlone were not a migratory society, and data show that they usually lived and died within only a few square miles; therefore, Native Americans found within a mile or two of Ruby Meadow relied on the San Lorenzo Creek for sustenance. Recently, a 1500-year-old Ohlone man’s body was discovered beneath the nearby Green Shutter Hotel. A 1200-year-old Ohlone woman’s body, with rare snail shell beads, was recently found under a public storage building by San Lorenzo Creek. Specifically near Ruby

Meadow, published data show that the Ohlone camped here on their journeys between the bay and the larger inland settlements. Food items cooked in the 1000+ year-old campsite were identified and classified by plant species. Many pre-Columbian items have been found in the area.

### **Historic Foundations of Alameda County, Infrastructure, and Agricultural Commerce**

Ruby Meadow is part of the Knox Tract, a subdivision of the Knox property that took place in 1892. William Knox, Sr. came to the area from Ohio with his wife. He is listed as a founding member of Alameda County. William Knox was the third largest land owner at the 1853 establishment of Alameda County. He, his wife, and their children and grandchildren, are buried in the historic San Lorenzo Pioneer Cemetery. In 1894, his son William Knox Jr and Milo Knox built one of the first water pumps and reservoir systems in the San Lorenzo Creek near Ruby Meadow. Remnants of a road, bridge, and possibly pumping pipes and reservoir concrete, is visible in the San Lorenzo Creek at Ruby Meadow. Ruby Street is named after William Jr's daughter, Ruby Knox. Knox Street (formerly William Street) is one block north, at the North Fork of the San Lorenzo Creek (now called Castro Valley Creek). The Knox brothers grew cherries and shipped them across the country to New York, contributing to the development of California agriculture when shipping was a new and difficult technology.

### **Cohesiveness with the Neighborhood**

A huge 4-story apartment building would block the sunlight for tenant gardens in the adjoining apartments, removing their ability to farm their own food and limiting any solar access. No other building in the area is this tall. Four-stories is too high for this residential neighborhood and will drastically change the skyline and other visuals.

Neighbors want to continue to enjoy the peaceful character of the wildlife that we see living in Ruby Meadow. CalTrans properties have now been (mis)managed for over fifty years; the public has been excluded from enjoying full benefits of this public property and it is time to improve the neighborhood instead of further hurting it.

The Ruby Street properties adjoin the Japanese Garden/Senior Center/Douglas Morrisson Theater and so it makes sense to expand the public park area to Ruby Meadow. The Foothill and San Lorenzo Creek trail will coincide in Ruby Meadow, and lead to Carlos Bee Park, so it makes sense to include this meadow in the larger plan of improving Carlos Bee Park.

The greater Grove Way area, particularly between A Street and Foothill Blvd, needs to be considered in planning development here: consider the combined possibilities of Ruby Meadow + Parcel 8 + Parcel 9 during development planning. Our neighborhood has many seniors and disabled people who need accessibility to parks.

### **Traffic and Parking Problems**

Ruby Street is used for cut-through traffic and it is currently very difficult to get out onto A Street. No actual traffic studies have been done. Traffic goals are not being met, and this development will further contribute to traffic congestion. The Association of Bay Area Governments (ABAG) recommends that new housing is built in a designated Transit Priority Area (TPA) or Priority Development Area (PDA), neither of which is Ruby Meadow.

The proposed development uses street parking spots to meet their parking space requirements, burdening the neighborhood. The public street should remain open to the public and development should not reduce currently available parking.

### **Sustainable Community**

In order to address the climate crisis and reduce greenhouse gases, workers need to live near their jobs. Eden Housing takes tenants from nationwide wait lists and does not prioritize housing for local people. The Eden Housing proposal would degrade living conditions in the neighborhood in terms of increased population density, blocked skyline, increased ambient noise, trash, automobile and pedestrian traffic, and the removal of wildlife. Over and over again, both newcomers and long-term residents here describe how the best part of our neighborhood is the wildlife and peaceful views of nature. The Ruby Street parcels are the last undeveloped green spot in the neighborhood and contribute greatly to the quality of life here.

The creek-side trail in the Eden Housing proposal is a community benefit, but should not be dependent on new development. It makes sense to extend Carlos Bee Park to include Ruby Meadow. This trail and park area would fulfill key General Plan objectives by 1) preserving the area's natural characteristics and views to those areas, 2) providing safe access for bikes and pedestrians, 3) contributing to activities and entertainment for all age groups, 4) preserve rural Castro Valley character and views to natural areas, and 5) allowing Ruby Street to contribute rather than detract from the quality of life in the community. Ruby Street neighbors already complain about drivers cutting through from A Street, speeding, traffic

back-ups, and difficulty getting out of the driveway during commute hours. Almost 80 more residences on this tiny semi-rural street would be tragic.

**Neighbors are not being sufficiently informed**

The property lines on Ruby Street were already adjusted, *without public input*, to accommodate the Eden Housing development, indicating a lot of planning outside the public eye has been happening. Public notices are only being sent to a few directly adjacent neighbors. Other residents will also be impacted because they enjoy the area on walks, live nearby, or use the neighboring public facilities, are they not being notified.

**Ruby Meadow is simply too small for this huge development.**

Eden Housing initially miscalculated the minimum creek setbacks. Their new solution is to grade (remove) the creek bank in order to reduce the required setback. In addition, the riparian oak woodland present in Ruby Meadow was not assessed nor included in the setback, as required by the Watercourse Protection Ordinance (WPO). Most importantly, these minimum WPO setback areas do not necessarily include the area and habitat needed to sustain wildlife in the creek corridor. A full environmental impact report (EIR) needs to be conducted.

Ruby Meadow area was originally planned to stay as open space in the 238 freeway plan. The creek at Ruby Meadow already serves as a restoration project area because of required environmental mitigation for another freeway project.

**The Quimby Act Open Space Requirements are not being met for residents**

Ruby Meadow should be park and open space. Residents in the unincorporated area have a deficit of park and open space in comparison to standards set for a healthy living environment in the Quimby Act. Residents in the unincorporated area have about one-tenth of the recommended park space, whereas Hayward residents have a sufficient quantity. Alameda County needs to work with HARD to bring the amount of park space in this area closer to standards, and Ruby Meadow is prime park space.

This proposal is the opposite of community sustainability and the opposite of the "highest and best use" for former public land--affordable housing is needed on Oak Street and Ruby Meadow needs to stay wildlife habitat! Please support urban wildlife, healthy creeks, and healthy people, by not allowing development in Ruby Meadow. Ruby Meadow's creek and meadow habitat be preserved! Buildings

should be developed on plentiful vacant lots (e.g. Oak Street), not in dwindling wildlife habitat (Ruby Meadow and Parcel 8)!!

Sincerely,

Ann E. Maris, PhD

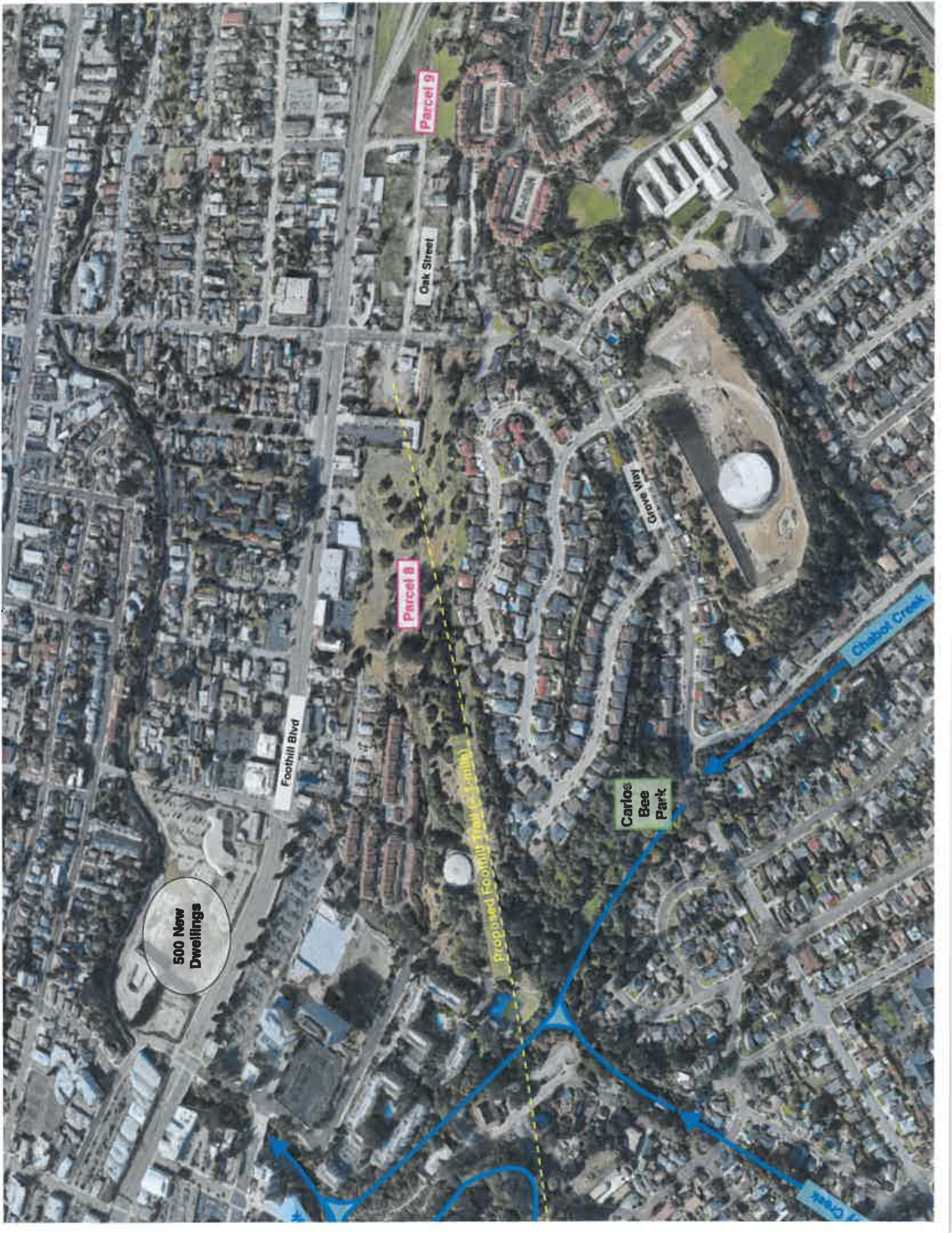
Grove Way Neighbor and

Organizer Grove Way Neighborhood Association

CC Hank Ackerman <[Hank@acpwa.org](mailto:Hank@acpwa.org)>, Andy Cho <[andyhc@acpwa.org](mailto:andyhc@acpwa.org)>, Lopez, Albert, CDA <[Albert.Lopez@acgov.org](mailto:Albert.Lopez@acgov.org)>, Paul McCreary <[mccp@haywardrec.org](mailto:mccp@haywardrec.org)>, <[nate.miley@acgov.org](mailto:nate.miley@acgov.org)>, Ellen Morris <[Ellen.Morris@edenhousing.org](mailto:Ellen.Morris@edenhousing.org)>, CDA <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>, John Rogers <[johnr@acpwa.org](mailto:johnr@acpwa.org)>, Arthur Valderrama <[arthur@acpwa.org](mailto:arthur@acpwa.org)>







500 New Dwellings

Foothill Blvd

Oak Street

Parcel 8

Parcel 9

Carlos Bee Park

Copper Hill area

Chabot Creek

Chabot Creek

Proposed Foothill Trail (5.5 miles)







**Villanueva, Vincent P, CDA**

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**From:** Marlina Rose Selva <dr.selva3@gmail.com>  
**Sent:** Monday, July 8, 2019 10:45 PM  
**To:** Chauhan, Nisha, CDA  
**Cc:** Ackerman, Hank; Cho, Andy Hyun-Jae; Lopez, Albert, CDA; Paul McCreary; BOS District 4; Ellen Morris; Orduna, Rodrigo, CDA; Rogers, John; Valderrama, Arthur  
**Subject:** Comments on SDR of Ruby Street Project dated June 2019  
**Attachments:** Letter with comments on Proposed Ruby St Project (June updated proposal)-signed.pdf

Dear Ms. Chauhan,

Attached is my letter with comments on the Site Development Review (SDR) for Eden Housing's proposed Ruby Street Project. This SDR was provided in the Project Referral dated June 17, 2019. I am a Friend of San Lorenzo Creek and I live in the community. I do not recommend approval of this SDR and plan. I look forward to further discussions or meetings on this topic.

Sincerely,

Marlina R. Selva, Psy.D.  
A Friend of San Lorenzo Creek



Marlina Rose Selva  
A Friend of San Lorenzo Creek  
Neighbor in the Community  
Upper B Street Area in Hayward, CA  
dr.selva3@gmail.com

July 8, 2019

Alameda County Planning Department  
224 West Winton Avenue, Room 111  
Hayward, CA 94544  
Attention: Nisha Chauhan, Senior Planner

Cc: Ellen Morris, Eden Housing Project Manager

Re: Comments on the Site Development Review of Eden Housing's Proposed Ruby Street Project Provided in the Project Referral dated June 17, 2019

Dear Ms. Chauhan,

I am a friend of San Lorenzo Creek and am writing this letter to provide comments on Eden Housing's proposed Ruby Street Project as included in the June 17, 2019, Project Referral. I previously submitted a letter dated April 8, 2019 that contained written comments on this project. I did not receive any response from any persons to whom the letter was addressed, including persons from the Alameda County Planning Department. Due to this lack of response, those comments are reiterated in this letter. It also appears that the June updated project plans are less detailed than those previously available for comment in March 2019; in fact, there is no longer any mention of an environmental Initial Study, which was to be available to the public on April 12. I live in the community and close to the creek. I observe the wildlife and habitat that are a part of the active ecosystem in the area.

I do not recommend approval of this Site Development Review (SDR) and plan, because a) the project site is located in an Oak Riparian Woodland/Wildlife Corridor; b) an environmental assessment has not been provided that shows what biological resources need to be protected, particularly beyond the minimum creek setback (e.g., Oak Riparian Woodland/Wildlife Corridor); c) there is no implementation of a plan for this site that protects the site and corridor's riparian and High Priority Biological Resources (e.g., riparian areas, and the Oak Riparian Woodland and Wildlife Corridor of San Lorenzo Creek and Ruby Meadow) as described and prescribed under CEQA, the CV General Plan, Watercourse Protection Ordinance (WPO), and Specific Plan for Areas of Environmental Significance (SPAES); d) the Watercourse Protection Ordinance (WPO) creek setback is not correctly determined, which will result in the destruction of an ecosystem; and e) there is a significant deficit in the amount of open space in the neighborhood in comparison to standards based on the Quimby Act (California Government Code section 66477).

There are special-status species, common species, and native wildlife habitat in this area. I see deer, egrets, hawks, wild turkeys, and other wildlife. This corridor is crucial in maintaining interconnectedness between wildlife populations and providing suitable habitat during periods of migration. Even just a few oak trees can help prevent the isolation of populations and facilitate the movement and dispersal of some bird species, for example. Deer receive protection and food as they travel along the riparian corridor.

The Castro Valley (CV) General Plan reflects this importance. For example, Section 7.1 of the CV General Plan outlines that "oak riparian woodland, coastal scrub, and grassland vegetation serve as the primary wildlife movement corridors for common and special-status wildlife species within the Castro Valley planning area," as shown in Figure 7-1. Furthermore, oak riparian woodland and naturalized native trees are considered by the CV General Plan to be sensitive habitat areas suitable for special-status species; these provide potential nesting habitat for bird species. Creeks are also considered by the CV General Plan to be sensitive habitat areas. The CV General Plan designates much of the Ruby Street proposed project area as "Sensitive Habitat," "Oak Riparian Woodland/Wildlife Corridor," and "High Priority Biological Resource." According to the CV General Plan, oak/riparian woodland is considered the most biologically sensitive habitat. The CV General Plan defines and outlines protections for these habitats, resources, and corridors.

Moreover, Alameda County's Watercourse Protection Ordinance (WPO) protects the 20-foot, minimum setback of the creek plus riparian areas and their ability to be restored. The proposed Ruby Street project plans display a minimum creek setback that was determined incorrectly. The plans should actually show a minimum creek setback boundary line that is located further away to ensure creek and habitat protection.

Alameda County's Flood Control and Conservation District includes a section on their website dedicated to floodplain mapping in the San Lorenzo Creek Watershed. The District attributes extensive development in Castro Valley over the years as the cause for greater runoff to flow into the creeks. Despite efforts to remove some of the properties, it continues to be a challenge to find cost-effective solutions to provide greater flood protection to properties within the watershed.

It is of great concern that a biologist still has not written an environmental assessment for this proposed project. The timeline given to the public is also of concern. The Neighborhood Courtesy Notice dated March 19, 2019 stated that the public could view the documents at the Planning Department and submit comments by April 9. It also stated that the environmental Initial Study would be available on April 12, and comments on this document may be considered when the CVMAC recommends an action to the Planning Director. This fast timeline left only 10 days to review the environmental Initial Study before the CVMAC meeting on April 22; this public meeting was canceled and still has not taken place. It therefore also rendered the public unable to submit comments on this biological-environmental assessment by April 9 for consideration in the staff report. It is a major concern that no biological-environmental assessment has been conducted as of yet, and the project's June updated plans contain no

mention of it. There needs to be an assessment and completion of an Environmental Impact Report (EIR).

This project's June updated plans continue to show that the size of the proposed project is too big for the site and will result in development that removes and/or covers the riparian woodland and wildlife habitat of Ruby Meadow. The updated plans also will result in removal and/or coverage of large portions of the riparian habitat along the top-of-bank in the creek setback and conservation easement areas. The Castro Valley General Plan identifies much of this site as having High Priority Biological Resources, Sensitive Habitat, Oak Riparian Woodland, and Wildlife Corridor. The General Plan also specifies special review and biological assessment to determine the level of development allowed, design features to protect biological resources, and possible reduction in maximum amount of development allowed under the zoning for the site. In addition, the County's Watercourse Protection Ordinance (WPO) and Specific Plan for Areas of Environmental Significance (SPAES) also require assessment and protection of the riparian areas.

Urban conservation and creek restoration is much needed more than ever. The local and federal government make pledges to help in the fight against climate change. This does not simply mean reducing greenhouse gas emissions to safer levels. Nature can help cities and areas like those in the Ruby Street area solve some of the biggest challenges such as access to clean air, clean water, and a stable climate. In cities across the globe, organizations are working together to restore and protect the watersheds. There is recent discussion on the Hayward Regional Shoreline and rising sea levels. The San Lorenzo Creek Watershed is a system of creeks that pours out into the eastern shore of the San Francisco Bay. We cannot have a healthy Bay without healthy creeks. Trees and vegetation located in riparian areas not only provide critical wildlife habitat, but also aid in flood control, regulation of temperature, and prevention of erosion.

Furthermore, the United Nations (UN) has recently issued reports supporting the need for protections as one million species of plants and animals have been pushed to the brink of extinction. The UN reported that one of the main ways that humans are reducing biodiversity is by converting natural environments into urban systems. For the sake of public health and biodiversity, I encourage all those involved to proceed with caution when considering zoning changes and land usage. We might not quickly resolve the debate regarding the "housing crisis," but we can allow people equal access to parks, open space, and recreation in harmony with our natural ecosystems to sustain humanity, plants, and wildlife, which are all interconnected.

Eden Housing describes in its mission statement on the website an aim to "build and maintain high quality, well-managed, service-enhanced affordable housing communities that meet the diverse needs of lower income families, seniors, and persons with disabilities." It goes without saying that this is a respectable mission. Eden Housing also describes a vision "for everyone to have access to safe, decent, affordable housing" and a belief that "housing is a basic human necessity that is essential to everyday life and future success." Access to clean air and clean water are also a public right. Human health and natural environmental ecosystems deserve

protection. Irreversibly destroying wildlife habitat for this proposed project shows a placement of profit before both public health and nature.

A large body of research, including findings from Stanford University, has established a relationship between increasing urbanization and increased rates of mental illness, with the explanation being further removal from nature. Urbanized areas with trees do not provide anywhere near the mental health benefits (e.g., decreased depression, anxiety, stress, and ADHD symptoms) compared to natural settings (e.g., grassland area scattered with Oak trees and shrubs). University of Illinois recently published findings that urban and rural counties across the nation with the lowest socioeconomic status appeared to benefit the most with better health outcomes (as evidenced by lower Medicare costs) from increases in forests and shrubs. Research also shows that connections to nature are critical to children's social, emotional, and cognitive development. Elders, children, and families need nature to thrive and there is a disparity in the accessibility to parks, trails, and open space in economically repressed communities compared to more affluent areas.

The Ruby Street Project proposed by Eden Housing is not appropriate in this riparian area of the San Lorenzo Creek Watershed as it paves natural land in order to urbanize. Whole habitats will be eliminated in addition to the depletion of permanent resources. In order to build this project, a natural environment must be destroyed. The housing and human activity that come along with the conversion of land into an urban system produces many destructive and irreversible effects on the natural environment such as air pollution, sediment and soil erosion, increased flooding magnitude, loss of habitat, and climate change. No amount of mitigation can correct the negative impact of the proposed project's land usage.

I understand that it can be difficult to balance environmental protections with economic growth. It is no question that there is a lack of affordable housing in the local area, despite the appearance of various housing units for lease (including apartments on Grove Way). Members of the community should not pay the consequence for the problems caused by Caltrans or anyone else. It has been proven that profit has been placed over the needs of the people and the natural environment, as evidenced by a significant deficit in the amount of open space in the neighborhood (in reference to Quimby Act standards), neglect of previously livable homes in areas that have now been parceled out and sold privately, and a proposed hotel in an area more suitable for the Ruby Street Project proposed by Eden Housing. Better planning is needed for route 238 corridor lands. For example, there needs to be completion of an Environmental Impact Report (EIR) and designation of a more suitable location for this proposed project.

Sincerely,

*Marlina R. Selva*

Marlina R. Selva, Psy.D.  
A Friend of San Lorenzo Creek

**From:** Ramona <hd02mona@comcast.net>  
**Sent:** Monday, July 8, 2019 9:29 AM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Ruby Meadow Concerns

Monday, July 8, 2018

To: Nisha Chauhan,  
County Planner

Alameda County Planning and CVMAC should not approve the Eden Housing Proposal in Ruby Meadow.

I have many concerns regarding the proposal. Development of this Meadow will destroy the habitat and neighborhood. This area should be preserved and have open space and park improvements, not development which will destroy the entire area. The San Lorenzo Creek is a wildlife corridor, vital to the native trees and wildlife to be sustained. Ruby Meadow requires protection and preservation. Please refer to Chapters 5 and 7 of the Castro Valley General Plan.

Park space is necessary for the mental health of ALL residents! Ruby Meadow is a central location for many neighborhoods in Hayward and Castro Valley that would have access to a beautiful wildlife habitat, Creek, and Oak Riparian Woodland. This wildlife corridor needs to be preserved .

CalTrans has totally mismanaged their properties, with the goal to have the properties fall into disrepair so that they could evict tenants . The properties were bought from homeowners by force. These families were not even given the opportunity to purchase back their family homes. This seems to have been calculated so that CalTrans could then sell off the properties to developers. This shows their complete disregard to residents and to the wildlife that inhabit the surrounding areas. The complete destruction of these properties is the proof.

For Eden Housing being given the opportunity to purchase this land without input from citizens is incomprehensible.

Thank you very much for your attention to this very important matter.

Respectfully,

Ramona Confer  
Lifelong resident of both Hayward and Castro Valley;  
Retired Hayward Unified School District Classified Employee

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### **Villanueva, Vincent P, CDA**

**From:** Redgy Jackson <redgymoe@sbcglobal.net>  
**Sent:** Monday, July 8, 2019 7:05 AM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Ruby meadow

No building will be allowed on this environmental valuable sight. Please review the Oak St. area for placing any desired new apartments. Thank you.





**Villanueva, Vincent P, CDA**

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**From:** Donna Whitmore <donna.whitmore@att.net>  
**Sent:** Monday, July 8, 2019 9:04 AM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Ruby Meadows

Dear Ms. Chauhan,

I am a native Haywardite and would like to see the last remnants of habitat remain for the wildlife that our my neighbors. The value of all life must be considered. Nearby, there are numerous other parcels that this project can be built on. This is a critical piece of land for the Hayward trail that is used by humans and animals.

Please do not build apartments on Ruby Meadows.

Donna Whitmore

**Villanueva, Vincent P, CDA**

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**From:** donnalaf <donnalaf@sbcglobal.net>  
**Sent:** Friday, July 5, 2019 12:47 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Please reconsider developing Ruby Meadow in CV

It's a beautiful area that should be preserved instead.

Thank you for your attention.

D. LaForce

**Villanueva, Vincent P, CDA**

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**From:** david crockett <figlait@yahoo.com>  
**Sent:** Sunday, July 7, 2019 9:46 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Ruby Meadow.

I, David Crockett, do not approve of changing the creek and wild meadow. It has been a real beauty there.



## Villanueva, Vincent P, CDA

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**From:** Gordon Burkhart-Schultz <aidgbs@pacbell.net>  
**Sent:** Monday, July 8, 2019 11:40 AM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Development in Ruby Meadow

### Alameda County Planning:

We are writing to register our concern and our opposition to housing development in the area know as Ruby Meadow along San Lorenzo Creek. This is a riparian environmentally sensitive isolated parcel of land that is being considered for low income housing by Eden Housing.

The current version of the proposal in Ruby Meadow actually proposes grading the creek banks down in order to make more room for apartments, instead of *building the development out of the creek setback* as required! We understand that a full environmental impact report on the new project specific for Ruby Meadows has not been done. Why is this important report being sidestepped?

We are alarmed that officials of our county are not in tune with the inappropriateness of the area for housing. There are available areas such as Parcel 9 on Oak street that have a greater suitability with greater access to public transit and services and should be prioritized for affordable housing over other proposed uses.

Ruby Meadow is a oak riparian woodland and creek wildlife corridor that requires protection and preservation as covered in the Castro Valley General Plan. The General Plan designates Ruby Meadow as *Sensitive Habitat - Oak Riparian Woodland/Wildlife Corridor* and an area of *High Priority Biological Resource*. The General Plan states that all areas supporting native vegetation such as naturalized native trees, areas providing suitable habitat for special status species and creeks are considered sensitive habitat to be protected. The Plan also extensively states that wildlife corridors, especially along Castro Valley's creeks, need to be preserved.

A huge amount of information and research has been put together by our neighborhood committee and is available to you.

We are not saying "No" to affordable housing in our area, but that housing of any kind is not appropriate at the Ruby Meadow location.

Sincerely,  
Karolyn and Gordon Burkhart-Schultz  
22525 Charlene Way  
[Aidgbs@pacbell.net](mailto:Aidgbs@pacbell.net)

Sent from my iPad



## Villanueva, Vincent P, CDA

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**From:** Terry Preston <mtmpreston@comcast.net>  
**Sent:** Tuesday, July 9, 2019 2:58 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Route 238 lands and Ruby St

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Nisha,

Please send me the information on the Eden Housing Ruby St project and the 238 project. Please add me to the contact list for all future communications on these issues.

Thanks so much,

Terry Preston  
Co-chair Conservation  
Ohlone Audubon Society  
Mtmpreston@comcast.net

## Villanueva, Vincent P, CDA

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**From:** Sandra Stewart <sandystew4@aol.com>  
**Sent:** Thursday, July 4, 2019 4:25 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Ruby Meadows

Please, if you must do this here, it MUST be reduced in size so it doesn't destroy the environment of the area. Thank you.

If I could vote, I'd vote NO. Find somewhere else to build.

Sandra Stewart  
22701 Spire Street  
Hayward. 94641



Sent from my iPad



**Villanueva, Vincent P, CDA**

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**From:** Anisah Elsayed-Awad <aelsayedawad@greenbelt.org>  
**Sent:** Thursday, July 25, 2019 1:57 PM  
**To:** Chauhan, Nisha, CDA  
**Cc:** hcurrier@greenbelt.org  
**Subject:** Ruby Street Apartment Endorsement  
**Attachments:** Nisha Chauhan Endorsement Letter.pdf

Dear Nisha Chauhan,  
I hope this email finds you well. Attached is Greenbelt Alliance's endorsement letter for the Ruby Street Apartment project. If you have any questions please contact Hayley Currier.

Best,  
Anisah Awad







Walnut Creek Office  
1601 N. Main St., Suite 105  
Walnut Creek, CA 94596  
(925) 932-7776

June 15, 2019

Nisha Chauhan, AICP  
Senior Planner  
Alameda County Community Development Agency  
224 W. Winton Avenue, Room 110 Hayward, CA 94544



**RE: Endorsement of the Ruby Street Apartment Project in Castro Valley**

Dear Nisha Chauhan,

For over 60 years, Greenbelt Alliance has been the champion of the places that make the Bay Area special. We create healthy communities where people can walk and bike to community centers and transportation options, with homes that are affordable - all while defending the Bay Area's natural and agricultural landscapes from sprawl development. Greenbelt Alliance's 2017 report *At Risk: The Bay Area Greenbelt* concluded that over 293,000 acres of open space remain at risk within the next 30 years. To ease development pressure on these vital lands, we must all work together to encourage smart development within our existing cities and towns. Since the 1980s, we have provided an independent validation of outstanding infill development to help ensure that the right development happens in the right places. Our endorsements have helped improve more than 140 neighborhoods around the region and have helped make the Bay Area the one-of-a-kind place it is today.

***Greenbelt Alliance is pleased to endorse the proposed Ruby Street Apartments project in Castro Valley by Eden Housing.***

This project is being proposed by Eden Housing, an affordable housing developer whose mission is to build and maintain high-quality, well-managed, service-enhanced affordable housing communities that meet the needs of lower income families, seniors and persons with disabilities. The development is comprised of 72 units of 100% affordable housing. Eden Housing is purchasing this 6.24-acre parcel from Caltrans as part of the disbursement of Route 238 parcels throughout Hayward and Castro Valley.

Currently the neighborhood is primarily composed of 1-2 story single family homes, with some duplexes and triplexes. Half of the units in the proposed apartment development are either 2 or 3 bedrooms and will be providing much-needed units for families earning between 30% and 60% AMI, far exceeding the percentage of affordability required on public land. The overall parking ratio of 1.5 which is sufficient for the needs of the area.

The development of this project will provide the neighborhood with new access to San Lorenzo Creek as nearly half of the site (2.97 acres) includes a portion of the creek which is protected by a Caltrans Conservation Easement and an Alameda County Watercourse Protection Ordinance



Walnut Creek Office  
1601 N. Main St., Suite 105  
Walnut Creek, CA 94596  
(925) 932-7776

easement. Alameda County is planning for a San Lorenzo Creek Active Transportation Corridor — a bike/ped path that would connect the Bay Trail with Don Castro Park and follow San Lorenzo Creek. While affordable housing projects are exempt from Alameda County's Park Donation Fee, the developer is donating land on their property for the San Lorenzo Creek trail in order to jumpstart the buildout of the San Lorenzo Creek ATC and preserve a critical link in the trail system.

In closing, the Ruby Street Apartments development is another smart step for Castro Valley to ensure the creation of affordable housing communities and the implementation of smart growth. We hope its approval will inspire communities around the Bay Area to redouble their efforts to grow smartly.

Sincerely,

Hayley Currier  
East Bay Regional Representative  
[hcurrier@greenbelt.org](mailto:hcurrier@greenbelt.org)  
415.659.8624

## Villanueva, Vincent P, CDA

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**From:** Gerry and Diana <gerdee@sbcglobal.net>  
**Sent:** Monday, August 5, 2019 11:10 AM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Ruby Meadow Development

To: Nisha Chauhan  
From: Diana Vardanega Edie  
gerdee@sbcglobal.net

Dear Ms. Chauhan.

I am writing to oppose the Ruby Meadow Development proposed by Eden Housing, particularly the plans for the area around Ruby Street and Crescent Avenue. I am familiar with this neighborhood. It was under the control of Cal Trans for many years and that greatly limited plans and development that would have improved the area. The Ruby Meadow Development continues the mismanagement. It is time to fully appreciate the unique qualities of the area and help protect it not hurt it.

This neighborhood has included single family homes and apartments that blend with the wooded character of the area since the 1950s. The new development would completely overwhelm the character of the neighborhood. Our house and others would lose all privacy in our backyards and even sunlight would be diminished. Currently we enjoy the wildlife that freely wanders through the neighborhood. That would end.

Since there are no sidewalks in the entire area, the narrow roads are shared by pedestrians, vehicles, bicyclists and wildlife. Added development would greatly impact on-street parking and result in increased danger to humans and wildlife. Even now when there is an event at the Douglas Morrison Theater or the Japanese Garden, the area is impacted with on street parking, but it is temporary. By the way, both the theater and the garden were well planned to blend with the area and not dominate it.

This is not about objecting to low cost housing. Cal Trans tenants lived here for years. It is not about resisting change. It is about concern for respecting the character of the existing neighborhood and preserving a vital woodland and creek wildlife corridor. Castro Valley can do better than the Ruby Meadow Project.

Respectfully,  
Diana Vardanega Edie



## Villanueva, Vincent P, CDA

---

**From:** Marlina Rose Selva <dr.selva3@gmail.com>  
**Sent:** Tuesday, August 13, 2019 11:44 AM  
**To:** Chauhan, Nisha, CDA  
**Cc:** Ackerman, Hank; Cho, Andy Hyun-Jae; Lopez, Albert, CDA; Paul McCreary; BOS District 4; Ellen Morris; Orduna, Rodrigo, CDA; Rogers, John; Valderrama, Arthur  
**Subject:** Re: Comments on SDR of Ruby Street Project dated June 2019

Hello Ms. Chauhan,

Thank you for your update. I look forward to receiving the notification of the public hearing date. May I please have the most recent Planning Staff report?

Sincerely,  
Marlina R. Selva, Psy.D.

On Tuesday, August 13, 2019, Chauhan, Nisha, CDA <[nisha.chauhan@acgov.org](mailto:nisha.chauhan@acgov.org)> wrote:

Hello Marlina,

Thank you for your inquiry. We are still evaluating the project, so no public hearing date has been set. You are on our public notification list, so you will receive notification of the public hearing date.

Regards,

Nisha Chauhan

**From:** Marlina Rose Selva <[dr.selva3@gmail.com](mailto:dr.selva3@gmail.com)>  
**Sent:** Tuesday, August 13, 2019 11:35 AM  
**To:** Chauhan, Nisha, CDA <[nisha.chauhan@acgov.org](mailto:nisha.chauhan@acgov.org)>  
**Cc:** Ackerman, Hank <[hank@acpwa.org](mailto:hank@acpwa.org)>; Cho, Andy Hyun-Jae <[andyhjc@acpwa.org](mailto:andyhjc@acpwa.org)>; Lopez, Albert, CDA <[Albert.Lopez@acgov.org](mailto:Albert.Lopez@acgov.org)>; Paul McCreary <[mccp@haywardrec.org](mailto:mccp@haywardrec.org)>; BOS District 4 <[bosdist4@acgov.org](mailto:bosdist4@acgov.org)>; Ellen Morris <[Ellen.Morris@edenhousing.org](mailto:Ellen.Morris@edenhousing.org)>; Orduna, Rodrigo, CDA <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>; Rogers, John <[johnr@acpwa.org](mailto:johnr@acpwa.org)>; Valderrama, Arthur <[arthur@acpwa.org](mailto:arthur@acpwa.org)>  
**Subject:** Comments on SDR of Ruby Street Project dated June 2019

Hello Ms. Chauhan,

I am writing to inquire about the public hearing date and available materials for public review. I have not yet been notified of your selection of a public hearing date. The proposed public meeting on April 22, 2019 for the Ruby Street project was postponed until further notice. The Planning Staff report and related material were stated to be available at a later date. As I mentioned in our previous correspondence, the new June Project Referral no longer mentions a CEQA review or Initial Study.

Thank you,

Marlina R. Selva, Psy.D.

On Wednesday, July 10, 2019, Chauhan, Nisha, CDA <[nisha.chauhan@acgov.org](mailto:nisha.chauhan@acgov.org)> wrote:

Hello Marlina,

Thank you for submitting your comments. We are carefully evaluating the project.

The CEQA Community Plan exemption and the associated Biological Resource Assessment will be available for your review prior to the public hearing. We are still reviewing the project, and have not selected a public hearing date yet. You will be notified when we select a public hearing date.

Thank you,

Nisha

Nisha Chauhan, AICP

Senior Planner

Alameda County

Community Development Agency

510.670.6541

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**From:** Marlina Rose Selva <[dr.selva3@gmail.com](mailto:dr.selva3@gmail.com)>

**Sent:** Monday, July 8, 2019 10:45 PM

**To:** Chauhan, Nisha, CDA <[nisha.chauhan@acgov.org](mailto:nisha.chauhan@acgov.org)>

**Cc:** Ackerman, Hank <[hank@acpwa.org](mailto:hank@acpwa.org)>; Cho, Andy Hyun-Jae <[andyhjc@acpwa.org](mailto:andyhjc@acpwa.org)>; Lopez, Albert, CDA <[Albert.Lopez@acgov.org](mailto:Albert.Lopez@acgov.org)>; Paul McCreary <[mccp@haywardrec.org](mailto:mccp@haywardrec.org)>; BOS District 4 <[bosdist4@acgov.org](mailto:bosdist4@acgov.org)>; Ellen Morris <[Ellen.Morris@edenhousing.org](mailto:Ellen.Morris@edenhousing.org)>; Orduna, Rodrigo, CDA <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>; Rogers, John <[johnr@acpwa.org](mailto:johnr@acpwa.org)>; Valderrama, Arthur <[arthur@acpwa.org](mailto:arthur@acpwa.org)>

**Subject:** Comments on SDR of Ruby Street Project dated June 2019

Dear Ms. Chauhan,

Attached is my letter with comments on the Site Development Review (SDR) for Eden Housing's proposed Ruby Street Project. This SDR was provided in the Project Referral dated June 17, 2019. I am a Friend of San Lorenzo Creek and I live in the community. I do not recommend approval of this SDR and plan. I look forward to further discussions or meetings on this topic.

Sincerely,

Marlina R. Selva, Psy.D.

A Friend of San Lorenzo Creek

--  
Marlina R. Selva, Psy.D.

--  
Marlina R. Selva, Psy.D.





## Villanueva, Vincent P, CDA

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**From:** Orduna, Rodrigo, CDA  
**Sent:** Friday, August 16, 2019 3:38 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** FW: 8/26/19 CVMAC meeting  
**Attachments:** 2019Aug16EH.pdf

For the Ruby project file.

Rodrigo Orduña, AICP  
Assistant Planning Director  
Alameda County Planning Department  
Community Development Agency

[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)  
telephone 510-670-6503  
facsimile 510-785-8793

224 West Winton Avenue, Suite 111  
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**From:** Henninger, Tona, BOS Dist4 <[Tona.Henninger@acgov.org](mailto:Tona.Henninger@acgov.org)>  
**Sent:** Friday, August 16, 2019 03:34 PM  
**To:** Lopez, Albert, CDA <[Albert.Lopez@acgov.org](mailto:Albert.Lopez@acgov.org)>; Orduna, Rodrigo, CDA <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>  
**Subject:** Fwd: 8/26/19 CVMAC meeting

Hi. please see attached... I will be sending another email as well.

Thank you!

Tona

Tona Henninger  
Chief of Staff  
Office of Supervisor Nate Miley  
510-701-4793 cell

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**From:** Albano, Claudia, BOS <[Claudia.Albano@acgov.org](mailto:Claudia.Albano@acgov.org)>  
**Sent:** Friday, August 16, 2019 2:22:40 PM  
**To:** Henninger, Tona, BOS Dist4 <[Tona.Henninger@acgov.org](mailto:Tona.Henninger@acgov.org)>; Turner, Matt, BOS Dist 4 <[Matt.Turner@acgov.org](mailto:Matt.Turner@acgov.org)>  
**Subject:** Fw: 8/26/19 CVMAC meeting

did you see this letter re Ruby Meadows and the CVMAC meeting?

---

**From:** GWNA Admin <[ann@grovewayneighborhood.org](mailto:ann@grovewayneighborhood.org)>  
**Sent:** Friday, August 16, 2019 1:56 PM  
**To:** Ellen Morris <[Ellen.morris@edenhousing.org](mailto:Ellen.morris@edenhousing.org)>  
**Subject:** 8/26/19 CVMAC meeting

Dear Project Developer Morris,

It has come to my attention that Eden Housing, Incorporated, will present information regarding the proposed Ruby Street development at the August 26, 2019, Castro Valley Municipal Advisory Council. Although neighbors are anticipating hearing about any plans for Ruby Meadow and our neighborhood, we contend that it is inappropriate for the presentation of Eden Housing, Incorporated, to be conducted under the auspices of the Alameda County Planning Department. This is problematic for several reasons and the Eden Housing, Incorporated, presentation should be a separate agenda item.

Prohibited corporate activities by Eden Housing, Incorporated, are described in Article IV of Incorporation documents available on the State of California website (<https://businesssearch.sos.ca.gov/>). These prohibited activities include *"carrying on of propaganda or attempting to influence legislation."* The purpose of the 8/26/19 public meeting is exclusively to inform decision-making involving changes to the Castro Valley General Plan: "Castro Valley General Plan Implementation Project (Phase I)—Site visit and informational review and discussion of general plan and zoning designations on former State Route 238 Corridor Lands located in the Castro Valley General Plan Area."

Corporations, such as Eden Housing, Incorporated, with any connection to entities deriving financial profit from the development of the "former State Route 238 Corridor Lands located in the Castro Valley General Plan Area" should not present their information *as if they are representing* the Alameda County Planning Department or any other public agency. Eden Housing, Incorporated, is no longer the small, local, non-profit agency that originated in 1968 in Eden Township. Certified financial reports from Eden Housing, Incorporated, outline the financial activities of a huge conglomerate real estate corporation with partial or full ownership in many other for-profit and non-profit organizations.

Another problem with Eden Housing, Incorporated's, not presenting their proposed development information under their own agenda item is that the public cannot sufficiently ask questions or provide relevant public input because of time limitations imposed by the lumping all the presentations under ONE agenda item: "Castro Valley General Plan Implementation Project—(Phase I)—Informational review and discussion of general plan and zoning designations on former State Route 238 Corridor Lands located in the Castro Valley General Plan Area."

Neighbors really are interested in hearing what Eden Housing, Incorporated, has to say, but it is extremely inappropriate and against your Articles of Incorporation as a California Non-Profit Entity to present it in this "backdoor" manner under the auspices of Alameda County Planning Department. A reminder that Incorporation Article II states that "The general purpose is to improve the living environment of all the citizens of Alameda County, California,..." We also would like to suggest that Eden Housing, Incorporated, consider developing high density housing on vacant land on Oak Street where it is desperately needed and refrain from destroying wildlife habitat that is an essential part of the community.

Sincerely,

Ann E. Maris, PhD

(510) 303-4968

Resident, 1490 Grove Way, Castro Valley, CA 94546

Organizer, Grove Way Neighborhood Association

Chair, MEV! Parks and Open Space Committee



Ellen Morris, Project Developer  
Eden Housing, Inc.  
22645 Grand Street  
Hayward, CA 94541

August 16, 2019

Dear Project Developer Morris,

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Corporations, such as Eden Housing, Incorporated, with any connection to entities deriving financial profit from the development of the *"former State Route 238 Corridor Lands located in the Castro Valley General Plan Area"* should not present their information *as if they are representing* the Alameda County Planning Department or any other public agency. Eden Housing, Incorporated, is no longer the small, local, non-profit agency that originated in 1968 in Eden Township. Certified financial reports from Eden Housing, Incorporated, outline the

financial activities of a huge conglomerate real estate corporation with partial or full ownership in many other for-profit and non-profit organizations.

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Neighbors really are interested in hearing what Eden Housing, Incorporated, has to say, but it is extremely inappropriate and against your Articles of Incorporation as a California Non-Profit Entity to present it in this "backdoor" manner under the auspices of Alameda County Planning Department. A reminder that Incorporation Article II states that "The general purpose is to improve the living environment of all the citizens of Alameda County, California,..." We also would like to suggest that Eden Housing, Incorporated, consider developing high density housing on vacant land on Oak Street where it is desperately needed and refrain from destroying wildlife habitat that is an essential part of the community.

Sincerely,



Ann E. Maris, PhD

(510) 303-4968

Resident, 1490 Grove Way, Castro Valley, CA 94546

Organizer, Grove Way Neighborhood Association

Chair, MEVI Parks and Open Space Committee

## Villanueva, Vincent P, CDA

---

**From:** Orduna, Rodrigo, CDA  
**Sent:** Wednesday, August 28, 2019 9:41 AM  
**To:** Chauhan, Nisha, CDA  
**Subject:** FW: FSLC Comments Regarding Route 238 at Aug 26 CVMAC Meeting  
**Attachments:** CVMAC 238 Properties FSLC Comments 2019 Aug 26.pdf; Ruby St SDR FSLC Comments 2019 July 8.pdf

Here you go.

Rodrigo Orduña, AICP  
Assistant Planning Director  
Alameda County Planning Department  
Community Development Agency

[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)  
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**From:** Bruce King <[bruceking8@gmail.com](mailto:bruceking8@gmail.com)>  
**Sent:** Monday, August 26, 2019 04:38 PM  
**To:** Lopez, Albert, CDA <[Albert.Lopez@acgov.org](mailto:Albert.Lopez@acgov.org)>; McElligott, Elizabeth, CDA <[elizabeth.mcelligott@acgov.org](mailto:elizabeth.mcelligott@acgov.org)>; Orduna, Rodrigo, CDA <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>; Crawford, Marc, Castro Valley MAC <[Marc.Crawford@acgov.org](mailto:Marc.Crawford@acgov.org)>; Moore, Chuck, Castro Valley MAC <[Chuck.Moore@acgov.org](mailto:Chuck.Moore@acgov.org)>; Cunha, Sheila, Castro Valley MAC <[Sheila.Cunha@acgov.org](mailto:Sheila.Cunha@acgov.org)>; Riche, Ted, Castro Valley MAC <[Ted.Riche@acgov.org](mailto:Ted.Riche@acgov.org)>; Killebrew, Shannon, Castro Valley MAC <[Shannon.Killebrew@acgov.org](mailto:Shannon.Killebrew@acgov.org)>; Carbone, Ken, Castro Valley MAC <[Ken.Carbone2@acgov.org](mailto:Ken.Carbone2@acgov.org)>; Paul McCreary <[mccp@haywardrec.org](mailto:mccp@haywardrec.org)>; Adams, Dolly, Castro Valley MAC <[Dolly.Adams@acgov.org](mailto:Dolly.Adams@acgov.org)>  
**Subject:** FSLC Comments Regarding Route 238 at Aug 26 CVMAC Meeting

Dear Planning, CVMAC, and HARD:

Attached is testimony from Friends of San Lorenzo Creek (FSLC) for the Route 238 Properties agenda item for the August 26 CVMAC meeting.

In addition, please consider as testimony previous July 8, 2019 FSLC comments provided to Planning on proposed plans for the Eden Housing Ruby Street Project. These comments are also attached.

Bruce King  
Friends of San Lorenzo Creek





## FRIENDS OF SAN LORENZO CREEK

Date: August 26, 2019

To: Albert Lopez, Planning Director  
Rodrigo Orduna, Assistant Planning Director  
Elizabeth McElligott, Assistant Planning Director  
Shelia Cunha, Senior Planner  
Paul McCreary, HARD General Manager  
CVMAC Members

From: Bruce King  
Friends of San Lorenzo Creek  
BruceKing8@gmail.com



Subject: Friends of San Lorenzo Creek Comments Regarding  
Route 238 Properties Agenda Item at the  
August 26, 2019 CVMAC Meeting

### Summary:

- **Community Needs a Public Vision and Plan**  
Our Castro Valley and Hayward communities need an overall vision and plan for development of housing, commercial, parks, and trails that is publicly visible for the Route 238 lands between the areas of Grove Way and A Street. Discussions and planning that is only compartmentalized to specific projects or parcel groups does not present a vision for what this entire area can or should become. The County, City, and HARD need to coordinate and include the community. The Planning Department Staff Report developed for this meeting is a good initial start by the County at documenting for the community the status, needs, and potential plans for these 238 properties.
- **Ruby Meadow Riparian Woodland and Wildlife Corridor**  
We want affordable housing built on our Route 238 lands, but Eden Housing's proposed housing plan is too big for the site and destroys the site's Oak-Riparian Woodland and Wildlife Corridor that is beyond the minimum creek setback. This site is unique in that it is the largest remaining natural site along this reach of San Lorenzo Creek that has been public hands for more than 50 years.  
*See Attachment A for details.*
- **Housing Plan Driven at The Expense of Habitat and Park Space**  
The Alameda County Community Development Agency (CDA), which includes the Alameda County Housing Authority and the Planning Department... along with Eden Housing... have driven the plan to develop housing in Ruby Meadow at the expense of the meadow's value as Oak-Riparian Woodland, Wildlife Corridor, and park space.  
*See Attachment B for details.*

## ATTACHMENT A

### Ruby Meadow Riparian Woodland and Wildlife Corridor

Ruby Meadow is a unique site in the riparian and wildlife corridors of San Lorenzo, Chabot, and Castro Valley Creeks. This Meadow is the largest remaining natural site along this reach of San Lorenzo Creek (our largest creek) that has been public hands for more than 50 years. Ruby Meadow has substantial Oak-Riparian Woodland and wildlife that extends well beyond the minimum creek setback. So, what requirements protect this habitat?

The need and requirements to protect the Ruby site's habitat and riparian areas are extensively covered in the Biological Resources section of the Castro Valley General Plan, the Watercourse Protection Ordinance, the Specific Plan for Areas of Environmental Significance, and CEQA. These environmental requirements overlay, and limit when applicable, residential development that may be specified by the site's zoning designations.

The community and FSLC have been asking since March 2019 for the initial, draft, or other environmental assessment of Eden Housing's project ... an assessment that covers and does not white-wash these habitat protections. The Planning Department has not provided requested documents.

We know that there are extensive Biological Resources and Sensitive Habitat beyond the minimum creek setback. This habitat is described as Oak-Riparian Woodland and Wildlife Corridor in the Castro Valley General Plan and would be removed within the development area of the proposed housing project. For example:

- The project plans and field surveys indicate that there are about 97 trees within the proposed development area (*See data presented in Attachment A.1*). Of these 97 trees:
  - Ninety percent (87 trees or 90%) would be demolished by development
  - About half (45 trees or 46%) are native, and 37 of these trees are planned for removal. These trees are mostly Coast Live Oak and some California Bay and Coast Redwood.
  - About a third (31 trees or 32%) have diameters 2 feet or larger, 25 of these trees are planned for removal, and many would be considered heritage trees.
- In addition, the project plan shows tight, in-fill landscaping with mostly non-native trees in the developed areas, but this is not habitat restoration. *See Landscape in Attachment A.2.*
- We also know that a herd of nine or more deer, and other animals, consistently inhabit the site.

Friends of San Lorenzo Creek has documented these concerns and more in comment letters to the Planning Department dated March 26 and July 8, 2019 and other emails.

The plan is too big for the site. The project covers over and destroys Ruby Meadow's Oak-Riparian Woodland and Wildlife Corridor that extends beyond the minimum creek setback. We want affordable and low-income housing on Parcels 8 or 9 and more.

**ATTACHMENT A.1**  
**Eden Housing Proposed Ruby Street Project**  
**Oak-Riparian Woodland Damage**  
 Friends of San Lorenzo Creek (August 19, 2019)

Extensive Biological Resources and Sensitive Habitat, described as Oak-Riparian Woodland and Wildlife Corridor in the Castro Valley General Plan, would be removed within the development area of the project.

**Table 1 – Trees to Demolished and Remain, Native & Non-Native**

Trees (> 4-inch dia.) to be demolished and remain based on our field survey and the June 2019 project plans.

| Trees                   | June 2019 Plan | Crescent Street, Parking Lot, & Storm Water Mgt Areas | Ruby Street & Parking Lot Areas | Housing Building Area | Total |
|-------------------------|----------------|---|---------------------------------|-----------------------|-------|
| Native <sup>1</sup>     | Demolish       | 30  | 2                               | 5                     | 37    |
|                         | Remain         | 4   | 3                               | 1                     | 8     |
| Non-Native <sup>2</sup> | Demolish       | 21  | 24                              | 5                     | 50    |
|                         | Remain         | 1   | 0                               | 1                     | 2     |
| Total                   | Demolish       | 51  | 26                              | 10                    | 87    |
|                         | Remain         | 5   | 3                               | 2                     | 10    |

<sup>1</sup> Native Trees include Coast Live Oak, California Bay (Laurel), and Coast Redwood.

<sup>2</sup> Non-native trees include mostly Cherry, Black Walnut, and Ash.

**Table 2 – Trees to Demolished and Remain, Based on Trunk Diameter**

| Tree Diameter (Inches) | June 2019 Plan of Action | Crescent Street, Parking Lot, & Storm Water Mgt Areas | Ruby Street & Parking Lot Areas | Housing Building Area | Total |
|------------------------|--------------------------|---|---------------------------------|-----------------------|-------|
| 4 to <12"              | Demolish                 | 14  | 14                              |                       | 28    |
|                        | Remain                   |   |                                 | 1                     | 1     |
| >12 to <24"            | Demolish                 | 23  | 7                               | 4                     | 34    |
|                        | Remain                   | 1   | 2                               |                       | 3     |
| >24 to <32"            | Demolish                 | 7   | 4                               | 2                     | 13    |
|                        | Remain                   | 1   |                                 |                       | 1     |
| >32"                   | Demolish                 | 7   | 1                               | 4                     | 12    |
|                        | Remain                   | 3   | 1                               | 1                     | 5     |
| Total                  | Demolish                 | 51  | 26                              | 10                    | 87    |
|                        | Remain                   | 5   | 3                               | 2                     | 10    |

<sup>1</sup> Diameter at Breast Height (4.5 feet)

**Some Conclusions:**

- Oak-Riparian Woodland and Wildlife Corridor would be removed within the development area of the project.
- There are about 97 trees within the proposed development area. Of these 97 trees:
  - Ninety percent (87 trees or 90%) would be demolished by development
  - About half (45 trees or 46%) are native, and 37 of these trees are planned for removal. These trees are mostly Coast Live Oak and some California Bay and Coast Redwood.
  - About a third (31 trees or 32%) have diameters 2 feet or larger, 25 of these trees are planned for removal, and many would be considered heritage trees.
- Areas proposed for parking lots and storm water management have the highest concentration of trees.
- The Crescent Street area (parking lot and stormwater mgt) has 2 to 5 times more trees than the other areas, and the greatest concentration of native and largest trees (>24 inches). This area also steps down in elevation towards San Lorenzo Creek, possibly due past creek cutting-erosion.
- Past (130 years) and current human activity in the proposed development areas, including recent Caltrans mitigation project work, have removed undergrowth and prevented growth of native trees & ground cover.

**ATTACHMENT A.2**  
**Eden Housing Ruby Plans, June 2019**  
**Landscape Plan L1.1b Option B Full Trail**



## **ATTACHMENT B**

### **Housing Plan Driven at The Expense of Habitat and Park Space**

We want affordable housing built on our Route 238 lands, but Eden Housing's proposed housing plan is too big for the site and destroys the site's Oak-Riparian Woodland and Wildlife Corridor that extends beyond the minimum creek setback.

Let's review the extended effort the County has pursued to push this housing project forward since the 238 Bypass was dropped by Caltrans.

The Alameda County Community Development Agency (CDA), which includes the Alameda County Housing Authority and the Planning Department... along with Eden Housing... have driven the plan to develop housing in Ruby Meadow at the expense of the meadow's value as Oak-Riparian Woodland, Wildlife Corridor, and park space. Here's how...

The 238 Bypass project was officially dropped by Caltrans in 2010. In preparation, the City and County completed a Land Use Study between ~2007 and 2009. This study recommended that Ruby Meadow be zoned both Parks/Recreation/OpenSpace and Medium Density Residential / Multi-family. Then the Housing Authority and Eden Housing developed objectives and a plan to develop affordable housing on Ruby Meadow with the general assumption that nearly all the land outside of the creek area was developable. By 2011, The Housing Authority and Eden Housing had developed exclusive agreements with Caltrans to buy the land and develop affordable housing. The Community Development Agency and Planning Department assisted with promoting this housing plan by:

- Promoting multi-family, residential zoning on the entire Ruby Meadow and incorporation of this land use into the 2012 Castro Valley General Plan;
- Not considering the uniqueness of and need to protect Ruby Meadow's Oak-Riparian Woodland/Wildlife Corridor as detailed in the Biological Resources section of the same Castro Valley General Plan;
- Not assessing with HARD the lack of park space in this area and Ruby Meadow's value to the community as open space and park; and lastly
- Excluding HARD from the opportunity to consider the entirety of Ruby Meadow as park space.

Even in 2019, The Housing Authority refused to consider HARD's proposal to acquire Ruby Meadow for park space, possibly through a land swap between HARD and Eden Housing.

The housing plan is too big for the site and removes native tree canopy. We want affordable housing on Parcels 8 or 9 and more.

See Attachments Attachment B.1, B.2, and B.3 for additional background information:

- Attachment B.1 - Ruby Meadow Zoning, Land Use, and Purchase History
- Attachment B.2 - Hayward Route 238 Land Use Study: Recommended General Plan
- Attachment B.3 - 2012 CV General Plan Figures for Land Use, Zoning, and Biological Resources

**Attachment B.1**  
**Ruby Meadow Zoning, Land Use, and Purchase History**  
**Background Information**

Caltrans acquired Route 238 properties in 1960's. It appears that land use changed to public/institutional, but zoning did not generally change.

In 2010 Caltrans officially ended their effort to develop the bypass project.

A few of the [Route 238] parcels were rezoned to a higher residential density in 2005 to implement the 2003 Housing Element (Note: according to the 8/26/2019 CVMAC staff report). Was Ruby Meadow rezoned?

In 2007-2008, the County participated in the preparation of the City of Hayward's Route 238 Bypass Corridor Land Use Study. During this process, County staff sought input from the CVMAC regarding appropriate land uses for the unincorporated corridor parcels at public meetings, including a field trip to the properties. (Note: according to the 8/26/2019 CVMAC staff report). The recommended zoning for Ruby Meadow in this Land Use Study is shown in the attached figures that were excerpted from the report and is shown as:

- CV Parks Recreation Open Space (CV PR/OS) for all the creek and extended top-of-bank parcels and the all the parcels closer to Crescent Avenue.
- CV Medium Density Residential Multi-family (MDR-MF) for parcels closer to Ruby Street.

In 2011, the Alameda County Housing Authority accepted Caltran's offer to sell Ruby parcels to ACHA. The offer specified that the Ruby parcels must be used for a public use; the anticipated zoning was "Medium Density Residential (8.7-17.4 du/ac) and Parks and Recreation per the Hayward Land Use Study date June 24, 2008; and the highest and best use was Medium Density Residential. ACHA stated that their intention was to re-convey the parcels to Eden Housing for Senior and Family Living and a Meals on Wheels facility.

**2012 Castro Valley General Plan**

Adopted by the BOS with CVMAC and Planning Commission review

Ruby Meadow designations:

- Fig 4-1 Existing Land Use: Public/Institutional
- Fig 4-2 CV General Plan Land Use: Residential Low Density Multi-family (RLM) 13-22 du/ac
- Fig 4-3 Existing Zoning: RS (Suburban Residential): 8-29 dwelling units per acre. (Note: according to the 8/26/2019 CVMAC staff report, existing zoning predates Caltrans purchase of properties)
- Fig 4-4 Substantive Zoning Changes: no change shown for all 238 parcels except the parcel proposed for expansion of Carlos Bee Park into Hayward development plan "Parcel 8."
- Fig 7-1 Special Status Species and Sensitive Habitat: Pallid and Western Mastiff Bat potential and substantial Oak-Riparian Woodland/Wildlife Corridor
- Fig 7-2 Biological Resources Overlay Zone: majority of site is High Priority Biological Resources

In 2018, ACHA purchased the Ruby parcels from Caltrans for the purpose of reconveying the parcels to Eden Housing. The conditions specified:

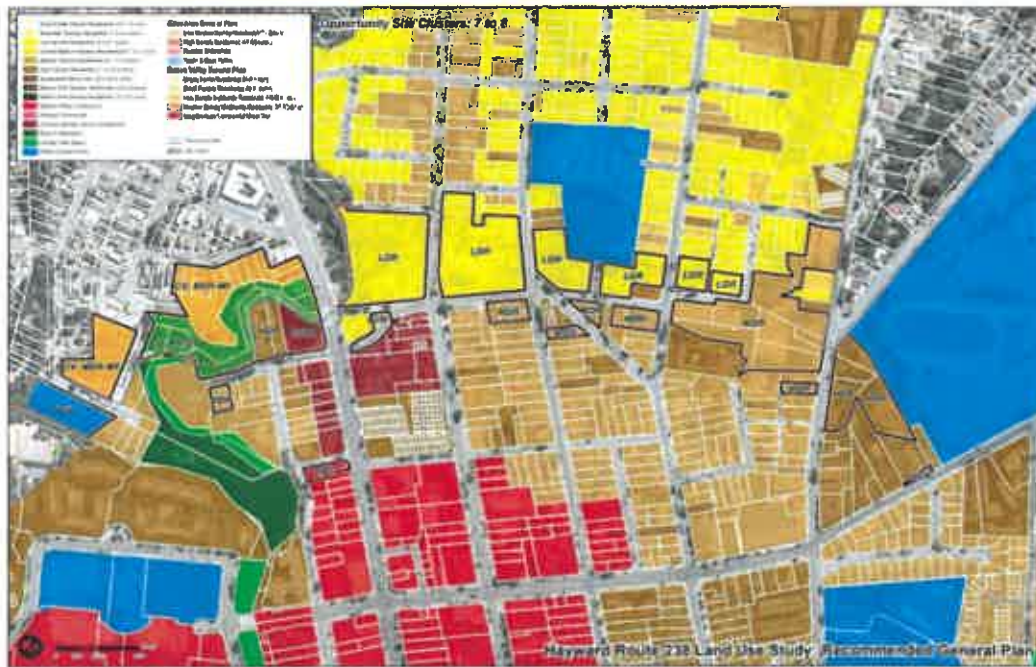
- Eden shall use commercially reasonable efforts to develop and operate the site as affordable housing
- No Guaranty of Project Success. The Parties hereby agree and acknowledge that real estate development is a speculative endeavor which is subject to multiple variables and factors outside the control of the developer. Nothing in this Agreement shall be deemed a representation or warranty by Eden that the Project shall ultimately developed by Eden notwithstanding Eden's good faith efforts to do so.



**Attachment B.2**  
**Hayward Route 238 Land Use Study: Recommended General Plan**  
 Opportunity Site Clusters 7 to 8  
 Hayward City Council June 30, 2009

City of Hayward Development Services Director report to the City Council:

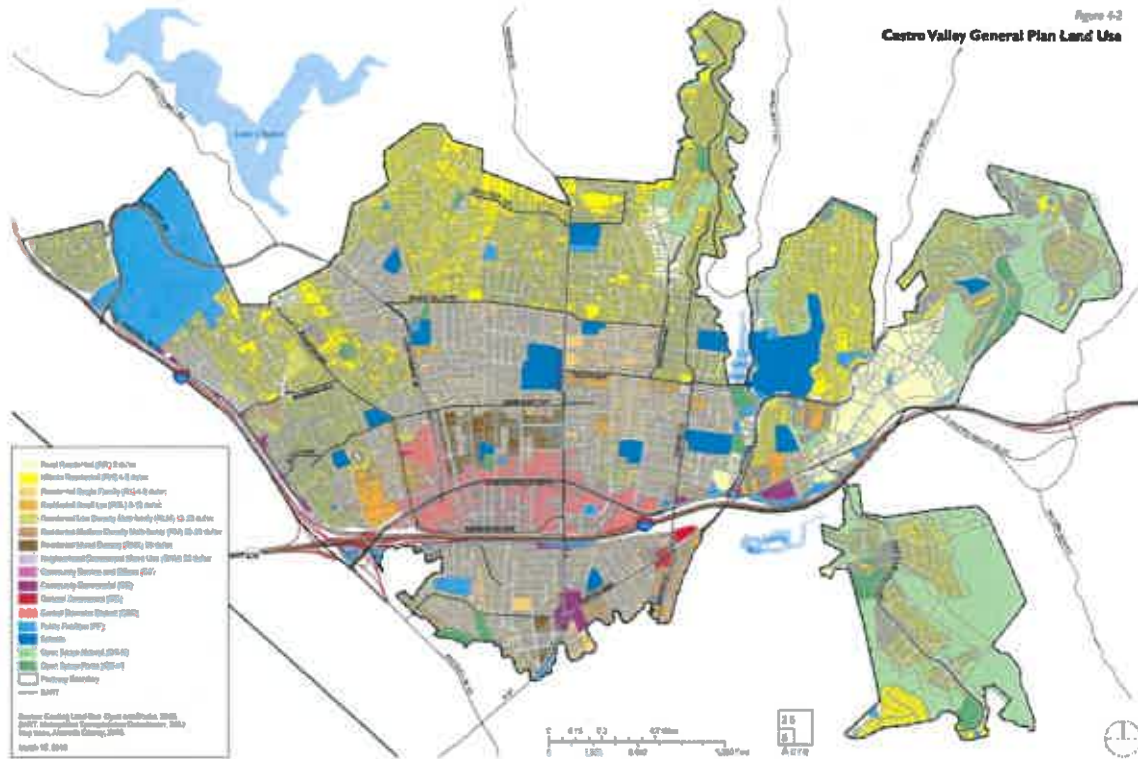
Other areas along Crescent and Ruby Streets are proposed for "Residential Medium Density Multi-Family" (23-29 units per acre), per the County's draft Castro Valley General Plan and consistent with the designation for the surrounding properties. Staff recommends an "Open Space -Parks" designation per the draft Castro Valley General Plan for the areas surrounding San Lorenzo Creek. This has been expanded from the current designation to incorporate riparian vegetation and the entire tree canopy, as well as allow for a multi-use trail requested by HARD. This is also consistent with the Upper B Street Neighborhood Plan that discusses working with HARD to provide park and recreational facilities that are accessible to neighborhood residents.







**Attachment B.3 (continued)**  
**2012 Castro Valley General Plan**  
 Land Use, Zoning, and Biological Resources (Figures 4-1 to 4-4 and 7-1 to 7-2)



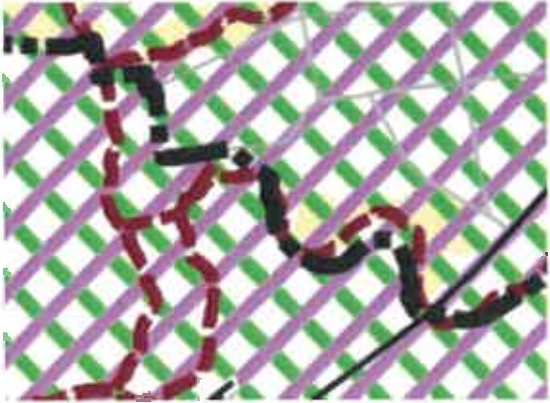
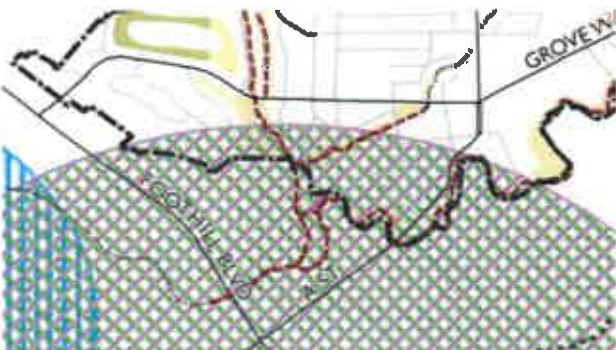
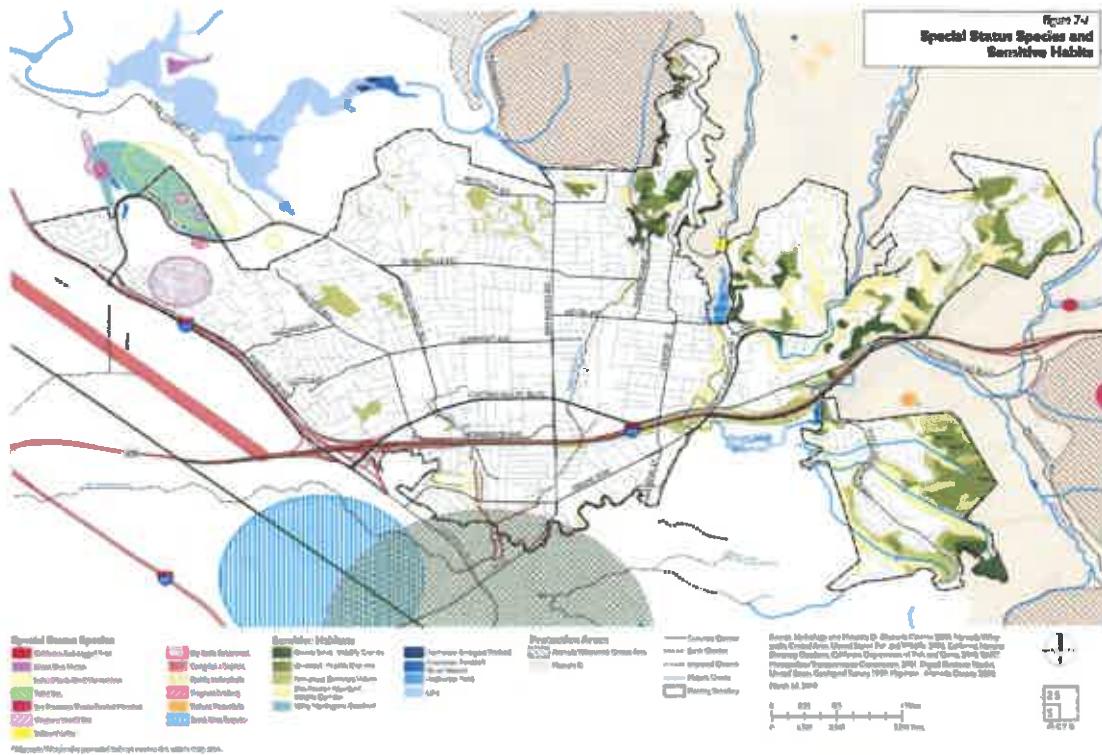


**Attachment B.3 (continued)**  
**2012 Castro Valley General Plan**  
Land Use, Zoning, and Biological Resources (Figures 4-1 to 4-4 and 7-1 to 7-2)

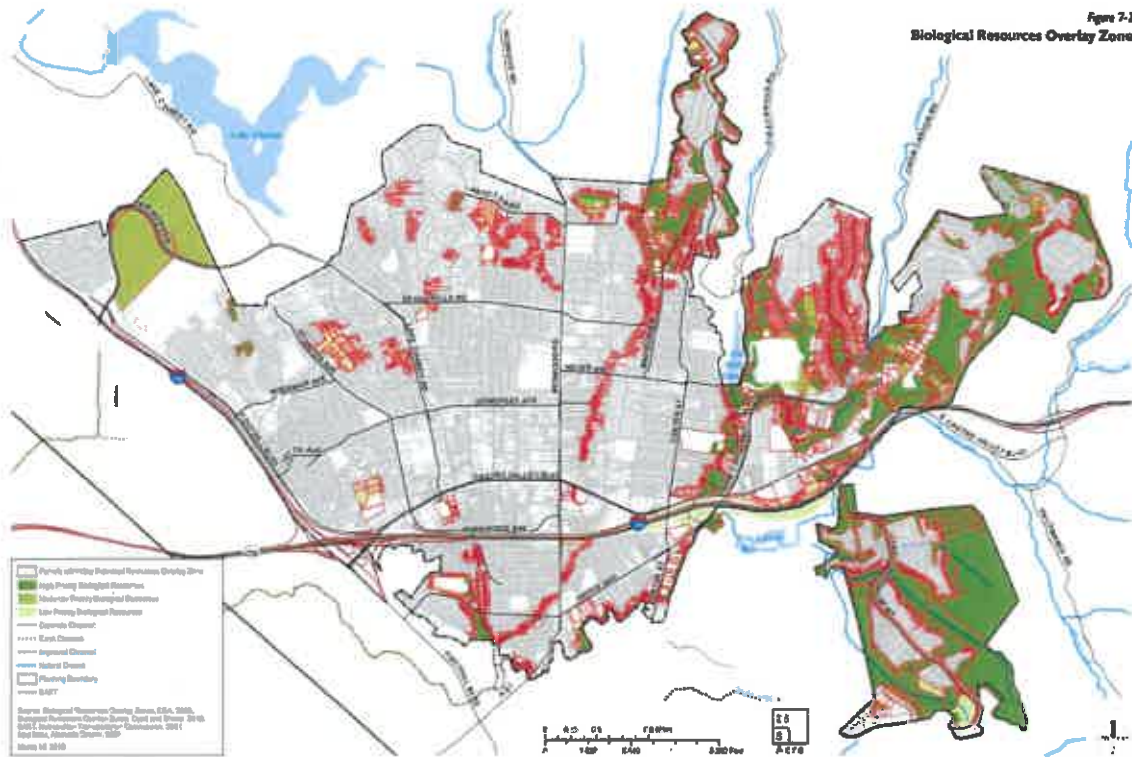




**Attachment B.3 (continued)**  
**2012 Castro Valley General Plan**  
 Land Use, Zoning, and Biological Resources (Figures 4-1 to 4-4 and 7-1 to 7-2)



**Attachment B.3 (continued)**  
**2012 Castro Valley General Plan**  
Land Use, Zoning, and Biological Resources (Figures 4-1 to 4-4 and 7-1 to 7-2)





## Villanueva, Vincent P, CDA

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**From:** Sandi Hollenbeck <SHollenbeck@edenhousing.org>  
**Sent:** Thursday, October 24, 2019 9:58 AM  
**To:** Chauhan, Nisha, CDA  
**Subject:** CEQA Review of Eden Housing's Ruby Street Project

Dear Nisha,

Alameda County's CEQA review of Eden Housing's Ruby Street project was thorough and comprehensive. It is clear that this proposed project development will have no adverse impacts to the community. In fact, Eden Housing's development will have a positive community impact. Not only will it provide much-needed affordable housing to the community, but it will also create public access to parkland and the San Lorenzo Creek Trail.

Affordable housing in Alameda County is crucial to the ability of service workers in this area to afford to live here. So many of the services that residents of Alameda County enjoy are delivered by people who are paid \$15 to \$20 an hour. Bank tellers, restaurant and retail workers, cleaning services, ticket takers all need affordable housing to be able to remain in this area.

For the second year in a row, the Bay Area has "won" in the National Low Income Housing Coalition's annual "Out of Reach" report, which means that Marin, San Francisco, and San Mateo counties were tied for top most expensive county in the entire country. The Oakland MSA was fifth on the list.

The "Out of Reach" report aims to showcase the disparity between what people earn and what housing actually costs. According to the report, tenants in these counties must make \$60.96 an hour to rent a two-bedroom home for \$3,170. It would take a salary of \$127,000 a year to afford modest housing. This is in comparison to the national housing wage of \$22.96 an hour.

The rising cost of housing is in part due to a booming economy and high wages. Economically, the SF Bay Area is outperforming the rest of the nation. Together, the region's nine counties boast a GDP of \$748 billion — larger than Switzerland's or Saudi Arabia's — and it's an economy that's growing at double the rate of the United States.

This concentration of more people at higher and higher incomes has fueled more people falling into homelessness, oftentimes through economic evictions, where they can no longer afford the rent increases. Low wages, wage inequality, racial inequities and a severe shortage of affordable rental homes leave too many vulnerable people unable to afford housing.

Last year, there was nowhere in the Bay Area where a household could afford the median rent for an apartment on anything less than \$64,000 a year. Even with two people working minimum wage jobs paying \$15 an hour, they still would not make enough to afford the median rent for an apartment in any Bay Area county. People making \$100,000 can afford to live in just 28 percent of Bay Area neighborhoods, and those making less than \$64,000 basically have no options.

Further exacerbating the issue is the disappearance of existing affordable housing, as some owners of affordable housing units chose to convert to market rate to capitalize on the current market rents. Trulia says that the East Bay is leading the entire country in loss of affordable housing listings (defined as studio to two-bedroom units listed at 30 percent of the median gross household income). The city of Fremont saw the most affordable-housing listings disappear; it lost 23.9 percent last year. Walnut Creek is second, and Oakland is third. Sam Liccardo, Mayor of San Jose, says that for every unit of affordable housing that is built, three are lost.

Affordable housing is an imperative need for Alameda County and the Ruby Street affordable housing development can help to meet that need.



**Sandi Hollenbeck | Special Projects Analyst**

Central Office

Eden Housing | 22645 Grand Street, Hayward, CA 94541

510-247-8184 Office

[SHollenbeck@edenhousing.org](mailto:SHollenbeck@edenhousing.org) | [www.edenhousing.org](http://www.edenhousing.org)

The mission of Eden Housing is to build and maintain high-quality, well-managed, service-enhanced affordable housing communities that meet the needs of lower income families, seniors and persons with disabilities.



**Villanueva, Vincent P, CDA**

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**From:** Jewell Spalding <jewellspalding@mac.com>  
**Sent:** Tuesday, November 12, 2019 12:54 PM  
**To:** Bruce King  
**Cc:** Chauhan, Nisha, CDA; Ann Maris  
**Subject:** Re: Ruby Public Hearing Nov 12 Cancelled? Now Nov 25?

Greetings,

So when will the CV MAC be hearing Ruby Meadows? Please advise, thanks much. Jewell

On Oct 21, 2019, at 8:14 PM, Bruce King <[bruceking8@gmail.com](mailto:bruceking8@gmail.com)> wrote:

Nisha,

Someone who was listening to the CVMAC meeting tonight (10/21/19) reported that Marc Crawford said the Ruby CEQA public hearing will now be moving to the Nov 25 CVMAC meeting because the CHP has the meeting room on the night of Nov 12 (the date noted in the last public notice).

Please let me know as quick as possible if the Ruby CEQA public hearing is cancelled for Nov 12. When you know, please confirm the rescheduled public hearing date.

Thanks,  
Bruce

----- Forwarded message -----

**From:** Chauhan, Nisha, CDA <[nisha.chauhan@acgov.org](mailto:nisha.chauhan@acgov.org)>  
**Date:** Thu, Oct 17, 2019 at 10:40 AM  
**Subject:** Ruby Street Apartments Public Meeting Nov 12, 2019 - NEW DATE  
**To:** Chauhan, Nisha, CDA <[nisha.chauhan@acgov.org](mailto:nisha.chauhan@acgov.org)>  
**Cc:** Lopez, Albert, CDA <[Albert.Lopez@acgov.org](mailto:Albert.Lopez@acgov.org)>, Orduna, Rodrigo, CDA <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>

**NOTICE IS HEREBY GIVEN**

**that the**

**CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL**

**and the**

**ALAMEDA COUNTY PLANNING DEPARTMENT**

## **will hold a Public Information Hearing on**

**ANALYSIS AND DETERMINATION OF A COMMUNITY PLAN EXEMPTION FROM ENVIRONMENTAL REVIEW CONDUCTED FOR SITE DEVELOPMENT REVIEW, PLN2019-00024, EDEN HOUSING**, proposal to allow a single four-story apartment building to contain 72 dwelling units affordable to low- and very-low income households and 109 surface parking spaces on a 2.95-acre site, together with a creek-side bicycle/pedestrian trail in the Castro Valley General Plan Area, west side of Ruby Street, 130 ft. north of A Street, extending west to San Lorenzo Creek and north to Crescent Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Numbers: 415-230-2, -3, -5, -11, -12, -13, -14, -15, -16, -17, -18, -19, -21, -22, -23, -24, -69, -70, -72, and -73.

The California Environmental Quality Act (CEQA) review for this project was conducted pursuant to Section 15183 of the state CEQA Guidelines: "Projects Consistent with a Community Plan or Zoning". CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies. The potential environmental impacts that could result from this project were analyzed using an environmental checklist that identified environmental impacts in the Environmental Impact Report (EIR) prepared for the *Castro Valley General Plan* (certified by the County Board of Supervisors on March 27, 2012). The 2012 EIR identified probable impacts and appropriate mitigation measures for development within the *General Plan* area, so that as provided for by CEQA (Section 15183), the focus of the further environmental analysis was on the site-specific project effects that were not identified in the EIR, such as this project's particular effects on air quality, biological resources, cultural resources, noise, and transportation and traffic. Based on that site-specific analysis, no further significant effects to the environment were identified.

No decision to approve or deny the project will be made at this hearing. The Castro Valley Municipal Advisory Council will take public comment and provide staff with comments on the CEQA analysis.

If you challenge the proposed Site Development Review, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Director at or prior to the public hearing.

The Castro Valley Municipal Advisory Council hearing will be held at **6:00 p.m. on Tuesday, November 12, 2019, in the Castro Valley Library, Chabot Room, 3600 Norbridge Avenue, in Castro Valley.**

The site plans and the CEQA Community Plan Exemption are located on our website at <http://acgov.org/cda/planning/landuseprojects/currentprojects.htm>.

Regards,

Nisha Chauhan, AICP

Senior Planner

Alameda County

Community Development Agency

510.670.6541

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## **Villanueva, Vincent P, CDA**

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**From:** Chauhan, Nisha, CDA  
**Sent:** Tuesday, November 12, 2019 1:28 PM  
**To:** Ann E. Maris; Jewell Spalding  
**Cc:** Bruce King  
**Subject:** RE: Ruby Public Hearing Nov 12 Cancelled? Now Nov 25?

Hello Everyone,

Thank you for your interest in this project.

Yes, the public information meeting will be held on 11/25/19. Email notices and physical postings have been completed. The postcard mailers are being sent today, which is in advance of the 10 day requirement. Also, all of the project files have been on our website for a few weeks. You can find the files at this link:

<http://www.acgov.org/cda/planning/landuseprojects/currentprojects.htm>

Regards,

Nisha Chauhan, AICP  
Senior Planner  
Alameda County  
Community Development Agency  
510.670.6541

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**From:** Ann E. Maris <ann0000@gmail.com>  
**Sent:** Tuesday, November 12, 2019 12:58 PM  
**To:** Jewell Spalding <jewellspalding@mac.com>  
**Cc:** Bruce King <bruceking8@gmail.com>; Chauhan, Nisha, CDA <nisha.chauhan@acgov.org>  
**Subject:** Re: Ruby Public Hearing Nov 12 Cancelled? Now Nov 25?

It is Monday 11/25/19 6 pm cv library. Although Chris bazaar said notices would be mailed out and nothing yet has been received. Neighbors have been asking too. We did get an email notice saying 11/25/19 and he confirmed it by email last week.

I don't think it will change again but no guarantees.

On Nov 12, 2019, at 12:54 PM, Jewell Spalding <[jewellspalding@mac.com](mailto:jewellspalding@mac.com)> wrote:

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Cc: Lopez, Albert, CDA <[Albert.Lopez@acgov.org](mailto:Albert.Lopez@acgov.org)>, Orduna, Rodrigo, CDA <[rodrigo.orduna@acgov.org](mailto:rodrigo.orduna@acgov.org)>

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County, designated Assessor's Parcel Numbers: 415-230-2, -3, -5, -11, -12, -13, -14, -15, -16, -17, -18, -19, -21, -22, -23, -24, -69, -70, -72, and -73.

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Regards,

**Nisha Chauhan, AICP**

**Senior Planner**

**Alameda County**

**Community Development Agency**

**510.670.6541**

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## Villanueva, Vincent P, CDA

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**From:** Sherman Lewis <sherman.lewisiii@gmail.com> on behalf of Sherman Lewis <sherman@csu Hayward.us>  
**Sent:** Thursday, November 14, 2019 12:11 PM  
**To:** Chauhan, Nisha, CDA  
**Cc:** Ann Maris; Bruce King  
**Subject:** Ruby Meadow

The intent of CEQA is to evaluate impacts of projects. This project has impacts. Eden has excuses.

The Eden proposal overbuilds the site by replacing a beautiful little woods with a parking lot on Crescent. While we seek compromise, it is fundamentally flawed to build affordable housing remote from transit, which then gets too much parking, which destroys what we must preserve for the neighborhood and the community. .

Creek protections involve strict rules but also judgements about their habitat, which in this case includes the woods on the north end of the property as they gently slope south and west to the creek.

Good planning requires a balance of housing and open space. The logical place for housing is where it was--on Ruby Street--which is also a bad place to put another parking lot.

There is more area in parking than housing. The parking can go head-in off Ruby for all the parking needed, and the meadow can be on the west side behind the units.

Ironically, Eden proposes a private park on half of the meadow. More of the meadow should be part of the protected creek and walkway area to give it the quality it deserves and to respect the indigenous and pioneer history of the site.

Eden should cut the size of the project to fit the neighborhood and to respect the need that all people, including low income people, have for green space. There are other sites for affordables; this wooded creek and meadow area is unique and irreplaceable.

--  
Sherman Lewis  
Professor Emeritus, Cal State Hayward  
President, Hayward Area Planning Association  
510-538-3692, [sherman@csu Hayward.us](mailto:sherman@csu Hayward.us)



**Villanueva, Vincent P, CDA**

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**From:** Jessica Silverberg (Light) <jessica.light@gmail.com>  
**Sent:** Sunday, April 7, 2019 5:27 PM  
**To:** Young, Andrew, CDA  
**Subject:** Comments on Eden/Ruby St

**Categories:** Ruby St-Eden Housing

To whom it may concern,

As a Castro Valley resident, I'm writing to indicate my support of the proposed housing development at Ruby Street.

Our community needs as much affordable housing as possible, so I was very happy to learn of this proposal and I would encourage this proposal and all other proposed developments to include as many affordable units as possible within the available space and to make the most efficient use of space by maximizing the number of units while also having sufficient parking and green space.

Thank you,  
Jessica Silverberg

**Villanueva, Vincent P, CDA**

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**From:** Carole Brown <cbcarebearhay@yahoo.com>  
**Sent:** Monday, July 8, 2019 3:42 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Ruby Meadow Development

Dear Ms. Chauhan:

I am writing in opposition to the proposed plan to build low income housing and/or apartments in the Ruby Meadow area. Hopefully this area will remain open as a wildlife habitat. I would like to see Ruby Meadow designated as Open Space rather than zoned for apartments. The wildlife and plants that inhabit this area should be protected and preserved.

Has your department considered building apartments on undeveloped Oak Street? It would seem to be a more viable option with its direct access to freeways and the downtown Hayward shopping areas. It would also clean up an unattractive area in our neighborhood.

Thanks for your consideration.

Very truly yours,  
Carole Brown  
21719 Gail Drive  
Castro Valley CA 94546



## Villanueva, Vincent P, CDA

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**From:** Jimmy Duarte <dmanjd@me.com>  
**Sent:** Sunday, July 7, 2019 10:28 PM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Ruby meadow apartments development

Greetings,

I am writing to respectfully request your efforts to reject the Ruby meadows apartments development as it will destroy important habitats.

Thank you in advance,

Jimmy Duarte  
Your constituent at  
1855 Grove Way  
Castro Valley, CA 94546

## Villanueva, Vincent P, CDA

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**From:** Catrina Bevilacqua <drummer510@icloud.com>  
**Sent:** Friday, July 5, 2019 11:48 AM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Opposition regarding Ruby project

Hi,

I am a Crescent Ave. resident who does not want anything to do with supporting a low income property to be added to our nice quiet neighborhood. I oppose the project.

Thank you,  
Catrina

## Villanueva, Vincent P, CDA

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**From:** JM Fernandez <hummingbirdcharm1101@gmail.com>  
**Sent:** Friday, July 5, 2019 11:32 AM  
**To:** Chauhan, Nisha, CDA  
**Subject:** OPPOSE LOW INCOME HOUSING!

Low income housing on Ruby St in Castro Valley will lower the value of homes, change the lives of the community and kill the longtime wildlife that has been home. There are families of Deer that will have no place to go. Why take away from the environmental footprint we have left?! Please reconsider and build in spaces that already have old buildings. There is a great deal of unused property that won't change people lives and kill wildlife. Please change your minds.

Thank you  
Julie

Sent from mv iPhone



## **Villanueva, Vincent P, CDA**

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**From:** Chas <churlspisano@gmail.com>  
**Sent:** Sunday, April 7, 2019 8:02 PM  
**To:** Chauhan, Nisha, CDA  
**Cc:** Young, Andrew, CDA  
**Subject:** Ruby Meadows

Hi Nisha, I'm Chas Pisano, a resident of San Lorenzo and a member of Friends of San Lorenzo Creek. I'm concerned with the approach that the Eden Housing project is using to develop Ruby Meadow.

The release dates for environmental and other documents provide woefully little time for community and County review. Even the Cal Trans proposal of years past recognized the need for limiting development in the meadow.

This area is the last open space that could be joined with Carlos Bee park to provide a much needed safe place for local families to gather and recreate. Communication has been inadequate with Castro Valley residents regarding development plans. It is a bad idea to lose this wildlife refuge when there are other nearby parcels, such as the Oak St Cal Trans unit, open for development with much less impact.

I urge you to preserve this meadow in its pristine state, and look to other areas for housing.

Sent from my iPhone

## **Villanueva, Vincent P, CDA**

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**From:** candy0808@aol.com  
**Sent:** Tuesday, April 9, 2019 11:33 AM  
**To:** Young, Andrew, CDA  
**Subject:** Proposed Ruby Street Development

While I understand the need for more housing in Hayward, particularly housing that is accessible to those not making computer industry salaries, I feel that this project is over-the-top. It is too large, encroaching on local natural habitats, which we should try to preserve and this area is right between two areas that should remain open and connected. I do not object to multi-family housing, but the size of this project does not fit the area development. I would not object to apartments/condos with less units. The SIZE of this project is just too big. There are other projects already approved for the very nearby area that would affect this also, making it crowded and causing an additional set of problems.

.As I understand this, the standard minimum creek setback is not included in this plan. I do not feel that this is something that should be allowed. Setbacks are created to meet the standards of the area, and I think developers should have to honor these requirements, not ignore them.

Thank you.

C. Moura  
21272 Hobert St.  
Castro Valley, CA 94546





**Villanueva, Vincent P, CDA**

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**From:** Evan Silverberg <esilver15@hotmail.com>  
**Sent:** Saturday, April 6, 2019 10:33 AM  
**To:** Young, Andrew, CDA; Chauhan, Nisha, CDA  
**Subject:** Eden housing Ruby St. 72 units - yes please!

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Hello, Andrew and Nisha,

I'm a Castro Valley resident writing in favor of more housing in the Castro Valley area. Our household is pro new housing at all levels from affordable to luxury.

Thanks,

Evan Silverberg

Sent from my iPhone

**Villanueva, Vincent P, CDA**

---

**From:** JM Fernandez <hummingbirdcharm1101@gmail.com>  
**Sent:** Friday, July 5, 2019 11:32 AM  
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Please change your minds.

Thank you

**Villanueva, Vincent P, CDA**

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**From:** Joseph Sklar <jsklar3826@yahoo.com>  
**Sent:** Monday, July 8, 2019 8:38 AM  
**To:** Chauhan, Nisha, CDA  
**Subject:** Utilization of Ruby Meadow for development

As a new resident in the neighborhood adjoining the proposed development of Parcel 8 and Ruby Meadow I would like to add my voice advocating for the need to give a higher priority to protecting the natural environment. While recognizing the need for below-market value housing, I think that there needs to be a better balance in the plans you are considering. Living in an increasingly population-dense Bay Area we need to protect as much of the natural habitat as we can.

