

**FINAL  
Environmental Impact Statement  
& Environmental Impact Report  
RESPONSES TO COMMENTS**

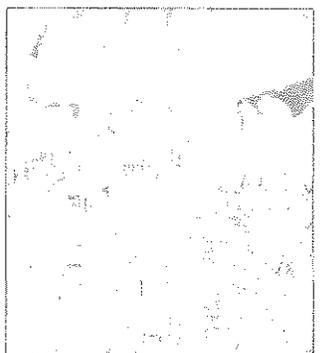
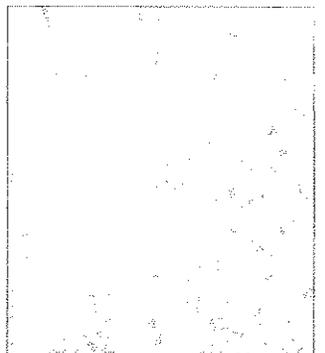
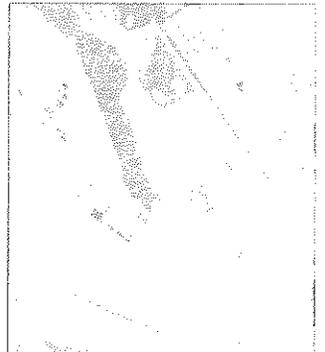
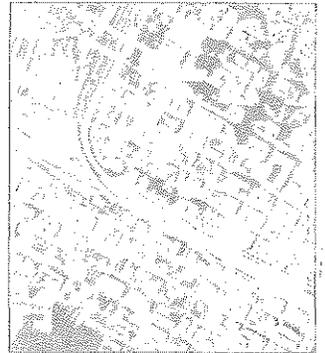
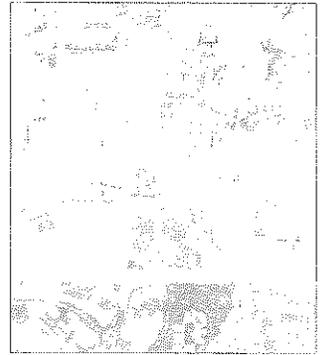
**JUVENILE JUSTICE FACILITY  
AND  
EAST COUNTY HALL OF JUSTICE**  
*Alameda County, California*

April 2003

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# Table of Contents

<b>1.</b>	<b>Introduction .....</b>	<b>1-1</b>
<b>2.</b>	<b>Responses to Comments .....</b>	<b>2-1</b>
2.1	Introduction.....	2-1
2.2	Master Responses.....	2-1
2.3	Responses to Letters .....	2-9
2.4	Responses to Public Meeting, February 19, 2003.....	2-227
2.5	Responses to Public Meeting, February 20, 2003.....	2-237
<b>3.</b>	<b>Amendments to the Draft EIS/EIR .....</b>	<b>3-1</b>
<b>4.</b>	<b>Report Preparation .....</b>	<b>4-1</b>

**Appendix: Summary Table of Impacts and Mitigation Measures for Preferred Alternatives**



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# Introduction

## PURPOSE OF THE ENVIRONMENTAL IMPACT STATEMENT / REPORT

This Final Environmental Impact Statement / Environmental Impact Report (EIS/EIR) provides responses to comments submitted by government agencies, organizations and individuals on the Draft EIS/EIR for the proposed development of a Juvenile Justice Facility and an East County Hall of Justice in Alameda County, California.

In accordance with the requirements of the National Environmental Quality Act (NEPA) and the California Environmental Quality Act (CEQA), this Final EIS/EIR formally consists of the comments submitted by government agencies, organizations, and individuals; responses to comments; and a revision of those portions of the Draft EIS/EIR which have been modified in response to comments received during the public review period on the Draft EIS/EIR. This Final EIS/EIR includes copies of all written comments received within the public review period following publication of the Draft EIS/EIR and verbal comments received at two public hearings held during the review period, and provides responses to those comments. In some cases, the responses have also resulted in revisions to the Draft EIS/EIR, and all such changes are reflected in this document. As required by NEPA and CEQA, this document addresses those comments received during the public review period that relate directly to the adequacy and completeness of the Draft EIS/EIR. The Final EIS/EIR does not address those comments received that relate to characteristics or features of the proposed Project where the Draft EIS/EIR's analysis of Project-related environmental issues are not directly involved.

The Final EIS/EIR has been prepared pursuant to the National Environmental Quality Act (NEPA) and the California Environmental Quality Act (CEQA) as amended (commencing with Section 21000 of the California Public Resources Code), and the CEQA Guidelines. The Lead Agencies for the Project, as defined by NEPA and CEQA, is the US Department of Justice, Office of Justice Programs/Bureau of Justice Assistance (OJP/BJA) and the County of Alameda, respectively. The California Board of Corrections (BOC) assisted the OJP/BJA in the preparation of the Draft EIS. (For further information, see **Agency Responsibilities** in the Draft EIS/EIR).

The Final EIS/EIR (which is comprised of the Draft EIS/EIR and this document) is intended to be certified as a complete and thorough record of the environmental impacts of the proposed Project by the OJP/BJA, the BOC, and the County of Alameda. Certification of the Draft EIS/EIR as adequate and complete by the County and a Record of Decision (ROD) by the OJP/BJA must take place prior to any formal County or OJP/BJA action on the proposed Project itself. (See **Public Review Process** at the end of this chapter.) The Final EIS/EIR certification and Record of Decision does not equate to approval of the Project.

The Final EIS/EIR is meant to provide an objective, impartial source of information to be used by the lead and responsible agencies, as well as the public, in their considerations regarding the Project. The basic purposes of NEPA and CEQA are discussed below.

### **National Environmental Policy Act**

According to Title 42 of the United States Code (USC), Section 4321, the purposes of the National Environmental Policy Act (NEPA) are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality (CEQ).

Section 1502.1 of the NEPA implementing regulations states: “The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the National Environmental Policy Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses. An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions.”

Section 1502.3 of the NEPA implementing regulations states that “environmental impact statements are to be included in every recommendation on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.”

Section 102 [42 USC Section 4332] (2) (C) requires “...a detailed statement by the responsible official on:

- The environmental impact of the proposed action,
- Any adverse environmental effects which cannot be avoided should the proposal be implemented,
- Alternatives to the proposed action,
- The relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and
- Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.”

## California Environmental Quality Act

The basic purposes of the Environmental Impact Report (EIR), under the California Environmental Quality Act (CEQA), are very similar to purposes of the EIS under NEPA:

- Inform governmental decision-makers and the public about the potential environmental effects of proposed activities,
- Involve the public in the decision-making process,
- Identify ways that significant impacts to the environment can be avoided or significantly reduced,
- Identify and assess alternatives to the proposed project,
- Prevent environmental damage by requiring changes in the Project through the use of alternatives or mitigation measures [CEQA Guidelines, Section 150029(a)]

Because of the similarities of the NEPA and CEQA, Section 1506.2 of the NEPA regulations requires Federal agencies to cooperate with state and local agencies “to the fullest extent possible to reduce duplication between NEPA and comparable state and local requirements.” Such cooperation “shall to the fullest extent possible include joint environmental impact statements.” CEQA provides that in the event that a project requires both an EIR pursuant to CEQA and an EIS pursuant to NEPA, the lead agency should, whenever possible, use the EIS as the EIR.

## SCOPE OF THE ENVIRONMENTAL IMPACT STATEMENT/REPORT

The Lead Agencies provided two scoping periods for the Projects (see **Scope of the Environmental Impact Statement/Report** in the Draft EIS/EIR). The first scoping period extended from January 15, 2002 to February 22, 2002. A daytime and an evening public meeting was held on Thursday, February 7, 2002, at the Alameda County Public Works Agency’s maintenance facility on Gleason Drive in Dublin. In response to comments received at the first set of scoping meetings and the County’s identification of several additional alternative sites that could be considered, a second scoping period was established (from June 19, 2002 to July 25, 2002). Additional public meetings were held on Wednesday, July 10, 2002, in the afternoon and evening at the Asian Cultural Center in Oakland.

The intent of the EIS/EIR scoping process for the proposed Projects was to:

- Inform agencies and interested members of the public about the proposed project and Lead Agency actions related to it, including compliance with NEPA and CEQA requirements.
- Identify the range of concerns that form the basis for identification of significant environmental issues to be addressed in the EIS/EIR.
- Identify suggested mitigation measures, strategies or ideas and approaches to mitigation that may be useful and explored further in the EIS/EIR.

- Develop a mailing list of agencies and individuals interested in future actions relative to the EIS/EIR.

Several potentially significant environmental impacts were identified in the scoping sessions. Based on the discussions and comments received during those sessions, the Draft EIS/EIR evaluated potentially significant Project-related impacts in the areas identified below:

- Land Use and Planning
- Visual Quality/Aesthetics
- Geology, Soils and Seismicity
- Hydrology and Water Quality
- Biologic Resources
- Transportation
- Noise
- Air Quality
- Public Health and Safety
- Public Services
- Utilities
- Historic/Archaeological Resources
- Environmental Justice

## **PUBLIC REVIEW PROCESS**

The Draft EIS/EIR was circulated for a 45-day public review period that closed March 10, 2003. Public notices were published according to the CEQA and NEPA statutory and regulatory requirements that establish the specific start and closing dates of the review period. The State Clearinghouse circulated the Draft EIS/EIR to State agencies with jurisdiction over various aspects of the Project. At the federal level, the U.S. EPA published a notice of availability of the Draft EIS/EIR in the Federal Register.

Written comments were received from government agencies, organizations and individuals during the review period for the Draft EIS/EIR. Additionally, two public hearings were held. The first hearing was held on February 19, 2003 in the City of Dublin Council Chambers. The second hearing was held on February 20, 2003 in the Alameda County Board of Supervisors Chambers in Oakland.

In accordance with CEQA, the Final EIS/EIR will be circulated to other public agencies and will be made available to the public for a minimum of 10 days prior to consideration by the Alameda

County Board of Supervisors. In accordance with Section 15080 of the CEQA Guidelines, the Final EIS/EIR (incorporating the Draft EIS/EIR) will be reviewed and certified by the Alameda County BOS. In accordance with Section 1502.19 of the NEPA regulations, the California BOC and OJP/BJA will also circulate the Final EIS/EIR, and Notice of Availability will be published in the Federal Register by the U.S. EPA for at least 30 days prior to action by the U.S. Department of Justice.

Under CEQA, certification of the Final EIS/EIR by the Alameda County BOS would not constitute approval of the Project, but is necessary prior to approval of a project. To approve a project, in addition to certification of the Final EIS/EIR, the lead agency must adopt environmental findings and a mitigation monitoring program (CEQA Guidelines, Sections 15091). If the project has significant environmental effects that cannot be reduced to a less than significant level, the environmental findings must include a “statement of overriding considerations” (CEQA Guidelines, Sections 15092). This requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks. If the benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” [CEQA Guidelines, Section 15093 (a)]. The statement of overriding considerations shall be supported by substantial evidence in the record [CEQA Guidelines, Section 15093 (b)].

A mitigation monitoring program shall include detailed information about who is responsible for implementing and monitoring a given mitigation, the standard which must be met to be in compliance, enforcement procedures for non-compliance, and other requirements as per the CEQA Guidelines, Section 15097.

A similar process is required for federal review and approval of the environmental document and the Proposed Action. The California BOC and OJP/BJA will review and circulate the Final EIS/EIR and OJP/BJA will prepare a Record of Decision (ROD) stating its decision regarding the alternatives. This process is the NEPA equivalent to certifying an EIR, preparing Findings and a Statement of Overriding Consideration and then issuing a Notice of Determination under CEQA. In general, the ROD must identify the government’s decision, the alternatives which were considered, a Preferred Alternative or Proposed Action, the factors which led to the decision, whether all practicable means to avoid or minimize environmental harm have been adopted, and if not why. For mitigation measures established in the ROD, a monitoring and enforcement program must also be adopted and implemented. The ROD may not be issued less than 30 days after publication in the Federal Register that the Final EIS/EIR is complete and available.

OJP/BJA procedures include the requirement that the ROD shall determine the allowable uses of the grantee’s VOI/TIS fund with respect to the proposed action or its alternatives [28 CFR, Part 91.63(i)].

## REPORT ORGANIZATION

This Final EIS/EIR consists of the following chapters:

**Chapter 1: Introduction** - Outlines the purposes of the EIS/EIR and general background information.

**Chapter 2: Response to Comments** - Contains responses to comments submitted by letter and in oral testimony at the two public hearings on the Draft EIS/EIR. In response to some comments, the text of the Draft EIS/EIR has been modified, with changes as indicated. Copies of the letters and transcripts are included at the end of the chapter.

**Chapter 3: Amendments to the Draft EIS/EIR** - Contains a summary of the revisions to the Draft EIS/EIR based on the comments received.

**Chapter 4: Report Preparation** - Contains a listing of the persons responsible for preparation of this report.

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# Responses to Comments

## 2.1 INTRODUCTION

This chapter provides responses to public comments received during the official public review period on the Draft EIS/EIR. Included is a copy of each of the comment letters, and transcripts of verbal comments recorded at the two public hearings conducted during the Draft EIS/EIR review period. The letters and transcripts are each assigned a number, and each comment is numbered in the right margin. The written responses correspond to that numbering.

In some cases, responses include a revision to the text of the Draft EIS/EIR. Those changes are included as part of the response, with additions indicated in underlined text and deletions indicated in strikeout text. A compilation of all such changes to the text and graphics of the Draft EIS/EIR is provided in Chapter 3 of this document. The changes are considered clarifications and corrections that do not affect the validity of the Draft EIS/EIR.

## 2.2 MASTER RESPONSES

The following section provides responses to commonly asked questions and issues raised by commentors on the Draft EIS/EIR. This section is intended as an overview of the issues and explanation of the lead agencies' response. Individual responses to these issues, as raised in the comment letters and transcripts, also are provided following each individual comment.

### THE PREFERRED ALTERNATIVE

Commentors raised concerns regarding the identification or selection of the "preferred alternative." Several commentors also requested clarification regarding the identification of the "environmentally superior alternative."

Under CEQA, the local lead agency describes the proposed project, and evaluates at a lesser level of detail, alternatives to that project in a draft EIR (14 Cal. Code Regs. §§ 15124, 15126.6). By contrast, under NEPA, the federal lead agency is required to identify a proposed action and evaluate alternatives at an equal level of detail. In the Final EIS, however, the federal lead agency is required to identify the preferred alternative among the alternatives evaluated. Pursuant to the Council on Environmental Quality (CEQ) Regulations, the federal agency is required to identify in an EIS:

“... the agency’s preferred alternative or alternatives, *if one or more exists*, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.” (40 CFR §1502.14(e))

Further guidance is provided in the Forty Most Asked Questions Concerning CEQ’s NEPA Regulations (Forty Questions). “The ‘agency’s preferred alternative’ is the alternative which the agency believes would fulfill its statutory mission and responsibilities taking into account economic, environmental, technical and other factors” (Forty Questions, Question 4a). The guidance indicates that if a preferred alternative is identified at the Draft EIS stage, then the alternative must be identified as such in the Draft EIS. However, if the federal agency has not identified the preferred alternative at the Draft EIS stage, then the agency does not have to identify the preferred alternative at that time. However, by the time the Final EIS is filed, the guidance indicates that 40 CFR §1502.14(e) presumes the existence of a preferred alternative, and thus requires its identification in the Final EIS unless otherwise prohibited by law (Forty Questions, Question 4b).

Thus, the CEQ Regulations provide that the preferred alternative must be identified in the Final EIS, unless another law prohibits the expression of such a preference. The lead agency’s official with responsibility for preparing the EIS and assuring it complies with NEPA (i.e., OJP/BJA) is responsible for identifying the agency’s preferred alternative. This official may be designated in the agency’s implementing procedures (Forty Questions, #4c). The guidance also indicates that although the agency’s preferred alternative is identified by the EIS preparer, the statement must not be slanted to support the selection of the agency’s preferred alternative. In this regard, the identification of the agency’s preferred alternative may differ from the agency’s decision to select a particular alternative.

Similarly, a federal agency is required to state in its record of decision (ROD) the agency’s decision and all alternatives, which the agency considered in reaching its decision (40 CFR §1505.2). In the ROD, the federal agency identifies the alternative or alternatives considered to be environmentally preferable. The “environmentally preferable” or “environmentally superior” alternative can be *different from* the “agency’s preferred alternative,” although in some cases one alternative may be both.<sup>1</sup> Additionally, the ROD must indicate whether the agency adopted all practicable means to avoid or minimize environmental harm resulting from the selected alternative. With respect to the preparation of the ROD, the OJP Guidance provides that the ROD shall determine the allowable uses of the grantee’s funds with respect to the proposed action or its alternatives. Thus, OJP Guidance requires that the agency (OJP/BJA) identify the proposed action (i.e., the selected alternative) in the ROD.

For purposes of CEQA, the proposed Project is defined as construction of the Juvenile Justice Facility and the East County Hall of Justice. In its NEPA guidance, OJP/BJA has delegated to the grantee (BOC) the responsibility for the preparation of the Final EIS. BOC has further delegated to the County as the implementing agency, the obligation to prepare the Final EIS, and

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<sup>1</sup> See Forty Most Asked Questions Concerning CEQ’s NEPA Regulations, Question 6a.

thus, to identify the preferred alternative. In accordance with NEPA, the County has identified the “preferred alternative” for the Juvenile Justice Facility and the East County Hall of Justice in the Final EIS/EIR. Based upon the environmental impact analyses contained in the Draft EIS/EIR and the public comments submitted on the Draft EIS/EIR, the County staff responsible for the preparation of the combined EIS/EIR, in consultation with BOC and OJP/BJA, has identified the Modified San Leandro Alternative (described in more detail below) as the preferred alternative for the Juvenile Justice Facility, and the East County Government Center site as the preferred alternative for the East County Hall of Justice (described in the Draft EIS/EIR).

### **Modified San Leandro Alternative**

Since the circulation of the Draft EIS/EIR, the County has examined the proposed project and the alternatives under consideration. Based upon this review and in response to comments provided by the public, the County has identified a feasible alternative that would lessen the initial environmental impacts of the proposed Juvenile Justice Facility. The County, through its Juvenile Justice Steering Committee, and in consultation with BOC and OJP/BJA, has indicated that this alternative is the preferred alternative that it believes would fulfill its statutory mission and responsibilities taking into account economic, environmental, technical and other factors. This alternative is known as the Modified San Leandro Alternative. This alternative is described below, along with an analysis as to whether the alternative could result in environmental impacts not previously analyzed or otherwise resulting in substantially more severe environmental impacts beyond those projected in the Draft EIS/EIR.

### **Description of the Modified San Leandro Alternative**

As with the original San Leandro Alternative evaluated in the Draft EIS/EIR, the Modified San Leandro Alternative would involve the development of a new Juvenile Justice Facility at the existing Juvenile Hall site in San Leandro. The approximately 60-acre site is located at 2200 Fairmont Drive in unincorporated San Leandro, California. Under the Modified San Leandro Alternative, the Project would be constructed in phases similar to the original proposal. However, the initial phase would consist of a smaller, 360-bed facility constructed generally within a similar development envelope as envisioned under the original San Leandro alternative (see Figure 3.3a in this Final EIS/EIR).

However, because of its smaller site requirements, the initial phase of the Modified San Leandro Alternative would be designed to provide greater avoidance of the geologic constraints on the site, particularly the old landslides on the eastern part of the site. This initial phase would be located such that it would not be built on the main active fault that traces through the site, and would avoid placing any occupied structures on the several trace faults located on this site. Recent follow-up investigations have also shown that some portion of the prior Fault A identified on the site is actually an erosional or landslide feature, and does not present a constraint to development near Camp Chabot. The 360-bed alternative would be constructed on roughly 20 acres of the 60-acre site that are not susceptible to the most significant geologic constraints. As

with the original San Leandro Alternative, the scattered office and juvenile court uses would be relocated to these new facilities, and the existing Juvenile Hall would be demolished.

This alternative would also provide for future expansion of the facility to 420 beds, and up to a maximum of 540 beds in later phases, consistent with the County's grant submittal to the California Board of Corrections and the project description contained in the Draft EIS/EIR.

#### ***Initial Phase Facilities***

Under the initial phase of the Modified San Leandro Alternative, a new Juvenile Justice Facility including detention facilities, courts, administration, and other functions would be developed in an area that is currently occupied by one of the juvenile camps, which is unused at present. The development concept includes a new two-story building, outdoor recreation areas, parking lots, and related improvements uphill from the existing Juvenile Hall facility (see Figure 3.3a). The site conditions, including hillside slopes and earthquake faults, present constraints that limit the location of the facility. Generally, the site concept for the initial phase of the Modified San Leandro Alternative would include the development of the juvenile detention facilities, such as population housing and office/administrative space on the eastern side of the site, and the juvenile courts and parking on the northern and western side of the site.

#### ***Future Expansion***

The Modified San Leandro Alternative would allow for future expansion to accommodate up to 540 beds, as proposed in the County's grant application to the Board of Corrections. Infrastructure would be sized to be expandable in modular systems or initially sized to accommodate additional loads; classrooms, dining, and similar functions would be built within the future housing pods; additional court space would be available within the shelled space developed in the first phase court building; and additional parking would be built as needed.

#### ***Access***

Access to the site would be via the existing main entrance road or a new entrance to be developed on Fairmont Drive northeast of the existing access point. These access points would connect to the parking facility (split between public and employees). Deliveries would be made via a one-way loop off of the main entrance road, with vehicles going to dedicated bays on the second level but still on grade. An emergency access route would be provided around the perimeter of the site.

#### ***Analysis of the Modified San Leandro Alternative***

There are no substantial differences between the Modified San Leandro Alternative and the original San Leandro Alternative evaluated in the Draft EIS/EIR other than that the Modified San Leandro Alternative includes construction of a smaller facility in the initial phase of development. This smaller first phase is more capable of avoiding the geologic constraints of the site than the original San Leandro Alternative, and future phases would be accommodated within a more compact buildable area. Thus, there are no substantial changes in the proposed Project

contemplated under the Modified San Leandro Alternative, and its environmental consequences are similar.

With respect to the analysis of the impacts associated within constructing a 360-bed facility in the initial phase of project development, the Modified San Leandro Alternative would result in the initial construction of a smaller facility than the facility envisioned and analyzed under the original San Leandro Alternative. Consequently, the initial phase of construction of the Modified San Leandro Alternative results in a general reduction in impacts when compared to the impacts resulting from the 450-bed alternative as evaluated in the Draft EIS/EIR. As such, the initial phase of the Modified San Leandro Alternative would generate similar, or in some cases less environmental impacts than the original San Leandro Alternative.

All of the impact analyses for the 540-bed original San Leandro Alternative would remain the same or less under the Modified San Leandro Alternative. There would be no new significant or substantially more severe environmental impacts.

Identification of the Modified San Leandro Alternative as the Preferred Alternative in the Final EIS/EIR does not trigger recirculation. The Modified San Leandro Alternative would have essentially the same environmental consequences as the original San Leandro Alternative at full buildout, except that fewer geologic impacts would occur.

### **East County Hall of Justice**

As a separate project, subject to CEQA, the County has identified a preferred alternative for the East County Hall of Justice through its Steering Committee, at the East County Government Center site evaluated in the Draft EIS/EIR. The project would not be substantially different from the site plan and development concept presented in the Draft EIS/EIR, although design refinements are likely to occur during the design/build process.

## **ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

### **Juvenile Justice Facility**

The Draft EIS/EIR identified the Pardee/Swan site as the Environmentally Superior Alternative for the Juvenile Justice Facility. Since the circulation of the Draft EIS/EIR, comment letters on the Draft EIS/EIR suggest that the Pardee/Swan site has become unavailable as a feasible alternative. The Port of Oakland has stated in its comment letter on the Draft EIS/EIR (see Comment 6-34) that the site will be permanently required for airport operations. The Port also has stated that it is engaged in construction at the site. Due to the Port's position regarding the unavailability of the Pardee/Swan site for the Juvenile Justice Facility, there is considerable uncertainty as to whether the County would be able to acquire and construct the Juvenile Justice Facility on this alternative site. Given the Port's apparent unwillingness to convey the site to the County, if the County were to pursue such an alternative, acquisition would necessitate a condemnation action. Due to the findings which must be met in support of a condemnation action, as well as the cost and timing considerations associated with such an action, the outcome

of such efforts is uncertain and likely would compromise the County's ability to meet the VOI/TIS grant award deadlines. Additionally, development of a Juvenile Justice Facility at the Pardee/Swan site likely would be infeasible due to public trust considerations. Moreover, independent of the possible need for condemnation action, the current construction status of the Pardee/Swan site raises serious timing and cost constraints for the development of the Juvenile Justice Facility at this location. Because of the difficulties in acquiring the site, as well as the cost and timing implications associated with replacing the current use, the County has determined that the Pardee/Swan site is no longer available for consideration as a feasible alternative.

With the elimination of the Pardee/Swan site as a feasible alternative, the Final EIS/EIR identifies the Modified San Leandro Alternative as the environmentally superior alternative for the Juvenile Justice Facility, of the remaining alternatives. The Modified San Leandro Alternative is identified as the environmentally superior alternative because this site is available and would result in fewer significant environmental impacts in several categories. Traffic, and the associated noise and air pollution, would be reduced. Demand for public services and utilities, including water demand and wastewater generation, energy supply, and similar public services and utilities would be reduced. Construction noise and air pollution also would be reduced somewhat. Additionally, the Modified San Leandro Alternative would result in less severe geologic and seismic hazards when compared to the Existing San Leandro Alternative because construction would be more compact and located in a more suitable part of the site.

In consideration of the County's proposal to select the Modified San Leandro Alternative as the preferred alternative and the change in status of the Pardee/Swan site, the analysis of the Environmentally Superior Alternative has been revised to reflect the environmental benefits of the smaller facility under consideration which would be constructed in the near term at that location.

### **East County Hall of Justice**

The Draft EIS/EIR identified Site 15A as the Environmentally Superior Alternative for the East County Hall of Justice. As indicated above, the Final EIS/EIR indicates that the Modified San Leandro alternative is identified as the preferred alternative for the Juvenile Justice Facility. If the Modified San Leandro Alternative is selected as the site for the Juvenile Justice Facility, the East County Government Center Site would provide greater flexibility for accommodating the development of the Hall of Justice. In other words, the East County Government Center Site would need to accommodate the Hall of Justice only, rather than both the Hall of Justice and the Juvenile Justice Facility. With the greater opportunities to accommodate the Hall of Justice, the building may be designed at the East County Government Center site to further reduce or avoid significant environmental impacts. For example, the building could be sited to minimize land use incompatibility. Thus, both Site 15A and the East County would provide comparable levels of significant environmental impacts. Consequently, either alternative could be considered as the environmentally superior alternative.

## DEFERRED MITIGATION

Several commentors have suggested that the Draft EIS/EIR is inadequate in that mitigation measures are deferred to an unknown time in the future. Although the formulation of mitigation measures should not be deferred, the CEQA Guidelines provide that “measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.” (CEQA Guidelines § Section 15126.4(a)(1)(B).) In addition, case law has held that an agency may adopt a mitigation measure that relies on future studies to define the design and implementation of the mitigation measure. See *National Parks & Conservation Ass’n v. County of Riverside*, 71 Cal.App 4th 1341 (1999) (determination about installation of tortoise protection fences properly deferred until after future study regarding migration patterns).

NEPA case law has also held that mitigation measures may rely on future studies. See *Sierra Club v. Babbitt*, 69 F. Supp. 1202, 1230-31 (E.D.C.A. 1999) (holding that analysis and mitigation of impacts may occur during course of construction).

Although several of the mitigation measures identified in the Draft EIS/EIR depend in part on studies to be conducted in the future, these mitigation measures all properly provide a performance standard, or are necessary to define the range or scope of implementation of the mitigation measure. For example, implementation of a storm water pollution prevention plan would be required to control erosion and sedimentation and adverse effects to water quality as a result of construction and operation of the projects. Although the specific content of the SWPPP is left to be written at a later time, the mitigation measure identifies the relevant issues to be addressed, sample approaches, and a performance standard that requires ultimate conformance with established requirements of the appropriate regulatory agency. In this way, the mitigation measures adequately address foreseeable impacts and provide for the necessary flexibility to address site-specific conditions during the detailed design and implementation phase.

## RECIRCULATION

Several commentors suggest that the EIS/EIR should be recirculated for additional public review and comment. CEQA requires recirculation when “significant new information” is added to an EIR after publication of the draft, but before certification. (CEQA Guidelines § 15088.5; *Laurel Heights Improvement Ass’n v. Regents of the Univ. of Cal.*, 6 Cal. 1112 (1993). New information is considered significant when “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.” (CEQA Guidelines §15088.5(a).)

“Significant new information” requiring recirculation includes a disclosure showing:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. A feasible project alternative or mitigation measure, which is considerably different from others previously analyzed, would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; and,
4. The draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment are precluded.

“Recirculation is not required where the new information added to an EIR merely clarifies or amplifies or makes insignificant modification in an adequate EIR.” (CEQA Guidelines §15088.5(a).)

There is less specific information in NEPA for when an EIS must be recirculated. The CEQ regulations provide that “If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion.” Agencies also “shall prepare supplements to either draft or final environmental impact statements if (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns, or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” (40 CFR §1502.9(a) and (c).)

The EIS/EIR is not “so inadequate” or conclusory, nor do any of the commentors or responses to comments disclose any new significant information that would require recirculation of the EIS/EIR. No new significant or substantially more severe environmental impacts have been identified which would result from the project or from a new mitigation measure proposed as part of the project. Moreover, no new feasible mitigation measures have been identified which are considerably different from others previously analyzed and would clearly lessen the significant environmental impacts of the project that the County and OJP/BJA have declined to implement.

With respect to the identification of new alternatives, the County has identified a preferred alternative that is a refinement of one of the alternatives considered in the Draft EIS/EIR, referred to as the “Modified San Leandro Alternative”. As described in more detail above, that alternative is substantially the same as the San Leandro Alternative that was analyzed in the Draft EIS/EIR, except that it would include fewer beds in the initial phase. Adjustments are also made to the site plan to incorporate geotechnical recommendations and reflect the lower bed count. This alternative would lessen the significant environmental impacts of the proposed project to some degree in the short term, due to less grading, less traffic, and similar reductions in activity at the site, but over the long term this site would accommodate future expansion to 540 beds, and so would ultimately be very similar to the original San Leandro Alternative already analyzed in the Draft EIS/EIR.

## 2.3 RESPONSES TO LETTERS

This section includes responses to the letters received during the public review period. The letters are included at the end of this chapter, and are numbered as follows:

- 1 Joseph R. Rodriguez, U.S. Department of Transportation, Federal Aviation Administration
- 2 Dawn Lee DeYoung, Department of the Army, U.S. Army Garrison, Parks Reserve Forces Training Area
- 3 Lisa B. Hanf, U.S. Environmental Protection Agency
- 4 Timothy C. Sable, California Department of Transportation
- 5 Virendra K. Sood, Livermore Amador Valley Transit Authority
- 6 James McGrath, Port of Oakland
- 6 Tay Yoshitani, Port of Oakland
- 7 Bert Michalczyk, Dublin San Ramon Services District
- 8 Robert Bobb, City of Oakland
- 9 Richard C. Ambrose, City of Dublin
- 10 Brian Wines, California Regional Water Quality Control Board,
- 11 Jim Horen, Alameda County Flood Control and Water Conservation District
- 12 Brian Wiese, East Bay Regional Park District
- 13 Beth Walukas, Alameda County Congestion Management Agency
- 14 William R. Kirkpatrick, East Bay Municipal Utility District
- 15 Debbie Pollart, City of San Leandro
- 16 Edward G. Schilling, City of San Leandro
- 17 Donna Rolle, County of Alameda, Public Works Agency
- 18 Harry R. Sheppard, Superior Court of California, County of Alameda
- 19 Alice Lai-Bitker, Alameda County Board of Supervisors
- 20 Lois Brubeck, The League of Women Voters
- 21 Scott Kuhn, Communities for a Better Environment
- 22 Patrica Curtin, Reed Smith Crosby Heafey LLP
- 23 Eric Synder, Hillcrest Knolls Association
- 24 Wilfredo G. Adajar, Dublin resident
- 25 Mark and Nancy Angel, Dublin residents
- 26 Launita Bergner, Dublin resident
- 27 Mike and Debbie Betts, Dublin residents
- 28 David Cheng, Dublin resident
- 29 Tom Cignarella, Dublin resident
- 30 Lily Feng and Manuel Costa, Dublin residents
- 31 Cecelia Guitierrez, Pleasanton resident
- 32 David Haubert, Dublin resident

- 33 Kasie Hildenbrand, Dublin resident
- 34 Jolene Huey, San Leandro resident
- 35 Kausar and Samir Ismail, Dublin residents
- 35 Anil and Kanchan Sehgal, Dublin residents
- 35 Anisha and Sameer Goyal, Dublin residents
- 35 Ishmah Ashna, Dublin resident
- 35 Manoj and Roopali Goyal, Dublin residents
- 36 John Kaplan, San Leandro resident
- 37 Lucinda Leung, Dublin resident
- 38 Chia Liu, Dublin resident
- 39 Shola Oderinde, Dublin resident
- 40 Ram and Nitya Ramakrishnan, Dublin residents
- 41 Dale D. Reed, San Leandro resident
- 42 Robbin Velayedarn, Dublin resident
- 43 George and Lisa, Dublin residents

**LETTER 1: U.S. Department of Transportation, Federal Aviation Administration**

**Response to Comment 1-1:**

The County of Alameda would submit a Notice of Proposed Construction or Alteration to the FAA for review, and would comply with all applicable laws and regulations, including FAR Part 77, Objects Affecting Navigable Airspace, if the County decides to implement, and the Board of Corrections funds, the Juvenile Justice Facility project at the Pardee/Swan site.

Page 4-22 of the Draft EIS/EIR discusses the Airport Land Use Policy Plan and the applicable height restrictions at the Pardee/Swan site. The discussion identifies the possibility that, although the project could require a FAA 7460 study, the ALUC staff believed that the project was most likely within an estimated 85-foot height restriction, based on the approximate distance of the site from the nearest runway at North Field. Additional administrative review was recommended to confirm the assumptions used in the analysis, if the County were to select the Pardee/Swan site for development of the project. Page 12-11 of the Draft EIS/EIR further identifies the need for a referral to the Alameda County Airport Land Use Commission for a Determination of Plan Conformity, due to the site's proximity to the Oakland airport. Page 12-24 of the Draft EIS/EIR concludes that compliance with current safety requirements would reduce potential safety impacts to a less than significant level. No additional mitigation is required.

## LETTER 2: U.S. Department of the Army, Parks Reserve Forces Training Area

### Response to Comment 2-1:

The existing setting in the vicinity of each of the alternative sites is described throughout the Draft EIS/EIR, as it applies to the individual topical areas under discussion. The existing noise setting was based on measurements conducted at the sites and generally available resources, including the Environmental Noise Management Program.

Page 10-11 of the Draft EIS/EIR is hereby amended to read as follows:

The East County Government Center site is located in the City of Dublin on the vacant area north of Gleason Drive at Hacienda Drive between Arnold Road and Madigan Avenue. The Santa Rita Rehabilitation Center is located north of the site, ~~Camp~~ Parks RFTA to the west and the California Highway Patrol to the east. Business offices are south of the site between Arnold Road and Hacienda Drive, and single-family homes are south of the site between Hacienda Drive and Tassajara Drive.

Parks RFTA is used for a number of training activities, including small arms firing, artillery bombardment simulations, tactical vehicle operation and military helicopter operations which have the potential to generate noise that may affect the proposed projects. According to the Parks RFTA Environmental Noise Management Program (ENMP), areas within approximately 1,000 feet of the RFTA boundary are potentially subject to helicopter overflight noise. According to the 1995 Woodward Clyde study, *Noise Source Inventory and Noise Abatement Plan for Parks Reserve Forces Training Area, Dublin CA*, "The limited Camp Parks-related helicopter activity was also found to cause minimal cumulative noise effects upon the community (noise levels less than 55 dBA Ldn)". (pg 4-1) Helicopters monitoring freeway conditions are often more prevalent than military helicopters. In either case, helicopter noise would not impair the function of the Project at the East County Government Center Site.

Page 10-18 of the Draft EIS/EIR is hereby amended to read as follows:

~~The Transit Center site~~ Site 15A is located in the City of Dublin on Arnold Road between Dublin Boulevard to the south and Central Parkway to the north. The site lies immediately west of the Sybase Headquarters office complex. Other office buildings lie to the north of the site across Central Parkway. Vacant lands currently lie to the south and west. These areas are planned for development by public and private entities as part of the County of Alameda's Surplus Property Authority's long-term development program, in concert with the City of Dublin's Eastern Dublin Specific Plan. The City recently approved the County's proposed Transit Center project to include a mix of residential, commercial, and public land uses between the Dublin-Pleasanton BART Station and the Parks RFTA, west of Arnold Road. Parks RFTA lies to the northwest. Parks RFTA is used for a number of training activities, including small arms firing,

artillery bombardment simulations, tactical vehicle operation and military helicopter operations which have the potential to generate noise that may affect the proposed projects. According to the Parks RFTA Environmental Noise Management Program (ENMP), areas within approximately 1,000 feet of the RFTA boundary are potentially subject to helicopter overflight noise. According to the 1995 Woodward Clyde study, *Noise Source Inventory and Noise Abatement Plan for Parks Reserve Forces Training Area, Dublin CA*, "The limited Camp Parks-related helicopter activity was also found to cause minimal cumulative noise effects upon the community (noise levels less than 55 dBA Ldn)". (pg 4-1) Helicopters monitoring freeway conditions are often more prevalent than military helicopters. In either case, helicopter noise would not impair the function of the Project at Site 15A.

### Response to Comment 2-2:

The text on page 4-7 of the Draft EIS/EIR is hereby amended to read as follows:

The East County Government Center site is located in an area undergoing rapid change, with large-scale business park, retail and residential development occurring during the past five years (see **Figure 4.4**).

- Single-family and multi-family residential development has occurred to the east and southeast, and industrial/business park uses are located to the southwest.
- Commercial retail and office development is located about 1 mile south near the I-580 freeway.
- The U.S. Army's ~~Camp~~ Parks Reserve Forces Training Area (RFTA) and a federal correctional institution are located to the immediate west and northwest.
- The County owns approximately 335 acres of land to the north and east, on which exist the Santa Rita Rehabilitation Center (County Jail) and related Sheriff's Office uses and large tracts of vacant land.
- Also to the north beyond the County Jail, the U.S. Air Force operates a microwave station, the Dublin-San Ramon Services District operates water storage reservoir tanks, ~~East Bay Regional Park District owns the Tassajara Creek Regional Park~~ Parks RFTA controls approximately 500 acres of former public park land, and private land owners control open hillside and flatland grazing, agricultural and rural residential land.

### Response to Comment 2-3:

The correct name for the Parks Reserve Forces Training Area (RFTA) is noted. Although consistent, current and correct nomenclature was intended to be used throughout the Draft EIS/EIR, some incorrect terms were inadvertently used in portions of the document. However, the context generally provides readers with a correct impression of the intended meaning,

particularly in light of the fact that Parks RFTA was formerly commonly referred to as Camp Parks.

**Response to Comment 2-4:**

Mapped areas of land added to Parks RFTA are noted.

### LETTER 3: U.S. Environmental Protection Agency

#### Response to Comment 3-1:

Introductory comments noted.

#### Response to Comment 3-2:

Comment regarding the categorization of the Draft EIS/EIR as “LO – Lack of Objections”, is noted.

#### Response to Comment 3-3:

The commentator correctly notes that the Draft EIS/EIR indicates that the selection of a project from among the assessed alternatives will occur after the Final EIS/EIR is certified and adopted. The County and OJP/BJA concur that the agencies are required to identify the *preferred* alternative in the Final EIS/EIR as described further in the Master Response section at the beginning of Chapter 2 in this document. The *selected* alternative identified in the Record of Decision, however, may not necessarily be the same alternative as the *preferred* alternative identified in the Final EIS/EIR. That is, the Board of Supervisors may not approve the proposed project (i.e., the *selected* alternative) until the CEQA process is complete. Consequently, while the Final EIS/EIR may identify the *preferred alternative*, the Board will make its decision to approve one of the alternatives after it certifies the EIR.

The discussion of the approval process on page 1-11 of the Draft EIS/EIR is hereby amended to read as follows:

Upon completion of the Final EIS/EIR, the County BOS will review and certify the EIS/EIR under CEQA, and OJP/BJA will circulate ~~approve~~ the Final EIS/EIR under NEPA and provide notice in the Federal Register that the Final EIS/EIR is available, as discussed above. The Final EIS/EIR will include an identification of a preferred alternative, based on the opinion of the departments within the County of Alameda that are responsible for preparation of the architectural programs and environmental analysis for the projects.

After the Final EIS/EIR is certified and adopted by the County BOS and circulated by the OJP/BJA and a plan to monitor and implement the mitigation measures has been adopted, the County BOS will is expected to select one of the assessed alternatives for implementation. This selection will be based on the environmental analysis in the Final EIS/EIR and the environmental findings, as well as on the program and budget constraints at the time ~~the decision is made of certification and adoption.~~

After an alternative is selected for implementation, more detailed decision-making regarding the projects’ design and construction can occur. The Interim Final Rule issued by OJP/BJA regarding compliance with NEPA states that grantees (BOC) and

subgrantees (County of Alameda) may not start construction before the completion of the environmental analysis process, nor may they make further decisions or commitments of resources that would have an affect on the environment or limit the choice of reasonable alternative sites. Therefore, the County has been limited in its ability to complete design concepts for the various alternatives being considered. Sufficient information has been generated to facilitate the environmental analysis, but final design and specifications cannot be generated until the environmental analysis is complete.

This EIS/EIR provides information about the various sites that were carried forward for analysis, which will be used by the decision-makers in determining an appropriate course of action. Other factors that may influence those decisions include such things as total cost, whether program objectives are fully met, ability to implement the alternative in a timely manner, and others. The selection will be formalized by OJP/BJA preparing and issuing a ROD prior to any implementing action occurring, and by the County BOS through preparing Findings, a Statement of Overriding Consideration, and issuing a Notice of Determination.

#### **Response to Comment 3-4:**

Consistent with CEQA's requirement to identify the "*environmentally superior*" alternative in an EIR, the Draft EIS/EIR identified the Pardee/Swan Site as the environmentally superior alternative for the Juvenile Justice Facility and Site 15A as the environmentally superior alternative for the East County Hall of Justice (see page S-8).<sup>2</sup> By contrast, under NEPA, the Record of Decision is required to identify the "environmentally preferable alternative" (40 C.F.R. § 1505.2(b)). As discussed in the Master Response (Preferred Alternative) at the beginning of this chapter, agency EIS staff must identify the agency's preferred alternative in the Final EIS. This is distinct from the "environmentally preferable alternative," which is the alternative that generally causes the least damage to the biological and physical environment, and best protects, preserves, and enhances historic, cultural and natural resources (Forty Questions, 6a). EIS agency staff is encouraged to identify the environmentally preferable alternative during EIS preparation, and the lead agency is encouraged to identify such an alternative in the EIS, but agency staff is not required to identify the environmentally preferable alternative until the Record of Decision. Please see the Master Responses section at the beginning of Chapter 2 of this Final EIS/EIR.

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<sup>2</sup> See Zischke and Kostka, Practice under the California Environmental Quality Act, § 15.37.

**Letter 4: State of California, Department of Transportation****Response to Comment 4-1:**

The Draft EIS/EIR identifies the conditions at the I-580 Westbound Off-ramp at Foothill Blvd. as an existing condition that is unacceptable and that would be exacerbated by the Juvenile Justice Facility project. This impact is therefore found to be a potentially significant impact that should be mitigated. It is estimated that the proposed project with 420 beds would add 27 a.m. peak hour trips and 7 p.m. peak hour trips to the Foothill Boulevard/I-580 WB off-ramp intersection, while the project with 540 beds would generate 55 and 14 additional trips, respectively, to the intersection. This contribution of trips is extremely low, and so the County is not expected to solely fund the necessary improvements, but a signal or roundabout is identified as possible mitigation strategies for the County to consider. The recommended mitigation strategies would mitigate project impacts to pre-project levels.

**Response to Comment 4-2:**

The number of trips contributed by the project on Eastbound I-580 east of Tassajara Road can be calculated by comparing the "2005 No Project" and "2005 + Project" columns in Tables 9.33 through 9.38 (Scenarios A1 through D), which indicate that the project contribution would be on the order of less than 100 up to 500 PM peak hour trips. Mitigation would be provided through the payment of the Tri-Valley Transportation Council fees (see Mitigation Measures 9.4.5c and 9.4.6c), which would fund a fair-share of the regional effort to improve conditions to pre-project levels.

**Response to Comment 4-3:**Existing San Leandro Property Alternative

The intersection of Foothill Boulevard and I-580 Westbound Off-Ramp has an existing Level of Service of F in the a.m. and p.m. peak hours. Mitigation Measure 9.1.2 states that the County should consider signalizing this intersection, or installing a two-lane roundabout. Either option would result in an acceptable LOS B. However, because the poor operation of this intersection is due primarily to existing conditions, and because the Project would only have a de minimus impact on those conditions, this Mitigation Measure would be optional (Draft EIS/EIR, p. 9-44). Accordingly, the Project's fair-share contribution to this mitigation measure, if anything, would be minimal. There is not at present a mechanism to partially fund a mitigation measure at this location.

East County Government Center/Site 15A Alternative

The impact to the I-580 East of Tassajara Road roadway segment would be considered a significant effect of the Project. However, the Project's contribution would be only approximately 1.5% of the total traffic. Mitigation Measures 9.4.5a, 9.4.6a, 9.4.5b, 9.4.6b,

9.4.5c and 9.4.6c are intended to address this and other significant impacts of the Project resulting from additional roadway congestion in the Project area.

Mitigation Measures 9.4.5c and 9.4.6c propose that Alameda County contribute to the regional mitigation programs as determined by the Tri-Valley Transportation Council (TVTC). The amount of this fair share would be determined pursuant to the TVTC fee program.

#### All Mitigation Measures

The commentor suggests that all of the mitigation measures must discuss financing, scheduling, implementation responsibilities and monitoring. CEQA requires that an EIR “describe feasible measures which could minimize significant adverse impacts.” (CEQA Guidelines §15126.4(a)(1).) The details of implementation are not required. Moreover, although an agency must adopt a mitigation monitoring program before approving a project that includes mitigation measure, the EIR itself does not need to discuss the monitoring program (CEQA §21081.6).

The commentor states that feasible mitigation measure should be discussed for the impacts to the roadway segment and intersections labeled Significant and Unavoidable in Table S-1 at Page S-13. However, this is merely the summary chart of the analyzed mitigation measures. The Significant and Unavoidable transportation impacts are discussed in detail in Chapter 9, and mitigation measures are proposed for all of them. (See, for example, Impacts 9.1.5 and 9.1.6, and Mitigation Measure 9.1.5a.). Although these mitigation measures reduce these impacts, the impacts remain significant, and therefore are classified as unavoidable.

#### **Response to Comment 4-4:**

Copies of the LOS data sheets were provided to Caltrans.

#### **Response to Comment 4-5:**

The County would apply to the State Department of Transportation for any required encroachment permits, as required by law.

## Letter 5: Livermore Amador Valley Transit Authority

### Response to Comment 5-1:

Introductory comments are noted.

### Response to Comments 5-2, 5-3 and 5-4:

LAVTA provides clarification on where and when its service operates. Based on these comments, the Draft EIS/EIR is revised as follows:

*Page 9-32, Transit Service:*

Existing transit service in the vicinity of the East County Government Center and Site 15A includes the Livermore-Amador Valley Transit Authority (LAVTA—~~WHEELS~~ Wheels) Route 1, Line 1, the Humphrey/Santa Rita Rehabilitation Center Shuttle, and the Altamont Commuter Express (ACE) connector. Route 1-Line 1 provides service to and from BART via Broder Boulevard, Gleason Drive and Dublin Boulevard on approximately 30-minute headways for approximately three hours during the morning and five hours during evening commute hours on weekdays. On Sundays, WHEELS operates a fixed-schedule van shuttle between the Santa Rita Rehabilitation Center and the Dublin/Pleasanton BART station that runs most of the day. Additionally, on all days of the week, a demand-responsive type of service called DART provides rides for the general public during some of the hours when fixed-route service is unavailable. DART's capacity is limited and is provided as a supplement to regular service. The ACE shuttle runs to and from the train station at the Alameda County Fairgrounds in Pleasanton. The shuttle routes coordinate with the arrival and departure times of the ACE trains. LAVTA Route 12 Line 12, connecting the BART station, the Las Positas College and the Livermore Transit Center, also provides service along Dublin Boulevard near Site 15A site. Route 12 provides all-day and evening service on a 15 to 45 minute headway, Monday through Saturday. Site 15A is also served by Route 1.

### Response to Comment 5-5:

LAVTA provides suggestions for improving its service to the East County Government Center site. If the East County Government Center site is selected, these suggestions, which include increasing the availability of its Route 1 service and/or providing larger transit vehicles, will be incorporated into future discussions with LAVTA during the preparation of the formal transportation plan discussed in Mitigation Measure 16.1.5.

### Response to Comment 5-6:

Per Mitigation Measure 16.1.5 and consistent with Mitigation Measures 9.4.5b and 9.4.6b, the County will develop a formal transportation plan as part of its development of any Dublin site

analyzed in this report. This plan will consider capital and operating subsidies as well as all other transit improvement options itemized in the Draft EIS/EIR.

## Letter 6: Port of Oakland

### Response to Comment 6-1:

This comment is an overview, or summary of specific issues with the document related to the status of the site and the analysis of potential impacts. These issues are discussed individually in subsequent responses to this letter. As demonstrated in the responses below, the Draft EIS/EIR analysis of the environmental impacts associated with development of the proposed Juvenile Justice Facility on the Pardee/Swan site was based on information regarding the status of the site that was available during the preparation of the Draft EIS/EIR.

### Response to Comment 6-2:

The Draft EIS/EIR recognizes the Port of Oakland's current construction of an approximately 3,500-space parking lot at this site for Oakland International Airport parking. The Draft EIS/EIR, page 4-6 indicates that "The Port has begun construction of a new parking lot at the site to serve the Oakland International Airport during implementation of the *Terminal Expansion Project*, and to replace parking that was displaced as a result of increased security measures in the wake of the September 11, 2001 terrorist attacks in New York City and Washington, D.C." The County recognizes that the terms "Terminal Expansion Project" and "Airport Development Program" generally refer to the same program. The County notes that the Port will be preparing a supplemental EIR to analyze the use of the parking lot at Pardee/Swan as a permanent Airport parking site.

### Response to Comment 6-3:

If the Pardee/Swan site were selected for the Juvenile Justice Facility, it would not displace current Port parking. As indicated on page 3-17 of the Draft EIS/EIR, "A four-level airport parking garage would also be built at this site to accommodate parking space that would otherwise be lost to the Port of Oakland." With construction of the 4-story parking garage with at least 3,500 spaces to replace surface parking, airport operations would not be affected. Present use of the parking lot is limited, so partial displacement of some spaces during construction of the garage is not expected to result in any interim effects. Other local lots also could absorb some of the temporary displacement during construction of the garage. Impact and Mitigation Measure 4.7.1 of the Draft EIS/EIR also provides that the County should assist the Port in addressing potential shortfalls in parking.

### Response to Comment 6-4:

The Draft EIS/EIR does recognize that the Port has begun construction of a new parking lot at the site to serve the Oakland International Airport during implementation of the *Terminal Expansion Project*. Use of the term 'vacant' only indicates that there are no structures currently on this site.

**Response to Comment 6-5:**

According to the currently approved Terminal Expansion Project, construction of a new parking lot at the site is intended to serve the Oakland International Airport during implementation of the *Terminal Expansion Project*. Since the description of this alternative would include construction of a 4-story parking garage to replace surface parking, neither interim nor permanent airport parking operations would be affected.

**Response to Comment 6-6:**

Any potential inconsistencies of this alternative with local land use regulations that could result in significant effects on the environment are fully analyzed within each respective section of the Draft EIS/EIR.

The Draft EIS/EIR properly includes analyses of the Project's consistency with the City of Oakland's General Plan and Zoning Ordinance, and the Port of Oakland's Standards and Restrictions Ordinance for the Oakland Airport Business Park. (See the Draft EIS/EIR at 4-23 through 4-28.) A determination that a project is inconsistent with an applicable land use plan is a legal determination, not an "impact" or "effect" on the environment that must be separately evaluated in the EIS/EIR. Under NEPA and CEQA, only the Project's direct and indirect effects/impacts on the physical environment, and those economic and social impacts/effects that are related to effects on the physical environment, must be evaluated in an EIR/EIR. (14 Cal. Code Regs. §15358(b); 40 C.F.R. §1508.14.) Thus, the County is required only to evaluate the effects/impacts of potential inconsistencies between the Project and local land use requirements if and to the extent that such inconsistencies actually result, directly or indirectly, in effects/impacts on or related to the physical environment. The EIS/EIR properly evaluates all of the Project's potential direct and indirect effects/impacts on the physical environment, including any potential environmental effects/impacts that may occur as a result of the Project's exemption from local land use regulations. See Draft EIS/EIR at 4-9, and Chapters 4 through 17. The commenter has not identified any environmental effects/impacts that may result from the alleged inconsistencies between the Project and local land use requirements.

**Response to Comment 6-7:**

Comment regarding zoning consistency and potential reader confusion is noted. At page 4-23, the Draft EIS/EIR states that the Project site is "within the Port of Oakland's Airport Business Park" and that development within the Airport Business Park is governed by Port Ordinance No. 2832, which is the Port's Standards and Restrictions Ordinance. The Project site also appears on the City of Oakland Zoning Map as located within the M-40 (Heavy Industrial) Zone. Although City zoning for this site may not be applicable due to its location within the Port Area, the site is nevertheless zoned by the City as M-40, Heavy Industrial. The Draft EIS/EIR recognizes that Section 706(3) of the City of Oakland Charter "vests the Port with final land use jurisdiction over that part of the City defined as the 'Port Area,' although projects are required to be determined consistent with the City General Plan." Absent a binding judicial determination as to the applicability of the City's zoning ordinance, it is not clear to the County that the City's zoning ordinance does not also apply to the site, in addition to the Port's Standards and Restrictions

Ordinance. Therefore, for purposes of the Draft EIS/EIR, the County conservatively completed consistency analyses for both the City's Zoning Ordinance and the Port's Standards and Restrictions Ordinance. This analysis provides the reader with a complete assessment, and no other reviewers have expressed any confusion regarding the content of this section.

**Response to Comment 6-8:**

Any potential inconsistencies of this alternative with local land use regulations that could result in significant effects on the environment are fully analyzed within each respective section of the Draft EIS/EIR. See also Response to Comment 6-6.

**Response to Comment 6-9:**

Consistency with local land use policies and regulations would not be required to implement this alternative. However, the consistency of this alternative with applicable land use policies and regulations, including the Oakland General Plan and the Port of Oakland's Standards and Restrictions ordinance was evaluated in the Draft EIS/EIR. This analysis is found on pages 4-23 through 4-29 of the Draft EIS/EIR. In regard to the Port of Oakland's Standards and Restrictions ordinance, the Draft EIS/EIR concluded that the proposed use of the site as a Juvenile Justice Facility is not among those uses specifically identified for the Airport Business Park, but that it would generally be consistent with the Port of Oakland's requirements, and would not be deemed to be "objectionable" within a garden-type business park. The County believes that, if this site were to be selected, the facility could be designed to satisfy this goal.

**Response to Comment 6-10:**

The Draft EIS/EIR considered a reasonable range of alternatives in accordance with NEPA and CEQA. The Draft EIS/EIR explains in Section 3.2 that in 2001, in response to concerns that the County failed to consider sites other than the East County Government Center site for development of the Proposed Action; the County issued a Request for Proposals (RFP) to identify additional sites. Only one formal offer was received. Consequently, the County review team met with the Port of Oakland to review sites it owns. Additionally, the team reviewed an additional site at the Oakland Airport and assessed a total of 17 sites in Alameda County. Based upon all of the factors under consideration (e.g., minimum site acreage, accessibility, transit access, geotechnical and hazardous materials constraints, etc.), the County's review team determined, prior to preparation of the Draft EIS/EIR, that the Pardee/Swan site was a potentially viable (Draft EIS/EIR, p. 3-33) alternative under CEQA and NEPA.

The Port's comments regarding the reasonableness of the Pardee/Swan site and potential environmental impacts are noted. Section 4 of the Draft EIS/EIR evaluates the alternative's consistency with adopted land use plans and potential conflicts with the surrounding uses and parking use under construction. The County Board of Supervisors will consider these land use inconsistencies and potentially significant environmental impacts in determining the selected alternative.

**Response to Comment 6-11:**

Section 3.1 of the Draft EIS/EIR states that development of the Juvenile Justice Facility on the Pardee/Swan site would include construction of a four-level airport parking garage on this site to accommodate parking space that would otherwise be lost to the Port of Oakland (Draft EIS/EIR, p. 3-15). The Draft EIS/EIR evaluated the loss of the planned parking (see e.g., Impacts 4.7.1, 9.2.4) and evaluated the mitigation and secondary impacts associated with construction of a joint-use Port parking garage on the Pardee/Swan site or at an off-site location in Impact 9.2.4. Secondary impacts associated with construction of the parking garage on-site are further evaluated in Impacts 6.6.4, 7.1.4, 7.4.4, 8.1.4, 10.1.4, 10.2.4, 11.3.4, 13.2.4, and 15.2.2. Additionally, cumulative impacts were addressed for the Pardee/Swan site in conjunction with two specific projects, the expansion of the Airport and the Metroport project, and with overall planned growth in the vicinity of the Pardee/Swan site.

The Draft EIS/EIR evaluates the interim parking impacts due to temporary displacement of the existing surface parking lot spaces in Impact and Mitigation Measure 4.7.1. Interim construction-related noise and air quality impacts would occur during the construction of the replacement parking as described for the Proposed Action as a whole (see e.g., Impacts 10.1.4, 10.2.4, and 11.3.4). The text of this mitigation measure has been amended to clarify that the County should assist the Port in addressing temporary parking displacement that could occur.

**Response to Comment 6-12:**

Consistent with the Project Description, Mitigation Measure 9.2.4a requires the County to accommodate the Port parking. The County has designed a conceptual site plan that would accomplish joint development of this site with the Juvenile Justice Facility on the central and eastern portion of the site and a parking structure on the western portion of the site. The Draft EIS/EIR requires that the County pursue negotiations with the Port to make other parking lots available to relieve the interim parking demand at the Pardee/Swan site. Thus, specific mitigation is identified in the Draft EIS/EIR to provide the replacement parking. Overflow parking from the Project could be accommodate in the proposed parking garage because it could be sized to provide more than the displaced surface parking existing at the Port site. The impacts of providing replacement parking are addressed as noted in Response to Comment 6-11.

Mitigation Measure 4.7.1, on page 4-57 of the Draft EIS/EIR, is revised to explain that the County would assist the Port of Oakland in finding replacement parking as follows:

**Mitigation Measure 4.7.1:** Parking Replacement. If sufficient demand for a surface parking lot exists prior to the construction of the parking garage proposed in conjunction with the development of the Juvenile Justice Facility at Pardee/Swan site, then the County should assist ~~consider assisting~~ the Port of Oakland in finding to find alternative parking space and/or compensating the Port of Oakland for loss of the space.

**Response to Comment 6-13:**

The commentator correctly points out that there is an error in the first sentence in Impact Section 4.3.4 (Pardee/Swan Site), which erroneously assumes that the Pardee/Swan site is currently owned by the County and is therefore not currently subject to local land use regulations. Based on this comment, the Draft EIS/EIR is revised as follows:

*Page 4-41, first sentence of Impact 4.3.4:*

The County's development of the Project on the The Pardee/Swan site is would not be subject to local land use policies, and thus there is would be no impact arising out of conflict with local -City of Oakland policies adopted to avoid or mitigate an environmental effect.

*See also* Responses to Comments 6-6, 6-8 and 6-9. The commentator also states that "there would be unavoidable impacts that have not been adequately analyzed," but fails to identify any such impacts. The County disagrees with the assertion that there are unavoidable impacts that would result from the Project that have not been adequately analyzed in the Draft EIS/EIR.

**Response to Comment 6-14:**

The likelihood that the Project will have impacts on scenic vistas, traffic and the regional roadway network, and the nature and extent of those impacts, are not related to the Project's compatibility or consistency with local land use policies. *See* Response to Comment 6-6. The Draft EIS/EIR contains extensive discussions of all of the Project's potential effects on scenic vistas and on traffic and the regional roadway network if the Project is developed on the Pardee/Swan site. *See* Draft EIS/EIR at Chapters 5 and 9. Although the commentator suggests that there are other potential impacts that are not adequately analyzed in the Draft EIS/EIR, it does not identify any such impacts.

The Draft EIS/EIR also contains consistency analyses with all local land use policies that would apply to the Project, if the County were not exempt from local land use requirements. *See* Draft EIS/EIR at Chapter 4.

**Response to Comment 6-15:**

Government Code Section 65402 requires counties, under delineated circumstances, to provide other local governments with certain information before acquiring real property within the other local governments' jurisdictions. The County will comply with Government Code Section 65402 to the extent that such compliance is necessary. Whether the County is required to comply with Section 65402 and the nature of any required compliance are not issues that must be addressed in the Draft EIS/EIR. The Draft EIS/EIR properly includes an adequate analysis of the Project's consistency with the City of Oakland's General Plan. The commentator does not identify the project's environmental effects which may be related to the County's compliance with Section 65402. However, the Draft EIS/EIR properly evaluates all the potential environmental effects/impacts of the Juvenile Justice Facility should it be developed on the Pardee/Swan site.

**Response to Comment 6-16:**

Neither CEQA nor Government Code Section 65402 require a CEQA lead agency to refer a project to a local land use agency prior to preparation of the Final EIS/EIR. Section 65402 does not mention or refer to CEQA, and the CEQA statutes do not refer to Section 65402. Even if the County were required to refer the Juvenile Justice Facility project to the Port, neither Section 65402 or CEQA require that the County refer the Juvenile Justice Facility to the Port at any particular time during the County's CEQA process.

The County also disagrees with the commentor's suggestion that the Port's Airport Business Park Standards and Restrictions require the County to refer the Project to the Port. The Airport Business Park Standards and Restrictions do not mention Section 65402.

**Response to Comment 6-17:**

The commentor correctly notes that this Project involves federal funding, and therefore is subject to the Intergovernmental Cooperation Act (ICA, 31 U.S.C. 6506 et. seq.). The ICA requires generally that federal agencies, in planning federal development projects and programs, consider “[to] the extent possible, all national, regional, State, and local viewpoints.” (31 U.S.C. § 6506(c).) The Act also requires that “[t]o the maximum extent possible and consistent with national objectives, assistance for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning.” (31 U.S.C. § 6506(d).) The commentor states that the EIS/EIR is inadequate because it does not discuss compliance with the ICA. However, nothing in the ICA requires that an EIR, EIS, or any other environmental review or planning document discuss the ICA. Rather, compliance with the ICA is accomplished through the preparation of an EIS/EIR, and by providing all affected federal, state, and local government agencies an opportunity to comment. See *Bergen County v. Dole*, 620 F. Supp. 1009, 1065 (D.C.N.J. 1985) (holding that state and federal agencies complied with ICA where all federal, regional and state agencies having jurisdiction or special expertise received copies of draft and preliminary environmental impact statements for comments, which were received and responded to in final environmental impact statement.)

**Response to Comment 6-18:**

See Response to Comment 6-17. ICA does not “waive” the County’s exemption from local land use, zoning and building regulations. Rather, the ICA requires “[t]o the maximum extent possible and consistent with national objectives, assistance for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning.” (31 U.S.C. § 6506(d).) The Project’s consistency with local land use plans, policies and laws is discussed extensively in Chapter 4 of the EIS/EIR.

**Response to Comment 6-19:**

The Draft EIS/EIR discusses the policies of the Oakland General Plan and the Port of Oakland’s Business Park Standards and Restrictions Ordinance, as applicable to the Pardee/Swan Site alternative at pages 4-23 through 4-26. The commentor fails to note the other applicable policies

that are not mentioned or analyzed. The Draft EIS/EIR's consistency analysis of local land use policies provides an adequate review of this topic.

**Response to Comment 6-20:**

Substantial evidence supports the Draft EIS/EIR conclusions regarding the environmental impacts associated with the Pardee/Swan site. Such evidence includes, among others, an assessment performed by the Draft EIS/EIR consultant of the existing and surrounding land uses, technical information regarding the geotechnical, hydrological and flooding, and biological resource conditions of the Pardee/Swan site, and analyses of the traffic, noise and air quality impacts associated with development of the Proposed Action at this site.

**Response to Comment 6-21:**

The parking demands for the Juvenile Justice Facility alternative at the Pardee/Swan site would be entirely met by off-street parking facilities. As noted in Mitigation Measure 9.2.4a, "In order to accommodate the Port parking lot and the Juvenile Justice Project, the County is evaluating joint development of the site. The proposed Juvenile Justice Project would be on the central and eastern portion of the site, and a parking structure on the western portion of the site. Parking for the Juvenile Justice Facility would be at grade along Swan Way in a 250-space public lot, and under a portion of the proposed building in a 250-space secured garage. Therefore, shared use of some of the structured parking may also be required to meet the full Project demand. The Port has downsized its parking lot project to about 3,500 vehicles, so there would be sufficient space in a new parking garage [with 4,000 spaces] for overflow parking from the Juvenile Justice Facility. Leases or other arrangements should be made part of the development if this site is selected for development of both projects."

**Response to Comment 6-22:**

The Draft EIS/EIR includes a description of the general development pattern in the vicinity of the Pardee/Swan site, which is for the most part "built out" in the immediate area. The Draft EIS/EIR further addresses land use development in the discussion of the City of Oakland zoning and General Plan designations for the area, and the Airport business park regulations that apply to the site. Additional build out under the Airport Development Program would occur in areas beyond the Pardee/Swan site's area of influence, except as pertains to traffic. The traffic study for the Juvenile Justice Facility at the Pardee/Swan site was based on the analysis prepared by the Port for its proposed parking lot development at the site, which accounted for other cumulative development through 2005, and long-term projections made by the Alameda County Congestion Management Agency, which is reflective of local land use plans and roadway systems. The Draft EIS/EIR includes a complete analysis of those conditions under background conditions and with the project, as shown in Chapter 17, on pages 17-11 through 17-15. Although background conditions would result in significant traffic congestion on Interstate 880 without the project, traffic contributions by the project would exacerbate that condition. A mitigation measure is proposed to reduce project impacts, but the Draft EIS/EIR concludes that this would be a significant unavoidable impact due to the inability of any single project to affect

significant improvements in regional traffic patterns. That discussion also addresses the cumulative effect on noise and air quality, and concludes that the project's contribution would be less than significant.

**Response to Comment 6-23:**

As required by CEQA and NEPA, the Draft EIS/EIR discusses feasible mitigation measures designed to minimize all potentially significant environmental impacts. The commentor's failure to provide any specific comments regarding the proposed mitigation measures for the Pardee/Swan site alternative prevents any more detailed response to this comment. Please also see the master response regarding deferred mitigation at the beginning of this chapter.

**Response to Comment 6-24:**

Mitigation Measure 9.2.4a assumes that the Port will use the site for a surface parking lot accommodating up to 3,500 parking spaces based on information contained in the *Oakland Airport Replacement Parking Transportation Study* (CHS Consulting Group, 2001). This study is the only publicly-available documentation of the Port's currently approved use of this site, and no increases to on-site parking are currently approved.

Mitigation Measure 9.2.4b only indicates that the Port of Oakland has evaluated other parking options to meet its interim and long-term needs as part of the Airport Expansion project, including a second large site in the Central Basin area. If the Port were to develop that site (or another site) to meet its parking demand, then there would be sufficient land at the Pardee / Swan site to accommodate all of the Juvenile Justice Facility parking demand in surface parking lots. This measure does not require nor recommend development of the Central Basin site, and therefore the environmental effects associated with development of that site have not been analyzed. If the Port were to develop parking at an alternative site, it would reduce the cost and complexity of developing a parking garage at the Pardee/Swan Site and reduce the associated environmental effects of concentrated development on the site, as described elsewhere in the Draft EIS/EIR.

No evaluation of potential parking shortfall has been conducted for a scenario under which the Port may determine that it needs more than 3,500 parking spaces at the Pardee/Swan site. Such an analysis would be speculative in light of the Port's currently approved plans for, and current construction of a 3,500-space parking lot pursuant to the *Oakland Airport Replacement Parking Transportation Study* (CHS Consulting Group, 2001).

**Response to Comment 6-25:**

Comment noted. The Draft EIS/EIR accurately describes the public trust limitations on the County's potential use of the Pardee/Swan site, and correctly concludes that the site may not be available for development of the Project if the public trust restrictions are not removed. (Draft EIS/EIR at 4-20 through 4-21.) The Draft EIS/EIR also acknowledges that the Port of Oakland may determine that the Project is not appropriate for inclusion in the Airport Business Park area,

and that such a determination may render the Project inconsistent with the Port's development plan for the area.

The Draft EIS/EIR contains an adequate analysis of the Project's consistency with the Port's development plan. (Draft EIS/EIR at page 4-23.) The Draft EIS/EIR also fully and adequately analyzes the potential environmental effects/impacts of developing the Project on the Pardee/Swan site despite its potential inconsistency with the Port's development plan. (*See* Response to Comment 6-6.) Based on the Port's current and foreseeable continued use of the Pardee/Swan site as a parking lot, the County disagrees with the commentor's suggestion that development of the Juvenile Justice Facility on the site could lead to significant business dislocation or blight.

The Draft EIS/EIR contains a comparison and analysis of the potential environmental effects/impacts associated with development of the Project on each alternative site, and concludes based on the substantial evidence in the existing record that the Pardee/Swan site is the environmentally superior alternative for development of the Juvenile Justice Facility. (*See* Draft EIS/EIR at page S-8, Table S.1 and Chapters 4 through 17.) This analysis takes into account the fact that, if the Juvenile Justice Facility is not developed there, the Pardee/Swan site may be used for Airport Parking. Please see the Master Responses section at the beginning of Chapter 2 regarding the identification of a new environmentally superior alternative.

**Response to Comment 6-26:**

Comment noted. The referenced letter from the Port's Executive Director is included as part of this letter and responded to in this Final EIS/EIR.

**Response to Comment 6-27:**

Referral of the Project to the Alameda County Airport Land Use Commission ("ALUC") may not be required. Generally, cities and counties are required to refer certain types of actions to the ALUC for consistency determinations. (*See* Pub. Util. Code §21676.) These actions are the proposed adoption or amendment of a general plan or specific plan, the adoption or approval of a zoning ordinance or building regulation, or, if the city or county owns a public airport, any modification to its airport master plan ("Covered Actions"). *Id.* §21676(b)-(c). This Project is not a Covered Action under §21676.

In preparing the EIS/EIR, the County consulted with ALUC staff regarding the Pardee/Swan alternative. Based on their preliminary review, the allowable building height on the site would be approximately 85 feet, and the proposed buildings would be within this height limit, although construction equipment may exceed it. If this site were selected, a more formal review by the ALUC would be required prior to construction. To conform to Federal Aviation Administration (FAA) requirements, if the ALUC review finds that either the buildings or the construction equipment will exceed the height restrictions, a FAA 7460 study will be required. Typically, such a study would require that construction equipment, such as cranes that exceed regulated height limits near an airport, be well lit at night. Development of the new Juvenile Justice

Facility would be required to be in conformance with federal and state standards as articulated in FAA Regulation, Part 77 and Part 150, in the ALUPP and in any other applicable regulations and amendments. The project would be designed to comply with the ALUPP and with the FAA 7460 study (if it is required). This analysis is adequate for purposes of CEQA and NEPA environmental review.

**Response to Comment 6-28:**

The proposed underground parking is proposed at the Pardee/Swan site to provide a limited amount of secure parking for court and juvenile hall staff. The development plan for the site is conceptual and would be subject to additional engineering and cost study, but the intent was to provide sufficient parking to meet the project's needs without resorting to extensive use of the remainder of the site, including the possible Port parking garage, for project parking. The secure parking would be developed partially underground, and partially beneath the new court building, which would be built slightly elevated to minimize the amount of excavation. This approach is considered feasible, consistent with the findings of the borings taken at the site that determined ground water was approximately 5.75 to 7.25 feet below the ground surface (see page 7-3 of the Draft EIS/EIR).

**Response to Comment 6-29:**

A discussion of the potential impacts of the proposed Project on wildlife habitat, including the adjacent Arrowhead Marsh is provided under Impact 8.4.4 on page 8-35 of the Draft EIS/EIR. This was determined to be a potentially significant and mitigable impact. Mitigation Measure 8.4.4c was recommended specifically to minimize any adverse effects of night-time lighting on the adjacent marshland habitat. Mitigation Measure 8.4.4a recommends providing a buffer to the adjacent marsh habitat. Due to the recent parking lot improvements to the west and existing road to the east, buffers recommended in the mitigation measure are only necessary north of the site. Mitigation Measure 8.4.4a on page 8-35 of the Draft EIS/EIR has been revised in response to the comment as follows:

Mitigation Measure 8.4.4a: Wildlife Habitat Buffer. ~~As recommended in Mitigation Measure 8.1.4C: Protection of Raptor Foraging Habitat, a~~ A 50-foot setback shall be provided along the northern, eastern and western edges of the site to provide a buffer for the ~~surrounding adjacent~~ adjacent open space lands. Appropriate native and ornamental shrubs and low-growing tree species shall be planted as landscape screening within 20 feet of the inside edge of this setback to provide screening of new structures, parking and other uses which may interfere with wildlife activity in the adjacent Arrowhead Marsh and regional shoreline of San Leandro Bay. Nighttime lighting shall be designed to minimize any illumination of the adjacent marshland habitat.

**Response to Comment 6-30:**

Due to the unique characteristics of each development alternative, the parking demands for each alternative would differ respectively. However, for each alternative that is based on a 450-bed

facility with juvenile courts and administrative functions (i.e., the Pardee/Swan and East County Government Center alternatives), the peak parking demand is estimated at 550 spaces at 4:00 p.m. on weekdays, when day and swing shifts overlap).

**Response to Comment 6-31:**

Cost of construction requiring piles was considered in the estimate. The site is in a light industrial area and pile driving is not a forgone conclusion, pending soil tests; drilling and piers is a possible solution.

**Response to Comment 6-32:**

The Draft EIS/EIR indicates that there are two major development projects in the vicinity of the Pardee/Swan site that would be expected to contribute to cumulative to local traffic impacts (with related effects on noise and air quality along roadways in the vicinity of the site). These projects include the proposed expansion of the Oakland International Airport and the Port of Oakland's Metroport project, on a site near the Hegenberger Road/I-880 interchange. However, the Draft EIS/EIR also recognizes that the City of Oakland has designated the Pardee/Swan area as part of the Airport / Gateway Showcase District, and a "Change and Grow" area. The cumulative impacts as discussed in the Draft EIS/EIR are based not only on the addition of the two known major projects, but also on the level of development anticipated in the vicinity under current land use regulations of the cities of Oakland and Alameda.

With respect to cumulative air quality impacts, growth or reduction in regional air pollutant emissions is developed by the MTC and BAAQMD in their ozone attainment plan. This plan uses local general plans and growth projects to account for expected projects that will be or are being located in Alameda or Oakland. Thus, the cumulative air quality impact of all new projects within the BAAQMD is part of the ozone attainment plan. The Alameda County Juvenile Justice Facility is part of regional growth and emissions are therefore part of the ozone attainment plan.

**Response to Comment 6-33:**

The issues as set forth in this letter do not identify any critical flaws in the analysis contained in the Draft EIS/EIR, as indicated in the responses to these comments above. The commentor is referred to the responses to comments above regarding the specific issues raised concerning the Pardee/Swan site. This site was identified in the Draft EIS/EIR as the environmentally superior alternative for the Juvenile Justice Facility because it resulted in the fewer number of significant unavoidable and potentially significant but mitigable impacts as summarized in Table S.1. Thus, the Draft EIS/EIR's conclusion that the Pardee/Swan site would be the environmentally preferred alternative is not flawed. Since the circulation of the Draft EIS/EIR, the Pardee/Swan site has become unavailable as a feasible alternative (see Comment 6-34). Consequently, the Final EIS/EIR identifies the Modified San Leandro Alternative as the environmentally superior alternative for the Juvenile Justice Facility.

**Response to Comment 6-34:**

The Port's comments regarding the availability of the Pardee/Swan site are noted. As explained further above in the Master Response regarding the Preferred Alternative, under NEPA and CEQA, the "environmentally preferable" or "environmental superior" alternative *is different from* the "agency's preferred alternative." Thus, although the Draft EIS/EIR identified the Pardee/Swan site as the "environmentally superior" alternative, OJP/BJA nonetheless must identify in its ROD the alternative that it believes would fulfill its statutory mission and responsibilities taking into account economic, environmental, technical and other factors. See the Master Response at the beginning of Chapter 2 of this Final EIS/EIR regarding the County's decision to eliminate the Pardee/Swan site from consideration as a feasible alternative, and the identification of the Modified San Leandro Alternative as the preferred alternative and environmentally superior alternative.

The Draft EIS/EIR (page 3-15) recognizes that the port of Oakland owns the Pardee/Swan site, and that the Port is currently constructing a parking lot at this site. The analysis contained in the Draft document is based on the potential that the County may acquire this site from the Port. If the County were to acquire this site, it would then be available for possible implementation of this Project. Acquisition and parking garage development costs are estimated at approximately \$142 million. The County has determined that acquisition of the Pardee/Swan site is not feasible for economic, legal, and other reasons.

## Letter 7: Dublin San Ramon Services District

### Response to Comment 7-1:

Comment regarding past communications from the DSRSD is noted. Specific comments are addressed individually in Response to Comments 7-2 through 7-5.

### Response to Comment 7-2:

DSRSD staff have provided assurances to the County that sufficient sewer capacity is available. The Draft EIS/EIR provides a complete discussion of the water and wastewater services available in the area (see pages 14-10 through 14-13, 14-15 through 14-16, 14-21 through 14-22, 14-24, 14-26, and 14-28 through 14-29).

### Response to Comment 7-3:

The provisions of the 1994 Areawide Facility Agreement (AFA) cited by DSRSD in this comment apply to the Santa Rita Rehabilitation Facility, and not to the proposed Juvenile Justice Facility. Although the proposed project would be located on property adjacent to the Santa Rita Rehabilitation Facility, the provisions cited by DSRSD were not intended to cover other types of facilities. The AFA was entered into years before the County anticipated the development of a juvenile justice facility on this property, and could not have been contemplated by its provisions. Moreover, as the juveniles to be housed at the proposed project would not be considered "prison inmates," the AFA clearly does not cover the proposed project.

### Response to Comment 7-4:

DSRSD staff have previously agreed to improvements to the water line servicing Parks RFTA along Broder Boulevard. DSRSD has indicated that a plan for expansion of this line was already in progress. DSRSD has jurisdiction for water at the East County Government Center site and Site 15A. At the East County Government Center site, the existing land use designation under the City of Dublin's *Eastern Dublin Specific Plan* (1993) and its subsequent *General Plan Amendment* (1994) is Public/Semi-Public (see page 4-30 and Figure 4.12 of the Draft EIS/EIR). As stated in the Draft EIS/EIR (page 4-30), the proposed governmental/institutional uses under this Project are consistent with the site's Public/Semi-Public land use. Further, this land use designation was effective prior to DSRSD's *Final Water Service Analysis for Eastern Dublin* (2001), which assumed that development, and the water demand generated by it, would occur consistent with the City's General Plan. Water demand for the type of land use proposed under this Project was already included in the DSRSD's projections and is consistent with the City of Dublin's General Plan.

At Site 15A, the existing land use designation under the *Eastern Dublin Specific Plan* is High-Density Residential (see page 4-35 and Figure 4.12 of the Draft EIS/EIR.) The discussion concerning water demand at Site 15A includes a comparison between the water demand of East County Hall of Justice and a previous proposal for 375 high-density residential units on this site,

a proposal which was consistent with the City of Dublin's land use designation. This discussion concludes that the proposed East County Hall of Justice would require 10,000 gpd less water than this proposed high-density residential development (see page 14-22).

Engineering studies to determine the specific improvements and their cost that may be required to the DSRSD's water infrastructure will be undertaken once a preferred site has been selected.

**Response to Comment 7-5:**

The landscape irrigation system will use recycled water. Recycled water for toilet flushing has been evaluated and considered uneconomical. The East County Hall of Justice will use recycled water for landscape irrigation, but not for toilet flushing. Recycled wastewater is available at Gleason Drive for landscape irrigation provided by the DSRSD. A single 2-inch irrigation service with 2-inch meter and backflow preventer should provide an adequate supply of reclaimed water for irrigation use at the East County Hall of Justice. A similar connection would be used to serve the Juvenile Justice Facility.

## Letter 8: City of Oakland

### Response to Comment 8-1:

General comments of concern about the Glenn Dyer Detention Facility alternative are noted. The City of Oakland is a Responsible Agency under CEQA and has been consulted with and notified throughout the environmental review process.

### Response to Comment 8-2:

The City of Oakland's comments are noted regarding the Draft EIS/EIR findings for the Glenn Dyer alternative. In accordance with CEQA, the Draft EIS/EIR identifies feasible mitigation measures for each alternative which would avoid, minimize, mitigate or compensate for the significant impacts resulting from the Proposed Action. (14 Cal. Code Regs. §15126.4.) Moreover, the EIS/EIR evaluates a reasonable range of alternatives based upon a rigorous site selection process as described in Section 3.2 of the Draft EIS/EIR. Alternatives that were considered to be potentially available and feasible were identified to determine whether they would substantially lessen or avoid significant environmental effects of the Proposed Action.

It should also be noted that the Glenn Dyer Detention Facility has been in place for almost 20 years as an adult detention facility, and the alternative under consideration is a conversion of that facility to a juvenile detention center, which would have a capacity to house fewer individuals, but would require additional construction due to the higher space requirements, particularly for recreation, for juveniles. The lead agencies believe the Draft EIS/EIR is an adequate and complete analysis of the project alternatives, as detailed in responses to subsequent comments of the City of Oakland.

### Response to Comment 8-3:

Chapter 1 of the Draft EIS/EIR identifies the areas of controversy (see Draft EIS/EIR, p. 1-11). The specific environmental issues associated with each site, including environmental justice, transportation, noise and air quality due to the distance of the Dublin site from the urban centers of the County are addressed in the individual topical sections. Those sections address the comments submitted as part of the scoping process.

The comment is noted that issues also raised during the scoping process included the ability of the project alternatives to meet primary project objectives. The discussion of areas of controversy in the Draft EIS/EIR on page S-23 is revised as follows:

Controversy expressed during the initial planning activity and scoping process for the projects focused on the selection of an appropriate size for the Juvenile Justice Facility, and appropriate location for both the Juvenile Justice Facility and the East County Hall of Justice. Concerns also were raised regarding whether the alternatives would be able to meet the primary project objectives.

On May 23, 2002 Board of Corrections (BOC) staff visited the Glenn Dyer Detention Facility to determine whether it would be possible to convert the jail into a juvenile detention facility. This visit resulted in confirmation from the BOC, dated June 4, 2002, that "It is possible to convert the Glenn Dyer Jail into a juvenile hall." Any such conversion would include extensive modification to address requirements under California Code.

The lead agencies have included the Glenn Dyer Detention Facility as an alternative because it would meet the basic objectives and the State code regarding development and operation of a juvenile detention facility. Although the Glenn Dyer Detention Facility was originally developed as an adult detention center, the conceptual development plan for the conversion to juvenile detention would include substantial renovation and expansion to address the need for supportive functions including education, counseling, recreation, group activities, and family visitation. The facility would no longer be in or connected to a jail or prison, and would be operated consistent with State mandates. The consideration of providing a homelike environment has to be balanced with the need for security and supervision. To the degree the facility provides group activities and meals, recreation, schooling, and family visits, the facility would be homelike. For all of these reasons, the Glenn Dyer Detention Facility is considered a potentially feasible alternative that is appropriately carried forward in the analysis. Chapter 16 of the Draft EIS/EIR addresses environmental justice and provides a context in which these considerations are discussed in more detail. That analysis concludes that there would be a significant unavoidable impact to the juvenile detainees due to the freeway noise that would impinge on the required outdoor recreation area. The Draft EIS/EIR makes clear that there are competing objectives for natural light and air versus noise insulation. While it is possible that architectural treatments such as heavy glazing around a portion of the outdoor area and interior sound absorbing material could reduce the noise to an acceptable level, detailed study would be required and the effectiveness of those measures is uncertain.

#### **Response to Comment 8-4:**

As indicated on page 4-9 of the Draft EIS/EIR, as a political subdivision of the State, the County is exempt from local regulations. This exemption extends to local land use, zoning and building regulations. Moreover, Government Code Sections 53090-53096, which generally require local agencies to comply with the land use and building regulations of the county or city in which their territory is located, specifically exclude counties from this requirement. Therefore, the County is not required to comply with land use, zoning and building requirements of any of the local jurisdictions in which the project may be located, including cities and the County itself.

Nevertheless, the Draft EIS/EIR does include an analysis of whether the proposed facilities are consistent with major aspects of local general plans, zoning and related policies, including those primary components of the City of Oakland General Plan. However, since potential inconsistencies would generally not prevent implementation of the project, this analysis is not intended to be exhaustive, nor is it intended to be a comprehensive review of all City of Oakland General Plan policies. Therefore, the recommended additional policy consistency analysis of as many as eight additional General Plan policies is not necessary under CEQA, and would not

serve to identify any additional environmental consequences other than those identified in subsequent chapter of the Draft EIS/EIR.

Nonetheless, the County offers the following comments regarding other City of Oakland policies. Policies D2.1 and D.5.1 and Objective D3 implicate primarily the design aspects of the proposed Juvenile Justice Facility. As explained in the Draft EIS/EIR, the detailed design concepts for the various alternatives, including the Glenn Dyer alternative, have yet to be prepared due to financing constraints arising from the Department of Justice's participation in this component of the Project. *See* Draft EIS/EIR at 1-11. Consequently, evaluation of the Project's consistency with these aspects of the City of Oakland General Plan is neither necessary nor possible at this time. Chapter 12 of the Draft EIS/EIR satisfies NEPA and CEQA requirements to consider and evaluate issues relating to public safety. Similarly, Chapter 9 adequately considers and evaluates the potential effects/impacts on parking if the Juvenile Justice Facility is developed on the Glenn Dyer site.

Development of the Juvenile Justice Facility on the Glenn Dyer site would be consistent with Policies N2.3 and N2.5 and Objective N2, and with Policy OS-2.1, because it would result in the development of an institutional facility within the City of Oakland that provides a County-wide benefit, on the site of a similar, existing institutional facility. As a County-serving institution, the Juvenile Justice Facility would serve and benefit the entire City of Oakland, in addition to the rest of the County. *See* Draft EIS/EIR at 2-2 through 2-3. Its development on the Glenn Dyer site would not displace or adversely impact any existing parks or open space. As explained above, the design elements of the Facility have yet to be determined. Therefore, the opportunity continues to exist to design the facility in a manner that is appropriate to serve the community and will meet the City's General Plan applicable policies and objectives. If the Glenn Dyer Facility alternative is selected for implementation, the County would include the City of Oakland in discussions as the design/build process progressed.

#### **Response to Comment 8-5:**

Comment noted. The Draft EIS/EIR is amended as follows:

*Page 4-18, paragraph 6*

The Glenn Dyer Detention Center site is located in an area zoned C-40 (Community Thoroughfare Commercial Zone), and is adjacent to Jefferson Square Park, an area zoned for open space and designated as a landmark. Within the C-40 zoning district, "extensive impact civic activities" are permitted if the Planning Commission approves a conditional use permit. The Project would qualify as a Major Conditional Use Permit due to the size of the site and proposed additional building square footage, and the type of proposed use. *See* **Figure 4.9** for zoning designations at the site and vicinity.

#### **Response to Comment 8-6:**

Under CEQA, a lead agency is required to evaluate the project's inconsistencies with adopted plans and policies. However, inconsistencies with plans and policies are not considered

environmental impacts under CEQA; an inconsistency between a proposed project and an applicable plan is a legal determination and not a physical impact on the environment. (See *Zischke and Kostka*, Practice under the California Environmental Quality Act, § 12.36.) The EIS/EIR evaluated whether the inconsistencies, however, might indicate potential environmental impacts.

As noted in the Draft EIS/EIR, and also re-stated in Response to Comment 8-4 above, the County is not required to comply with land use, zoning and building requirements of any of the local jurisdictions in which the project may be located, including cities and the County itself. Nevertheless, the Draft EIS/EIR does include an analysis of whether the proposed facilities are consistent with major aspects of local general plans, zoning and related policies, including those primary components of the City of Oakland General Plan. However, potential inconsistencies would not prevent implementation of the project. Environmental consequences associated with potential inconsistencies are addressed in the Draft EIS/EIR. The potential inconsistencies itemized in this comment do not result in additional environmental consequences not addressed elsewhere in the document.

The Glenn Dyer alternative does not lack a pedestrian orientation that would lead to significant environmental effects. As shown on Figure 3-8 of the Draft EIS/EIR, the street frontage along the facility would be landscaped with street trees to enhance the pedestrian environment and promote pedestrian activity.

The lack of 24-hour public activity at the facility would not result in adverse environmental consequences.

Mitigation Measure 9.2.3 identifies a recommended approach for resolving potential parking shortfalls at the site, including development of additional parking facilities under the elevated portions of the I-880 freeway north of Jefferson Street.

The Glenn Dyer alternative would be capable of meeting the basic program objectives, but would not meet the optimal configuration of space for the Juvenile Justice Facility. The environmental impacts associated with additional sites needed to support those elements of the program that could not be met at this site are fully addressed elsewhere in the Draft EIS/EIR.

Potential impacts to the adjacent Jefferson Square Park are more fully addressed in Response to Comment 8-9 below.

The reuse of the currently closed North County Jail would not contribute to existing blight, but instead would restore this site to an active use. Continued closure of the North County Jail without a reuse of this site may contribute to existing blight.

Given that there are no additional environmental consequences associated with this alternative that would require mitigation, there is no need for re-circulation of the document, and this alternative is not eliminated from further consideration on the basis of undisclosed environmental consequences. Recirculation of the EIS/EIR is not required because the Draft EIS/EIR evaluated

the Project's consistency with adopted plans, as well as the significant impact of the Proposed Action, and no new significant or substantially more severe impacts have been identified.

**Response to Comment 8-7:**

"Before" and "After" renderings of the Glenn Dyer Detention Facility are illustrated in Figures 3-7 and 3-8 of the Draft EIS/EIR, while the massing of the proposed 10-story building adjacent to the existing Glenn Dyer Detention Facility is represented in photographs labeled Figures 5-10, 5-11 and 5-14. This set of figures adequately illustrates how the site's visual characteristics would change if the Glenn Dyer site were chosen for a new Juvenile Justice Facility.

Wind impacts associated with the new building at the Glenn Dyer site would be considered less than significant, in that they would not be disruptive to pedestrians passing near the Glenn Dyer site. The proposed addition to the building for outdoor recreation use would for the most part be "wind-permeable," because the majority of its floors would be semi-outdoor recreational areas of an open air design, similar to the parking structure on the site. In addition, the building's design incorporates beveled corners on all of its sides, thereby lessening the building's wind resistance and further reducing wind impacts at the sidewalk level. The predominant wind patterns in the area also mean that wind impacts would occur primarily on the faces of the building along Sixth Street, which is not a heavily used pedestrian corridor, and at the existing parking garage, which is not a sensitive location for pedestrian use.

Shadows cast by the proposed Glenn Dyer addition would have a less than significant impact on surrounding land uses. Because the new building would be built immediately adjacent to the existing structure and the addition to the existing structure would be only about 12 feet tall, shadows cast on surrounding areas would not be significantly different than the current shadow pattern.

**Response to Comment 8-8:**

The Glenn Dyer Detention Facility is considered a potentially feasible alternative that is appropriately carried forward in the analysis. Chapter 16 of the Draft EIS/EIR addresses environmental justice and provides a context in which these considerations are discussed in more detail. That analysis concludes that there would be a significant unavoidable impact to the juvenile detainees due to the freeway noise that would impinge on the required outdoor recreation area. The Draft EIS/EIR makes clear that there are competing objectives for natural light and air versus noise insulation. While it is possible that architectural treatments such as heavy glazing around a portion of the outdoor area and interior sound absorbing material could reduce the noise to an acceptable level, detailed study would be required and the effectiveness of those measures is uncertain. The County would have to make findings of overriding consideration if it approved the project at the Glenn Dyer Detention Facility and did not have certain mitigation measures to address the noise impacts.

**Response to Comment 8-9:**

Pages 15-31 and 15-32 of the Draft EIS/EIR includes a discussion of potential adverse effects on the historic resources in the vicinity of the Glenn Dyer Detention Facility. The project was analyzed for effects that would constitute a substantial adverse change in the significance of the resources or their character-defining features, consistent with professional practice in the field and applicable regulations. Although a marginal increase in shadow would be cast by new construction at the Glenn Dyer Detention Facility, this would not constitute a change to those resource-defining features, which in the case of the park relate primarily to its status as one of the oldest public parks in the City, not its specific design or use, which have changed substantially since its original construction. In addition, consultation with City staff regarding the use of the site during preparation of the Draft EIS/EIR indicated that the park is seldom used and the recreation center has not been available for use since the 1989 Loma Prieta earthquake. A clarification is hereby made to page 15-32 of the Draft EIS/EIR:

The proposed Project does not affect the physical characteristics that convey the significance of the historic districts, nor does the Project materially impact the individual National Register-eligible resources and local landmarks within the Old Oakland Historic District adjacent to the Project site. The historic resources are not directly altered, and the changes to the views to and from the historic resources are less than significant. Changes to the periods in which these resources would be in shadow cast by surrounding buildings, including increased shadow from the addition to the Glenn Dyer Detention Facility, would not affect the resource-defining features. This includes impacts to the Grove-Lafayette Residential API, the St. Mary's Church Complex API, and the City-landmark Jefferson Park. The addition to the Glenn Dyer Detention Facility would be approximately 250 feet from the closest point of the park. The addition would increase the height of the existing building by approximately 12 feet and add an adjacent structure approximately 70 feet wide and 150 feet long, and approximately 25 feet taller than the existing structure. These changes would increase existing shadow lengths cast on the park by about 100 feet (about 5,000 square feet) during the morning in the spring and fall, when the sun is low on the horizon and passes through mid-latitudes. Consistent with the City of Oakland's conclusions on other large projects in the downtown area that cast shadows on public historic parks (see the Oakland City Center Project Draft EIR, January 31, 2000), this would be a less than significant impact.

**Response to Comment 8-10:**

The physical environmental setting at each of the alternative sites is described throughout the Draft EIS/EIR and is considered in the discussion of environmental justice to the extent it is relevant. Environmental justice is concerned with disproportionate effects on minority and low income persons. Table 16.2 of the Draft EIS/EIR identifies the presence of higher than average concentration of these classifications in the vicinity of the Glenn Dyer Detention Facility. The text on page 16-12 of the Draft EIS/EIR is hereby amended to more clearly state the manner in which the environmental effects on that community are considered less than significant, as follows:

The conversion of the existing Glenn Dyer Detention Facility to house juvenile detainees would not have environmental justice impacts on the surrounding area, but could have significant adverse effects on the detainees that cannot be readily mitigated. Regarding impacts to the surrounding area, although data about the residents in the community around the facility indicates that a disproportionate share of them are of minority or low-income status, the impacts in this area are limited to the specific traffic, noise, air quality, and other physical impacts identified in the Summary Table and evaluated throughout this EIS/EIR. These impacts are addressed through mitigation measures that would reduce or avoid the impact in most cases, and are treated similarly to the impacts and mitigation measures that would apply to development at other alternative sites that are not in areas disproportionately represented by minority or low-income persons.

#### **Response to Comment 8-11:**

Chapter 5 of the Draft EIS/EIR evaluates the visual impacts associated with constructing the Glenn Dyer alternative. Wind impacts, as discussed in Response to Comment 8-7, would be considered less than significant in that they would not be disruptive to pedestrians passing near the Glenn Dyer site. Further, the design of the building ensures that it would be “wind-permeable.” Shadow impacts are also briefly discussed in Response to Comment 8-7 and more fully addressed in Response to Comment 8-9. As discussed in these responses, the shadows cast by the proposed new building would not be significantly different than the current shadow pattern. Environmental justice impacts were analyzed for the Glenn Dyer alternative in Chapter 16 of the Draft EIS/EIR.

No new significant information has been added, no new significant impacts have been identified, and no new mitigation measures or alternatives that would substantially reduce the environmental effects of the project have been identified that warrant recirculation of the Draft EIS/EIR.

The County Board of Supervisors may not pre-determine the conclusions of the environmental analyses and the public input process by selecting a certain site as the only option, and therefore has delegated to the County departments responsible for conducting the analysis the responsibility for identifying a “preferred” alternative. On March 19, 2003, the Juvenile Justice Steering Committee recommended that the County implement a Modified San Leandro Alternative (described at the beginning of Chapter 2 of this Final EIS/EIR). The committee’s recommendation of a preferred alternative will be considered as part of the Board of Supervisors’ final decision making process regarding selection of a site, the size of the facility, and allocation of funds for implementation, which must be delayed until the EIS/EIR is certified and adopted under the California Environmental Quality Act. The lead agencies have considered the Glenn Dyer Detention Facility a potentially feasible alternative that could meet most of the project objectives, and could be economically, legally and technically feasible, and has therefore remained as a candidate for consideration as a preferred alternative and as a potentially selected alternative.

## **Letter 9: City of Dublin**

### **Response to Comment 9-1:**

The County and its consultant teams have attempted to coordinate the various planning, design, and environmental studies with the City of Dublin. Numerous meetings, telephone conversations, and letters have been exchanged, and the City has been an active participant in the various scoping meetings and public hearings on the projects that are evaluated in the Draft EIS/EIR. The Draft EIS/EIR is intended to address the City's concerns and provide an adequate environmental assessment for the City to act as a Responsible Agency under CEQA when it conducts its independent review of the projects.

### **Response to Comment 9-2:**

The lead agencies believe the Draft EIS/EIR is adequate and complete as an informational document in conformance with the California Environmental Quality Act and National Environmental Policy Act. Comments regarding specific areas of concern are addressed below. Recirculation is only required if "significant new information", as more specifically described in the Recirculation Master Response, is added to the EIS/EIR after publication of the draft but before certification. (See Recirculation Master Response). The commentor has not identified any significant new information that would require recirculation.

### **Response to Comment 9-3:**

Section 15123(a) of the CEQA Guidelines requires a "brief" summary with language that is "as clear and simple as reasonably practical." The Project assessed in this Draft EIS/EIR is complex and in order to provide a clear overview of it, the Executive Summary includes Table S.1. This table provides a summary of the potential environmental impacts among the six alternatives and an indication of whether mitigation measures would be required based on the significance of the identified impact. Additionally, page S-8 directs the reader to individual chapters for recommended mitigation measures. Although Section 15123(b)(1) does state that the mitigation measures should be identified in the Executive Summary, Section 15123(c) also states that the summary should not normally exceed 15 pages. The Executive Summary, without all the mitigation measures for each of the six alternatives, is 24 pages in length. Adding the mitigation measures would have resulted in an unwieldy "summary" that could have run 50 to 100 pages long.

A mitigation monitoring reporting program (MMRP), which outlines how the mitigation measures in the EIS/EIR will be implemented for the selected project, must be adopted by the County Board of Supervisors. That plan will also provide the requisite summary of mitigation measures as they would apply to a specific project site. A draft of the impacts and mitigation measures that would be included for the preferred alternatives is included as an appendix to this Final EIS/EIR.

**Response to Comment 9-4:**

The statement to which the commentor objects is from the Executive Summary of the Draft EIS/EIR, and is not intended to constitute a specific determination of consistency with any particular local land use plan. *See* page S-21. Rather, this comment conveys the County's determination that development on any of the alternative sites would, through careful planning and the implementation of appropriate design standards, be made consistent with the overall land use plans for that area. The specific analyses of the Project's consistency with the City of Dublin's land use plans are set forth in the Land Use And Planning chapter (Chapter 4) at pages 4-30 through 4-31 (analyzing the Project's consistency with the East Dublin Specific Plan) and at pages 4-35 and 4-36 (analyzing consistency with Dublin's land use designations applicable to Site 15A). At page 4-30 and 4-31, the County concludes that the Project, as a public facility, would be consistent with the East Dublin Specific Plan's land use designation of Public/Semi-Public for the East County Government Center site. Although the commentor states that there are questions as to whether this conclusion is correct, it does not identify the nature of such questions or provide any basis for its purported disagreement. At pages 4-35 through 4-36, the Draft EIS/EIR acknowledges that the Project would not be consistent with the existing High Density Residential designation for Site 15A, but notes that if the City approves of the pending application to amend the General Plan designation for the site, the Project could be developed in a manner that would be consistent with the amended designation. Nonetheless, based on this comment, the Draft EIS/EIR is revised as follows:

*Page S-21, Growth Inducement*

The proposed Juvenile Justice Facility and East County Hall of Justice projects are intended to address documented needs for improved facilities, and would not induce substantial population growth in the vicinity at any of the alternative sites considered in this EIS/EIR. Development at the sites evaluated would be consistent with overall land use plans for the areas, except at Site 15A. Under the 1993 Annexation Agreement between the County of Alameda and City of Dublin, Site 15A is subject to the City of Dublin's land use policies, which do not currently permit public uses on this site. As discussed later in this report, the County has applied to the City for a general plan amendment that is consistent with the proposed use (see page 4-35).

See also Response to Comment 9-42.

**Response to Comment 9-5:**

The discussion on page S-23 adequately summarizes the controversy surrounding the selection of a site. The specific environmental issues associated with each site, including environmental justice, transportation, noise and air quality due to the distance of the Dublin site from the urban centers of the County are addressed in the individual topical sections. Those sections address the comments submitted as part of the scoping process. The County's extensive site selection process is further described on pages 3-32 through 3-34 of the Draft EIS/EIR.

**Response to Comment 9-6:**

The commentor states that many of the mitigation measures require additional studies and environmental analysis after additional design information is developed. As the commentor notes, the County will select one of the alternatives and will complete the design concepts after Final EIS/EIR certification and adoption of a mitigation plan. CEQA permits mitigation measures to contain such additional studies and analysis that will aid in more specifically defining the implementation of the mitigation measure as further discussed in Deferred Mitigation Master Response. The Draft EIS/EIR is a project-level EIR prepared in accordance with CEQA. Future discretionary actions, if any, would be reviewed in accordance with the subsequent environmental review provisions under CEQA.

**Response to Comment 9-7:**

The Livermore Amador Valley Water Management Agency (LAVWMA) was inadvertently omitted from the list of Responsible and Trustee Agencies on page 1-19 of the Draft EIS/EIR. The role of LAVWMA is described on pages 14-13, 14-16, and 14-26 of the Draft EIS/EIR. LAVWMA was included on the notification list for the scoping and Draft EIS/EIR.

The text on page 1-9 of the Draft EIS/EIR is hereby amended as follows:

- Port of Oakland
- Dublin-San Ramon Services District (DSRSD)
- Livermore Amador Valley Water Management Agency (LAVWMA)
- Oro Loma Sanitary District (OLSD)
- East Bay Municipal Utility District (EBMUD)

**Response to Comment 9-8:**

Comment noted. Impact 16.1.5 (page 16-13) of the Draft EIS/EIR acknowledges that, based on the current pattern of arrests and home addresses of the detainees, a majority of the detainees' family members would have to travel a greater distance to participate in the detention and visitation process if the Juvenile Justice Facility was located in Dublin compared to other alternative sites. As discussed in Mitigation Measure 16.1.5, transit service enhancements would improve this access and ensure that the project objectives (which include providing ready access to detainees, their families, and staff and providing a facility that places a high priority on families and judicial case processing) are met.

Site accessibility due to distance from existing populations is one of many factors considered in the selection of a new juvenile hall site. The Dublin's site greater distance from existing population centers is not a sufficient reason to exclude this alternative from consideration.

**Response to Comment 9-9:**

Despite the City of Dublin's contentions, the County believes the Dublin site offers a suitable alternative for meeting all project objectives and has included it in the environmental review on this basis.

**Response to Comment 9-10:**

The County of Alameda's mission with respect to the juvenile justice system, as stated on page 2-2, includes the important goals of protecting children, preventing juvenile crime, providing for public safety, and rehabilitating juvenile offenders. Locating the proposed Juvenile Justice Facility near other existing jail facilities does not conflict with this mission. Since the detainees will be predominately within the Juvenile Justice Facility, the social interactions that occur inside it likely may have a much larger impact on them than the presence of other nearby jail facilities. Within the proposed Juvenile Justice Facility, activities such as group activities and meals, recreation, schooling and family visits will foster a homelike environment. In Impact 16.1.5 (see page 16-13), the Draft EIS/EIR acknowledges that, based on the current pattern of arrests and home addresses for detainees, a majority of the detainee's family members would have to travel a greater distance to participate in the detention and visitation process if the Juvenile Justice Facility was located in Dublin compared to other alternative sites. As discussed in Mitigation Measure 16.1.5, transit service enhancements would improve this access.

**Response to Comment 9-11:**

A specific objective to assure Dublin residents that the visual impacts of the proposed Juvenile Justice Facility is not required. These concerns are specifically addressed in Chapter 5 of the Draft EIS/EIR, which is devoted to visual quality and aesthetics. For example, at the East County Government Center site, a combination of site design (to locate the proposed Juvenile Justice Facility away from existing residential development) and visual screening with berms and plantings are among the design features that would "generally deemphasize the new Juvenile Justice Facility vis-à-vis the surrounding community" (page 5-42). At Site 15A, the proposed facility would be consistent with the type, height and mass of existing nearby buildings (page 5-43).

At least two objectives listed on page 2-2 already address the issue of providing for adequate safety and security for adjacent properties. These include "providing for public safety" (in the mission statement) and "assure community protection." No additional objective is required.

**Response to Comment 9-12:**

The square footages listed in Table 2.1 include all developed area proposed as part of the Juvenile Justice Facility. Staff areas and support functions are part of each of the major project components.

**Response to Comment 9-13:**

The listed objective is for a facility that symbolizes the role and importance of the judicial system, resulting in a new building that will be visible to the users of the facility as they approach the facility as well as a dignified and monumental architectural presence that is visible to the community.

**Response to Comment 9-14:**

A specific objective to the effect that the East County Hall of Justice will not result in economic detriment to the City of Dublin is not required. The economic implications of locating correctional facilities in communities in general, and for each of the alternative sites, is discussed in detail in Impact 4.4 of the Draft EIS/EIR (page 4-42).

**Response to Comment 9-15:**

Space for probate examiner's use will be provided within the building when needed (for example, in a conference room). A dedicated office is not provided for the probate examiners.

**Response to Comment 9-16:**

The project costs listed in the Draft EIS/EIR are current and include development costs. Fees for City review process and DSRSD and Zone 7 Utility hook up fees have been included for the East County Hall of Justice.

**Response to Comment 9-17:**

Comment regarding the design/build process is noted. See Response to Comment 9-18, below.

**Response to Comment 9-18:**

The costs of mitigation are being estimated and included in the project budget. For example, the project budget includes dollars for relocating wetlands. The design review of the project by the City of Dublin is planned to occur before the design-build contractor is selected. The final design is being prepared by the bridging architects, not the design-build contractor, consequently the City's comments can be incorporated into the final design, before it is turned over to the design-build contractor. The design-build contractor will be preparing final construction documents for a project design that will have already been approved by the City.

The Annexation Agreement grants the City the right to review the designs of any Project constructed on both the East County Government Center site and Site 15A, pursuant to the City's site development review process. With respect to Site 15A, the Annexation Agreement also requires any development by the County to comply with the City's land use rules and regulations. The County assumes, and the Draft EIS/EIR states, that Dublin's design review will proceed according to the procedures described in Dublin's site development review ordinance, subject to any limitations imposed by the County's regulatory exemption under State law.

**Response to Comment 9-19:**

Page 3-19 of the Draft EIS/EIR describes the Project as proposed at the East County Government Center site and includes a brief discussion of the proposed berm along Gleason Drive to visually screen the site. Page 3-23 discusses the Project as proposed for Site 15A. Further details about how the Project would be sited to ensure that the existing visual character of each site and its surroundings are not significantly impacted are discussed in Impacts 5.1.5 and 5.1.6, respectively (pages 5-42 to 5-43). See also Response to Comment 9-20, below.

**Response to Comment 9-20:**

As stated on page 5-42 of the Draft EIS/EIR, the East County Government Center would be designed in a way that would not substantially degrade the site or its surroundings, including existing nearby residential uses along Gleason Drive. The Juvenile Justice Facility would be placed on the westernmost corner of the site along Gleason Drive, Broder Boulevard and Arnold Road. This would place it farthest from the nearby residences, where it would be visually screened by constructing it on a pad approximately level with Gleason Drive, and then building up landscaped berms along the Gleason Drive frontage. Employees working at offices across Gleason Drive from the Juvenile Justice Facility would see a landscaped berm in front of the Facility, as well as a portion of the building's façade. The façade would be designed in a way that is very similar in style to the walls that enclose the nearby residential neighborhood. The landscaped berm, together with the building's massing, would provide a degree of visual screening of the existing Santa Rita Rehabilitation Facility equal to that provided by the existing berm on the site. More details about how the each building would be sited to reduce its visual impact are provided on page 5-42 of the Draft EIS/EIR.

The site's proposed open design at the main access intersection of Gleason and Hacienda would allow nearby residential uses to see the proposed East County Hall of Justice. This building would be the site's signature building, displaying a refined, modern style that would enhance the visual quality of the area.

The site alterations that may be needed to site the Juvenile Justice Facility at the East County Government Center site are, as the commentor notes, discussed on page 3-19 of the Draft EIS/EIR. It is a general discussion that explains the need to grade; to remove a portion of the existing berm (on the northern end of the site); and to create and landscape a new berm (along the site's southern edge on Gleason Drive). More detailed grading plans will be provided when fully developed. Preliminary estimates are that up to 70,000 cubic yards of material may require hauling off-site as a result constructing the Juvenile Justice Facility at this site.

The impacts of construction-related activities on air quality, including "emissions from large trucks hauling materials to and from the site" are discussed Impact 11.1 (see page 11-4). The impacts of construction-related activities on noise are discussed in Impact 10.3 (see page 10-29). Mitigations include requirements for scheduling truck traffic to reduce noise impacts.

The impact of truck traffic to haul soil off-site on increasing traffic in excess of local roadway and/or intersection capacity was not specifically addressed. However, this impact would be less

than significant. As shown on Table 9.18, the maximum number of weekday trips that the Juvenile Justice Facility (with 540 beds) at the East County Government Center site would generate is 3,925. Hauling soil off-site to construct the Juvenile Justice Facility would involve the generation of approximately 1800 trips (assuming approximately 40 cubic yards of soil can be removed by a truck and trailer per trip). This is less than half the number of trips that the Juvenile Justice Facility itself would generate over the long-term. Further, truck trips to haul soil off-site would occur only during the grading and excavation period, which would likely be less than the 18 months scheduled for constructing the Juvenile Justice Facility. These trips would be less than the total daily trips projected to occur at occupancy of the facility, and therefore are consistent with the traffic analysis conducted for the project.

On the East County Hall of Justice portion of the site, pages 3-23 and page 5-42 include a general discussion on how this facility would be sited at the East County Government Center site. Grading details have not been finalized, but the following provides additional preliminary information.

Cut and fill on the East County Hall of Justice portion of the East County Government Center site would be balanced. An approximately 340-foot wide section of the existing berm on the north end of the site will be removed under the footprint of the building and the excavated material will be used to widen the remaining 650 feet of the berm to form the upper parking terrace. No off-haul of excess fill would be needed.

The East County Hall of Justice portion of the site would be graded to accommodate the building and parking on two gently sloping terraces. The lower terrace, which slopes up from Gleason Drive, would have an average elevation of about 380 feet above sea level. This is approximately the same as the existing elevation. The lower terrace would extend along the entire southern side of the site and wrap around the west side of the building to encompass the secure parking and loading area behind the building. The parking on this terrace would be screened from view from Gleason Drive by a low, planted berm along Gleason Drive, which would be continuous along the entire frontage of the site except where the driveways connect to Gleason Drive.

The higher terrace, which would be constructed on the existing berm and which would provide access to the building entrance, would rise to an elevation of 398 feet to 405 feet at the north side of the parking lot. (The top of the existing berm has an existing elevation of 405 feet in this area of the site.) The upper terrace would extend along the entire north side of the site and would wrap around the east side of the building. The existing eucalyptus trees along Broder Boulevard, which are planted on the existing berm, would remain.

The East County Hall of Justice building itself would have a main floor level of 393.5 feet above sea level, which would be accessed from the upper terrace. There would be a lower floor at elevation 379.5 feet, which would be accessed directly from Broder Boulevard in the back of the building for secure deliveries to the building.

**Response to Comment 9-21:**

The 850 parking spaces needed for East County Hall of Justice are provided on-site. See page 9-113 of the Draft EIS/EIR for additional description of East County Hall of Justice parking.

**Response to Comment 9-22:**

The proposed Juvenile Justice Facility's southern elevation at the East County Government Center site is included in Chapter 3 of this Final EIS/EIR. Landscaping would also be provided on the berm, further screening the wall from view, consistent with the description provided on page 5-42 of the Draft EIS/EIR.

**Response to Comment 9-23:**

Comment noted. The Draft EIS/EIR is revised as follows:

*Page 3-33, paragraph 2:*

As per the RFP, this Proposed Action requires a minimum of 20-acre clear site located in Alameda County. To ensure accessibility to a wide range of people, the site must be located within one and a half miles of an existing BART station and must be easily accessible to other transportation routes, including bus service and access to freeways. The slope of the terrain cannot exceed five percent. The site must not be located within the Alquist-Priolo study zones or on any other known earthquake fault. The soils must be of substantial bearing value and not subject to liquefaction or ground failure. The site must be free of hazardous materials. The results of the review's team assessment are given in **Table 3.5**. In addition to these physical factors, the RFP stated that the County's final acceptance of the site is contingent upon the local government's approval of the proposed facility and the community's acceptance of it.

This modification does not alter the conclusion of the Draft EIS/EIR.

**Response to Comment 9-24:**

The criteria for site selection did not specifically include the proximity to client base. Instead, one of the objectives (among many) for the Juvenile Justice Facility includes to "provide ready access for juveniles, their families and professionals working within the juvenile justice system" (see page 2-2) and Response to Comment 9-8.

The commentator does not note how the client base would be different between the East County Hall of Justice and the Juvenile Justice Facility, and why this would be relevant to environmental impacts. Both facilities must provide a secure environment for in-custody or convicted juvenile offenders, respectively; must address the needs of the families of these detainees; and must provide space for professional and support staff.

**Response to Comment 9-25:**

The commentor's comments are noted regarding the Transit Center Project. This project was approved after the County initiated preparation of the Draft EIS/EIR. The Transit Center is included as a cumulative project in the cumulative analysis contained in Chapter 17 of the EIS/EIR analysis. The Draft EIS/EIR is hereby amended as follows:

*Page 4-9, paragraph 2;*

Property north and east of Site 15A was recently sold by the County and developed with private office complexes, including Microdental and Sybase. Other property in the vicinity is vacant and is still owned by the County of Alameda. To the south is property known as Site 16A and 16B. To the southwest is a 91-acre site known as the Dublin Transit Center. The EIR for the Transit Center Project was approved by the City of Dublin in November of 2002, and this site is planned for development of approximately 1,500 high-density apartments, 2 million square feet of office space, 70,000 square feet of office space, and a neighborhood park. The planned neighborhood park site is located on a site known as Site "F", immediately west of Site 15A on the westerly side of Arnold Road, and immediately west of Site 15A is property known as Site F. The U.S. Army's Parks Reserve Forces Training Area is located further west and northwest of the Site 15A and Site F, across Arnold Road.

This information pertaining to the Dublin Transit Center is included as part of the cumulative development scenario for all alternatives located in Dublin, and does not change or modify any environmental analyses or conclusions as contained in the Draft document.

**Response to Comment 9-26:**

Comment noted. At page 4-9, the Draft EIS/EIR states that the County recognizes the applicability of certain local land use principles to Site 15A, and notes that the applicable principles are described later in Chapter 4. The applicable land use principles are then fully and adequately described at pages 4-29 through 4-30 (under the heading "Annexation Agreements") and pages 4-35 through 4-37 (under the heading "Site 15A"). These descriptions amply satisfy the disclosure requirements of NEPA and CEQA.

**Response to Comment 9-27:**

The discussion on Annexation Agreements beginning on page 4-28 of the Draft EIS/EIR accurately represents the "*Agreement Between County of Alameda (COUNTY), Surplus Property Authority (AUTHORITY) and City of Dublin (CITY) Regarding Transfer of Property Tax Revenues Upon Annexation, Provision of Services and Other Matters*" dated May 4, 1993.

The portion of this Agreement pertaining to Site 15A is found in Part 8. Land Use Approvals-Santa Rita Property. Site 15A is located within what was defined under this agreement as the SANTA RITA PROPERTY, consisting of approximately 613 acres east of Arnold Road, south of Gleason Drive and west of Tassajara Road. Part 8 of the Agreement provides:

"8. Land Use Approvals- SANTA RITA PROPERTY

*Notwithstanding any rights which it may possess as a California county, COUNTY and AUTHORITY agree as follows with respect to the SANTA RITA PROPERTY:*

- a) *Any development or use of the property shall comply with all CITY rules, regulations, resolutions, ordinances or other enactments relating to land use, including but not limited to CITY'S general plan, any applicable specific plan, Municipal Code, Zoning Ordinance, Building Code, Mechanical Code and Housing Code.*
- b) *CITY, COUNTY and/or AUTHORITY may, but need not, enter into a development agreement of the sort authorized by Government Code 65864 et. seq. prior to any development of the property."*

As stated at page 4-30 of the Draft EIS/EIR, Part 8 of the Agreement requires any development by the County on Site 15A to comply with all Dublin's land use laws. The Draft EIS/EIR also recognizes that a General Plan amendment would be necessary to develop the East County Hall of Justice on Site 15A. Such an amendment would change the land use designation of this site from its current designation of "High Density Residential" to a land use category that is compatible with the East County Hall of Justice's proposed use. If the City of Dublin believes that the most appropriate land use designation for this use is "Public/Semi Public", then the County would amend its application to change its request from "Campus Office" to "Public/Semi-Public". However, the description of the project in question, the East County Hall of Justice, would not be changed by the selection of a more appropriate land use category. Similarly, the environmental review for this project as contained in the Draft EIS/EIR would not be affected by any potential change in the requested land use category. The Draft EIS/EIR analyzes the physical environmental effects of the East County Hall of Justice facility, and its underlying land use designation would not affect the environmental conclusions. See Response to Comment 6-6.

The portion of this Agreement pertaining to the East County Government Center site is found in Part 9. Land Use Approvals- County Governmental Property and County Sheriff Property. The EAST COUNTY GOVERNMENT CENTER site is located within what was defined under this agreement as the COUNTY GOVERNMENT PROPERTY, consisting of approximately 214 acres east of Arnold Road, north of Gleason Drive and west of Tassajara Creek. As noted in Part 9 of the Agreement,

"9. Land Use Approvals- COUNTY GOVERNMENT PROPERTY AND COUNTY SHERIFF PROPERTY

*"Notwithstanding any rights which it may possess as a California county, COUNTY and AUTHORITY agree as follows with respect to the COUNTY GOVERNMENT PROPERTY and the SHERIFF PROPERTY:*

- a) *Except as set forth in subsection (d) below, any COUNTY governmental uses proposed for either party shall be reviewed by CITY Planning Commission for conformity with*

*CITY's General Plan in accordance with Government Code section 65402 and shall be subject to site development review in accordance with CITY's zoning ordinance. COUNTY shall be the lead agency for CEQA review. CITY and COUNTY will share the costs associated with processing site development review equally.*

- b) Any governmental uses proposed for either property, other than County governmental uses, shall be processed in accordance with CITY's rules, regulations, resolutions, ordinances or other enactments relating to land use, including but not limited to CITY'S general plan, any applicable specific plan, Municipal Code, Zoning Ordinance, Building Code, Mechanical Code and Housing Code. COUNTY and/or AUTHORITY will assure that governmental uses of the property by any governmental entity other than the County are subject to CITY's land use rules, regulations, resolutions, ordinances or other enactments by inclusion of a condition to that effect in any deed to, or lease of, such property or other similar mechanism.*
- c) If the land use designation of any portion of either property is proposed to be changed or subsequently changed to allow non-governmental use of the property, the provision of section 8 of this Agreement shall be applicable to such property. In such event, CITY will provide municipal services of the type normally provided by CITY to such property, as provided in section 7, and CITY will receive tax revenues derived from or attributable to such property, as provided in section 3(b) and section 4.*
- d) No site development review shall be required for any uses of the COUNTY SHERIFF PROPERTY by the Sheriff's Department as long as the use is within the perimeter of the existing County Jail property or other existing Sheriff Department facilities, such as the existing training facility.*
- e) CITY agrees to process any review pursuant to Government Code 65402 and site development review required by section (a) as expeditiously as possible.*

As stated at page 4-30 of the Draft EIS/EIR, Part 9 of this Agreement provides that any governmental use of the East County Government Center site shall be subject to a general plan consistency review by the City pursuant to California Government Code Section 65402, and to site development review pursuant to the City's zoning ordinance.

The comment that the Surplus Property Authority is also a party to the Annexation Agreement, that the Annexation Agreement describes the East County Government Center site as the "County Governmental Property," and that the Draft EIS/EIR may not be sufficient to support any future review by the City of the Site 15A alternative are hereby noted. The County disagrees that the Draft EIS/EIR may not be sufficient to support any future review by the City.

#### **Response to Comment 9-28:**

We note that the City of Dublin identified a range of mitigation measures applicable to the Eastern Dublin Specific Plan area. Those mitigation measures were formulated to respond to program-level considerations at the time of the overall land use plan approval. The mitigation

measures identified in the Juvenile Justice Facility EIS/EIR are consistent with the pertinent mitigation measures included in the Eastern Dublin Specific Plan EIS/EIR, and specifically mitigate the impacts of the Proposed Action at a project-level.

**Response to Comment 9-29:**

Comment noted. This graphics error is amended to indicate the current General Plan land use designation on the adjacent Sybase property is Campus Office, not High Density Residential. Additionally, the source of the map is amended to indicate “Based on Proposed EDSP and GP Amendment”, as shown in Chapter 3 of this Final EIS/EIR.

**Response to Comment 9-30:**

The discussion on Annexation Agreements beginning on page 4-28 of the Draft EIS/EIR accurately represents the “*Agreement Between County of Alameda (COUNTY), Surplus Property Authority (AUTHORITY) and City of Dublin (CITY) Regarding Transfer of Property Tax Revenues Upon Annexation, Provision of Services and Other Matters*” dated May 4, 1993. Nonetheless, the Draft EIS/EIR is hereby amended by adding the following text after the second paragraph on page 4-30, immediately preceding the heading “Land Use Designations”:

Part 8 of the May 4, 1993 Annexation Agreement states:

8. Land Use Approvals- SANTA RITA PROPERTY

*Notwithstanding any rights which it may possess as a California county, COUNTY and AUTHORITY agree as follows with respect to the SANTA RITA PROPERTY:*

- a) *Any development or use of the property shall comply with all CITY rules, regulations, resolutions, ordinances or other enactments relating to land use, including but not limited to CITY'S general plan, any applicable specific plan, Municipal Code, Zoning Ordinance, Building Code, Mechanical Code and Housing Code.*
- b) *CITY, COUNTY and/or AUTHORITY may, but need not, enter into a development agreement of the sort authorized by Government Code 65864 et. seq. prior to any development of the property.”*

Part 9 of the May 4, 1993 Annexation Agreement states:

9. Land Use Approvals- COUNTY GOVERNMENT PROPERTY AND COUNTY SHERIFF PROPERTY

*“Notwithstanding any rights which it may possess as a California county, COUNTY and AUTHORITY agree as follows with respect to the COUNTY GOVERNMENT PROPERTY and the SHERIFF PROPERTY:*

- a) *Except as set forth in subsection (d) below, any COUNTY governmental uses proposed for either party shall be reviewed by CITY Planning Commission for conformity with CITY's General Plan in accordance with Government Code section 65402 and shall be subject to site development review in accordance with CITY's zoning ordinance. COUNTY shall be the lead agency for CEQA review. CITY and COUNTY will share the costs associated with processing site development review equally.*
- b) *Any governmental uses proposed for either property, other than County governmental uses, shall be processed in accordance with CITY's rules, regulations, resolutions, ordinances or other enactments relating to land use, including but not limited to CITY'S general plan, any applicable specific plan, Municipal Code, Zoning Ordinance, Building Code, Mechanical Code and Housing Code. COUNTY and/or AUTHORITY will assure that governmental uses of the property by any governmental entity other than the County are subject to CITY's land use rules, regulations, resolutions, ordinances or other enactments by inclusion of a condition to that effect in any deed to, or lease of, such property or other similar mechanism.*
- c) *If the land use designation of any portion of either property is proposed to be changed or subsequently changed to allow non-governmental use of the property, the provision of section 8 of this Agreement shall be applicable to such property. In such event, CITY will provide municipal services of the type normally provided by CITY to such property, as provided in section 7, and CITY will receive tax revenues derived from or attributable to such property, as provided in section 3(b) and section 4.*
- d) *No site development review shall be required for any uses of the COUNTY SHERIFF PROPERTY by the Sheriff's Department as long as the use is within the perimeter of the existing County Jail property or other existing Sheriff Department facilities, such as the existing training facility.*
- e) *CITY agrees to process any review pursuant to Government Code 65402 and site development review required by section (a) as expeditiously as possible."*

**Response to Comment 9-31:**

The Draft EIS/EIR is not misleading with respect to the content or meaning of Section 9 of the Annexation Agreement. Section 9 applies to the East County Government Center site, but not to Site 15A. The commentor acknowledges that Section 9 "says nothing either way about whether proposed use should comply with the General Plan." Consequently, the statement in the Draft EIS/EIR that Section 9 does not require that a use proposed for the East County Government Center site comply with the General Plan is not misleading. Page 4-28 of the Draft EIS/EIR acknowledges that under Section 9, any governmental use of the East County Government Center site by the County is subject to site development review in accordance with the City's

zoning ordinance. Pursuant to Response to Comment 9-30, the Draft EIS/EIR has been amended to state specifically and in full the precise requirements of Section 9.

**Response to Comment 9-32:**

Comment noted. With minor exceptions (such as the land use designation of the adjacent Sybase property), the 1993 EDGPA and the City of Dublin General Plan are consistent, and such change does not materially affect the environmental analysis contained in the Draft EIS/EIR.

**Response to Comment 9-33:**

Contrary to the commentor's assertions, the Draft EIS/EIR refers to the Eastern Dublin General Plan Amendment, which was adopted and incorporated into the City of Dublin General Plan. For example, pages 4-28 and 4-31 and 4-35 describe the Proposed Action's consistency with both the Eastern Dublin Specific Plan and the Eastern Dublin General Plan Amendment (as incorporated into the City of Dublin General Plan).

The commentor's comments regarding additional General Plan policies are noted. Although the County is not subject to Dublin's General Plan, the following the Proposed Action was reviewed for consistency with the following General Plan policies applicable to the Eastern Dublin area in which the East County Government Center site and Site 15A would be located.

The following policies are hereby added to the text on page 4-33 of the Draft EIS/EIR:

**General Plan Policies Pertaining to Eastern Dublin:**

*Implementing Policy 3.1.D:* Encourage an efficient and higher intensity use of the flat and gently sloping portions of the planning area as a means of minimizing grading requirements and potential impacts to environmental and aesthetic resources.

*Guiding Policy 5.1.L:* Provide an integrated multi-modal circulation system that provides efficient vehicular circulation while encouraging pedestrian, bicycle, transit and other non-automobile-oriented transportation alternatives.

*Implementing Policy 5.1.M:* Provide continuity with existing streets, include sufficient capacity for projected traffic, and allow convenient access to planned land uses.

Development of the Proposed Action on the East County Government Center site or Site 15 A would be consistent with each of these policies as the Juvenile Justice Facility and East County Hall of Justice involves the development of a public institutional use on flat land within the planning area. Grading would be minimized as discussed in Chapter 6 of the EIS/EIR. The project would rely on an integrated multi-modal system for transportation access and would include adequate on-site circulation improvements. Additionally, the County would fund its

proportionate share of the cost of off-site regional roadway improvements as described in Chapter 9 of the EIS/EIR.

**Response to Comment 9-34:**

The development intensity of the East County Government Center alternative as calculated in the Draft EIS/EIR is appropriately determined based on the development capacity of the entire 88.5-acre County Center site, and not some portion thereof. Averaging the densities of individual buildings within the total site provides an accurate representation of the development intensity being proposed. Using the allowed mid-range FAR of 0.25, approximately 964,000 square feet of total development could occur within the 88.5-acre County Center site. Since only approximately 84,000 square feet of space currently exist on this site, the remaining maximum development potential within the County Center site is about 880,000 square feet of new space. The East County Government Center alternative includes development of a new Juvenile Justice Facility of about 425,000 square feet, and the East County Hall of Justice with a total gross square footage of approximately 195,000 square feet (for a total of 630,000 square feet). This development intensity is well below the City-proscribed mid-range intensity at an FAR of 0.25. This development would be consistent with the EDSP development intensity assumptions.

**Response to Comment 9-35:**

The City of Dublin General Plan goal is specifically, “To create a well-defined hierarchy of neighborhood, community, and regional commercial areas, that serves the shopping, entertainment and service needs of Dublin and the surrounding area.” The East County Government Center alternative would meet the service needs of the region, as well as those of Dublin, by providing a Juvenile Justice Facility that is needed for all County residents (including the residents of Dublin). The East County Hall of Justice would similarly serve the needs of the Tri-Valley region, including the cities of Dublin, Pleasanton and Livermore.

**Response to Comment 9-36:**

The referenced text on page 4-34 of the Draft EIS/EIR does not state nor imply any “override” process for either a general plan nor a zoning consistency analyses. That sentence states only that, if the Juvenile Justice Facility proposed for the East County Government Center site were demonstrated to be inconsistent with the City's zoning designation for the site, it could nonetheless be consistent with the City's general and specific plan designations for the site. This statement is a necessary conclusion of the consistency analysis, and is offered as further support for the statement at page S-21 of the Draft EIS/EIR, that “development at the sites evaluated would be consistent with the overall land use plans for the areas.” The Draft EIS/EIR does imply that, according to California Planning Law (Section 65860(a)), the City zoning ordinance must be consistent with the General Plan.

In order to correct any misinterpretations of the Draft EIS/EIR, the last paragraph on page 4-34 of the document is revised as follows:

Even if they were not specifically allowable under the "A" zoning district, the City of Dublin considers its General Plan to be the EDSP as its primary policy document for this area and, as indicated above, the Juvenile Justice Facility would be consistent with the General Plan. its requirements (and those of the City's general plan).

**Response to Comment 9-37:**

The City's right under the Annexation Agreement to conduct Site Development Review (SDR) for the Project is adequately described at pages 4-28 through 4-30 and page 4-35. The City's SDR process is a subsequent action pursuant to implementation of the project. This subsequent action will rely on this environmental document for any necessary CEQA review related to physical environmental consequences. The fundamental purpose of this environmental document is to identify such potential physical environmental consequences, and recommend alternatives and or mitigation measures capable of reducing or avoiding such impacts. These physical effects are fully addressed in the Draft EIS/EIR. A more detailed description of the City's SDR process is not necessary as a disclosure of environmental effects of the project.

**Response to Comment 9-38:**

Comment noted. If the City of Dublin believes that the most appropriate land use designation for the East County Hall of Justice use is "Public/Semi Public", then the County would amend its application to change its request from "Campus Office" to "Public/Semi-Public". However, the description of the project in question, the East County Hall of Justice, would not be changed by the selection of a more appropriate land use category. Similarly, the environmental review for this project as contained in the Draft EIS/EIR would not be affected by any potential change in the requested land use category. The Draft EIS/EIR analyzes the physical environmental effects of the East County Hall of Justice. Its underlying land use designation would not affect the environmental conclusions.

**Response to Comment 9-39:**

Comment regarding potential inconsistency with local land use designations is noted. See Response to Comment 9-38, above. However, it should also be noted that the proposed East County Hall of Justice would include offices and other non-retail uses that do not generate nuisances related to emissions, noise, odors or outdoor storage as per the description of the Campus Office land use designation. The County properly determined that the proposed East County Hall of Justice would meet this criteria. The commentor acknowledges that the proposed use is not excluded by the City's East Dublin Specific Plan.

The potential traffic impacts of the Project in this location were fully and properly analyzed in the Draft EIS/EIR. See Draft EIS/EIR at pages 9-23 through 9-35, 9-57 through 9-79, and 9-101 through 9-109. See also Response to Comment 9-27.

The following change to the last paragraph on page 4-36 of the Draft EIS/EIR is made in regard to required consistency with the City of Dublin policies, rules and regulations on Site 15A:

Site 15A is zoned PD by the City of Dublin. When development for areas subject to EDSP is proposed, the City requires a Stage 1 or 2 Planned Development application consistent with the General Plan and EDSP's land use designation. In conjunction with the assessment of the application, the City determines the appropriate zoning for the proposed development. Given that the proposed East County Hall of Justice would be a use that is inconsistent with the site's current General Plan land use designation, an appropriate general plan amendment, and any other development applications required pursuant to Section 8 of the May 4, 1993 Annexation Agreement, would be filed by the County. ~~that consistent with the City's Campus Office land use designation, it is expected that the City would consider the proposed project to be consistent with the zoning for the site. However, as discussed above the County is not required to comply with local zoning ordinances or other land use policy when it is implementing governmental projects. Thus, although the development of this site as an institutional use could be found to be inconsistent with the current land use designation, these inconsistencies would not prevent implementation of this alternative.~~

#### **Response to Comment 9-40:**

According to the CEQA Guidelines published by the State Office of Planning and Research, the criteria of significance for determining a significant environmental impact is whether the project would result in "the physical division of an established community". The analysis of the Proposed Action's effects on the physical division of an established community focuses on the physical change in the environment associated with the project's impacts on surrounding land uses. Under either the East County Government Center or Site 15 A alternatives, the Juvenile Justice Facility and East County Hall of Justice would be located on vacant sites that have been planned for public institutional uses and in the vicinity of a mix of commercial and residential land uses which recently have been constructed or are under construction. Because the development of either alternative would not interfere with any physical connections among existing uses, the EIS/EIR concluded that from a land use perspective, the Proposed Action would not result in a physical division of an established community. The commentator's interpretation of a physical division of the community is not consistent with CEQA. However, The Draft EIS/EIR (page 16-13) recognizes that the East County Government Center alternative could have environmental justice impacts. These impacts are related to accessibility, including the time and cost of traveling longer distances in an area that is not as proximate to the majority of detainees nor as well served by transit as the more urban locations being considered in this EIS/EIR.

#### **Response to Comment 9-41:**

Comment noted. The extent to which any County development on the East County Government site will be subject to Dublin's land use policies will be determined by Section 9 of the May 4, 1993 Annexation Agreement. Pursuant to Response to Comment 9-30, the Draft EIS/EIR has been amended to state specifically and in full the precise requirements of Section 9. Any such potential inconsistency with the City of Dublin SDR process would not result in significant

effects on the environment other than as described elsewhere in the Draft EIS/EIR, and recirculation is not necessary. See Responses to Comments 6-6, 9-27 and 9-39.

**Response to Comment 9-42:**

The Draft EIS/EIR explains that the project is inconsistent with the Dublin General Plan land use designation under Impact 4.3.6. To remedy the inconsistency, the City would need to amend its General Plan to adopt a land use designation, such as Campus Office, supporting the establishment of the Proposed Action at Site 15A. If the City does not amend the General Plan then the project would be inconsistent with the Dublin General Plan land use designation. The commentor also is referred to the Response to Comment 9-39 above.

As explained in the Response to Comment 8-6, an inconsistency with an adopted plan is a legal determination and not an environmental impact under CEQA. As noted above, the Draft EIS/EIR identified the Proposed Action's inconsistency with the Dublin General Plan designation. Moreover, the Draft EIS/EIR indicates that the proposed inconsistency may be an indicator of other significant environmental effects evaluated in the EIS/EIR (see e.g., Impact 9.1.5). Thus, because the inconsistency was identified in the EIS/EIR the inconsistency itself, is not considered a significant environmental impact under CEQA, and the EIS/EIR evaluated the significant environmental impacts associated with the development of the Proposed Action on Site 15A, no new significant impacts or substantially more severe impacts were identified triggering recirculation. The commentor is also referred to the Master Response regarding recirculation. Whether the land use amendment request is for Campus Office or Public/Semi-Public would not affect the conclusions of this analysis, and recirculation is not necessary. The commentor is also referred to the Master Response regarding recirculation.

**Response to Comment 9-43:**

Generally, under NEPA and CEQA, socioeconomic effects are not considered physical environmental impacts subject to environmental review (40 C.F.R. § 1508.14; 14 Cal. Code Regs. §15131). Consistent with NEPA and CEQA, however, the EIS/EIR evaluated the Proposed Action's physical effects on the environment caused in turn by the economic and social changes associated with the project. To evaluate the impacts on property values resulting from the Proposed Action, the Draft EIS/EIR relied on literature sources and empirical data regarding an existing jail facility in the project vicinity to evaluate the Proposed Action's impacts on property values. The Draft EIS/EIR bases its analysis of effects on the surrounding land uses and their property values, in part, on factual information regarding the effects of the nearby Santa Rita Rehabilitation Facility on property values. As this data demonstrates, single family home transactions in the vicinity indicate that median home sale prices in a nearby residential area south of the Santa Rita Rehabilitation Facility grew at a faster average annual pace (17 percent) than prices for either new homes or resales in the rest of Dublin (6 percent and 13 percent, respectively) (Draft EIS/EIR, page 4-47).

Contrary to the commentor's assertions, Impact 4.4.5 in the Draft EIS/EIR explains that the Proposed Action would be within the line of sight of residential uses near Hacienda Drive and

implications for the other Project is considered in the development of the East County Government Center site.”

**Response to Comment 9-47:**

The Alameda County Juvenile Justice Center Bridging Documents: Volume 1, prepared for Alameda County by MVE & Partners/Rosser International, Inc., provide more detailed information regarding site design rationale at the East County Government Center site. The third paragraph on page 5-42 of the Draft EIS/EIR is hereby amended to include this information, as follows:

Organization of the detention portion of the Alameda County Juvenile Justice Center is predicated on both site and functional relationships that establish much of the internal organization of the complex.

The site has its impact in its relationship to the surrounding community and its context. The County, early on, determined that the facility would be primarily oriented to and accessed from Broder Boulevard. It would be screened from Gleason Drive in order to minimize its visual impact on the adjacent residential and commercial properties south of the site. As a result, the complex would orient its public face toward the intersection of Broder and Arnold Road – the northwest corner of the property. Also, the Detention Center would largely face inward, with windows facing exterior recreation areas, not outward from the facility. These exterior areas would be screened by the buildings themselves, which in turn would be shielded by bermed/landscaped areas running the length of the site along Gleason. The Courts and Administration buildings make up the public face of the Project and would be oriented toward the intersection of Broder and Arnold. Both buildings would be two stories tall, and would screen the detention portion from public view.

The Juvenile Justice Complex is separated from the East County Hall of Justice to the east by a service drive, which would provide access to the central plant related functions. A landscaped berm would completely screen Juvenile Hall from the entrance plaza in front of the East County Hall of Justice at ground level. The commercial buildings located +/-250 feet to the south would be separated from the Juvenile Justice Center by Gleason Boulevard and a landscaped earth berm. The residential community east of Hacienda Drive is located +/-400 feet from the southeast corner of Juvenile Hall, although this corner of the building is completely screened from view by a landscaped berm. The closest visible Juvenile Hall wall and building elements would be at a distance of +/-600 feet.

Architectural Character: The Juvenile Justice Center is designed to express the civic and educational nature of its function, while providing Alameda County with a building asset of enduring and understated beauty. No specific style is pursued in the design beyond expressing the program and climatic influences in a straightforward contemporary manner.

Exterior Finishes: Exterior building materials would be local from California or the western United States. The courts and probation structures would be clad in several shades and textures of sandstone in colors compatible with the Alameda County landscape of grassy hills. The Juvenile Hall structures would be clad in concrete masonry units of colors compatible with the sandstone used on areas most visible by the public.

Relationship to Adjacent Areas: An important consideration in the design is the relationship of building volumes to the existing one and two level neighboring structures. The predominant building mass of the Juvenile Justice Complex is intended to be low enough to be screened from view with landscape. The taller two story courts and probation volumes are located in the western portion of the site most distant from the residential areas.

Landscape Design: The primary intent of the landscape design for the Juvenile Justice Center is mostly the visual screening of non-public building areas such as the housing clusters. This would be accomplished through an undulating berm, which would function as a linear park along Gleason. The landscape design is inspired by the native vegetation of Alameda County, featuring low water need grasses and shrubs. Trees would be used along the surrounding street edges for additional visual screening of building elements not hidden behind earth berms.

The southern elevation of the Juvenile Justice Facility is included in Chapter 3 of this Final EIS/EIR. Final lighting types and layouts will be selected by the design/build team. However, according to the Bridging Documents, the exterior security lighting is mounted on buildings whenever possible, and where necessary, on poles that would be shielded by buildings and walls.

The view of Santa Rita Rehabilitation Center will continue to be screened from the residences by the replacement berm and landscaping, but the East County Hall of Justice will be visible from the residences. Please see Chapters 3 and 5 of the Draft EIS/EIR for descriptions of the proposed development at the East County Government Center, including landscaping, berms, and site configurations that are intended to provide privacy for adjacent residents.

Parking would be provided in a combination of sites, including reconfiguration of the existing 577 spaces in front of the Santa Rita Rehabilitation Center to accommodate up to 774 vehicles, reconfiguration of the existing 356 secure spaces in the rear of Santa Rita to accommodate up to 490 vehicles, new parking on the Juvenile Justice Facility site for 220 vehicles, new parking on the East County Hall of Justice site for up to 850 vehicles, and a supplemental lot for the Office of Emergency Services for up to 36 vehicles at the corner of Madigan Avenue and Broder Blvd. This parking supply is more than sufficient to meet the Projects' needs.

**Response to Comment 9-48:**

Comment regarding the proposed replacement berm is noted. See Response to Comment 9-20.

A series of cross sections are provided in Chapter 3 of this Final EIS/EIR, illustrating that the Santa Rita Rehabilitation Facility will be exposed to view from a relatively narrow slot along Gleason to the East of Hacienda, over the judicial parking area, and possibly from upper stories of local residences. However, substantial landscaping, distance, and final grading design will reduce the visibility of the Santa Rita Rehabilitation Center.

**Response to Comment 9-49:**

The commentor is referred to Response to Comment 9-39. The County Surplus Property Authority requested a General Plan amendment to a land use designation supporting campus-type office uses to accommodate both the East County Hall of Justice and the Juvenile Justice Facility. Under the City's General Plan, this designation either could be Campus Office or Public/Semi-Public. The Campus Office designation states that the designation is intended to provide an attractive, campus-like setting for office and other non-retail commercial uses that do not generate emissions, noise, odors or glare, *including, but not limited to* professional and administrative offices, administrative headquarters, manufacturing and other uses. Thus, this designation does not preclude public uses. Similarly, the Public/Semi-Public Facilities designation allows governmental and institutional uses as the commentor points out.

**Response to Comment 9-50:**

Comment noted. There is no inherent negative visual compatibility impact associated with the placement of a civic building next to a neighborhood park. In fact, the City of Dublin Civic Center is located adjacent to a large City park.

**Response to Comment 9-51:**

The proposed East County Hall of Justice on Site 15A would not substantially visually alter the character of the area immediately north of I-580. There are several large office buildings located adjacent, or in close proximity to Site 15A. Therefore, the area's existing visual character would not be substantially altered by the proposed East County Hall of Justice.

**Response to Comment 9-52:**

The lighting design approach is to meet and exceed the standards established by the state of California's Title 24 Code. The Title 24 code limits the amount of energy consumption allowed for interior and exterior lighting and the design team intends to exceed these limits by reducing the lighting to be 15% below these state mandates.

Pole style lighting fixtures at heights significantly lower than the adjacent and surrounding properties would be used.

All the pole style lighting fixtures will have 100% horizontal visual cut-off to the light sources to minimize glare and their visual appearance.

A step down approach to the site lighting to limit the amount of light fixtures that are turned on while the building is not in use would be implemented. This will be balanced with a minimum number of fixtures on after hours to maintain a safe and secure site.

**Response to Comment 9-53:**

The features of this figure are accurately and clearly shown. Although the existing San Leandro facility is not clearly indicated in the figure, the purpose of this map is to show seismic hazard related to the San Leandro alternative site. The features that are shown clearly on this figure include the fault rupture hazard zone, the location of the proposed facilities, the Alquist-Priolo Special Studies zone, and locations where additional studies are necessary to verify the existence of an active fault.

**Response to Comment 9-54:**

Several geotechnical baseline reports prepared for the Alameda County Juvenile Justice Center and East County Hall of Justice at the East County Government Center site (SubSurface Consultants, 2002) were used as the primary sources of information contained in the Draft EIS/EIR regarding the potential seismic hazards of the East County Government Center site. The reports provide geotechnical parameters for seismic design and other geologic considerations based on a review of published and unpublished references, as well as preliminary geotechnical investigation including 20 test borings across the site. Site 15A was analyzed based on prior studies conducted for Cisco Systems and the County of Alameda. Should either site be selected for the facilities, additional subsurface investigations and geotechnical analysis would be required based on the specific requirements of the final design. This additional investigation and analysis is recommended pursuant to Mitigation Measure 6.2.5 of the Draft EIS/EIR, and is required for compliance with state and local building practices, but would not involve major new conclusions regarding the suitability of the sites for development.

**Response to Comment 9-55:**

The commentator takes the remark “did not include borings or test pits” out of context by omitting “to investigate locations where buildings previously existed at the site”. The statement was intended to indicate that remnants of old foundations might be encountered during development. The geotechnical investigations already conducted include thirteen test borings drilled at the East County Hall of Justice site. This level of preliminary geotechnical investigation exceeds the standard of practice for preliminary investigation and is more than adequate for the EIS/EIR process.

The section included under Foundation Support and Settlement was drafted based on preliminary findings, and is hereby amended as follows;

*Page 6-21, paragraphs 1 through 3:*

Borings were drilled from across the crest of the berm along the northern portion of the site. The berm fill extends to depths of about 41 feet and generally consists of stiff to

very stiff silty clay, and medium-dense clayey sands. The borings indicate that the berm fill extends as much as 9 feet below the proposed floor of the Juvenile Justice Facility. Beneath the berm, native soil generally consisting of interbedded stiff to very stiff silty clay, with medium dense to dense clayey sand was encountered, and extended to the maximum depth explored of about 51 ½ feet.

The existing berm fill is not suitable for subgrade support for the proposed Juvenile Justice Facility and would be excavated down to native soil. In some areas, removal of all berm fill will require excavation to extend to below the proposed Juvenile Justice Facility subgrade elevation. All previous improvements including old foundations, underground utilities and other deleterious materials should be removed from the site.

Beneath the near-surface fill materials, the site is underlain by predominantly clayey soils of moderate strength and compressibility. Low-rise buildings with low to moderate column loads can likely be supported on spread footings or a mat foundation bearing on native soil or properly compacted fill. Based on the results of the Geotechnical Baseline Report (Subsurface Consultants, Inc., January 2001) the proposed Juvenile Justice Facility can be supported on deepened spread footing foundations bearing on native soil or on properly compacted fill. We estimate that Long-term total and differential settlement of spread footing foundations constructed on native soil or on properly compacted fill can be limited to less than about 3/4-inch and 1/2-inch, respectively.

~~Taller structures with moderate to high column loads may settle unacceptably if supported on shallow foundations such as spread footings or mats. Consequently, mid-rise buildings will likely need to be supported on deep foundations such as driven piles or drilled piers. Based on the preliminary information, we judge that driven piles will likely be the most economical type of deep foundation system for this site. We estimate that long term total and differential settlement of a driven pile foundation system can be limited to less than about 1/2 inch and 1/4 inch, respectively.~~

The field exploration was performed to evaluate overall geotechnical conditions at the site and did not include borings or test pits specifically for the purpose of investigating locations where buildings previously existed at the site. It is anticipated that old foundations, basements, abandoned utilities and areas of locally deep backfill may exist in areas planned for development. ~~These materials are generally unsuitable for the support of spread footings, slabs on grade, pavements and other planned improvements.~~

#### **Response to Comment 9-56:**

The potential for soil erosion as a result of on-going operations is identified in the impact summary on page 6-34 of the Draft EIS/EIR. Post-construction mitigation measures are identified in Mitigation Measure 6.5.2, on page 6-35 of the Draft EIS/EIR, which is incorporated as an applicable measure for Site 15A on page 6-35.

**Response to Comment 9-57:**

Comment noted. Portions of the text under the Soil Instability section was in error, and is amended as follows:

*Page 6-21, paragraphs 1 through 3:*

**Impact 6.6.5: East County Government Center**

LESS THAN SIGNIFICANT IMPACT. At the East County Government Center site, the Project low-rise buildings with low to moderate column loads can likely be supported on spread footings or a mat foundation bearing on native soil or properly compacted fill with limited long-term differential settlement. Taller structures with moderate to high column loads may settle unacceptably if supported on shallow foundations such as spread footings or mats, but could be supported acceptably on deep foundations such as driven piles or drilled piers. Compliance with the geotechnical engineering recommendations for the foundations of structures that may be proposed at this site to address other potential soils constraints (see mitigation Measure 6.7.5) would reduce potential impacts associated with soil instability to a level of *less than significant*.

Mitigation Measure 6.7.5 recommends the deepening of all building footings, and layering of non-expansive fill to support both interior and exterior slabs on grade. This measure assumes compliance with the geotechnical recommendations of excavation of the existing berm fills and replacement with engineered compacted fill. Replacement of excavated fill with new fill beneath the existing berms is not anticipated to result in significant magnitudes of settlement since this area has been preloaded for many years with the existing berm.

**Response to Comment 9-58:**

Based on the recommendations contained in the *Geotechnical Baseline Report* (Subsurface Consultants, Inc., January 2001) all building footings should be deepened, and both interior and exterior slabs on grade should be supported on a layer of non-expansive fill. These measures would reduce the potential for damage to the proposed buildings and exterior pavement areas resulting from shrinking and swelling of the clay soil. This is consistent with the recommendations contained in mitigation Measure 6.7.5 as written in the Draft EIS/EIR.

**Response to Comment 9-59:**

Comment noted. The RWQCB, in Comment 10-1, also noted that more stringent surface water quality standards would be in effect in the near future. Please see Response to Comment 10-1.

**Response to Comment 9-60:**

Subsequent to the release of the Draft EIS/EIR, the Corps of Engineers approved the delineation for the East County Government Center site. The verification confirmed that the two isolated seasonal wetlands are not jurisdictional. The Corps determined that the detention basin, however, is subject to Clean Water Act jurisdiction. That determination was appealed and has

since been revised by the Corps (letter from Calvin C. Fong to Mr. James Sorensen, April 3, 2003) to indicate:

“Area 2” (and “Area 1”) meet the requisite criteria as wetlands, but both are not adjacent to any navigable waters or tributary streams and, therefore, not subject to Corps jurisdiction under Section 404 of the Clean Water Act pursuant to SWANCC. However, this determination does not obviate the need to obtain other Federal, State or local approvals required by law, including compliance with the Endangered Species Act (16 U.S.C. 1531 et seq.). In particular, any proposed activity may still be regulated by the State of California’s Regional Water Quality Control Board.

“Area 2” delineation remains unchanged from the Corps delineation dated December 24, 2002.

“Area 3” is shown to have been constructed as a detention basin and i[s] subsequently deemed Corps non-jurisdictional, (i.e., not requiring a permit for discharge, as per Federal Register, Vol. 51, No. 219, Section 323.4(E0(4), “Discharges not requiring permits”, pg. 41234, dated November 13, 1986).

In addition, the detention basin provides limited if any wetlands habitat. Nonetheless, mitigation measures are identified in Mitigation Measure 8.3.6 for the loss of wetlands. If the County selects the East County Government Center site as the preferred alternative, consistent with Mitigation Measure 8.3.6, the County will implement a mitigation program to meet the “no net loss” standard for the confirmed wetland areas.

#### **Response to Comment 9-61:**

The commentor corrects information regarding the existing storm drainage on the East County Government Center site. Based on this comment and a similar clarification in Comments 9-147, the Draft EIS/EIR is revised as follows:

*Page 7-3, last paragraph and page 7-4, first paragraph:*

Surface runoff drains into two storm drain systems. The existing storm drain systems have been designed based on this split of runoff. The majority of the site (approximately 35 acres) drains westerly to the existing detention basin located along the western property boundary at Arnold Road. The detention basin drains into triple 36-inch diameter reinforced concrete pipes under Arnold Road, discharging into the Arnold Road channel. The western portion of the site is also drained by an existing line of 24- to 30-inch pipe located within the western section of Gleason Drive, which also discharges into the Arnold Road channel. ~~from the site collects in an existing detention basin. Flow also enters the detention basin via~~ There is also an existing 48-inch diameter reinforced concrete pipe that conveys a portion of the storm water from the Santa Rita Rehabilitation Center along Broder Boulevard. ~~and empties into the detention basin. A flow splitter discharges the remainder of the storm water from the Santa Rita Rehabilitation Center southwesterly via a ditch through the Parks RFTA property. Additionally, an existing 30-~~

~~inch storm drain line is located within Gleason Drive, which connects to the Arnold Road channel.~~

The Arnold Road channel discharges to a flow splitter near Central Parkway, with a portion of the flows continuing south in a closed pipe to a triple 54-inch culvert under I-580 at Arnold Road. These pipes convey storm flows into Zone 7's Line G-2. The remainder continues through an open channel to a closed pipe through the BART station and under the I-580. This open channel conveys storm flows into the relatively new Line G-5, which then drains into to Line G-2 south of I-580. Line G-2 drains into the Chabot Channel and then to Arroyo Mucho.

~~Drainage from this area then flows southerly along Arnold Road and leaves the area through two drainage courses: Tassajara Creek and a culvert under I-580 about 2,000 feet east of Tassajara Road.~~

The remainder of the site (approximately 5 acres of its easterly portion) drains into a second pipe within the eastern section of Gleason Drive, a 24-inch pipe that drains easterly to Tassajara Creek (designated Line K by Zone 7). Tassajara Creek drains to the Arroyo Mocho, which then drains to the Arroyo de la Laguna. Alameda Creek receives flows from the Arroyo de la Laguna, and flows in a westerly direction through Niles Canyon until it ultimately discharges to San Francisco Bay.

*Page 14-13, last paragraph:*

### **Storm Drainage**

The East County Government Center site lies within Zone 7 of the Alameda County Flood Control and Water Conservation District (Zone 7). The existing storm drainage system available to serve the site is maintained and operated by Zone 7. ~~The storm drain system is part of Zone 7's G-5 line. As discussed in Chapter 7: Hydrology and Water Quality, surface runoff drains as follows: Within the vicinity of the site, this system has three components:~~

- Surface runoff from the majority of the site (approximately 35 acres of its western portion) the site collects in an existing detention basin located on site along the west property boundary at Arnold Road. The detention basin drains into triple 36-inch diameter reinforced concrete pipes under Arnold Road, discharging into the Arnold Road channel.
- Additionally, an existing 24- to 30-inch storm drain line is located within the western section of Gleason Drive, which drains into the Arnold Road channel.
- There is also an existing 48-inch-diameter reinforced concrete pipe that conveys a portion of the storm water from the Santa Rita Rehabilitation Center along Broder

Boulevard and empties ~~and emptying~~ into the detention basin. This system conveys an estimated peak flow rate of 75 cubic feet per second (cfs) from the existing jail facility to the existing detention basin. The remainder of the storm water from the jail facility drains southwesterly via a drainage ditch onto the Parks RFTA property.

Drainage from the Arnold Road channel discharges to a flow splitter near Central Parkway, with a portion of the flow continuing south in a closed pipe to a triple 54-inch culvert under I-580 at Arnold Road. These pipes convey storm flows into Zone 7's Line G-2. The remainder continues through an open channel to a closed pipe through the BART station and under the I-580. This open channel conveys storm flows into the relatively new Line G-5, which then drains into to Line G-2 south of I-580. Line G-2 drains into the Chabot Channel and then to Arroyo Mucho.

- Surface runoff from the remainder of the site (approximately 5 acres of its eastern portion) discharges into ~~Additionally, a second pipe located within the eastern section of Gleason Drive. This existing 24-inch 30-inch storm drain line is located within Gleason Drive, drains easterly to Tassajara Creek (designated Line K by Zone 7), which connects to the Arnold Road channel.~~

~~Drainage from this area then flows southerly along Arnold Road and leaves the area through two drainage courses: Tassajara Creek (designated Line K by Zone 7), and via a culvert under I-580 about 2,000 feet east of Tassajara Road (designated Line G-3 by Zone 7). Tassajara Creek drains to the Arroyo Mocho, which then drains to the Arroyo de la Laguna. Alameda Creek receives flows from the Arroyo de la Laguna, and flows in a westerly direction through Niles Canyon until it ultimately discharges to San Francisco Bay.~~

These modifications do not alter the conclusion of the Draft EIS/EIR.

#### **Response to Comment 9-62:**

The Draft EIS/EIR indicates on page 1-9 that the San Francisco Bay Regional Water Quality Control Board (RWQCB) is a responsible agency under CEQA. The County is aware that pursuant to the Federal Clean Water Act and the State Porter-Cologne Act, the RWQCB is responsible for determining that issuance of a Section 404 Permit would not result in a violation of water quality standards. As part of its determination, the RWQCB may issue or waive a Section 401 Water Quality Certification, or issue waste discharge requirements. It also is acknowledged that the RWQCB exercises its discretion in the water quality certification process. There is sufficient land area on the site to provide for biofiltration, retention and/or other treatment of stormwater as part of the site development.

#### **Response to Comment 9-63:**

IM 3.5/Z of the Eastern Dublin General Plan Amendment and Specific Plan Draft EIR (Wallace Roberts & Todd 1992) notes that the area covered by that plan is located in an area of minimal groundwater recharge and groundwater reserves and the majority of the Tri-Valley's

groundwater resources are in the Central Basin south of the Project (see page 3.5-26). Nevertheless, it does state that development of the Eastern Dublin General Plan Amendment and Specific Plan could have an impact on local groundwater resources due to an increase in impervious surfaces within the plan area, and identifies this as potentially significant.

It is important to note that East County Government Center site is a very small portion of the area covered by the Eastern Dublin General Plan Amendment area, so the amount of area that would become impervious as a result of the Project would not be substantial. As discussed in Response to Comment 11-8, exterior irrigation of the 8 acres of land on the site would result in approximately 5,000 gpd of water percolating into the water table. This is not considered enough to contribute significantly to salt loading, but in this area of minimal recharge and reserve such an input, particularly because it would occur during the driest part of the year, may offset any potential losses of recharge that may occur during winter storm events. Further, one of the mitigations identified to reduce this impact is to “Plan facilities and select management practices in the Eastern Dublin Specific Plan area that protect and enhance water quality” (see MM 3.5/49.0). As noted in Comment 9-62, the SWPPP will ensure that water quality is protected. For these reasons, the Project would have a less than significant impact of groundwater recharge. No new significant or substantially more severe environmental impacts have been identified that would trigger recirculation.

#### **Response to Comment 9-64:**

The discussion regarding the need for additional facilities to provide adequate storm drainage services at the East County Government Center site is discussed in Chapter 14 under Impact 14.5.5. The commentor is correct to note that this issue is not addressed in Impact 7.4.5. Based on this comment and clarifications from Comment 9-152, the Draft EIS/EIR is revised to ensure the consistency between and the correctness of the two impacts, as follows:

*Page 7-9, Impact 7.4.5 (East County Government Center):*

POTENTIALLY SIGNIFICANT AND MITIGABLE IMPACT. Development of the site would entail construction activity that could be expected to have short-term, temporary adverse effects on local water quality, such as from erosion and siltation, illicit disposal of debris and wash water from construction vehicles and equipment. This would represent a potentially significant impact. Development of the site may also cause the existing pipes on Gleason Road to exceed their designed capacity. This potentially significant impact, and the mitigations for it, is discussed in Impact 14.5.5 (see Chapter 14: Utilities). ~~Although development of the site as proposed would not be expected to exceed the capacity of the stormwater infrastructure serving the site, it~~

Page 14-31:

#### 14.5.5: East County Government Center

POTENTIALLY SIGNIFICANT AND MITIGABLE IMPACT. The existing storm pipes south of the site on Gleason Drive are is designed to serve the site in its current undeveloped condition. Due to the large impervious surface area associated with the East County Government Center, the storm drainage runoff coefficient following development may be greater than both the existing pipe's design intent, and the existing pipes would not be able to convey all storm water from the developed site. Additionally, if the existing detention basin is filled (subject to the final determination of its status as wetlands and final site plans), storm drain facilities to replace the detention basin would be needed. This would be accomplished by installing pipes that would drain either into the existing open channel on Arnold Road or into proposed bypass system (discussed below).

Alameda County is currently involved in a separate project that includes construction of a new bypass storm drain system to reduce runoff into the on-site detention basin. The bypass storm drain system includes building a new open channel on Arnold Avenue (between Broder Boulevard and Gleason Drive) and reconfiguring the splitter that drains the Santa Rita Rehabilitation Center. The goal is to redirect a larger proportion of the storm water from Santa Rita Rehabilitation Center site through the proposed new channel or through the existing ditch on the Parks RFTA property instead of into the detention basin. If the bypass storm system improvement is completed prior to construction of the East County Government Center, discharge into the existing storm drain pipe along the western side of Gleason Drive and into the detention basin will not exceed their designed capacity. would carry approximately 210 cubic feet per second (cfs) of flow (Brian Kangas Foulk, 1997, cited by Luk and Associates, 2002). If the bypass storm system improvement is not completed prior to construction of the East County Government Center, the design capacity of both may be exceeded. an additional 295 cfs would flow into the detention basin through the existing Gleason Drive pipe, exceeding its designed capacity. This would be regarded as a potentially significant environmental impact.

On the approximately 5 acres of the eastern portion of the site that drains easterly, new impervious surfaces could also create runoff that may exceed the design capacity of the existing pipe. The proposed bypass system would not address this potentially significant environmental impact.

**Mitigation Measure 14.5.5: Timely Completion of Bypass System.** Adequate storm drainage capacity for the majority of the site is contingent upon concurrent construction of the County's bypass system. If the bypass system is not completed in time to service the proposed development at the site, additional off-site storm drainage improvements will be required to provide adequate storm drainage improvements per the interim condition. These alternative improvements may include a new detention basin north of the site to detain the 295 cfs of storm water runoff. This temporary detention basin would

be located at the mouth of the creek that enters the Santa Rita Rehabilitation Center from the Parks RFTA property to its north.

**Mitigation Measure 14.5.6: Storm Water Pollution Prevention Plan.** Mitigation Measure 7.1.2 (see Chapter 7: Hydrology and Water Quality) would also apply to this alternative. Sufficient drainage is required to ensure the protection of water quality, and the SWPPP may include provisions for swales and small detention ponds that would collect water on-site. These measures would augment the existing drainage and would ensure that sufficient drainage is provided and water quality is protected. Creating small on-site detention ponds would also ensure the “no net loss” standard for wetlands is met (as per Mitigation Measure 8.3.5 in Chapter 8: Biological Resources).

*Resulting Level of Significance:* Timely completion of the bypass system, or alternative interim storm drain system improvements described above, and implementation of the SWPPP, would prevent storm water capacity problems at the site, reducing this impact to *a less than significant level.*

In the Draft EIS/EIR, this impact was identified as potentially significant and mitigable. As discussed above, this impact remains potentially significant and mitigable. These modifications do not alter the conclusion of the Draft EIS/EIR.

Additionally, as noted in Mitigation 14.5.5, the timely completion of the County’s new bypass storm system or additional interim, off-site storm drainage improvements would ensure the storm water capacity problems that may occur as a result of the Project would be less than significant. If the East County Government Center site is selected, detailed engineering work would determine the feasible and appropriate balance between the pad elevations needed to ensure buildings stay dry and the berm height needed to screen them.

#### **Response to Comment 9-65:**

The commentator is correct to note that the potential long-term impacts of the Project on water quality are not explicitly addressed in Impacts 7.1.5 to 7.1.6. This is an inadvertent oversight in the Draft EIS/EIR. The commentator suggests that the SWPPP would deal only with short-term, construction-level impacts. However, as noted on page 7-2 of the Draft EIS/EIR, the SWPPP would include “specifications for Best Management Practices that will be incorporated into the project itself to minimize runoff of pollutants *after the project has been completed*” [italics added for emphasis]. Further, as noted in Mitigation Measure 7.1.2, the SWPPP “shall incorporate BMPs to control sediment and erosion both during the building process and *in the long-term*” [italics added for emphasis]. The requirements of the SWPPP would ensure that both the short- and long-term impacts of the Project on water quality are less than significant. The Draft EIS/EIR is revised as follows:

*Page 7.5-7.7, Impacts 7.1.2, 7.1.4, 7.1.5 and 7.1.6:*

POTENTIALLY SIGNIFICANT AND MITIGABLE IMPACT. Development of the site as proposed may have both short-term, temporary adverse effects from construction

~~activity and long-term effects on local water quality, would entail~~ The short-term effects from construction activity include ~~that could be expected to have short-term, temporary adverse effects on local water quality, such as from erosion and siltation, illicit disposal of debris and wash water from construction vehicles and equipment.~~ This would represent a potentially significant impact.

**Response to Comment 9-66:**

As noted in Response to Comment 11-2 regarding flooding of Tassajara Creek at the I-580, the FEMA flood hazard map has been updated to reflect the recent improvements made to this creek. The improvements are designed to prevent flooding where Tassajara Creek crosses I-580. Response to Comment 11-2 includes revisions to the Draft EIS/EIR that state flooding during a 100-year storm event would be confined to an approximately 200-foot width along Tassajara Creek. Regarding the need for additional facilities to provide adequate storm drainage services at the East County Government Center site and potential impacts of the Project on storm drainage, see Response to Comment 9-64.

Due to NPDES Phase 2 requirement that will be compulsory when the project begins construction, an on-site storm drainage detention system will be required for the East County Government Center. The system must detain the net increase in storm run-off between pre- and post-developed conditions. The site design and budget for the East County Government Center projects include sufficient permeable pavement and bio-swales to prevent additional storm water runoff from leaving the site. Conformance with this standard is part of the County strategy to obtain LEED certification for the project (LEED credit 6.1). The County will also provide treatment to remove suspended solids and phosphorous as needed for LEED credit 6.2.

**Response to Comment 9-67:**

The existing potential flooding along Tassajara Creek due to inadequate culvert flow capacity was noted in the Draft EIS/EIR (see page 7-4). No development is planned within the area within the 100-year flood hazard at any of the alternative sites. Subsequent to the 1999 BFK report, improvements made to Tassajara Creek as part of the Tassajara Creek Restoration Project in 2000 reduce the area subject to the 100-year flood hazard. As discussed in Response to Comment 11-2, a FEMA Letter of Map Revision (LOMR) is available that shows the revised flood hazard area. The LOMR is effective November 1, 2002.

**Response to Comment 9-68:**

If the detention basin is not filled, strong seismic activity may cause it to overflow. An existing grading plan shows that the most likely overflow would occur onto Arnold Drive and Gleason Drive. The elevation of the western side of the existing detention basin is 360 feet, whereas the elevation on the northern, eastern and most of the southern sides is 370 feet or higher (Subsurface Consultants, Draft Geotechnical Baseline Report for Alameda County Juvenile Justice Center, October 12, 2001; see Figure 2). Based on this comment, the Draft EIS/EIR is revised as follows:

*Page 7-10, to follow Impact 7.6: Exposure of People or Structures to Flood Hazards:*

**Impact 7.7: Seiche in Detention Basins**

**Impact 7.7.1: East County Government Center**

LESS THAN SIGNIFICANT IMPACT. Strong seismic activity may create waves in the existing 1.6-acre detention basin on the western side of the East County Government Center site. This may cause the detention basin to overflow onto Arnold Drive or Gleason Drive. The site's isolation from other development and proximity of the detention basin to the existing drainage channel south of the site on Arnold Drive and to the drainage channel that will be built immediately west of the site as part of Alameda County's bypass drainage system will ensure that the impacts of a potential seiche would be less than significant.

**Response to Comment 9-69:**

As indicated on page 8-14 of the EIS/EIR, ground squirrel were observed off-site along the flood-control channel on the west side of Arnold Road, but none were observed on the site during field surveys July of 2001. However, the EIS/EIR acknowledges that conditions could change and there is a potential for establishment of new raptor nests (including burrowing owl) prior to construction, as discussed under Impact 8.1.5 on page 8-28. Ground squirrel burrows are commonly used for wintering and breeding nest locations by burrowing owl, and new ground squirrel colonization on the East County Government Center site would improve opportunities for nesting by burrowing owl. Mitigation Measures 8.1.5a and 8.1.5b were recommended to provide preconstruction surveys and appropriate avoidance of any newly established raptor nests. Mitigation Measure 8.1.5b focuses specifically on the potential for establishment of new burrowing owl breeding nests on the East County Government Center site, requiring preconstruction surveys within 30 days of Project-related ground disturbing activities, protection during the active breeding season or passive relocation during the nonbreeding season if nests are encountered, and conformance with the Burrowing Owl Protocol and Mitigation Guidelines for survey and mitigation implementation.

As discussed on page 8-16 of the EIS/EIR, California tiger salamander are not believed to occur on the East County Government Center site due primarily to the absence of suitable breeding habitat but also because of the limited opportunities for upland estivation. The man-made detention pond and seasonal wetland depressions do not hold water long enough to allow for egg laying or metamorphoses of larval young. These features would have to hold water into late spring for successful breeding by tiger salamander, which is not possible because of their design or condition.

A supplemental field inspection was conducted by the EIS/EIR biologist on March 25, 2003 to confirm conditions described by the commentor. A walking survey of the site was performed, inspecting all locations where water was suspected to possibly pond, inspecting the ground surface for ground squirrel burrows and possible burrowing owl activity, and inspecting trees and

shrubs for possible nesting birds. No ponded surface water was found across the entire site, consistent with conditions observed during previous field surveys. A narrow band of surface water flowed for a distance of approximately 15 feet from the culvert outfall in the northwestern corner of the site, possibly due to runoff from the recent rains, but there was no surface water present in the entire detention basin. The two man-made seasonal wetland depressions indicated in Figure 8.4 of the EIS/EIR where the commentator observed surface water on January 22, 2002 also held no surface water. This was after several storms during the month of March 2003 which would have extended the presence of surface water ponding if conditions were appropriate on the site. As concluded in the EIS/EIR, the relatively short duration of surface water ponding in the man-made depressions on the East County Government Center site precludes their suitability as breeding locations for either California tiger salamander and California red-legged frog.

As noted by the commentator, California ground squirrel have established a colony on the East County Government Center site since the wildlife field work was completed in 2001. In the March 2003 survey, transects were made across the grasslands to determine the extent of ground squirrel use on the site. Burrow entrances were counted and inspected for possible sign of burrowing owl occupation. An estimated 48 burrow entrances were observed, clustered in 10 groupings, the largest of which had 15 openings. The ground squirrels occupy an area of approximately three acres in the center of the western half of the site. No pellets or white wash was observed at any of the openings, but what appeared to be two matted, slate gray down feathers were found tangled in grass near one of the burrow openings. Although coloration varies with individuals, the color of the two feathers is not consistent with burrowing owl and more closely resembles coloration found in plumage of white-tailed kite or northern harrier. Given the timing of the survey in late March, it seems highly unlikely that the feathers could be from a young burrowing owl as this species typically doesn't begin to nest until March with a peak from April and May, which would mean that breeding, egg incubation, and emergence of young would already had been completed before the peak of the normal nesting season even begins.

Because the new colony of ground squirrel burrows could be used for nesting by burrowing owl, protocol surveys were conducted in mid-April 2003 to confirm absence of any burrowing owl breeding activity on the site. The surveys were conducted by the EIS/EIR biologist using the methodology from the 1993 *Burrowing Owl Survey Protocol and Mitigation Guidelines* of the California Burrowing Owl Consortium. Field surveys were conducted on the evenings of April 10, 11, and 13 from two hours before to one hour after sunset, and on the morning of April 12 from one hour before to two hours after sunrise. The conditions observed on the site during the March 2003 reconnaissance were confirmed during the course of the protocol surveys, which consisted of conducting a road reconnaissance around the perimeter of the site and off-site drainage channel along the west side of Arnold Road, ground inspection of burrow entrances, and monitoring of the colony from the elevated berm to the north. Most of the survey hours were spent observing the colony from a single vantage location on top of the berm to the north, where the entire colony could be observed without disturbing the ground squirrel colony and any possible owl activity could be detected as foraging individuals entered or exited nest locations. No burrowing owl activity was detected or observed on the site or along the nearby drainage channel west of Arnold Road where ground squirrel colonies are located, and no burrowing owls

are suspected to currently use the site for breeding. The dense cover of non-native grasslands observed during the April surveys (averaging from one to two feet in height), may be a limiting factor in the suitability of the site for nesting by burrowing owl. Burrowing owls tend to nest in locations with low ground cover and high visibility. As stated previously, the EIS/EIR acknowledges that conditions on the site in the future could change and there is a potential for establishment of new raptor nests. If the East County Government Center site were selected and the project approved, Mitigation Measure 8.15b would require preconstruction surveys and appropriate mitigation if nests are encountered on the site in the future.

**Response to Comment 9-70:**

Comment noted. As discussed on page 8-14, Congdon's tarplant occurs on the East County Government Center site and mitigation has been recommended to address potential impacts on this species. The reference to the record of over 10,000 individuals in the Parks RFTA vicinity was simply to report information on file with the CNDDDB, not to misrepresent the status of this occurrence or need to provide adequate mitigation. As noted by the commentor, recent development in the East Dublin vicinity has eliminated much of the suitable habitat for this species and has most likely severely affected its abundance and distribution in the site vicinity. Mitigation Measure 8.1.5c was recommended to provide for adequate mitigation of the potential impacts of development at the East County Government Center site on Congdon's tarplant. This includes the possibility of combining the seed collection and re-establishment program with other mitigation plans such as that being developed for impacts associated with the Dublin Transit Center, allowing for a coordinated approach to providing adequate mitigation. The recommended mitigation includes preparation of a detailed off-site mitigation program that provides for successful re-establishment and if necessary through additional habitat preservation at a minimum 1:1 ratio. The mitigation program is to be prepared in consultation with the CDFG and meet with the approval of the County General Services Agency. No revisions are considered necessary in response to the comment.

**Response to Comment 9-71:**

As discussed on page 8-16 of the EIS/EIR, California tiger salamander are not believed to occur on the East County Government Center site due primarily to the absence of suitable breeding habitat but also because of the limited opportunities for upland estivation. The man-made detention pond and seasonal wetland depressions do not hold water long enough to allow for egg laying or metamorphoses of larval young. These features would have to hold water into late spring for successful breeding by tiger salamander, which is not possible because of their design or condition.

As discussed in the response to Comment 9-69, a supplemental field inspection was conducted by the EIS/EIR biologist on March 25, 2003 to confirm conditions described by the commentor. No ponded water was found across the entire site, consistent with conditions observed during previous field surveys, and the two man-made seasonal wetland depressions where the commentor observed water on January 22, 2002 held no surface water. This was after several storms during the month of March 2003 which would have extended the presence of surface

water ponding if conditions were appropriate on the site. As concluded in the EIS/EIR, the relatively short duration of surface water ponding in the man-made depressions on the East County Government Center site precludes their suitability as breeding locations for either California tiger salamander and California red-legged frog.

**Response to Comment 9-72:**

Although suitable foraging habitat for these species on the East County Government Center site was observed, no active nests were encountered during the field surveys, as indicated on page 8-28 of the EIS/EIR. Table 8.1 indicates that the occurrence of burrowing owl, white-tailed kite, northern harrier, and loggerhead shrike on the site is “possible,” due both to possible changes in conditions and nesting activity. The observed presence of burrowing owl and white-tailed kite on the site could change again in the future. Mitigation Measures 8.1.5a and 8.1.5b were recommended to provide preconstruction surveys and appropriate avoidance of any newly established raptor nests, including burrowing owl, white-tailed, kite, northern harrier, other raptors and loggerhead shrike. As discussed in the response to Comment 9-69 a supplemental field survey was conducted on March 25, 2003, followed by protocol nesting surveys for burrowing owl in mid-April 2003. While ground squirrel now occupy the site and have created suitable nesting habitat for burrowing owl, no burrowing owl nesting activity was observed during the breeding season protocol surveys. Based on the results of the field inspection in March 2003 and the protocol surveys in April 2003, it is assumed that the individual owl observed by the commentor in January 2003 may have been wintering in the vicinity when the annual grassland cover was low to the ground, but is no longer present on the site. These conditions may again change in the future, and preconstruction surveys called for in Mitigation Measure 8.1.5b would serve to confirm presence or absence of burrowing owl and need for a detailed mitigation program. No white-tailed kite, loggerhead shrike, or other raptor nests were observed on the site during the survey on March 2003 or during the protocol surveys for burrowing owl in April 2003, but preconstruction surveys would be required as called for in Mitigation Measure 8.1.5a. No revisions are necessary in response to the comment.

**Response to Comment 9-73:**

The two small areas shown in Figure 8.4 do meet the three criteria of wetland plants, soils and hydrology, as discussed on page 8-19 of the EIS/EIR. These features have formed as a result of past development and grading, with the larger, narrow feature underlain by asphalt and the smaller feature surrounded by stockpiled soil in an area that was used as a top soil stockpile area during construction of the adjacent Santa Rita Replacement Facility in the mid-1980s (Bissell & Kam, 1984). Because surface water is present only during the rainy season and transitional grassland species occur throughout the bottom of these depressions, they were characterized as functioning largely as grasslands. As noted by the commentor, species typically associated with seasonal wetlands such as invertebrates and pacific tree frog may utilize the developing wetland characteristics of these depressions. However, these are not considered unique and could be recreated as part of any required mitigation plan as called for in Mitigation Measure 8.3.5. These man-made depressions do not hold surface water long enough to support California tiger salamander, California red-legged frog, or special-status plant species associated with vernal

pools and swales. If they did, they would have been identified as having unique values and functions. In response to the comment, the discussion of these features in the last sentence of the first paragraph on page 8-19 has been revised as follows:

...These seasonal depressions function largely as grasslands, with no unique values to wildlife although they are used by common species associated with seasonal wetlands such as invertebrates and pacific tree frog.

**Response to Comment 9-74:**

Refer to the response to Comment 9-69 and 9-72 for a discussion of potential impacts on nesting loggerhead shrike and raptors. The commentor is correct that mitigation measures regarding preconstruction surveys do not include reference to consultation and reporting to the CDFG, which would be defined as part of the mitigation monitoring requirements if the Project were approved. In response to the comment, Mitigation Measures 8.1.2a, 8.1.2b, 8.1.4a, 8.1.5a, and 8.1.5b have been revised to include the following sentence at the end of each measure to clarify coordination and reporting responsibilities:

...If avoidance is not feasible, mitigation shall be developed in consultation with the CDFG and shall meet with the approval of the County General Services Agency prior to any construction or grading. The results of the preconstruction survey and any required mitigation monitoring shall be submitted to the CDFG and County General Services Agency.

**Response to Comment 9-75:**

Refer to the response to Comment 9-69 and 9-72 for a discussion of potential impacts on nesting burrowing owl and raptors, and Comment 9-74 for changes to Mitigation Measure 8.1.5b to clarify preconstruction coordination, approval, and reporting requirements. As noted by the commentor, if on-site avoidance of nesting habitat is not feasible, then securing off-site habitat is typically required by the CDFG. The possibility that habitat protection may be required if burrowing owl are encountered on the site is acknowledged on page 8-28 of the EIS/EIR. However, details on location, size, and other characteristics of the mitigation program would be defined through consultation with the CDFG. All protocol requirements would be followed.

**Response to Comment 9-76:**

Refer to the response to Comment 9-70 for additional discussion of potential impacts on Congdon's tarplant. Mitigation Measure 8.1.5c was recommended to provide for adequate mitigation of the potential impacts of development at the East County Government Center site on Congdon's tarplant. The concerns of the commentor over variations in populations numbers for any selected year are noted. However, the total number of plants observed in a given year is not a sole basis for determining success of recommended mitigation, which would focus on habitat suitability and viability for the species. The recommended mitigation includes preparation of a detailed off-site mitigation program that provides for successful re-establishment, and if necessary through additional habitat preservation at a minimum 1:1 ratio. The mitigation

program is to be prepared in consultation with the CDFG. No revisions are considered necessary in response to the comment.

#### Response to Comment 9-77:

Refer to the response to Comment 9-60 and 73 for additional discussion of potential impacts on the seasonal wetland depressions and adequacy of recommended mitigation. As noted previously, these features have formed as a result of past development and grading, and although they may support common species associated with seasonal wetlands this does not make them particularly unique. Their functions and values could be recreated as part of any required mitigation plan as called for in Mitigation Measure 8.3.5.

The Corps has made a preliminary determination that the seasonal depressions and detention basin on the East County Government Center site are non-jurisdictional<sup>3</sup>. The seasonal depressions were considered to meet the requisite criteria as wetlands, but are not adjacent to any navigable waters or tributary streams, and are therefore not subject to Corps jurisdiction under Section 404 of the Clean Water Act, but may be regulated by the State Regional Water Quality Control Board under Section 401. The detention basin was determined to be constructed for water detention purposes and the Corps considers the basing to be non-jurisdictional. Further review and Corps determination would be necessary for the potential seasonal wetlands detected on Site 15A, which are believed to be considered isolated features as well, and addressed in the discussion on page 8-34 and provisions called for in Mitigation Measure 8.3-6. In response to the comment, Mitigation Measures 8.3.2a, 8.3.5, and 8.3.6, respectively, have all been revised to acknowledge the possible requirements of the State of California Regional Water Quality Control Board in addressing impacts and mitigation for wetland losses. These mitigation measures have been revised as follows:

*Page 8-32:*

**Mitigation Measure 8.3.2a: Wetland Delineation and Possible Replacement.** The preliminary wetland delineation shall be submitted to the Corps for verification, if this site is selected for the project. If the identified drainages ditches to be filled are not considered jurisdictional then no additional mitigation is considered necessary. If the Corps and/or Regional Water Quality Control Board determines these features are jurisdictional and must be filled, then a mitigation program shall be prepared by a qualified wetland specialist, and shall at minimum provide for no net loss of wetlands. This mitigation program will be required to provide for the creation of replacement habitat with and increase in acreage and value at a secure location to meet the “no net loss” standard. Any mitigation program shall include monitoring and management for a minimum of five years to ensure success of wetlands creation; specify success criteria,

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<sup>3</sup> Department of the Army, San Francisco District, Corps of Engineers, 2003, *Subject: File Number 26843S*, letter to Mr. James Sorensen, County of Alameda from Calvin C. Fong, Chief, Regulatory Branch, dated 3 April, 2003.

maintenance, monitoring requirements, and contingency measures; and define site preparation and revegetation procedures, along with an implementation schedule, and funding sources to ensure long-term management. If required, the detailed mitigation program shall be prepared in consultation with the Corps and/or Regional Water Quality Control Board and meet with the approval of the County General Services Agency Community Development Department prior to any construction on the site.

*Page 8-33:*

**Mitigation Measure 8.3.5: Wetland Delineation and Possible Replacement.** The preliminary wetland delineation shall be submitted to the Corps for verification, if this site is selected for the project. If the identified wetlands and detention basin are not considered jurisdictional then no additional mitigation is considered necessary. If the Corps and/or Regional Water Quality Control Board determines these features are jurisdictional, then a mitigation program shall be prepared by a qualified wetland specialist, and shall at minimum provide for no net loss of wetlands. This mitigation program will be required to provide for the creation of replacement habitat with and increase in acreage and value at a secure location to meet the “no net loss” standard. Any mitigation program shall include monitoring and management for a minimum of five years to ensure success of wetlands creation; specify success criteria, maintenance, monitoring requirements, and contingency measures; and define site preparation and revegetation procedures, along with an implementation schedule, and funding sources to ensure long-term management. If required, the detailed mitigation program shall be prepared in consultation with the Corps and/or Regional Water Quality Control Board and meet with the approval of the County General Services Agency Community Development Department prior to any construction on the site.

*Page 8-34:*

**Mitigation Measure 8.3.6: Wetland Delineation and Possible Replacement.** The preliminary wetland delineation shall be submitted to the Corps for verification, if this site is selected for the project. If the identified wetlands and drainage ditch are not considered jurisdictional then no additional mitigation is considered necessary. If the Corps and/or Regional Water Quality Control Board determines these features are jurisdictional, then a mitigation program shall be prepared by a qualified wetland specialist, and shall at minimum provide for no net loss of wetlands. This mitigation program will be required to provide for the creation of replacement habitat with and increase in acreage and value at a secure location to meet the “no net loss” standard. Any mitigation program shall include monitoring and management for a minimum of five years to ensure success of wetlands creation; specify success criteria, maintenance, monitoring requirements, and contingency measures; and define site preparation and revegetation procedures, along with an implementation schedule, and funding sources to ensure long-term management. If required, the detailed mitigation program shall be prepared in consultation with the Corps and/or Regional Water Quality Control Board

and meet with the approval of the County General Services Agency Community Development Department prior to any construction on the site.

As noted in the above mitigations, the County's General Services Agency, rather than the Community Development Agency, is responsible for implementing mitigations unless this task is specifically assigned to another designated agency. The Mitigation Monitoring Reporting Program, available with the Final EIR/EIS, provides a summary of the mitigations for the preferred alternative and party responsible for implementing them.

**Response to Comment 9-78:**

As discussed on page 8-36, proposed development on either the East County Government Center site or Site 15A is not expected to have significant impacts on wildlife habitat. Both of these sites have been extensively altered by past development activities and are border by existing roads and development, limiting opportunities for movement and use by terrestrial wildlife species. Mitigation measures recommended to address the potential for occurrence of nesting raptors and loggerhead shrike would adequately protect any sensitive wildlife habitat values. Similarly, if trustee agencies determine that jurisdictional wetlands are present, appropriate mitigation would be required which would replace any wetland habitat values associated with the man-made depressions, detention basin, and low-lying areas.

**Response to Comment 9-79:**

The consistency discussions under Impacts 8.5.5 and 8.5.6 are based on the relevant policies from the *Eastern Dublin Specific Plan* listed on page 8-5 of the EIS/EIR. The discussion refers to the earlier assessment of potential impacts on special-status species, (Impact 8.1), sensitive natural communities (Impact 8.2), wetlands (Impact 8.3), and loss of wildlife habitat (Impact 8.4), focusing on potential wetland, sensitive wildlife and special-status species. These subject topics are clearly presented in the report, and additional cross-referencing suggested by the commentor is not considered necessary. Refer to the responses to Comments 9-60, 69, and 70 through 78 for conclusions regarding changes to the text of the EIS/EIR recommended by the commentor.

**Response to Comment 9-80:**

The County acknowledges that the City of Dublin has adopted traffic impact fees for *private* development projects in Eastern Dublin which are subject to the City's discretionary approval.

The Draft EIS/EIR is revised on page 9.1 to add a new section entitled, "City of Dublin Traffic Impact Fees" in the Regulatory/Policy Setting as follows:

**City of Dublin Traffic Impact Fees**

The City of Dublin imposes the following traffic impact fees on development projects in Eastern Dublin:

a. Eastern Dublin Traffic Impact Fee, imposed to finance transportation improvements needed to reduce traffic-related impacts caused by development in Eastern Dublin. This fee is imposed on a per-trip basis.

b. Freeway Interchange Fee, which is imposed to reimburse the City of Pleasanton for costs to construct the I-580/Tassajara Road and I-580/Hacienda Drive interchange improvements. These fees are also imposed on a per-trip basis,

c. Tri-Valley Transportation Development Fee, which is imposed to finance transportation improvements in the Tri-Valley development area made necessary by development in this portion of Alameda County. In some instances, government buildings are specifically exempted from this fee.

**Response to Comment 9-81:**

Comment noted. These documents are incorporated by reference.

**Response to Comment 9-82:**

Under the Scenarios A1, A2 and B, the traffic analysis assumed 427,200 square-foot Cisco System development on the Site 15A. This portion of the Cisco development is expected to generate 2,802 daily trips, 534 trips occurred during the a.m. peak and 504 trips during the p.m. peak hour to the City of Dublin road network. Therefore, the Draft EIS/EIR analysis and texts have, in fact, taken into consideration the cumulative impacts due to the development on Site 15A under the Scenarios A1, A2 and B.

**Response to Comment 9-83:**

The MTS roadways in Dublin for which the County Congestion Management Agency would require analysis are listed on page 9-101. Comment regarding development paying its proportionate share of roadway costs is noted.

**Response to Comment 9-84:**

The description of existing roadways on page 9-24 of the Draft EIS/EIR is revised as follows:

**Important Roadways**

Important roadways serving the East County Government Center and Site 15A area include:

....

Dublin Boulevard is a major east-west arterial in the City of Dublin. It is a four lane divided road fronted largely by retail and commercial uses west of Dougherty Road. Between Dougherty Road and Tassajara Road, Dublin Boulevard is a six-lane divided

~~arterial fronted primarily by residential, commercial and vacant lands. East of Dougherty Road, Dublin Boulevard is four lanes to Iron Horse Parkway (currently being widened to six lanes), and six lanes from Iron Horse Parkway to Tassajara Road. Dublin Boulevard extends east of Tassajara Road to Keegan Street as a four-lane roadway fronted by new residential development. Average daily volume near Arnold Road is approximately 16,000 vehicles.~~

*Central Parkway* is a two-lane east-west collector that extends from Arnold Road to Tassajara Road, and will be extended to Keegan Street (east of Tassajara Road) as part of the East Dublin Properties project.

*Hacienda Drive* is an arterial designed to provide access to I-580. North of I-580, Hacienda Drive is a two-to-six-lane arterial running in the north-south direction from Gleason Drive southerly to I-580. It is primarily fronted by commercial, office and residential uses. It is a six-lane divided arterial south of I-580. Currently, hacienda Drive has four lanes north of I-580 to Central Parkway and continues northward to Gleason Drive as a two-lane roadway. Average daily volume near Central Parkway is approximately 9,700 vehicles. South of I-580, Hacienda Drive is a six-lane divided road, a major arterial in the City of Pleasanton.

#### **Response to Comment 9-85:**

The 19 study intersections were selected on the basis that they would handle most of the project traffic, and had been designated by the City of Dublin as study intersections for other proposed developments in the vicinity of the developments that are the subject of the Draft EIS/EIR. The Digital Drive/Hacienda Drive intersection is currently a very high capacity intersection. At the time of the preparation and release of the Draft EIS/EIR, the previously approved project served by the intersection was inactive, and the City (subsequent to the initiation of the subject Draft EIS/EIR) embarked on a study of an alternative proposal for the site, the proposed Ikea development. No details of this proposal were available at the time of the subject study.

#### **Response to Comment 9-86:**

The following table summarizes the source of each count and the date on which each location was counted:

**Summary of Count Dates and Sources  
East County Government Center and Site 15A**

<b>ID</b>	<b>Signalized Intersections</b>	<b>A.M. Peak Hour</b>	<b>P.M. Peak Hour</b>	<b>Source of Count</b>
1	Dougherty Road/Dublin Boulevard	Jan 9, 2002 (Wed)	Jan 9, 2002 (Wed)	BayMetrics
2	Arnold Road/Dublin Boulevard	Jan 9, 2002 (Wed)	Jan 9, 2002 (Wed)	TJKM
3	Arnold Road/Central Parkway <sup>1</sup>	Jan 23, 2002 (Wed)	Jan 23, 2002 (Wed)	TJKM
6	Hacienda Drive/I-580 Eastbound Ramps	Jan 9, 2002 (Wed)	Jan 9, 2002 (Wed)	Dublin
7	Hacienda Drive/I-580 Westbound Ramps	Jan 9, 2002 (Wed)	Jan 9, 2002 (Wed)	Dublin
8	Hacienda Drive/Dublin Boulevard	Jan 9, 2002 (Wed)	Jan 9, 2002 (Wed)	BayMetrics
9	Hacienda Drive/Central Parkway	Jan 9, 2002 (Wed)	Jan 9, 2002 (Wed)	TJKM
10	Hacienda Drive/Gleason Drive	Jan 8, 2002 (Tue)	Jan 8, 2002 (Tue)	TJKM
13	Tassajara Road/Gleason Drive	Jan 10, 2002 (Thu)	Jan 10, 2002 (Thu)	TJKM
14	Tassajara Road/Central Parkway	Jan 10, 2002 (Thu)	Jan 10, 2002 (Thu)	Dublin
15	Tassajara Road/Dublin Boulevard	Jan 10, 2002 (Thu)	Jan 10, 2002 (Thu)	TJKM
16	Dougherty Road/I-580 Westbound Off-Ramp	Jan 9, 2002 (Wed)	Jan 9, 2002 (Wed)	Dublin
17	Hopyard Road/I-580 Eastbound Off-Ramp	Jan 9, 2002 (Wed)	Jan 9, 2002 (Wed)	Dublin
18	Tassajara Road/I-580 Westbound Off-Ramp	Jan 9, 2002 (Wed)	Jan 9, 2002 (Wed)	Dublin
19	Santa Rita Road/I-580 Eastbound/Pimlico	Jan 9, 2002 (Wed)	Jan 9, 2002 (Wed)	Dublin
<b>ID</b>	<b>Unsignalized Intersections</b>	<b>A.M. Peak Hour</b>	<b>P.M. Peak Hour</b>	
4	Arnold Road/Gleason Drive	Aug 8, 2001 (Wed)	Aug 8, 2001 (Wed)	TJKM
5	Arnold Road/Broder Boulevard	Aug 8, 2001 (Wed)	Aug 8, 2001 (Wed)	TJKM
11	Madigan Avenue/Gleason Drive	Aug 9, 2001 (Thu)	Aug 8, 2001 (Wed)	TJKM
12	Madigan Avenue/Broder Boulevard	Aug 9, 2001 (Thu)	Aug 9, 2001 (Thu)	TJKM

As shown on the above table, only the relatively low volume, not congested unsignalized intersections were counted in August 2001. The levels of service at these four intersections are not expected to change much with the use of counts conducted after the summer of 2001.

**Response to Comment 9-87:**

Contrary to the commentor's assertions, the baseline conditions level-of-service analysis is complete and provides an accurate basis for a conservative analysis of the traffic impacts associated with the Proposed Action. The Draft EIS/EIR indicates in the third paragraph on page 9-31 which intersection analyses include lane geometry that are assumed to be altered from

existing conditions. For each of the seven intersections, the lane geometry assumptions for baseline conditions are conservative in that they reflect approved and planned improvements for which 100% financing has been allocated. The baseline lane geometry assumptions do not reflect planned but unfunded improvements because without full funding commitment the improvements cannot be assumed to be operational by the time the Project is under construction. Consequently, the Draft EIS/EIR relies on a conservative methodology to project level-of-service results that may be more realistic than those level of service results that are based on assumptions which may not be realized in a timely manner.

**Response to Comments 9-88 and 9-89:**

Lane geometries and signal timing were checked with City of Dublin staff and were adjusted to determine whether any new significant impacts would occur. The City's assumptions resulted in the same or better level of service results. As stated in Response to Comment 9-87, the Draft EIS/EIR used conservative assumptions, and is therefore a worst-case analysis. Actual mitigation requirements for the development of one or both projects in Dublin would be determined as part of the County's final development plans, based on the project that is ultimately approved by the County Board of Supervisors and reviewed by the City of Dublin.

**Response to Comment 9-90:**

Contrary to the commentor's assertions, the baseline conditions analysis is complete and provides an accurate basis for a conservative analysis of the traffic impacts associated with the Proposed Action. The Draft EIS/EIR states in the last paragraph on page 9-23 that the baseline condition is defined as existing conditions plus future traffic from approved and pending projects within the vicinity of the proposed Project.

The text on page 9-23 inadvertently refers to "pending projects." In fact, the evaluation of baseline conditions is based on existing conditions plus future traffic from approved projects. These projects are further described in the analysis as projects consisting of developments that are either under construction, are built but not fully occupied, or are unbuilt but have final development plan approval.

The second sentence of the last paragraph on page 9-23 is revised as follows to clarify the definition of baseline conditions:

The baseline condition is defined as existing conditions plus future traffic from approved ~~and pending projects~~ within the vicinity of the proposed Project.

The list of approved projects was based on all known projects within the Eastern Dublin planning area which were approved, occupied, or under construction at the time the County and OJP/BJA commenced preparation of the Draft EIS/EIR analysis. This approach represented an accurate projection of baseline traffic conditions in the near-term (2005) scenario. Moreover, planned roadway improvements were not assumed in the baseline conditions unless the roadway improvements were required to be implemented within the horizon of the baseline analysis and 100% funding commitments have been allocated to assure construction of the improvements. In

this way, the baseline analysis does not overestimate available traffic capacity and underestimate the traffic impacts at the analyzed intersections. Consequently, the EIS/EIR does not require a modified analysis of baseline conditions nor does it trigger recirculation. The commentor is also referred to the Master Response regarding recirculation.

The traffic analysis includes all substantial projects in the vicinity of the proposed project. The Transit Center traffic study was neither complete nor available at the time of the Notice of Preparation and the project had not been approved. Most of the Transit Center project occupies land not included in the East Dublin Specific Plan or its EIR. The Transit Center project was not approved until November, 2002, just prior to the release of the Draft EIS/EIR. Consequently, because this project was not approved at the time the traffic analysis was conducted, it was not included in the baseline conditions. The Transit Center Project is, however, included as a future pending project in the cumulative analysis as explained in Chapter 17 of the Draft EIS/EIR.

The Draft EIS/EIR indicates that under both near-term (2005) and future (2025) cumulative conditions, the Proposed Project, in conjunction with baseline and cumulative traffic would result in a significant environmental impact to the Dublin Boulevard/ Dougherty Road intersection. The commentor is referred to Tables 9-17 through 9.27 and Chapter 17, Tables 17.13 through 17.19. For all baseline plus project and cumulative conditions, the EIS/EIR reported that unacceptable levels of service would occur at this intersection.

The commentor is referred to Response to Comment 9-80 regarding the Eastern Dublin Traffic Impact Fees. The mitigation measures identified in Mitigation Measure 9.1.5 require the County to contribute its proportionate share to the funding of local roadway and intersection improvements. It is anticipated that the County either will contribute its fair share through the construction of the improvements or funding which may consist of the payment of applicable traffic impact fees. Any of these methods are consistent with the mitigation measures specified in Mitigation Measure 9.1.5. Consequently, the Draft EIS/EIR does not require recirculation.

The Dublin/Dougherty intersection was analyzed under current lane patterns, as opposed to lane patterns planned by the City subsequent to the completion of the EIS/EIR traffic study, which will expand the intersection. The Draft EIS/EIR provides a worst-case analysis.

**Response to Comment 9-91:**

As noted elsewhere, the Transit Center EIR was approved subsequent to the Notice of Preparation of the subject EIR, and traffic information from the project was not made available by the City. Several locations in East Dublin were being improved at the time of the preparation of the EIR and have subsequently changed. All locations identified by the commentor were in that category.

**Response to Comments 9-92 and 9-93:**

Please see Response to Comment 9-88 and 9-89 regarding methodology used in traffic modeling.

**Response to Comment 9-94:**

The East Dublin Specific Plan predated many of the traffic tools currently used to analyze traffic conditions in East Dublin, including the Tri-Valley Transportation Model and the CCTALOS methodology. The comments refer to the fact that at the time of the preparation of the EDSP, no significant development was in place in East Dublin. All traffic information was predicted; at the present time a significant amount of traffic data can be measured (instead of predicted), since a substantial amount of development has occurred. The point is that traffic conditions did not develop exactly as predicted in the studies but new measurements are made as required to record actual conditions.

**Response to Comment 9-95:**

Detailed comparisons with the EDSP are not available or relevant. All lane patterns noted represent proposals or designs previously approved by Dublin or Pleasanton. All improvements are funded by the East Dublin Traffic Improvement Fee or direct developer construction.

**Response to Comment 9-96:**

Under Baseline conditions during the p.m. peak hour, approximately one-third ( $=1153/(1153+2319)$ ) of the traffic on the southbound Tassajara Road approach to the westbound I-580 ramps intersection is expected to go on the westbound on-ramp. Therefore, no more than one-third of the eastbound movement on Dublin Boulevard is expected to turn right onto southbound Tassajara Road and then proceed onto the westbound I-580 on-ramp at the next intersection. With a triple right, the eastbound curb lane should have the capacity to safely accommodate this traffic movement. Signage can be placed on the eastbound Dublin Boulevard approach to inform drivers that the curb lane essentially feeds the I-580 westbound on-ramp.

**Response to Comment 9-97:**

For the reasons discussed in the prior responses, the baseline LOS analysis is accurate and does not require re-evaluation nor does the Draft EIS/EIR require recirculation. The lane geometries reflect conservative assumptions regarding the existing roadway configurations as updated to reflect roadway improvements under construction or for which 100% of the funding has been allocated. The baseline analysis is based on an accurate list of approved projects representative of their approval status during the preparation of the Draft EIS/EIR. Pending projects are accurately reflected in the cumulative impacts analysis. The commentor is also referred to the Master Response regarding recirculation.

**Response to Comment 9-98:**

Please refer to response to comment 9-88 and 9-89 regarding the LOS analysis.

**Response to Comment 9-99:**

There is no evidence to support the assumption that parking demand would be lower at the Santa Rita Rehabilitation Center during the summer, when the counts were taken. The level of activity at the Center is generally consistent throughout the year, unlike a school or other use that has vacation days or periods of the year. Parking is sufficiently available at the existing lots and in the proposed lots to accommodate substantially more traffic during the typical weekday, and on weekends during visiting, and there is space to restripe secure lots in the rear of the Center to provide additional spaces, as noted in Response to Comment 9-21 and 9-47, and pages 9-84 through 9-87 of the Draft EIS/EIR.

**Response to Comment 9-100:**

BART provides direct service between Dublin-Pleasanton and San Francisco-Colma. Therefore, BART riders originating from the Dublin-Pleasanton with destinations between Hayward and Fremont would need to transfer to the Fremont line at Bay Fair station. Similarly, those with destinations along the Richmond line would need to transfer at one of the stations between Bay Fair and Lake Merritt. Those with destinations along the Concord-Bay Point line would need to transfer at Oakland West station. The return trip from these three lines would require one “reverse” transfer similar to the one made on the trip from Dublin-Pleasanton. The Draft EIS/EIR states the available capacity on BART during both the a.m. and p.m. peak hours. The greatest capacity (1,746 seats) is in the p.m. peak hour, which coincides with when most of the employees (and perhaps visitors) are expected to leave the East County Government Center to return home to one of the cities served by BART.

**Response to Comment 9-101:**

Significance criteria were applied to the analysis to reflect the various alternative sites under consideration, providing a consistent framework under which a comparison could be made. As noted on page 9-2 of the Draft EIS/EIR, specific methodologies were used in conducting the analysis consistent with local practice. The City of Dublin’s General Plan policies and significance criteria are not appreciably different from the criteria used in the Draft EIS/EIR. The Project EIS/EIR is consistent with the City’s approach, i.e. LOS D as a goal for Routes of Regional Significance and at other intersections within the City of Dublin. The Draft EIS/EIR further identifies any increase of 1% or more on routes that are already operating at LOS E or F as significant. The impact conclusions are consistent with these criteria.

**Response to Comments 9-102, 103 and 104:**

Please see Response to Comment 9-97 and the Master Response regarding recirculation at the beginning of Chapter 2 of this Final EIS/EIR.

**Response to Comment 9-105:**

The City plans to have the following approach lanes at Dublin Boulevard/Dougherty Road:

NB Dougherty: Triple left, three through and two right turn only lanes.

SB Dougherty: Double left, three through and one shared through right lanes.

WB Dublin: Triple left, two through and one shared through right lanes.

EB Dublin: Single left, three through and two right turn only lanes.

Rather than assume all of these approach lanes would be in place under build-out conditions, the Draft EIS/EIR conservatively uses existing lane configurations because funding has not been fully allocated to assure that these improvements will be constructed prior to commencement of the Project. Furthermore, with these improvements, the intersection would operate at a better level of service. The Draft EIS/EIR provides a worst-case analysis and therefore does not require amendment. The County would provide a fair share of funding for these improvements, consistent with Mitigation Measure 9.1.5.

**Response to Comment 9-106:**

A list of the architectural programs used in calculating the traffic and parking demand is provided in Chapter 18 of the Draft EIS/EIR, Section 18.4, under “2. Purpose and Need”. The trip rates were also based on consultation with the project architects, engineers, County staff, and surveys of existing operations. The transportation consultants, TJKM Transportation Consultants, prepared numerous spreadsheets and calculations that are available upon request to the County of Alameda, as part of the administrative record for the study. Trip generation used in the report is considered conservative, based on the existing traffic patterns at the San Leandro site of the Juvenile Hall and the Pleasanton site of the Hall of Justice (see pages 9-37 and 9-38 of the Draft EIS/EIR). In fact, the peak hour trip generation per bed used in the analysis is at least four times as much as existing conditions at the Juvenile Hall in San Leandro. Although this discrepancy was described as allowing for the increased office and court functions at the Project, in fact the estimate, even accounting for transit use, was overly conservative. Existing activity at the Hall of Justice in Pleasanton also was measured by TJKM Transportation Consultants. The estimate of daily and peak hour vehicle trips used in the Draft EIS/EIR is approximately two to four times the actual measured trip rate per courtroom at the existing facility, providing a substantial margin for any error in the transit reduction and ridesharing assumed for the project.

**Response to Comment 9-107:**

As stated on page 9-57, the trip distribution assumptions are based on “existing travel patterns, Project travel patterns for employment, visitors and jurors, and knowledge of the study area. The estimates represent a composite of all uses at the site, although it is recognized that individual uses may vary slightly in percentages and travel routes”.

**Response to Comment 9-108:**

Mitigation Measure 9.1.5 provides that the County should fund a fair share of local roadway improvements. However, Baseline conditions assume that approved projects are built and

provide the necessary mitigation measures that are part of that approval. Projected Baseline traffic levels would not materialize if the proposed Project is constructed prior to the Transit Center, so the mitigation requested by the City would not be required unless and until the Transit Center is built, at which time the Transit Center developers would provide the required mitigation, consistent with the City's approval of that project.

**Response to Comment 9-109:**

Comment noted regarding the possible benefits of a transportation demand program, ride sharing, free or discounted BART or other transit passes, and the I-580 Smart Corridor program. Mitigation Measure 17.1.5a and 17.1.6a contained in the Draft EIS/EIR require implementation of a TSM/TDM program with shuttle services to and from the BART station, participation in ridesharing, and other measures for employees and visitors. Additionally, the Draft EIS/EIR includes Mitigation Measure 17.1.5b and 17.1.6b requiring an enhanced transit program.

**Response to Comment 9-110:**

Please see response to Comment 9-96.

**Response to Comment 9-111:**

The resulting level of significance can be determined from the tables that accompany the analysis. The same mitigation measures apply to the impacts in each scenario, and they are equally effective in addressing the identified impacts as previously stated in the first instance. See Tables 9.19, 9.21, 9.23, 9.25, and 9.27 in the Draft EIS/EIR.

**Response to Comment 9-112:**

Impacts to the Dougherty Road / Dublin Boulevard intersection are classified as significant in the Draft EIS/EIR according to the established significance criteria, which are consistent with the City of Dublin General Plan and professional judgement and practice in the area. As stated on page 9-61, mitigation at this intersection was considered infeasible, to the extent that physical constraints and projected traffic volumes were known at the time and expected to occur as a result of the conservative assumptions used in the analysis. The proposed Project will contribute its fair share of the funding toward implementation of roadway improvements necessary to mitigate the significant impacts of the proposed Project. Such funding may contribute to the funding of planned ultimate improvements and other applicable improvements identified for other recently approved projects in the vicinity, provided that these improvements also are required to mitigate for the impacts of the proposed Project. The County concurs that if the East County Government Center site is selected as the alternative for either project, the County will contribute its fair share toward the implementation of the planned intersection improvements at Dougherty Road/Dublin Boulevard. The City's ultimate improvements at that location may result in better-than-projected conditions, in which case the impact of the project would be less than was forecasted in the Draft EIS/EIR. Recirculation of a Draft EIS/EIR is not required when no new significant impacts are identified.

**Response to Comment 9-113:**

As stated in the Draft-EIS/EIR, page 9-87, parking required for the East County Hall of Justice is 850 spaces. This number has been calculated based upon an analysis of the parking demand of the existing Pleasanton courthouse, as adjusted for greater occupancy of the facility, plus the needs of the jurors, jury pool, lawyers, witnesses, visitors, and the general public. It is a conservative number, but, if additional parking is later determined to be needed, the site is large enough to accommodate the construction of more surface parking.

**Response to Comment 9-114:**

In a letter dated February 24, 2003, the LAVTA general manager considers the expansion in service that may be needed with the proposed Project:

*As the current WHEELS fixed-route service in the affected area is not at capacity, parts of the anticipated new demand can be accommodated with the transit services that presently exist. However, extended temporal coverage for route 1 would likely be necessary, as DART is not designed to accommodate large point-to-point loads. Depending on how evenly the demand would be spread out, larger transit vehicles could also prove necessary in order to accommodate spot surges in ridership, even if these occur only on particular trips.*

**Response to Comment 9-115:**

In the same letter mentioned above, the LAVTA general manager addresses the financial implications of improving service:

*Since LAVTA's financial resources are severely limited at this point in time, it is requested that the County, as a sponsor of the project, provide some level of capital and operating funding for improved transit services to the proposed facilities-improvements that LAVTA otherwise may not be able to provide-as a condition for approval of the project.*

**Response to Comment 9-116:**

The Draft EIS/EIR assumed that as a worst case condition, up to ten percent of the total daily trips and peak hour trips to the Project would be made by transit. In fact, the analysis also assumed that some of the trip reduction at the site would be due to carpooling/ridesharing by employees and visitors conducting business at the Projects. Furthermore, as noted in Response to Comment 9-106, the overall trip generation estimates for the Project are between two and four times as high as the existing operations that were field-measured at the existing Juvenile Hall in San Leandro and Hall of Justice in Pleasanton. Therefore the transit analysis overestimates potential demand without compromising the vehicular traffic impact estimates.

**Response to Comment 9-117:**

The TSM/TDM Program and Enhanced Transit Program recommended in Mitigation Measures 9.4.5, 9.4.6, 17.1.5 and 17.1.6 are recommended in order to further reduce project-generated trips. Reducing project-generated trips further reduces traffic volumes using Congestion Management Program facilities which would be impacted by the Proposed Action. The Draft EIS/EIR recommends that the County contribute its fair share to regional transportation mitigation programs through the payment of TVTC fees in order to fund regional transportation improvements.

The last paragraph on page 17-17 of the Draft EIS/EIR inadvertently refers to different mitigation measures than those referenced for the impacts determined through the Congestion Management Agency modeling. Consequently, the following text revisions are included in the Final EIS/EIR:

*Resulting Level of Significance:* Even with implementation of Mitigation Measure 17.1.5a and 17.1.6a (TSM/TDM Program), 17.1.5b and 17.1.6b (Enhanced Transit Program) and 17.1.5c and 17.1.6c (TVTC Fees) ~~Measure 17.4.5a, b, and c, and 17.4.6a, b and c~~ above, the Project's contribution of traffic to I-580, Dougherty Road and Dublin Blvd. could be a significant and unavoidable effect because funding may not be adequate to provide for implementation of all of the necessary mitigation measures planned for the Tri-Valley.

**Response to Comment 9-118:**

In an e-mail dated October 22, 2002 from CMA staff, Hopyard and Santa Rita Roads were not listed as MTS roadway segments that needed to be analyzed.

**Response to Comment 9-119:**

Travel distance, VMT, and related impacts to air quality and environmental justice are described in Chapters 11 and 16. Signalized intersections (including the Project's study intersections) are designed to assign right of way to not only drivers, but also pedestrians and bicyclists. Pedestrian facilities at signalized intersections typically include painted crosswalks, pedestrian signal indications and push buttons. Bicyclists can dismount and use the pedestrian facilities at a signalized intersection or travel on the road as a regulated vehicle. In the vicinity of the Dublin alternative sites, the following roadway segments have bike lanes:

Dublin Blvd. (Demarcus to Hacienda)

W/B – Striped only at intersections between RT & through until after Sybase parking lot entrance (before Arnold) then paved off-street "trail". No Bike Lane signs.

E/B – Striped only at intersections between RT & through. No sidewalk.

Arnold (Dublin Blvd. to Gleason)

N/B – Narrow paved trail on east side of street until Central Pkwy then striped on street until Gleason. No Bike Lane signs until striped area.

S/B – Striped with signs from Gleason to Central Pkwy then no Bike Lane on this side.

Hacienda (Dublin Blvd. to Gleason): Bike lane and signs both ways

Central Pkwy (Hacienda to Arnold): Bike lane and signs both ways

Gleason (Hacienda to Arnold): Bike lane and signs both ways

Trip reduction strategies under Mitigation Measures 9.4.2b, 9.4.5a, and 9.4.6a could include incentives for bicycle use, and would include pedestrian travel to and from transit stops. Due to the County-wide and sub-County-wide service area of the Projects, few pedestrians are expected to travel to the sites without making a vehicular connection. On-site pedestrian safety is addressed as part of each of the site plans through the provision of adequate sidewalks, as mandated by the Americans with Disabilities Act and other codes and practices.

Mitigation Measures 9.4.2b, 9.4.5a, and 9.4.6a on pages 9-96 and 9-108 of the Draft EIS/EIR are hereby amended to include incentives for bicycle use, as follows:

**Mitigation Measure 9.4.2b: TSM/TDM Program.** The County of Alameda should develop and implement a Transportation Systems Management/Transportation Demand Management program for this Project designed to reduce the use of single-occupant vehicles, particularly during peak hour periods. This program should include such strategies as on-site distribution of transit information and passes, provision of shuttle services to and from the BART station, participation in ridesharing services, preferential parking for vanpools and carpools, provision of on-site bicycle parking and employee showers, and potentially flexible or staggered work hours.

**Mitigation Measure 9.4.5a and 9.4.6a: TSM/TDM Program.** The County of Alameda should implement a Transportation Systems Management/Transportation Demand Management program for this Project designed to reduce the use of single-occupant vehicles, particularly during peak hour periods. This program should include such strategies as on-site distribution of transit information and passes, provision of shuttle services to and from the BART station, participation in ridesharing services, preferential parking for vanpools and carpools, provision of on-site bicycle parking and employee showers, and potentially flexible or staggered work hours.

**Response to Comment 9-120:**

Commuter trips are very similar for the Juvenile Justice Facility and other office and government uses, because the use includes a substantial component of offices, courts, and daytime employees. Visitor trips for those conducting business with the courts, administrative offices, and detention center were estimated to account for approximately 60% of the total peak hour

trips, thereby providing a substantial opportunity for trip reduction if employer participation is encouraged through existing and enhanced trip reduction programs.

**Response to Comment 9-121:**

Please see Response to Comment 2-1. Helicopter noise sometimes occurs in the area. According to the 1995 Woodward Clyde study, *Noise Source Inventory and Noise Abatement Plan for Parks Reserve Forces Training Area, Dublin CA*, "The limited Camp Parks-related helicopter activity was also found to cause minimal cumulative noise effects upon the community (noise levels less than 55 dBA Ldn)". (pg 4-1) Helicopters monitoring freeway conditions are often more prevalent than military helicopters. In either case, helicopter noise would not impair the function of the juvenile hall and courts at the Dublin location. The following change is hereby made to the discussion in the Draft EIS/EIR:

*Page 12-14 and Page 12-19, Aviation Operations in Site Vicinity*

The City of Livermore Airport is located more than six miles east of the site, and no private aviation facilities are located in the vicinity. Military helicopters also occasionally fly in the Parks RFTA area.

This modification does not alter the conclusion of the Draft EIS/EIR.

**Response to Comment 9-122:**

According to the Draft EIS/EIR noise section, "LT-1 was made in the center of the rear yard of #5764 Idlewood Street behind an 8-foot sound wall along Hacienda Drive. At this location, Hacienda Drive was the major noise source. Construction of nearby offices also contributed to noise levels. Distant gunfire from the County Sheriff's Shooting Range was audible but not measurable at this location. The CNEL measured at this location was 58 dBA. The hourly data are displayed graphically in **Figure 10.9**. Measurement LT-2 was made on a pole at the corner of Idlewood Court and Winterbrook Avenue approximately 60 feet from the sound wall off Gleason Drive. At this site, gunshots were more audible but not measurable over the noise from traffic on Gleason Drive. The CNEL at this location was 57 dBA." During the monitoring surveys, even with distant gun range use audible, Community Noise Equivalent Levels (CNEL) are within acceptable limits, and thus no significant impact would occur.

**Response to Comment 9-123:**

Table 10.4 in the Draft EIS/EIR provides noise exposure criteria from the City of Dublin General Plan Noise Element.

**Response to Comment 9-124:**

Comment in agreement with the Draft EIS/EIR conclusion regarding significant noise impacts is noted.

**Response to Comment 9-125:**

Quiet paving is often open-grade asphalt or rubberized asphalt. Cost depends upon the underlying structure of the existing road. If the existing road bed is in good shape, a simple overlay may suffice. If the current roadbed is substandard then more major reconstruction can be necessary. If the existing road is currently in good shape, noise attenuation can be on a local road (35 mph) may be on the order of 2-4 dBA. Some studies have found that repaving severely degraded roads with quiet paving materials can produce reductions ranging from 7-10 dBA.

**Response to Comment 9-126:**

Noise mitigations proposed in the Draft EIS/EIR would be sufficient to protect the possible future development of a public park near Site 15A from temporary construction noise impacts. Impact 10.3.6 concerns construction noise impacts. Therefore, regardless of whether a neighborhood park is planned adjacent to Site 15A as a part of the Transit Center development plan, there is no existing noise sensitive receiver that would be impacted by the temporary construction noise. Future development of a public park would be affected more by local traffic than by construction activity. As described on page 10-18 of the Draft EIS/EIR, Dublin Blvd. currently generates an Ldn of 70 dBA along the roadway, and 64 dBA at 118 feet from the roadway. Construction noise due to development of the Hall of Justice at Site 15A would generate noise on the order of 60 dB at the park site, consistent with the description of potential impacts to the public park near the Pardee/Swan site (see page 10-32 of the Draft EIS/EIR). In addition, the Transit Center project was one of the other project analyzed as a part of the cumulative impacts analysis in Chapter 17 (See p. 17-5.) Cumulative noise impacts for the East County Government Center/Site 15A alternative are discussed at page 17-57 of the Draft EIS/EIR. The commentor has not identified any significant new information that would require recirculation. The commentor is referred to the Recirculation Master Response. Clarification of this potential impact is provided in the following amendment to the Draft EIS/EIR, consistent with the discussion of the Pardee/Swan site:

*Page 10-33, fourth paragraph:*

**Impact 10.3.6: Site 15A**

~~NO IMPACT. LESS THAN SIGNIFICANT IMPACT.~~ There are no existing noise sensitive residential receivers in the vicinity of Site 15A, but offices are located within 500 feet and a future park is planned west of Arnold Drive. Construction activities will result in a temporary increase in the local noise levels of over 60 dB at the offices and any future use of the park site. However, the offices are provided with substantial shielding due to the new construction technology used at the building and are not considered a sensitive receptor for the purpose of this analysis. The planned park is not yet in use, and this would not cause a significant impact upon the transient use of the park and trail facilities because the visitors are present for relatively short periods of time. Construction activities will, therefore, cause a less than significant impact. ~~Therefore,~~ Therefore, this is considered a less-than-significant adverse impacts. Construction of the new East County Hall of Justice is not associated with the demolition

of the existing Juvenile Hall or the existing Gale/Shenone Courthouse, so there would be no demolition-related noise impacts.

**Response to Comment 9-127:**

Construction-generated ground borne vibration is normally only significant when pile driving or blasting occurs. Pile driving has not been identified as being necessary to construct the Juvenile Justice Facility or the East County Hall of Justice, based on the expectation that fill soils will be removed and replaced and the continuous and/or isolated spread footings would adequately support the two to four story buildings. This is consistent with the conclusions of the geotechnical reports for the East County Government Center site and for Cisco Systems at Site 15A. The Draft EIS/EIR does not need to be recirculated because no new significant impact has been identified.

**Response to Comment 9-128:**

According to CEQA Section 21081.6, applicants must prepare mitigation monitoring plans and implement them. When the project is approved by elected officials, all adopted air quality mitigation measures will be incorporated into the Mitigation Monitoring Plan adopted in conjunction with the CEQA findings.

**Response to Comment 9-129:**

The staff at Illingworth & Rodkin, who prepared the air quality section of the Draft EIS/EIR, used all of the most detailed and current information for calculating air quality impacts. The state has about 35 air districts, and some of the larger districts have published CEQA Guidelines. Each air district has developed different information and, in these handbooks, it is customary to reference data rather than reproduce it. The South Coast Air Quality Management District, with a large staff and significant financial resources, has published an excellent CEQA Air Quality Handbook. This handbook provides general construction emission factors for projects, based on estimated development sizes. The primary source for *significance thresholds* is the BAAQMD CEQA Guidelines. Please note that emission factors are the input to a model or calculation. Significance thresholds are the standards to which the results of this modeling are compared.

**Response to Comment 9-130:**

Ten new buses would serve the project from about 9 a.m. to 2 p.m. five days a week. Each bus would make about two trips per hour of five miles each. Annual bus emissions would increase by the following: ROG 11.7 lbs, CO 32.0 lbs, NOX 158 lbs, PM10 2.4 lbs.

**Response to Comment 9-131:**

Motor vehicles air emission calculations are based on the project's traffic study. Calculation methodology uses the same basic assumptions for each site (e.g., vehicle fleet mix). The EIR preparers have not made a judgment whether a proposed site creates "excessive VMT" or not.

**Response to Comment 9-132:**

Many of the technical calculations and model runs are not appropriate for the text of an EIR (CEQA Guidelines Section 15006). Technical details of the CO hotspot modeling are available as part of the administrative record, on file with the County of Alameda. Also please note that almost the entire state of California is in attainment of state and federal CO standards, primarily because of reformulated gasoline and cleaner vehicle standards that have been implemented.

**Response to Comment 9-133:**

Remediation (as noted in Mitigation Measure 12.1.6) to effectively reduce the potential health hazards of the contaminated soil that exists on the site from previous activities would also remove the source of on-site pollutants that may contribute to groundwater contamination. As noted on page 12-22, the main source of VOCs detected in the groundwater on the site appears to be off-site, on the adjacent parcel to the east. Alameda County GSA has undertaken characterization activities but has not been named a responsible party for cleaning up this potential source of groundwater contamination.

**Response to Comment 9-134:**

See Responses to Comments 9-121 and 2-1. Military helicopters occasionally fly in the vicinity of the Parks RFTA area, although this activity has been described as “limited.”

*Page 12-14 and Page 12-19, Aviation Operations in Site Vicinity*

The City of Livermore Airport is located more than six miles east of the site, and no private aviation facilities are located in the vicinity. Military helicopters also occasionally fly in the Parks RFTA area.

**Response to Comment 9-135:**

Active military use of the East County Government Center site ended in about 1958 and all the buildings were demolished or removed/relocated. Military use of the site had involved predominantly administrative and residential military activities, and no significant military research and development was conducted on site that would result in exposure to radiological contamination.

The results of the Environmental Site Assessment activities conducted to date strongly suggests that impacts to soil which may be encountered during site redevelopment are no more significant than those encountered during redevelopment of any of the adjacent former military areas. Studies have not identified conditions that would require extensive remediation prior to redevelopment, i.e. chemical contamination has not been detected at concentrations that would suggest the presence of hazardous waste and concentrations that exceed established risk thresholds. Furthermore, common and routine site development procedures such as worker notification, dust control measures and work stoppage when unusual conditions are encountered conducted in association with a Soil Handling/Management Plan (SMP), will effectively address

and mitigate potential risks of exposure including those potentially associated with asbestos containing materials (ACM) and lead based paint (LBP). An SMP will be prepared based on the actual development scheme selected.

Parks RFTA Building 305 was not located on the East County Government Center site. Part of this confusion is that building numbering schemes were specific to the military unit that was governing the area during a specific time period. There have been at least 2 Building 305's in the Parks RFTA area; circa 1944-1958 --Building 305 was located several blocks to the south of the East County Government Center site and was occupied by a boiler room, and circa 1958 to 2000 – Building 305 was located just off of 8th Street on the west side of the military reservation near Dougherty and was initially used as a dormitory, and later used as a “Hot Lab” for the US Naval Radiological Defense Laboratory (NRDL).

The NRDL use of Buildings 305, 310 and 131 (all located on the west side of Parks RFTA/Parks Reserve Forces Training Area), as well as open areas in the uplands more than 1 mile north (Chronic Irradiation Facility) and ¼ mile west (Animal Farm) of the East County Government Center site. While these facilities are no longer in use, they have been the subject of studies conducted by the US Army Corp of Engineers and other military branches for several years. The Animal Farm site has already been redeveloped. Cs-137 contamination has been identified in the vicinity of some of the buildings and reportedly animal carcasses have been encountered and removed from the animal farm.

A Preliminary Environmental Site Assessment was prepared for the East County Government Center site, which identified several potential environmental conditions. (See Draft EIS/EIR page 12-13.) Although the extent of the contamination is not yet fully known, the Soil Handling/Management Plan that the contractors will be required to prepare pursuant to Mitigation Measure 12.1.5 will contain, among other things, a contingency plan that will ensure that construction workers are adequately protected from health impacts associated with potential exposure to contamination. The commentor has not identified any new significant information that would require recirculation (See Recirculation Master Response).

**Response to Comment 9-136:**

As noted in Impact 12.7 (page 12-25 of the Draft EIS/EIR), none of the alternatives, including those in Dublin, have Priority 1 High Risk Facilities that pose a high risk of an accident for the release of hazardous materials. No Hazardous Material Business Plan (HMBP) is required.

**Response to Comment 9-137:**

Soil and groundwater quality at Site 15A have been investigated by Lowney (2000-2002) and Versar (2001). Information regarding these studies was summarized in the Draft EIS/EIR Figures 6.8 and 6.9, and Pages 12-14 through 12-19, Page 12-22 and 12-23. The results of the Environmental Site Assessment activities conducted to date suggests that the site does not contain conditions that would require extensive remediation prior to redevelopment, i.e. chemical contamination has not been detected at concentrations that would suggest the presence of

hazardous waste and concentrations that exceed established risk thresholds. Furthermore, common and routine site development procedures such as worker notification, dust control measures and work stoppage when unusual conditions are encountered conducted in association with a Soil Handling/Management Plan (SMP), will effectively address and mitigate potential risks of exposure including those potentially associated with asbestos containing materials (ACM) and lead based paint (LBP). An SMP will be prepared based on the actual development scheme selected.

**Response to Comment 9-138:**

Site remediation is a standard method of reducing the potential for impacts associated with elevated levels of hydrocarbons and is proposed as Mitigation Measure 12.1.6 (see page 12-23). Use of “should” and “recommended” in this context does not mean that site remediation will not be conducted. Instead, the recommendations in this mitigation present the various options (including hauling soil offsite, case closure of two former service stations, and preparation of a soil management plan) that are available to achieve site remediation and render the potential hazard less than significant.

**Response to Comment 9-139:**

Comment noted. The County is exempt from local land use, zoning and building regulations, including the impacts fees described in this comment subject to the restrictions on the County’s immunity resulting from the May 4, 1993 Annexation Agreement. See Responses to Comments 9-27 and 9-30. Should the County select the East County Government Center/Site 15A alternative, the County would pay any applicable impact fees.

*Page 13-13, new paragraph 4:*

The City of Dublin currently levies a fire protection fee for new development to offset the cost of providing new station, equipment and personnel. The fee is meant to reduce the impacts of future development on the City’s existing fire facilities. Fees are paid to the City at the time of building permit issuance based on square footage of the respective building(s).

*Page 13-15, new paragraph 3:*

Dublin currently charges a public facilities fee for new developments to finance public improvements including, but not limited too, neighborhood and community parks. Fees are imposed on the basis of population created by various development types and paid at the time of building permit issuance. Maintenance of parkland is funded by the City’s General Fund.

*Page 13-16, new paragraph 3:*

Dublin currently charges a public facilities fee for new developments to finance public improvements including, but not limited too, libraries. Fees are imposed on the basis of

population created by various development types and paid at the time of building permit issuance.

The Noise Mitigation Fee does not apply to either the East County Government Center or Site 15A as they are both public facilities and therefore exempted from the fee.

**Response to Comment 9-140:**

Comment noted. The Draft EIS/EIR has been amended to reflect that the neighborhood park is part of the recently approved Transit Center, as follows:

*Page 13-15, paragraph 2:*

The City park facilities nearest the East County Government Center site are to the east, within approximately one mile. The first is Emerald Glen Park, a 28-acre community park that offers sports facilities, a snack bar, picnic area and a restroom. The second facility is a public access walking and hiking trail along Tassajara Creek. The trail follows the creek from Interstate I-580 north, and although the creek continues, the trail currently ends along the western side of the subdivision north of Gleason Drive. Alameda County Flood Control and Water Conservation District (Zone 7) owns the right-of-way and has entered into an agreement with the City of Dublin permitting public use of the maintenance trail provided the City maintains the trail and assumes financial responsibility for the public's use of the trail. The City has also approved a third facility, a new Neighborhood Park. This new park will be located to the south, on Site F of the Transit Center. There are additional parks and recreation facilities near the East County Government Center site, but these are private facilities for residents of area subdivisions. Additionally, a neighborhood park will be developed on Site F of the recently approved Transit Center, which will be located west of Site 15A.

**Response to Comment 9-141:**

Comment noted. As explained in the discussion of Impact 13.1.1 (p. 13-18), the indirect impacts on public services would be no greater than otherwise expected for anticipated growth in the region, and these indirect impacts would, in part, be mitigated by the payment of applicable impact fees associated with new residential development already occurring in these areas. The impacts on public services resulting from the number of visitors to the East County Hall of Justice on City facilities are direct impacts of the Project. Therefore, these impacts resulting from increased visitors do not need to be examined as part of the *Impact 13.1, Indirect Effects on Public Services* section. It should be noted that the direct impacts on City facilities from visitors to the East County Hall of Justice are addressed throughout Chapter 13 of the Draft EIS/EIR.

**Response to Comment 9-142:**

As stated in the Draft EIS/EIR, all security at the Juvenile Justice Facility would be provided by the Alameda County Sheriff's Office and/or the Alameda County Probation Department, not the City of Dublin Police Department. As noted in the comment, it was the Sheriff's Office who

responded to the calls for service at the existing San Leandro facility, not the City of San Leandro Police Department. Actual calls for service in the last year for the entire complex was 61. They covered a range of issues, not all of which were crime related. Calls for service from within the institution at Dublin would by agreement go to the Sheriff's Department. The City of Dublin Police Department would not experience any increased amount of calls for service from within the new facility, as the new facility will not be within their jurisdiction. All impacts related to the City of Dublin Police services are found to be less-than-significant for reasons given in impact section 13.3.5 and 13.3.6 of the Draft EIS/EIR.

**Response to Comment 9-143:**

It is true that building the project will bring more people to the area during the daytime hours if the facility is constructed. The presence of more people often results in demand for more police officers. In terms of environmental analysis, visitors and employees are categorized as daytime population, and would not have any more impact on police services than would an increase an equal increase in the residential population of the area. This is because calculation of police service demand in Dublin is based on a simple ratio of 1.38 officers to 1,000 residents. Theoretically, this daytime population might have less of an impact than permanent residents because they would leave during the night, lowering the impact on police services for that shift. It also must be noted that just because a person visits an inmate he/she is not more likely to commit a crime than any other person. The City of Dublin has already taken into account an increasing population in its *Eastern Dublin Specific Plan* for the surrounding neighborhood. The project will not increase the population, and consequently raise the demand for police services, beyond what has already been forecasted for Eastern Dublin by the City. In other words, the increased daytime population and subsequent increased police services demand generated by the Project has already been taken into account and planned for by the City. Therefore, the Project's increased demand for police services is not a significant environmental impact because it does not exceed the predicted police services demand allotted for the area in the City's General Plan.

**Response to Comment 9-144:**

Comment noted. The planned landscaped 2-acre park-like setting will undergo the SDR process to determine whether it is adequate with respect to all City rules and regulations governing recreational facilities.

**Response to Comment 9-145:**

Site 15A will have a public plaza and landscaping, but it will not include the 2-acre park-like setting found in the plans for the East County Government Center. It is plausible that many of the employees at the new East County Hall of Justice will use the proposed park if it is built, as will employees of many of the surrounding businesses. The City of Dublin *Eastern Dublin Specific Plan* has already anticipated an amount of park demand that exceeds the projected park demand generated by the project. Thus, there is no significant impact from the project above and beyond what was already predicted for Eastern Dublin. Therefore, the project does not need to

identify mitigation measures because there is no direct significant impact on park demand from the project to mitigate.

**Response to Comment 9-146:**

As noted in the Draft EIS/EIR, page 14-18, the water demand factors are derived from Table 3-4 of the DSRSD's *Water Master Plan* (September 2000). The DSRSD's *Final Water Service Analysis for Eastern Dublin* (2001) provides an analysis that "demonstrates that it [DSRSD] has secured sufficient water supplies to serve the approximately 4,970,000 gpd potable water demand for all of Eastern Dublin"(see page 14-21). This analysis included the demand for potable water that would be generated by the Project on this site.

As the commentor notes, the Draft EIS/EIR discusses water demand using the unit of "gallons per day." This unit is used both in the analysis of the increase in water demand that may occur as a result of the Project and for the total water demand projected by the service area provider (i.e., EBMUD or DSRSD) over a given time frame. By using the same units for water demand, comparing the total demand to the demand created by the Project is straightforward and is included in the analysis for each alternative. For example, on page 14-18, the analysis includes the following: "under this alternative [the increased demand] represents approximately 0.2 percent of this overall demand [for EBMUD's water]."

**Response to Comment 9-147:**

The discussion on page 14-13 regarding storm drainage on the East County Government Center site describes the presence of an existing 48-inch pipe on Broder Boulevard that empties into the detention basin (see the second bullet in this section). See also Response to Comment 9-64.

**Response to Comment 9-148:**

Use of the terms "recommended" and "should" in Mitigation Measures 14.1.5 and 14.1.6 is not intended to suggest that that this aspect of the mitigation measures would not be required. In the event that the East Government Center/Site 15A alternative is selected, and the Project is approved, Alameda County would be required, pursuant to the requirements of CEQA, to implement these mitigation measures. Mitigation Measures 14.1.5A, 14.1.5B, 14.1.6A and 14.1.6B would apply to the East County Government Center and Site 15A, respectively. The Draft EIS/EIR is revised as follows:

*Page 14-21, paragraph 2:*

Although water supply is available to serve the potable water demands of the East County Government Center site, the following mitigation measures would further ~~measure is recommended to~~ reduce water demand consistent with current regulations:

**Mitigation Measure 14.1.5A: Water Conservation.** Mitigation Measure 14.1.2A (see above), for all the Project components, would apply to this alternative. Additionally, all

landscaping at the facility should comply with DSRSD's Water Efficient Landscape Ordinance to minimize use of irrigation water.

**Mitigation Measure 14.1.5B: Recycled Water Use.** DSRSD ordinance requires that recycled water be used for all approved customer categories for all new land uses, including the East County Government Center site, within the DSRSD potable water service area. The East County Government Center ~~would should~~ be required to install dual water systems and a recycled water distribution system to serve all outdoor irrigation needs of this facility.

*Resulting Level of Significance:* Although this impact is considered *less than significant* due to the availability of water supplies from DSRSD to serve this alternative, the mitigation measures ~~recommended~~ above would serve to further reduce water demand consistent with DSRSD ordinances and regulations.

*Page 14-22, paragraph 1:*

Based on DSRSD's *Final Water Service Analysis for Eastern Dublin* (DSRSD, 2001) DSRSD has demonstrated that it has secured sufficient water supplies to serve the approximately 4,970,000 gpd potable water demand for all of Eastern Dublin, assuming significant exterior water demands are met with recycled water. This amount of water demand was predicated on a more intense development plan for Site 15A than this alternative. The *Eastern Dublin Specific Plan* assumed that this site would be developed with as many as 375 high-density residential units, generating a demand for approximately 52,000 gpd. The East County Hall of Justice, although generating an increased demand for water supplies, would generate approximately 10,000 gpd less demand than what has already been planned for, and water supply acquired by DSRSD. Therefore, water supplies are currently available to serve this project alternative. Additionally, demand for potable water would be reduced in the EBMUD service area. Although water supply is available to serve the Site 15A, the following mitigation ~~measures would further measure is recommended~~ to reduce water demand consistent with current regulations:

**Mitigation Measure 14.1.6A: Water Conservation.** Mitigation Measure 14.1.5A (see above), for all the Project components, would apply to this alternative.

**Mitigation Measure 14.1.6B: Recycled Water Use.** Mitigation Measures 14.1.5B (see above) would apply.

*Resulting Level of Significance:* Although this impact is considered *less than significant* due to the availability of water supplies from DSRSD to serve this alternative, the mitigation measures ~~recommended~~ above would serve to further reduce water demand consistent with DSRSD ordinances and regulations.

These modifications do not alter the conclusion of the Draft EIS/EIR nor do they trigger the need for recirculation.

**Response to Comment 9-149:**

See Response to Comment 9-148.

**Response to Comment 9-150:**

Comment noted. The Draft EIS/EIR is revised as follows:

**14.3.5: East County Government Center**

LESS THAN SIGNIFICANT IMPACT. The East County Government Center would incrementally increase system-wide demand for wastewater treatment and disposal. However, future development of this site has been anticipated in the Eastern Dublin Specific Plan and DSRSD's long-term service plans and existing and planned wastewater treatment facilities at the Wastewater Treatment Plant can accommodate the wastewater increase attributed to this alternative. Similarly, completion of the larger LAVWMA wastewater disposal pipe from the DSRSD Wastewater Treatment Plant to the EBDA's outfall pipe to San Francisco Bay would be adequate to accommodate increased wastewater flows from this alternative. Therefore, treatment and disposal of increased wastewater flows associated with this alternative would be less than significant. DSRSD currently charges wastewater connection and other fees on all new development within the District's service area. The Project would pay these wastewater and other fees to the DSRSD, as required. Fees are used for construction of planned wastewater treatment and disposal system capital improvements, as well as ongoing wastewater system maintenance.

**14.3.6: Site 15A**

LESS THAN SIGNIFICANT IMPACT. Similar to the above East County Government Center site, future development of Site 15A (at intensities greater than would occur under this alternative) has been anticipated in DSRSD's long-term service plans. Existing and planned wastewater treatment facilities at the Wastewater Treatment Plant and completion of the larger LAVWMA wastewater disposal pipe from the DSRSD Wastewater Treatment Plant to the EBDA's outfall pipe to San Francisco Bay would be adequate to accommodate increased wastewater flows from this alternative. Therefore, treatment and disposal of increased wastewater flows associated with this alternative would be less than significant. DSRSD wastewater connection and other fees on development of this alternative would be used for construction of planned wastewater treatment and disposal system capital improvements, as well as ongoing wastewater system maintenance. The Project would pay wastewater and other fees to the DSRSD, as required, and this alternative would have a less than significant impact on these infrastructure systems.

These modifications do not alter the conclusion of the Draft EIS/EIR.

**Response to Comment 9-151:**

See Responses to Comments 11-8 and 9-63.

**Response to Comment 9-152:**

As noted in Mitigation Measure 14.5.5 in the Draft EIS/EIR, the timely completion of the bypass system and/or additional offsite interim drainage storm drainage improvements, and implementation of the SWPPP, will be required to provide adequate storm drainage. As noted on page 14-31, an offsite detention basin is one of the interim improvements that may be undertaken if the bypass system is not completed in time to service the proposed development at the site. The basin would be located on County property, at the mouth of the creek that enters the Santa Rita Rehabilitation Center from the north via the Parks RFTA property. Mitigation Measure 14.5.5 has been modified to include this clarification (see Response to Comment 9-64).

**Response to Comment 9-153:**

Comment incorporating earlier comments regarding storm drains are noted. See Responses to Comments 9-59 through 9-68.

**Response to Comment 9-154:**

Page 15-10 of the Draft EIS/EIR states in part: “Qualified professionals prepared archaeological assessments for the East County Government Center, Site 15A, Existing San Leandro Property and the Pardee/Swan sites. Since there are no existing buildings on the East County Government Center, Site 15A, and the Pardee/Swan sites, no historical assessment of sites was required.” Historical assessments refers to reports specific to buildings. Since no buildings were present, a historical assessment was not conducted. However, the sites were reviewed and examined for non-structural potential as cultural resources, as discussed on page 15-22 and elsewhere in the Draft EIS/EIR. The EIS/EIR concludes that past activities at the site and Parks RFTA in general are not historically important and/or have been removed or highly disturbed by extensive earth movement since the 1950s when the major operations at the site were discontinued (see pages 15-6, 15-22 and 15-24). Measures are in place to halt construction, evaluate finds, and implement appropriate mitigation for archeological resources (see page 15-28). If any significant finds are made, the evaluation would also determine if they were related to any past uses at the site, which would include historical uses. The Draft EIS/EIR mitigation measures are consistent with standard mitigation measures required of development projects, consistent with State law.

**Response to Comment 9-155:**

The environmental justice impact discussion on pages 16-13 through 16-15 of the Draft EIS/EIR includes consideration of the transportation difficulties associated with operation of a Juvenile Justice Facility or Hall of Justice at the East County Government Center site as they would relate to anyone attempting to travel by public transit from the west County to the east County. The text on page 16-14 is hereby amended to clarify the subject of the discussion, as follows:

The East County Government Center Site is suited to development as a Juvenile Justice Facility and/or Hall of Justice and would not present any environmental hazards to the detainees. However, the site's location could present some transportation difficulties for families and others associated with the detainees, probationers, and other users of the Juvenile Justice Facility. Probationers report locally and at a central facility on a varying basis. Court filings, hearings, and other activities at the juvenile courts also would require regular transportation to and from the site. The County's transportation plan would address each of these needs by enhancing bus service from the Dublin BART station throughout the day.

The statement on page 16-8 of the Draft EIS/EIR regarding population and arrest patterns is not intended to indicate that the Tri-Valley would be centrally located, but shows that existing "services are generally concentrated in areas of higher population density where there are corresponding arrest rates."

**Response to Comment 9-156:**

It is acknowledged that there would be implications to increased travel time and cost that have ramifications for the detainees, probationers, and their family members.

**Response to Comment 9-157:**

The County agency responsible for preparing and implementing the transportation plan would include the General Services Agency as the project developer, the Probation Department as the project operator, and the County Administrator's Office as the budget and administrative controller, with ultimate authority remaining in the Board of Supervisors.

The Draft EIS/EIR estimated up to 1,000 daily transit trips on a weekday if both the Juvenile Justice Facility and the East County Hall of Justice at the East County Government Center site. This would break down to 250 during the peak hours, when buses already serve the site, and 100 during the early afternoon when buses already run, resulting in approximately 650 person-trips in the daytime or evening during visiting hours. Buses might run every half hour, with improved service, similar to the existing peak hour pattern, so we'd add about 10 buses between 9 a.m. and 2 p.m. each weekday. We assumed evenly distributed trips, so the new buses would be able to carry about 400 people seated, and the existing buses from 2 p.m. to 5 p.m. would carry about 250 people. These buses would travel from the Dublin BART station to the site via Hacienda Drive, loop around the site, and go back to the BART station along Hacienda, a distance of about 5 miles round trip.

As stated on page 16-14 of the Draft EIS/EIR, the plan would necessarily be prepared in cooperation with the Livermore Amador Valley Transportation Authority and the City of Dublin. Funding would be allocated by the Board of Supervisors. Monitoring and reporting would be incorporated into the adopted mitigation program for the project, when the Board of Supervisors adopts such a program as part of project approval.

**Response to Comment 9-158:**

The proximity of the Juvenile Justice Project to other public facilities would not be an environmental justice impact. The detainees would be shielded from noise and visual contact with shooting ranges at the Sheriff's facility and Parks RFTA by distance, buildings, topography, and site orientation.

**Response to Comment 9-159:**

The Draft EIS/EIR states, at page 4-31, that the East Dublin Specific Plan and East Dublin General Plan Amendment "establish a maximum floor area ratio (FAR) of 0.50 and assume a mid-range floor-area ratio of 0.25 for Public/Semi-Public land uses," and that approximately 964,000 square feet of development could occur with the 88.5 acre development area "based on the assumed mid-range FAR." The Draft EIS/EIR further states that, after subtracting the 84,000 square feet of existing development, the East Dublin Specific Plan permits a maximum of approximately 880,000 square feet of new development within the development area, while the Project proposes approximately 620,000 square feet of new development (425,000 sq. ft. for Juvenile Justice Facility and 195,000 sq. ft. for East County Hall of Justice). In its comment, the commentor acknowledges that density may be averaged across the entire development area. Based on these facts, the County properly determined that development of the Juvenile Justice Facility and East County Hall of Justice on the East County Government Center site could be made consistent with the density/intensity of use permitted on that site. *See Responses to Comments 9-27 and 9-39.*

This comment is similar to Comment 9-4. Based on this comment, the Draft EIS/EIR is revised as follows:

*Page 17-1, paragraph 4:*

The development of these Projects at any of the sites evaluated in this EIS/EIR would be consistent with overall land use plans for the areas except, as discussed in detail in Chapter 4: Land Use and Planning, for Site 15A. This site is not currently designated for public uses, but is designated for High Density Residential. ~~In~~ in terms of density and intensity of use, all the ~~The~~ sites, including Site 15A, are ~~each~~ located in urban areas with adequate infrastructure to serve the demands for services, such as water and wastewater, so no substantial infrastructure improvements would be required which could lead to growth-inducement in neighboring areas.

See also Response to Comment 9-38, which discusses the County's application to the City of Dublin to seek a general plan amendment for Site 15A. As noted in that response, the County can amend its application to change the land use designation of Site 15A to whatever designation the City deems most appropriate for the East County Hall of Justice. The underlying land use designation would not alter the physical environmental effects of the East County Hall of Justice, nor affect the conclusions of the Draft EIS/EIR.

**Response to Comment 9-160:**

If the East County Government Center/Site 15A alternative is selected, employees who lived in the vicinity of the existing facilities would either have a longer commute, or choose to relocate. Either way, because the employment at the sites would be relatively small as compared to overall activity in the area, the impact on the need for housing would be relatively small. Nonetheless, the EIS/EIR concludes that because of the overall trend towards increased traffic congestion, lack of affordable housing and increased demands on public services, there is the potential for significant cumulative growth-inducing impacts. Note that many of the employees for the East County Hall of Justice currently work at the existing facility in Pleasanton, which is in relatively close proximity to the proposed facility.

**Response to Comment 9-161:**

The commentator's comments regarding the format of Chapter 17 are noted. All of the cumulative impacts occurring under the "Cumulative Year 2025 plus Scenarios" for the Dublin alternatives are identified on pages 17-31 through 17-55 of the Draft EIS/EIR. Chapter 17 includes summary tables illustrating the peak hour intersection levels of service and the intersections which would be impacted at a significant level with the Proposed Action. That is, the impacts which are addressed by the mitigation measures are the intersections identified in each of the tables between pages 17-31 and 17-55 that would be significantly impacted by the Proposed Action under each of the scenarios.

**Response to Comment 9-162:**

The cumulative analysis considers past, present and reasonably foreseeable projects in accordance with CEQA and NEPA requirements. The evaluation of past and present actions is considered to be part of the existing and baseline conditions. Baseline conditions described on pages 9-29 and 9-30 of the Draft EIS/EIR include "projects and occupancy levels" as of the date of the analysis. Cumulative projects described on pages 17-26 through 17-28 include "approved projects [that] were assumed to be fully built out under this scenario." The evaluation of reasonably foreseeable projects is based on approved and pending projects as contemplated in the Eastern Dublin Specific Plan, as amended, and the General Plan. The discussion on page 17-15 of the Draft EIS/EIR provides a general overview of the basis for cumulative development within the general vicinity of the East County Government Center site, and highlights that the recently approved Transit Center and the future East County Government Center Offices should be considered in conjunction with other approved projects, including the Eastern Dublin Properties. These projects are consistent with the City of Dublin's certified EIR for the Transit Center project.

The East County Government Center offices were considered to be "reasonably foreseeable" because the Eastern Dublin Specific Plan designates the site for office uses and the County intends to eventually develop the site. As the Draft EIS/EIR indicates, in addition to the 425,000 Juvenile Justice Facility and the 195,000-square foot East County Hall of Justice, approximately 260,000 square feet of office space also could be developed under the adopted Eastern Dublin Specific Plan. Thus, if the County were to select the East County Government Center site as the

selected alternative, it is reasonably foreseeable that the County could develop the additional offices as the need arises and funds were to become available. (While the commentor correctly notes that an application has not been filed, the County's development of offices on this site does not require an application to be filed with the City at this time.)

The descriptions of the "office" component vary depending upon the scenario under consideration. The Draft EIS/EIR explains on page 17-24 that up to the total development potential of 964,000 square feet could occur, including the existing development on the County Center property north of Gleason Drive (see page 4-32 of the Draft EIS/EIR regarding land uses at the site). However, if the Juvenile Justice Facility and/or the East County Hall of Justice projects are constructed, less office development would occur. If one or both of the projects is not developed at the East County Government Center Site, then the County could eventually develop other County functions on the site of up to the total development potential of 964,000 square feet, including the existing development elsewhere on the County property north of Gleason Drive.

**Response to Comment 9-163:**

The project would offset its contribution to cumulative significant impacts to Congdon's tarplant and wetlands by implementing Mitigation Measures 8.1.5c, 8.1.6c, 8.3.5, and 8.3.6. Consequently, the Project's contribution to cumulative impacts would be less than significant. Similarly, the Project would offset its contribution to cumulative impacts to burrowing owl and raptors by implementing Mitigation Measures 8.1.5a and 8.1.5b. It is anticipated that other development in the project vicinity also would be required to implement similar mitigation measures consistent with State and federal laws and regulations. Other cumulative development impacting tarplant, wetlands, raptors and burrowing owl would be expected, or has been required, to implement similar mitigation measures. The Draft EIS/EIR also explains that although some development in eastern Dublin may result in habitat loss for other federally- and state-listed species, the Project would not contribute to impacts associated with these habitats (see page 17-16).

**Response to Comment 9-164:**

Comment noted regarding the proposed Project's potential to add congestion to I-680 and I-580 freeways, as well as Dougherty Road/Dublin Road. This impact was addressed in the Draft EIS/EIR at pages 17-16 through 17-55. The Project's potentially significant unavoidable impact is described in that analysis, and the County and OJP/BJA would adopt the necessary findings as part of their approval of any project in Dublin.

**Response to Comment 9-165:**

Comment noted. Use of the term "should" in the Mitigation Measures on pp. 17-16 and 17-17 is not intended to suggest that these mitigation measures would not be required. In the event that the East Government Center or Site 15A alternative is selected, and the Project is approved, Alameda County would be required, pursuant to the requirements of CEQA, to implement

feasible mitigation measures. Transportation Systems Management/Transportation Demand Management (TSM/TDM) programs, an enhanced transit program, and contribution of mitigation fees to a regional transportation agency (in this case, the Tri-Valley Transportation Council) to fund regional improvements are standard methods to reduce the potential cumulative traffic impacts of a project. Use of “should” in this context presents the various options that are available to reduce these impacts. Use of “shall” would not be appropriate given that, as noted on page 17-17, funding may not be adequate to provide for implementation of all the necessary mitigation measures planned for the Tri-Valley. The Draft EIS/EIR acknowledges that the lack of funds to implement all the options listed in all three mitigation measures on pages 17-16 and 17-17 may mean that the Project’s contribution to traffic on the I-580, Dougherty Road and Dublin Boulevard is a potentially significant and unavoidable impact.

**Response to Comment 9-166:**

Comment noted. In fact, Mitigation Measure 17.1 contains several cross-referencing errors. To ensure consistent numbering with the rest of the Draft EIS/EIR, it is revised as follows:

*Page 17-4, Mitigation Measures (Existing San Leandro Property)*

**Mitigation Measure 17.1.2a ~~17.1.1a~~: Preserve and Enhance Transit Service in San Leandro.** The County of Alameda should coordinate with AC Transit service planners to ensure continued service at sufficient frequency and hours of operation to meet the needs of the Project and to provide a new bus stop at the main entrance to the facility.

**Mitigation Measure 17.1.2b ~~17.1.1b~~: TSM/TDM Program.** The County of Alameda should develop and implement a Transportation Systems Management/Transportation Demand Management program for this Project designed to reduce the use of single-occupant vehicles, particularly during peak hour periods. This program should include such strategies as on-site distribution of transit information and passes, provision of shuttle services to and from the BART station, participation in ridesharing services, preferential parking for vanpools and carpools, and potentially flexible or staggered work hours.

*Page 17-6, Resulting Level of Significance (Existing San Leandro Property)*

*Resulting level of Significance.* Even with implementation of Measure 17.1.2a ~~17.4.2a~~ and 17.1.2b ~~17.4.2b~~, the Project’s contribution of traffic to I-580 would be a significant and unavoidable effect.

*Page 17-15, Mitigation Measure and Resulting Level of Significance (Pardee/Swan Site)*

**Mitigation Measure ~~17.1.4a~~ ~~17.1.3a~~: TSM/TDM Program.** The County of Alameda should develop and implement a Transportation Systems Management/Transportation Demand Management program for this Project designed to reduce the use of single-occupant vehicles, particularly during peak hour periods. This program should include such strategies as on-site distribution of transit information and passes, provision of shuttle services to and from the BART station, participation in ridesharing services, preferential parking for vanpools and carpools, and potentially flexible or staggered work hours.

*Resulting level of Significance.* Even with implementation of Measure ~~17.1.4a~~ ~~17.4.3a~~, the Project's contribution of traffic to I-580 would be a significant and unavoidable effect.

*Page 17-16 to 17-17, Mitigation Measures and Resulting Level of Significance (East County Government Center Site and Site 15A)*

**Mitigation Measure 17.1.5a and 17.1.6a: TSM/TDM Program.** The County of Alameda should implement a Transportation Systems Management/Transportation Demand Management program for this Project designed to reduce the use of single-occupant vehicles, particularly during peak hour periods. This program should include such strategies as on-site distribution of transit information and passes, provision of shuttle services to and from the BART station, participation in ridesharing services, preferential parking for vanpools and carpools, and potentially flexible or staggered work hours.

**Mitigation Measure 17.1.5b and 17.1.6b: Enhanced Transit Program.** The County of Alameda should implement an enhanced transit program designed to improve access to the Project, with particular emphasis on expanding LAVTA route coverage and hours serving the site. Such a program should also consider the potential for participation in funding LAVTA shuttle services to and from the BART station.

**Mitigation Measure 17.1.5c and 17.1.6c: TVTC Fees.** The County of Alameda should contribute a proportionate amount to regional transportation mitigation programs as determined by the current Tri-Valley Transportation Council fee program. Regional improvements that may be implemented through use of these fees may include enhanced rail and feeder bus transit services, construction or upgrading of I-580 and/or I-680 freeways, and/or construction or upgrading of alternative road corridors to relieve demand on the I-580 and I-680 freeways.

*Resulting level of Significance.* Even with implementation of Measure ~~17.1.5a, b and c~~ ~~17.4.5a, b, and c~~, and ~~17.1.6a, b and c~~, ~~17.4.6a, b and c~~ above, the Project's contribution of traffic to I-580, Dougherty Road and Dublin Blvd. could be a significant and

unavoidable effect because funding may not be adequate to provide for implementation of all of the necessary mitigation measures planned for the Tri-Valley.

These modifications do not alter the conclusion of the Draft EIS/EIR.

**Response to Comment 9-167:**

The list of built out development projects was provided to identify for the reader the development projects considered in the Tri-Valley Transportation Model, consistent with the City of Dublin's certified Transit Center EIR.

**Response to Comment 9-168:**

The fourth paragraph on page 17-28 states that "the assumed Year 2025 roadway network is based on existing improvements, improvements currently under construction, and required frontage improvements of approved projects." Similar to the level-of-service analysis for baseline conditions, the lane geometry assumptions for Year 2025 are conservative. Most of the East Dublin projects that are assumed to be built-out by Year 2025 will be required to submit their own traffic impact study that will describe mitigation measures (e.g., additional approach lanes at study intersections, new signal phasing, etc.) that may be needed to improve the level-of-service under future conditions. Rather than assume these mitigation measures will be in place where funding commitments have been fully allocated, the Draft EIS/EIR conservatively assumes that in general the study intersections in Year 2025 will have the approach lanes that existed (not necessarily operational) as of December 2002. A reasonable number of lanes were assumed for approaches that serve an approved project site that is currently vacant, such as the northbound approach of Arnold Drive at Dublin Boulevard. Once again, this conservative methodology allows the Draft EIS/EIR to present level-of-service results that may be more realistic than those based on the assumption that all recommended mitigation measures will be implemented as part of the future base case conditions. Contrary to the commentor's assertions, the cumulative conditions (Year 2025) level-of-service analysis is complete and provides an accurate basis for a conservative analysis of the traffic impacts associated with the Proposed Action.

**Response to Comment 9-169:**

Alternative signal phasing assumptions were used to reevaluate level-of-service at each of the five intersections. The LOS at these intersections is expected to be essentially the same as that presented in the DEIR. The other project scenarios would require lesser mitigation measures. Please see Responses to Comments 9-88 and 9-89.

**Response to Comment 9-170:**

Please refer to Responses to Comments 9-88 and 9-89 regarding the LOS analysis.

**Response to Comment 9-171:**

Methodology is described on page 17-25 of the Draft EIS/EIR. The Tri-Valley Transportation Model was used consistent with the City of Dublin's certified Transit Center EIR. Mitigation Measures 17.1.5a, 17.1.6b, 17.1.5a, 17.1.5b, 17.1.5c and 17.1.6c are provided in the Draft EIS/EIR to address the significant impacts to regional roadways. Mitigation Measures 17.2.5a, 17.2.6a, 17.2.5b, 17.2.6b, 17.3.5a, 17.3.6a, 17.3.5b, and 17.3.6b are also provided to address impacts identified according to the Tri-Valley Transportation Model for Scenario A1, and similar measures are provided for each of the other scenarios.

**Response to Comment 9-172:**

Please see Response to Comment 9-105.

**Response to Comment 9-173:**

Optional mitigation strategies are feasible to address the identified impacts. The County would coordinate any necessary improvements with the City of Dublin and other responsible parties such as Caltrans. Payment of fair-share contributions toward mitigation measures would provide the City with flexibility to implement the measures that it deems most effective.

**Response to Comment 9-174:**

The Draft EIS/EIR assumed that not all improvements would be in place, based on the existing conditions in the field, in order to provide a conservative analysis. It is recognized that some roadways are already built to accommodate the ultimate planned improvements, but would require modification to achieve the full improvement. See Response to Comment 9-168.

**Response to Comment 9-175:**

Comment noted regarding the additional lanes that may be needed within the ultimate right-of-way along Tassajara Road and Dublin Boulevard. No Project conditions do not represent mitigation measures that would be required as part of the Project, and so the identified measures are merely intended to identify existing constraints and potentially needed long-term (year 2025) improvements. Actual conditions in the year 2025 are likely to be different from those projected in the analysis, and mitigation would necessarily be refined at such time as the need arises.

**Response to Comment 9-176:**

See Response to Comment 9-175.

**Response to Comment 9-177:**

The proposed Project will contribute its fair share of the funding toward implementation of roadway improvements necessary to mitigate the significant impacts of the proposed Project. Such funding may contribute to the funding of planned ultimate improvements and other applicable improvements identified for other recently approved projects in the vicinity, provided

that these improvements also are required to mitigate for the impacts of the proposed Project. A final list of measures to be funded would be determined in consultation with the City of Dublin and other responsible parties such as Caltrans following the selection of a Project for implementation. Long-term cumulative impacts are necessarily uncertain, and may be modified from the measures suggested in the Draft EIS/EIR, but the potential impacts and reasonable mitigation measures are adequately identified to provide the reader with an indication of the potential implications of approving development according to each of the scenarios.

**Response to Comment 9-178:**

Mitigation Measures 17.2.5a and 17.2.6a refer to the Project's responsibility to contribute "fair share" funds toward the implementation of local roadway and intersection improvements from its cumulative impact on traffic. Mitigation Measures 17.2.5b and 6b, to which the commentor refers, discusses the timing of providing these funds. These mitigation measures state that the Project should fund these improvements at such time as they are "documented as being necessary, unless other funding or alternative improvements have been constructed that alleviate the Project's significant effect." Contributing fair share funds and outlining a reasonable timetable under which the fair share funds should be contributed are sufficient to mitigate the Project's cumulative impacts on local roadways and intersections. Use of the term "should" in Mitigation Measures 17.2.5B and 17.2.6b is not intended to suggest that that these mitigation measures would not be required. In the event that the East Government Center and/or Site 15A alternatives are selected, and the Project is approved, Alameda County would be required, pursuant to the requirements of CEQA, to implement these mitigation measures unless they were found to be infeasible based on substantial evidence.

**Response to Comment 9-179:**

See Response to Comment 9-178.

**Response to Comment 9-180:**

Comment noted. The Draft EIS/EIR is revised as follows:

*Page 17-36, first paragraph (Cumulative Year 2025 plus Scenario A2):*

This scenario is the same as the Year 2025 cumulative conditions, with the addition of traffic from the proposed Juvenile Justice Facility with 540 beds, 13 courtrooms and 225,000 square feet of office use to be located at the East County Government Center.

*Page 17-40, first paragraph (Cumulative Year 2025 plus Scenario B):*

This scenario is the same as the Year 2025 cumulative conditions, with the addition of traffic from the proposed ~~Juvenile Hall facility with 540 beds~~, 13 courtrooms and 685,000 square feet of office development to be located at the East County Government Center.

These modifications do not alter the conclusion of the Draft EIS/EIR.

**Response to Comment 9-181:**

Parking is analyzed on page 17-56 of the Draft EIS/EIR, including potential future development of the County offices, which would apply under any of the scenarios analyzed for traffic impacts.

**Response to Comment 9-182:**

The commentor is referred to the Response to Comment 9-161.

## Letter 10: California Regional Water Quality Control Board

### Response to Comment 10-1:

The County of Alameda will comply with all the requirements, including the performance standards, of the NPDES permit and the County's Stormwater Management Plan (SMP) that are in effect when the County submits its Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB) prior to construction.

In response to the request that Alameda County's NPDES permit be discussed, the Draft EIS/EIR is revised as follows:

*Page 7-2, insert to follow paragraph 1:*

Under the terms of the County of Alameda's NPDES permit for stormwater discharges, post-construction best management practices (BMPs) must meet the maximum extent practicable (MEP) definition of treatment specified in the Clean Water Act (CWA). The County of Alameda implements its current NPDES permit for discharges under the Alameda County Countywide Clean Water Program, Stormwater Management Plan (SMP) (EOA, Inc., February 1997). The County will comply with the NPDES permit and SMP requirements that are in effect when its submits the Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB) prior to construction.

This addition does not alter the conclusions of the Draft EIS/EIR.

### Response to Comment 10-2:

The commentor provides a timely update of information. Based on this comment, the Draft EIS/EIR is revised as follows:

*Page 7-2, paragraph 2*

As of March 2003, Prior prior to initiating construction for sites that are 1 acre ~~5-acres~~ or larger, Project Applicants must submit a Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB) to be covered by the General Construction Activity Stormwater Permit. This requirement also applies to smaller sites that are part of a larger project. The General Permit requires the implementation of a Stormwater Pollution Prevention Plan (SWPPP), which must be prepared before construction begins.

These modifications do not alter the conclusions of the Draft EIS/EIR.

### Response to Comment 10-3:

The commentor states that it is anticipated the NPDES permit will be reissued by the time the Projects are constructed. The existing mitigation measures (7.1 and 7.4) states that the County will prepare and implement a Storm Water Pollution Prevention Plan, as required under its

NPDES permit and consistent with its terms, and consistent with ABAG's Manual of Standards for Erosion and Sedimentation Control Measures, the policy and recommendations of the local urban runoff program (city and/or county), and the staff recommendations by the Regional Water Quality Control Board (RWQCB). Given that the NPDES will likely be reissued, providing more detail to mitigate post-construction stormwater impacts under Impacts 7.1 and 7.4 would thus be speculative. As noted in Response to Comment 10-1, the County of Alameda's Storm Water Pollution Prevention Plan will comply with the NPDES and SMP requirements that are in effect when the County submits its Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB) prior to construction.

#### **Response to Comment 10-4:**

Comment noted. To ensure consistency between Chapter 7 and Chapter 8, minor changes in the Draft EIS/EIR are made in each as follows:

##### *Page 7-1, paragraph 1:*

Waters of the United States (including wetlands) are subject to U.S. Army Corps of Engineers (Corps) jurisdiction under Section 404 of the Federal Clean Water Act (CWA). Section 404 regulates the filling and dredging of U.S. waters. A Section 404 permit would be required for project construction activities involving excavation of, or placement of fill material into, waters of the United States or adjacent wetlands. The Corps, in reviewing Section 404 permit applications, stresses avoidance of impacts, minimization of unavoidable impacts and mitigation of unavoidable impacts. In addition, a Water Quality Certification (or Waiver thereof) pursuant to Section 401 of the CWA is required for Section 404 permit actions. Modification (e.g., realignments, culverting, construction of outfalls on the banks) of stream channels (including seasonal streams), and fill of wetlands are among the activities that require Water Quality Certification under Section 401. This certification would need to be requested from the San Francisco Regional Water Quality Control Board (RWQCB).

##### *Page 7-2, paragraph 1:*

As mandated by the 1987 amendments to the Federal Clean Water Act, discharge of stormwater from developed areas is regulated under the National Pollutant Discharge Elimination System (NPDES). In California, the State Water Resources Control Board (SWRCB) administers the NPDES program via the Regional Water Quality Control Boards (Regional Boards). In addition, the State Porter-Cologne Water Quality Act requires the development of Basin Plans for drainage basins within California. The Basin Plans are implemented also through the NPDES program and include activities in areas outside of the jurisdiction of the Corps (e.g. isolated wetlands, vernal pools, or stream banks above ordinary high water mark). Activities in these areas are regulated by the RWQCB and may require the issuance, or waiver, of its waste discharge requirements.

*Page 8-1, paragraph 2:*

State and federal regulations have been enacted to provide for the protection and management of sensitive biological resources. State and federal agencies have a lead role in the protection of biological resources under their permit authority set forth in various statutes and regulations. The U.S. Fish and Wildlife Service (USFWS) is responsible for administering the Migratory Bird Treaty Act and the federal Endangered Species Act (ESA) for freshwater and terrestrial species, while the National Marine Fishery Service (NMFS) is responsible implementing the federal ESA for marine species and anadromous fish. The U.S. Army Corps of Engineers (Corps) has primary responsibility for protecting wetlands under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. At the state level, the California Department of Fish and Game (CDFG) is responsible for administration of the California ESA, and for protection of streams, waterbodies and riparian corridors through the Streambed Alteration Agreement process under Section 1601-1606 of the California Fish and Game Code. Certification from the San Francisco Regional Water Quality Control Board is also required when a proposed activity may result in discharge into navigable waters, pursuant to Section 401 of the Clean Water Act and EPA 404(b)(1) Guidelines. As discussed in Chapter 7: Hydrology and Water Quality, activities that require Water Quality Certification under Section 401 include modification (e.g., realignments, culverting, construction of outfalls on the banks) of stream channels (including seasonal streams), and fill of wetlands.

*Page 8-3, paragraph 4:*

The CDFG, the Corps and the RWQCB~~and Corps~~ have jurisdiction over modifications to stream channels, riverbanks, lakes and other wetland features. Jurisdiction of the Corps is established through the provisions of Section 404 of the Clean Water Act, which prohibits the discharge of dredged or fill material into “waters” of the United States without a permit, including wetlands and unvegetated “other waters”. All three of the identified technical criteria must be met for an area to be identified as a wetland under Corps jurisdiction, unless the area has been modified by human activity. As discussed earlier, activities in wetlands or other waters outside of the jurisdiction of the Corps (e.g., isolated wetlands, vernal pools, or stream banks above ordinary high water mark) may be regulated by the RWQCB under the authority of the Porter-Cologne Water Quality Act and may require the issuance, or waiver, of its waste discharge requirements.

Additionally, modification (e.g., realignments, culverting, construction of outfalls on the banks) of stream channels (including seasonal streams), and fill of wetlands are among the activities that require Water Quality Certification by the RWQCB, pursuant to Section 401 of the Clean Water Act. Jurisdictional authority of the CDFG over wetland areas is established under Section 1601-1606 of the Fish and Game Code, which pertains to activities that would disrupt the natural flow or alter the channel, bed or bank of any lake, river or stream. The Fish and Game Code stipulates that it is "unlawful to

substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake" without notifying the Department, incorporating necessary mitigation, and obtaining a Streambed Alteration agreement. The Wetlands Resources Policy of the CDFG states that the Fish and Game Commission will "strongly discourage development in or conversion of wetlands...unless, at a minimum, project mitigation assures there will be no net loss of either wetland habitat values or acreage." The Department is also responsible for commenting on projects requiring Corps permits under the Fish and Wildlife Coordination Act of 1958.

These modifications do not alter the conclusions of the Draft EIS/EIR.

**Response to Comment 10-5:**

The RWQCB is not listed as a party to the 1994 Consent Decree regarding wetlands on the Pardee/Swan site, which is discussed on page 8-12, paragraph 1. The 1994 Consent Decree does require that the defendants (the Port of Oakland) "apply for a permit under section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act" prior to construction on this site (see [www.epa.gov/fedrgstr/EPA-GENERAL/1994/October/Day-24/pr-48.html](http://www.epa.gov/fedrgstr/EPA-GENERAL/1994/October/Day-24/pr-48.html)). To obtain the Section 404 permit, Section 401 Water Quality Certification by the RWQCB is required. The area may also be regulated as waters of the State under the Porter-Cologne Water Quality Control Act. The Port of Oakland has begun construction of a parking lot on the Pardee/Swan site.

## Letter 11: Alameda County Flood Control and Water Conservation District (Zone 7)

### Response to Comment 11-1:

See Response to Comment 9-62. As noted on page 14-32, Zone 7 has completed a *Special Drainage Area 7-1 Program Update*, which considered the increase of peak flood flows in all storm drain channels within its system. Zone 7 is in the process of establishing new fees pursuant to this report to cover the costs of storm drain channel improvements as identified in this report. The Draft EIS/EIR notes that new development at Site 15A would lead to the Project proponents contributing fees to Zone 7, thereby paying their fair share of the costs of adequate regional drainage and flood control facilities. Drainage impact fees would also be paid to Zone 7 for the development of the East County Government Center site.

### Response to Comment 11-2:

Comment noted. As the commentor notes, a FEMA Letter of Map Revision (LOMR) is available from the City of Dublin that shows the improvements made to Tassajara Creek as part of the Tassajara Creek Restoration Project in 2000. Based on this updated information, the Draft EIS/EIR is revised as follows:

#### *Page 7-4, paragraph 2:*

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps indicate that flooding during a 100-year storm will occur primarily along Tassajara Creek. As a result of recent improvements to Tassajara Creek, the flooded areas would be confined to include an approximately 200-foot width along more than half of the length of Tassajara Creek in the general vicinity of the site., ~~and a wide area just north of where Tassajara Creek flows under I-580, which covers portions of the old Santa Rita jail facilities. The main reason for flooding along Tassajara Creek is inadequate culvert flow capacity where the creek crosses I-580. Currently, Alameda County is studying the flooding problems at these culverts.~~

#### *Page 7-4, paragraph 4:*

Similarly to the East County Government Center site, Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps indicate that flooding during a 100-year storm will occur primarily along Tassajara Creek, which is more than 3000 feet east of Site 15A. As a result of recent improvements to Tassajara Creek, the flooded areas would be confined to include an approximately 200-foot width along more than half of the length of Tassajara Creek. ~~The main reason for flooding along Tassajara Creek is inadequate culvert flow capacity where the creek crosses I-580. The main reason for flooding along Tassajara Creek is inadequate culvert flow capacity where the creek crosses I-580. Currently, Alameda County is studying the flooding problems at these culverts.~~

*Page 14-14, paragraph 1:*

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps indicate that flooding during a 100-year storm will occur primarily along Tassajara Creek. The flooded areas would be confined to ~~include~~ an approximately 200-foot width along more than half of the length of Tassajara Creek in the general vicinity of the site, ~~and a wide area just north of where Tassajara Creek flows under I-580, which covers portions of the old Santa Rita jail facilities.~~ The main reason for flooding along Tassajara Creek is ~~inadequate culvert flow capacity where the creek crosses I-580. Currently, Alameda County is studying the flooding problems at these culverts.~~

*Page 18-12, in Chapter 7: Hydrology and Water Quality*

Federal Emergency Management Agency (FEMA). 2002, 1997. Flood Insurance Rate Map Community Panel 065048 0025 B, Revised to Reflect LOMR dated November 01, 2002. September 30, 1997.

These modifications indicate that the Project's potential flooding impact is less than stated in the Draft EIS/EIR. Impacts 7.5 and 7.6, which assess the Project's impact on development within the 100-year flood hazard area and exposure of people and structures to flood hazards, respectively, found that the Project had no impact on either. These modifications do not alter the Draft EIS/EIR's conclusion.

**Response to Comment 11-3:**

The post-construction drainage impacts of the Project are discussed in Chapter 14 (see Impact 14.5). For Site 15A, Zone 7's *Special Drainage Area (SDA) 7-1 Program Update* considered the increase of peak flood flows in all storm drain channels within its system. Consistent with Zone 7 requirements, the creation of additional runoff as a result of an increase in impervious area means the Project proponents would be responsible to pay Zone 7's established drainage impact mitigation fee.

At the East County Government Center site, Alameda County is currently involved in a separate project that involves the construction of a new bypass storm drainage system to reduce run-off into the detention basin on-site. As noted in Mitigation Measure 14.5.5, timely completion of the construction of this bypass system would prevent stormwater capacity problems at this site. Alternative storm drainage improvements, including a new detention basin north of the site, may be required in the interim. Drainage impact fees would also be paid to Zone 7 for the development of the East County Government Center site.

A hydrology study to confirm the extent of the Project's impact on storm drainage is a routine part of site development in the Tri-Valley area. The hydrology study for this Project will be conducted once a site has been selected. If the site selected falls within Zone 7's service area, this agency will have an opportunity to review the hydrology study prior to commencement of the Project. The hydrology study will provide sufficient information to confirm the adequacy of the existing storm water system. The hydrology study will also recommend changes to the

existing system, if required, to ensure it can accommodate the proposed development on the selected site. In addition, in accordance with Zone 7's SDA program, a drainage impact mitigation fee will be paid to Zone 7 for downstream storm water impacts that may occur within its service area as a result of the Project. All storm drainage impacts will be mitigated to a less than significant level, as described in the Draft EIS/EIR.

**Response to Comment 11-4:**

Comment noted. The Draft EIS/EIR is revised as follows.

*Page 14-6, paragraph 1:*

The existing Juvenile Hall is located within the unincorporated Castro Valley Planning Area. Castro Valley is within Zone 2 7 of the Alameda County Flood Control and Water Conservation District. The District is responsible for designing all flood control and storm drainage facilities to meet 15-year flood standards. A complete system of storm drainage lines has been constructed throughout the Castro Valley Planning Area to accommodate storm runoff, with adequate capacity to accommodate ultimate development (Alameda County, 1985).

The existing storm drainage system at the site consists of small channels that drain to a large wetland area adjacent to Fairmont Drive. A storm drainage system in Fairmont Drive also discharges into this wetland area. At the lower end of the wetland a 60-inch storm drainpipe conveys runoff downstream into the Zone 2 7 system, eventually draining into the Bay.

These modifications do not alter the conclusions of the Draft EIS/EIR.

**Response to Comment 11-5:**

A hydrology study to confirm the extent of the Project's impact on storm drainage is a routine part of site development in the Tri-Valley area. The hydrology study for this Project will be conducted once a site has been selected. If the site selected falls within Zone 7's service area, this agency will have an opportunity to review the hydrology study prior to commencement of the Project. The hydrology study will provide sufficient information to confirm the adequacy of the existing storm water system. The hydrology study will also recommend changes to the existing system, if required, to ensure it can accommodate the proposed development on the selected site. In addition, in accordance with Zone 7's SDA program, a drainage impact mitigation fee will be paid to Zone 7 for downstream storm water impacts that may occur within its service area as a result of the Project. All storm drainage impacts will be mitigated to a less than significant level as described in the Draft EIS/EIR.

**Response to Comment 11-6:**

As the commentor notes, there is an inconsistency between the Physical Setting description (page 14-16) and Impact 14.5 (page 14-32) regarding Site 15A's drainage courses. The Draft EIS/EIR is revised as follows:

*Page 14-32, paragraph 2:*

LESS THAN SIGNIFICANT IMPACT. Development of Site 15A with a new East County Hall of Justice facility would increase impervious surfaces from this now vacant site, increasing stormwater runoff. Runoff from this site enters into Zone 7's Line G-2 and G-5 drainage ~~facilities~~ facility, and would cause a slight increase in peak flows within ~~these lines~~ Line G-5 during major storms and high flows. Zone 7 has completed a *Special Drainage Area 7-1 Program Update* (Schaaf & Wheeler, 2000), which has considered the increase of peak flood flows in all storm drain channels within its system. Zone 7 is in the process of establishing new fees pursuant to this report to cover the costs of storm drain channel improvements as identified in this report. New development at this site would contribute fees to Zone 7, thereby paying its fair share of the costs of adequate regional drainage and flood control facilities. Therefore, this impact would be considered less than significant.

These modifications do not alter the conclusions of the Draft EIS/EIR.

A hydrology study to confirm the extent of the Project's impact on storm drainage is a routine part of site development in the Tri-Valley area. The hydrology study for this Project will be conducted once a site has been selected. If the site selected falls within Zone 7's service area, this agency will have an opportunity to review the hydrology study prior to commencement of the Project. The hydrology study will provide sufficient information to confirm the adequacy of the existing storm water system. The hydrology study will also recommend changes to the existing system, if required, to ensure it can accommodate the proposed development on the selected site. In addition, in accordance with Zone 7's SDA program, a drainage impact mitigation fee will be paid to Zone 7 for downstream storm water impacts that may occur within its service area as a result of the Project. All storm drainage impacts will be mitigated to a less than significant level, as described in the Draft EIS/EIR.

**Response to Comment 11-7:**

As described in Mitigation Measure 14.5.5, the new bypass system may not be completed in time to service the proposed development at the East County Government Center site and additional offsite storm drainage may be required for the interim. As discussed in Response to Comment 9-64, offsite storm drainage may include a temporary detention basin would be located at the mouth of the creek that enters the Santa Rita Rehabilitation Center from the Parks RFTA property to its north. For a discussion of the hydrology study, please refer to Response to Comment 11-5.

**Response to Comment 11-8:**

The amount of water that will be used for exterior irrigation is minimal at either Dublin sites. For the 8 acres at the East County Government Center site, the estimate is 25,000 gpd. For the 4 acres at Site 15A, the estimate is 13,000 gpd. Further, evapotranspiration is assumed to account for 80% of total external water use, leaving 20% (5,000 or 2,600 gpd for East County Government Center or Site 15A, respectively) as percolation into the water table. The Project would not significantly contribute to salt loading in Zone 7's groundwater basin. The lead agencies support Zone 7's Groundwater Demineralization Project.

**Letter 12: East Bay Regional Park District****Response to Comment 12-1:**

Comment noted. The Draft EIS/EIR contains an analysis of the Project's potential visual, water quality, biological and construction-related impacts.

**Response to Comment 12-2:**

The massing of the Juvenile Justice Center proposed for the San Leandro site would not be substantially larger than that of the existing facility and would be developed below the slope adjacent to Fairmont Drive (see Figure 3.3a in Chapter 3 of this Final EIS/EIR for an updated site plan). Therefore, the view of the new facility from the Regional Park would not be substantially different than the view of the existing facility from the park. See Photo 2a and 4a. Please see the Modified San Leandro site plan on Figure 3.3a in Chapter 3 of this Final EIS/EIR.

**Response to Comment 12-3:**

Although Figure 3.11 is only intended to be a conceptual or illustrative site plan for this alternative, there are some aspects of the diagram that may be confusing for the reader to follow, as indicated in this comment. Figure 3.11 is therefore amended as described below:

*Page 3-18, Figure 3.11:*

Modifications to this figure include:

1. Property lines have been added to show the building site in relationship to the site,
2. The Arrowhead Marsh note is revised to more accurately indicate the direction of the marsh.
3. The building site is more accurately represented to indicate that no impacts to the park entry road would be anticipated.

**Response to Comment 12-4:**

The discussion referenced in this comment pertains to an analysis of the project's effect on the character of the surrounding community, which is industrial and distribution use-intensive. However, the document does not disregard the presence of the 738-acre regional shoreline park. In fact, pages 5-18 through 5-26 contain a comprehensive description of the adjacent shoreline park, and pages 8-10 through 8-12 contain a description of the adjacent tidal and seasonal wetland habitat. It should be noted that the East Bay Regional Park District does not have jurisdiction on this site, and that its land use plans for the area do not pertain to the Pardee/Swan site.

The description of the Pardee/Swan site in the Draft EIS/EIR specifically acknowledges the presence of the Arrowhead Marsh/Martin Luther King Regional Shoreline area, and the several large ponds in the area created as part of the joint wetlands mitigation effort by the Port. Draft EIS/EIR at 4-5. In addition, the aerial photograph at Figure 4-3 illustrates the site's proximity to the Airport Channel and San Leandro Creek shorelines, and the text in Figure 4-3 specifically calls out the presence of the Regional Shoreline area and the adjacent wetlands restoration project.

At page 1-14, the Draft EIS/EIR states, "a portion of the Pardee/Swan site is subject to the jurisdiction of the Bay Conservation and Development Commission (BCDC), but further states that "the Project would be developed outside of the BCDC jurisdictional area[.]" As noted at page 1-11 of the Draft EIS/EIR, the site plans contained in the Draft EIS/EIR are not final design plans. As noted at page 3-15, the site plan presented on Figure 3-11 is intended to give the reader an idea of what the proposed developments could look like at the various alternative sites. *See* Draft EIS/EIR at 3-15. However, Figure 3-11 does not represent a final site plan and was not intended to and cannot be relied upon to determine the precise locations of buildings and other structures that could be developed on the Pardee/Swan site, should that site be selected for development of the Juvenile Justice Facility. Consequently, the concepts and approximate locations depicted on Figure 3-11 should not be construed to contradict the Draft EIS/EIR's explicit statement that, if the Pardee/Swan site is selected for development of the Juvenile Justice Facility, "the Project would be developed outside of the BCDC jurisdiction area."

According to staff counsel for the Port, the Pardee/Swan site is not subject to public trust restrictions because it is filled tideland; rather, it is subject to such restrictions because it was purchased, at least in part, with funds that are subject to public trust restrictions. Draft EIS/EIR at 4-21. The County has no information suggesting that the site, or any portion of the site, is filled tideland.

#### **Response to Comment 12-5:**

As stated on page 5-42 of the Draft EIS/EIR, the proposed Project at the Pardee/Swan site would not be visually incompatible with adjoining resource protection and recreation uses, although it would represent a more noticeable contrast with the appearance of the adjoining open space than does the current undeveloped site. However, in the interest of providing as much information regarding visual continuity for visitors to the nearby park, the Draft EIS/EIR is revised as follows:

#### *Page 5-42, paragraph 2*

LESS THAN SIGNIFICANT. Development of the Pardee/Swan site with a new Juvenile Justice Facility would be visually compatible and consistent with the adjacent United Parcel Service facility and other commercial structures in the adjacent portions of the Oakland Airport Business Park. The Juvenile Justice Facility and parking garage would generally be somewhat taller than the UPS facility, but not as tall as the three-story office building located across from this site at 80 Swan Way. However, this development

would represent a major visual shift from the site's current open character. While not visually incompatible with adjoining resource protection and recreation uses nor substantially visually degrading to the site or its surroundings, development of a Juvenile Justice Facility at the site would represent more of a contrast with the appearance of the adjoining open space than does the current ~~undeveloped site conditions, which include the early phases of development of an airport parking lot with extensive paving, light standards, and perimeter fencing.~~ This contrast would be softened by the provision of landscaping around the perimeter of the site and appropriate light shielding.

#### **Response to Comment 12-6:**

Mitigation Measure 7.4.4 describes the Storm Water Pollution Prevention Plan (SWPPP) that the County of Alameda is required to complete and implement in conformance with its National Pollutant Discharge Elimination System General Permit and with ABAG's and other local governments requirements. Preparation of the SWPPP will be undertaken after a preferred site has been selected and prior to construction. The SWPPP will include information on how to prevent storm runoff and siltation from construction activities and from the Project from entering wetlands and degrading water quality.

#### **Response to Comment 12-7:**

A discussion of the potential impacts of the proposed Project on wildlife habitat, including the adjacent Arrowhead Marsh is provided under Impact 8.4.4 on page 8-35 of the Draft EIS/EIR. This was determined to be a potentially significant and mitigable impact. Mitigation Measure 8.4.4c was recommended specifically to minimize any adverse effects of night-time lighting on the adjacent marshland habitat. Mitigation Measure 8.4.4a recommended providing a buffer to the adjacent marsh habitat. Review and approval of the provisions contained in the mitigation measure by the East Bay Regional Park District, USFWS, and CDFG is not considered necessary given the limited potential effects and recommended buffer setback provided as part of the measure. Due to the recent parking lot improvements to the west and existing road to the east, buffers recommended in the mitigation measure are only necessary on the north side of the site. Mitigation Measure 8.4.4a on page 8-35 has been revised as follows:

Mitigation Measure 8.4.4a: Wildlife Habitat Buffer. ~~As recommended in Mitigation Measure 8.1.4C: Protection of Raptor Foraging Habitat, a~~ A 50-foot setback shall be provided along the northern, eastern and western edges of the site to provide a buffer for the surrounding adjacent open space lands. Appropriate native and ornamental shrubs and low-growing tree species shall be planted as landscape screening within 20 feet of the inside edge of this setback to provide screening of new structures, parking and other uses which may interfere with wildlife activity in the adjacent Arrowhead Marsh and regional shoreline of San Leandro Bay. Nighttime lighting shall be designed to minimize any illumination of the adjacent marshland habitat.

**Response to Comment 12-8:**

Construction related noise and dust are not expected to result in any significant impacts on wildlife associated with the adjacent Arrowhead Marsh. Mitigation Measure 11.3.4a would provide for adequate control of dust during construction, including watering of all active construction areas. Wildlife typically acclimate to changes in nearby noise and activity levels assuming an adequate buffer is provided, which is the case between Arrowhead Marsh and the Pardee/Swan site. Wildlife in the marsh are already accustomed to nearby vehicle and industrial-related noises, as well as construction-generated noise created during construction of the new parking lot on the site. No revisions are considered necessary in response to the comment.

## **Letter 13: Alameda County Congestion Management Agency**

### **Response to Comment 13-1:**

Comment summarizing the proposed action and alternatives is noted.

### **Response to Comment 13-2:**

Comment identifying prior correspondence is noted. Input from the Alameda County Congestion Management Agency is appreciated as it is necessary to determine the appropriate level of analysis consistent with the mandates of the CMA and participating agencies.

### **Response to Comment 13-3:**

Comment noted. The text has been revised accordingly. Please see Chapter 3 of this Final EIS/EIR.

### **Response to Comment 13-4:**

Comment noted. The reference to an ACCMA level of service standard has been deleted from page 9-1. The Draft EIS/EIR uses a LOS D threshold for the purpose of comparison, but does not imply that the CMA has established that threshold for determining significant impacts.

### **Response to Comment 13-5:**

The title of Impact 9.4 has been changed to “Meeting the Requirements for the Land Use Analysis Program Established by the County Congestion Management Program for Designated Roads or Highways.”

### **Response to Comment 13-6:**

The impacts and mitigations for Year 2025 for each scenario are discussed in Chapter 17 in the Draft EIS/EIR.

The MTS roadways to which the commentor refers were included in the traffic analysis; however, the Project was found to have no impact on them. Only the roadways that were potentially impacted by the Project were included in the Draft EIS/EIR.

### **Response to Comment 13-7:**

Comment noted. All texts and tables that refer to “CMA-designated roadways” and “CMA Roadway Analysis” are hereby amended to “MTS-designated roadways” and “MTS Roadway Analysis”, respectively.

**Response to Comment 13-8:**

Both of the paragraphs implying that projected volumes would be lower in Year 2005 are hereby deleted from the Draft EIS/EIR.

**Response to Comment 13-9:**

The footnotes that state the estimated capacity of a freeway lane as 2,350 vehicles per lane should have stated 2,000 vehicles per lane. Since the V/C analysis presented in the tables actually used 2,000 vehicles per lane, the freeway impact analysis does not need to be reanalyzed.

**Response to Comment 13-10:**

Comment noted. The Draft EIS/EIR is revised as follows:

*Page 9-101, Impact 9.4.6: Site 15A*

Study segments include:

I-580: East of Tassajara Road and West of Hopyard Road

I-680: *South of I-580*

Dougherty Road: South of Dublin Boulevard

Dublin Boulevard: East of Dougherty Road

Tassajara Road: South of Dublin Boulevard

## Letter 14: East Bay Municipal Utility District

### Response to Comment 14-1:

Comment noted. The Draft EIS/EIR is consistent with the commentor's comment.

### Response to Comment 14-2:

The commentor requested that EBMUD's policy concerning working with potentially contaminated soils and water be included. The Draft EIS/EIR is revised as follows:

*Page 12-3, to follow "Alameda County Airport Land Use Policy Plan" discussion*

#### **East Bay Municipal Utility District Policy**

The East Bay Municipal Utility District (EBMUD) has a policy regarding working with contaminated material, particularly contaminated soils and water. The policy states that EBMUD staff will not install pipeline in contaminated soil that must be handled as a hazardous waste, or that may adversely impact the pipeline or other construction material, or that may be hazardous to the health and safety of EBMUD personnel wearing Level D personal protective equipment. EBMUD requires a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified soil and/or water contaminants. EBMUD will not design the installation of pipelines until such time as remediation plans are received and reviewed and will not install pipelines until remediation has been carried out.

### Response to Comment 14-3:

Comment noted. The Draft EIS/EIR is revised as follows:

*Page 14-4, last paragraph:*

Water service to the existing Juvenile Hall site and the surrounding City of San Leandro is provided by the East Bay Municipal Utility District (EBMUD), a publicly owned utility. EBMUD is responsible for service connections and water deliver to parts of Alameda and Contra Costa Counties. Water service to the existing Juvenile Hall site and the surrounding City of San Leandro is provided by the East Bay Municipal Utility District (EBMUD), a privately owned utility. EBMUD is responsible for service connections and water delivery to most of Alameda County and much of Contra Costa County. The EBMUD water supply system is more fully described below under the Pardee/Swan Site.

### Response to Comment 14-4:

Based on the commentor's clarifications, the Draft EIS/EIR is revised as follows:

*Page 14-7, insert to follow the "Domestic Water Supply" discussion for the Glenn Dyer Detention Facility:*

### **Recycled Water**

To offset demand on EBMUD's limited potable water supply, EBMUD's Policy 73 requires that customers use nonpotable water for nondomestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife. The City of Oakland has adopted a dual plumbing ordinance that requires the installation of dual plumbing systems for use of recycled water in development projects that are located within the service area boundary of a recycled water project. The Glenn Dyer Detention Center Facility site is located within the service area boundary of Phase 1A of EBMUD's East Bayshore Recycled Water Project. Recycled water delivery is anticipated for the Spring of 2005.

### **Response to Comment 14-5:**

Based on the commentor's clarifications, the Draft EIS/EIR is revised as follows:

*Page 14-7, first paragraph*

### **Domestic Water Supply**

The Glenn Dyer Detention Facility is located in downtown Oakland. The East Bay Municipal Utility District (EBMUD) serves all of Oakland with potable and recycled ~~reclaimed~~ water, as described below for the Pardee/Swan site.

*Page 14-7, last paragraph*

### **Potable Water Supply**

The East Bay Municipal Utility District (EBMUD) serves all of Oakland with potable and recycled ~~reclaimed~~ water. The source of EBMUD's potable water supply is currently the Mokelumne River and local runoff. EBMUD's total service area customer demand in year 2000 was 230 mgd, and when adjusted for conservation and the use of recycled ~~reclaimed~~ water, net customer demand was estimated at 216 mgd. EBMUD projects that the demand forecast by 2020 of 277 mgd can be reduced to 229 mgd with successful water recycling and conservation programs. This projection assumes no occurrence of a drought and a population increase in EBMUD's service of approximately 1.27 million to 1.42 million (EBMUD 2000). ~~by year 2020 the net customer demand for potable water will reach 250 mgd assuming that water conservation efforts are successful, that there are no droughts and that the City grows at an average annual rate of 0.4% (EBMUD, 2000).~~

**Response to Comment 14-6:**

Based on the commentor's clarifications, the Draft EIS/EIR is revised as follows:

*Page 14-8, first paragraph:*

EBMUD has prepared an *Urban Water Management Plan* (EBMUD 2000) that indicates that with aggressive conservation and recycling reclamation, EBMUD can meet its obligation to serve its current and future customers in normal rainfall years through year 2020. However, in multiple years of drought, even with aggressive conservation and recycling reclamation coupled with 25 percent rationing throughout the service area, EBMUD predicts a shortfall of about 62.5 mgd. ~~in excess of 131 mgd within the next 25 years. In 1970, EBMUD signed a contract with the US Bureau of Reclamation (USBR) for a supplemental supply of American River water from the Central Valley Project (CVP). EBMUD's entitlement to water from the American River was challenged and for For more than 30 years, EBMUD has pursued this supplemental supply, a supplemental source of high quality raw water from the American River. In 2000, an agreement was reached between USBR, EBMUD and Sacramento parties to develop a joint water supply. In 2002, EBMUD and the County of Sacramento (in association with the City of Sacramento and with support from USBR) formed the Freeport Regional Water Authority (FRWA). The FRWA will be releasing a Draft EIS/EIR in Spring 2003 for public review. Complete construction of facilities needed to divert water is expected to occur in 2008 (EBMUD 2000 and www.ebmud.com). However, due to long term strong political and environmental opposition to this plan, EBMUD recently entered into an agreement with the County of Sacramento and the U.S. Bureau of Reclamation to access the Sacramento River as the source of supplemental EBMUD water supplies (EBMUD, 2001a).~~

**Response to Comment 14-7:**

Based on the commentor's clarifications, the Draft EIS/EIR is revised as follows:

*Page 14-8, paragraph 3:*

**Recycled Water**

To offset demand on EBMUD's limited potable water supply, EBMUD's Policy 73 requires that customers use nonpotable water for nondomestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife. The Port of Oakland and the City of Oakland have adopted dual plumbing ordinances that requires the installation of dual plumbing systems for use of recycled water in development projects that are located within the service area boundary of a recycled water project. The Pardee/Swan site is located within the service area boundary of EBMUD's San Leandro Recycled Water Project. Recycled water delivery is anticipated for the Spring of 2015.

### **Reclaimed Water**

~~EBMUD projects that, in 2020, customers will use 14 mgd of reclaimed water for landscape irrigation and for some industrial and commercial uses. The supply of EBMUD reclaimed water from its Main Wastewater Treatment Plant in Oakland far exceeds demand. Reclaimed water therefore provides a much more stable source of water, not subject to rationing for landscape irrigation and other potential uses. EBMUD is considering regulations that would require its customers and applicants to use recycled water when such water is of adequate quality and quantity, available at a reasonable cost, not detrimental to public health, and not injurious to plant, fish, or wildlife (EBMUD, 2000).~~

### **Response to Comment 14-8:**

Based on the commentor's clarifications, the Draft EIS/EIR is revised as follows:

*Page 14-17, last paragraph:*

### **Project Benefits/Mitigation Measures Incorporated**

Each of the alternatives described below (except "No Action/No Project") would increase the demand for water supplies, but both EBMUD and DSRSD have demonstrated that this additional demand is less than significant and can be met given the respective agency's water conservation measures, and recycled water programs (where appropriate). The infrastructure required to implement these water conservation measures and recycled water pipelines (where appropriate) would be a required improvement for any new facility constructed and would be part of the overall Project costs.

### **Response to Comments 14-9, 14-10 and 14-11:**

In Comment 14-9, the commentor provides an estimate of 2,150 gpd/acre for the exterior irrigation water demand for the San Leandro and Oakland sites and states this is a more accurate estimate for these cooler sites than the rather than the 3,125 gpd/acre used for the Dublin sites. This leads to a revision of the calculations for the Existing San Leandro Property (Impact 14.1.2) and for the Pardee/Swan site (Impact 14.1.4). No new exterior irrigation is proposed for the Glenn Dyer Detention Facility, so the calculations to estimate water demand in Impact 14.1.3 (Glenn Dyer Detention Facility) do not require revision.

Further, in Comment 14-10, the commentor provides more detailed information to add to Mitigation 14.1.2A. In Comment 14-11, the commentor proposes a minor clarification that adds "by the year 2020" to Impact 14.1.2. Based on these comments, the Draft EIS/EIR is revised as follows:

Page 14-18, Impact 14.1.2:

#### 14.1.2: Existing San Leandro Property

LESS THAN SIGNIFICANT IMPACT. Construction and operation of a new Juvenile Justice Facility (juvenile detention center and juvenile courthouses) at this site would increase demand for water supply from the EBMUD by approximately 42,200 ~~50,000~~ gallons per day if a 420-bed facility is built and 54,200 ~~62,000~~ if a 540-bed facility is built.

- The increase from 300 beds at the existing Juvenile Hall to 420 beds at the Juvenile Justice Facility would increase potable water demand by approximately 12,000 gallons per day (gpd).<sup>4</sup>
- The increase from 300 beds at the existing Juvenile Hall to 540 beds at the Juvenile Justice Facility would increase potable water demand by approximately 24,000 gallons per day (gpd).
- The additional approximately 85,000 square feet of juvenile courthouse and associated space would generate an increased potable water demand of approximately 13,000 gpd.<sup>5</sup>
- Additionally, the exterior irrigation water demand, assuming approximately 8 acres of irrigated area, is estimated to be approximately 17,200 ~~25,000~~ gallons per day.<sup>6</sup>

EBMUD projects that the total water demand throughout its service area is expected to grow by approximately 34 million gallons per day by the year 2020. The increased demand for water (between 42,200 ~~50,000~~ gpd and 54,200 ~~62,000~~ gpd for a 420-bed to 540-bed facility) under this alternative represents less than ~~approximately~~ 0.2 percent of this overall demand. Given that EBMUD has indicated that with aggressive conservation and recycling ~~reclamation~~ it can meet its obligation to serve its current and future customers in normal rainfall years through year 2020, this alternative project's contribution toward the overall water demand is an insignificant component. However, since EBMUD's ability to meet this demand is predicated on service area-wide implementation of conservation and recycling ~~reclamation~~, the following mitigation measures are recommended:

<sup>4</sup> Water demand for each bed within the Juvenile Justice Facility is estimated at 100 gallons per bed per day, derived from water demand factors for jail inmates (DSRSD, September 2000, Table 3-4).

<sup>5</sup> Water demand estimates for Juvenile Justice Facility and East County Hall of Justice are estimated at 0.15 gallon per square foot per day.

<sup>6</sup> Exterior irrigation rates assumed at 3,125 gpd/acre is used (DSRD, September 2000, Table 3-4). To account for cooler conditions, 2,150 gpd/acre is used for San Leandro and Oakland sites (EBMUD, March 10, 2003).

**Mitigation Measure 14.1.2A: Water Conservation.** The Juvenile Justice Facility should be designed to incorporate water conservation strategies. In addition to state and federally mandated water efficient plumbing standards to install low-flow plumbing throughout the facility, water conservation strategies may include using efficient appliances (e.g., horizontal axis clothes washer); installing multiple pass or recirculating cooling systems; installing separate metering of significant cooling, process, or water uses in the proposed facility; such as low flow plumbing installed throughout the facility, installation of installing pressure-reducing valves to maintain a maximum of 50 pounds per square inch (psi) water pressure, and using drinking fountains with self-closing valves. Kitchen facilities should include high efficiency commercial tray dishwashers, low flow prerinse spray nozzles, air-cooled ice machines and connectionless countertop steamers. On the exterior, drought-tolerant, ~~or~~ native or Mediterranean plants should be used for landscaping, lawn and turf areas should be minimized and efficient irrigation systems (i.e., drip systems) installed to minimize both overspray and evaporation. For planted areas, drip irrigation is appropriate. Self-adjusting, evapotranspiration-based irrigation timers are appropriate for automatic irrigation systems and should be used where feasible.

**Mitigation Measure 14.1.2B: Recycled Reclaimed Water Use.** Recycled Reclaimed water is not currently available near this site. However, new irrigation systems should be designed so that they can be switched over to recycled reclaimed if and when it becomes economically available.

*Resulting Level of Significance:* Although this impact is considered *less than significant* due to the availability of water supplies from EBMUD to serve this alternative, the mitigation measures recommended above would serve to further reduce water demand, consistent with EBMUD and Alameda County policy.

*Page 14-20, Impact 14.1.4:*

#### 14.1.4: Pardee/Swan Site

LESS THAN SIGNIFICANT IMPACT. Construction and operation of a new Juvenile Justice Facility at this site would increase demand for water supply from EBMUD by approximately ~~32,500 36,000~~ or ~~44,500 48,000~~ gallons per day, depending on whether a 420- or 540-bed facility is built. The Oakland Airport parking garage would not generate a demand for potable water supplies.

- Increasing the size of the Juvenile Justice Facility from 300 to 420 beds would result in a net increase of potable water demand of 12,000 gpd within the EBMUD service area. Locating the 420-bed Juvenile Justice Facility at the Pardee/Swan Site would increase potable water demand by approximately 42,000 gpd at this site, but would decrease demand by 30,000 gpd at the existing Juvenile Hall.

- Increasing the size of the Juvenile Justice Facility from 300 to 540 beds would result in a net increase of potable water demand of 24,000 gpd within the EBMUD service area. Locating the 540-bed Juvenile Justice Facility at the Pardee/Swan Site would increase potable water demand by approximately 54,000 gpd at this site, but would decrease demand by 30,000 gpd at the existing Juvenile Hall.
- The additional 85,000 square feet of juvenile courthouse space would generate an increased potable water demand of approximately 13,000 gpd.
- Additionally, the exterior irrigation water demand, assuming approximately 3.5-acres of irrigated area, is estimated to be approximately 7,500 ~~11,000~~ gallons per day.

The 420-bed scenario would result in total increase of ~~32,500~~ ~~36,000~~ gpd in the EMBUD service area, whereas the 540-bed scenario would result in a total increase of 44,500 ~~48,000~~ gpd. Both of these figures represent a less than 0.1 percent increase of EBMUD's overall projected water demand throughout its service area. Given that EBMUD has indicated that with aggressive conservation and reclamation it can meet its obligation to serve its current and future customers in normal rainfall years through year 2020, this alternative project's contribution toward the overall water demand is an insignificant component. However, since EBMUD's ability to meet this demand is predicated on service area-wide implementation of conservation and reclamation, the following mitigation measures are recommended:

**Mitigation Measure 14.1.4A: Water Conservation.** Mitigation Measure 14.1.2A (see above) would also apply to this alternative.

These modifications lower the estimate for water demand at the Existing San Leandro Property and at the Pardee/Swan site. This lowered demand would result in a less than significant impact, which is consistent with the existing Draft EIS/EIR. Mitigation Measure 14.1.4B (for Pardee/Swan) is discussed in Response to Comment 14-13, below.

**Response to Comment 14-12:**

Comment noted. The following additional mitigation is recommended:

*Page 14-19, insert to follow Mitigation Measure 14.1.3 (Glenn Dyer Detention Facility):*

**Mitigation Measure 14.1.3B: Recycled Water Use.** Existing exterior irrigation may be upgraded to dual plumbing to provide for the use of recycled water when it becomes available at this site.

This addition would further reduce the demand for potable water at the Glenn Dyer Detention Facility to less than projected in the Draft EIS/EIR. Consistent with the Draft EIS/EIR, the impact would remain less than significant.

**Response to Comment 14-13:**

Mitigation Measure 14.1.4B states that Alameda County and EBMUD should coordinate to determine if the Pardee/Swan site is a potential target candidate for recycled water. EBMUD's comment regarding this mitigation implies it does consider the Pardee/Swan site a potential target candidate for recycled water. Based on this updated information, the Draft EIS/EIR is revised as follows:

*Page 14-20, Mitigation Measure 14.1B:*

**Mitigation Measure 14.1.4B: Recycled Reclaimed Water Use.** Exterior irrigation may be upgraded to dual plumbing to provide for the use of recycled water when it becomes available at this site. ~~EBMUD owns and operates reclaimed water lines in the vicinity of this site, including mains that served (and presumably will serve in the future) the Galbraith Municipal Golf Course. Alameda County should coordinate with EBMUD to determine if this site is a potential "target candidate" for their reclaimed water reuse program.~~

*Resulting Level of Significance:* Although this impact is considered *less than significant* due to the availability of water supplies from EBMUD to serve this alternative, the mitigation measures recommended above would serve to further reduce water demand consistent with EBMUD and City of Oakland policy.

**Response to Comment 14-14:**

The sentence noted by the commentator is incorrect and should be deleted. Potable water demand in the EBMUD would not be affected by the construction and operation of the East County Hall of Justice on Site 15A. Demand for potable water from Zone 7 would increase as stated in the Draft EIS/EIR.

*Page 14-20, Impact 14.1.6 (Site 15A):*

**14.1.6: Site 15A**

LESS THAN SIGNIFICANT IMPACT. Construction and operation of the East County Hall of Justice at this site would increase demand for water supply from Zone 7 by approximately 42,000 gallons per day.

- The additional 195,000 square feet East County Hall of Justice facility would generate an increased potable water demand of approximately 29,000 gpd. ~~and would reduce it by 30,000 gpd in the EBMUD service area.~~
- Additionally, the exterior irrigation water demand, assuming approximately 4 acres of irrigated area, is estimated to be approximately 13,000 gpd.

Based on DSRSD's *Final Water Service Analysis for Eastern Dublin* (DSRSD, 2001) DSRSD has demonstrated that it has secured sufficient water supplies to serve the

approximately 4,970,000 gpd potable water demand for all of Eastern Dublin, assuming significant exterior water demands are met with recycled water. This amount of water demand was predicated on a more intense development plan for Site 15A than this alternative. The *Eastern Dublin Specific Plan* assumed that this site would be developed with as many as 375 high-density residential units, generating a demand for approximately 52,000 gpd. The East County Hall of Justice facility, although generating an increased demand for water supplies, would generate approximately 10,000 gpd less demand than what has already been planned for, and water supply acquired by DSRSD. Therefore, water supplies are currently available to serve this project alternative. ~~Additionally, demand for potable water would be reduced in the EBMUD service area.~~ Although water supply is available to serve the Site 15A, the following mitigation measure is recommended to reduce water demand consistent with current regulations:

**Mitigation Measure 14.1.6A: Water Conservation.** Mitigation Measure 14.1.5A (see above), for all the Project components, would apply to this alternative.

**Mitigation Measure 14.1.6B: Recycled Water Use.** Mitigation Measures 14.1.5B (see above) would apply.

*Resulting Level of Significance:* Although this impact is considered *less than significant* due to the availability of water supplies from DSRSD to serve this alternative, the mitigation measures recommended above would serve to further reduce water demand consistent with DSRSD ordinances and regulations.

Consistent with the existing Draft EIS/EIR, the resulting level of significance would remain less than significant.

**Response to Comment 14-15:**

Comment noted. Because no expansion of EMBUD facilities is anticipated at the Existing San Leandro Property, no additional information regarding the process for extending EBMUD's water service is required.

**Response to Comment 14-16:**

Commented noted. Based on this comment, the Draft EIS/EIR is revised as follows:

*Page 14-23, Impact 14.2.4 (Pardee/Swan Site)*

LESS THAN SIGNIFICANT IMPACT. Water distribution pipelines in the vicinity of this site vary in age and size. Several sites in the immediate area that are designated for industrial and commercial uses are currently served by 8-inch water mains, and need to be replaced with ~~12- and 20-inch mains~~ to provide adequate water pressure and fire flow requirements to accommodate more intense development. As noted in the *Coliseum Redevelopment Plan EIR* (City of Oakland, 1995), "the extent, cost, and location of on- and off-site improvements would be determined on a case-by-case basis. The cost would

be funded either by developers or by EBMUD as part of routine system upgrades.” In either case, a new Juvenile Justice Facility at this site would be required to pay for these improvements and/or pay EBMUD connection fees to cover these costs. As such, local water delivery system impacts are considered to be less than significant.

**Response to Comment 14-17:**

As stated in the Draft EIS/EIR, the proposed facility at the Glenn Dyer Detention Facility would result in no net increase in wastewater treatment and disposal demand over its preceding use (see page 14-26). Additionally, no improvements to the public water distribution are anticipated (see page 14-28).

The Pardee/Swan site lies within the City of Oakland’s Subbasins 86-001 and 86-002. The City of Oakland Public Works Department has confirmed that the amount of dry weather wastewater flows (22,500 and 33,000 gpd for a 420- or 540-bed facility respectively) that may be generated as a result of the proposed facility on this site may contribute to exceeding the allocated capacity of the sewer subbasins (S. Kong, pers. comm. March 25, 2003). Consistent with standard City of Oakland practice, if a project results exceeding the allocated capacity of the City’s sewer subbasins, the project proponent is required to pay a mitigation fee to replace or rehabilitate older portions of the existing sanitary sewer collection system. Based on this comment, the Draft EIS/EIR is revised as follows:

*Page 14-28, Impact 14.4.4 (Pardee/Swan Site):*

POTENTIALLY SIGNIFICANT AND MITIGABLE IMPACT. Wastewater generated from this site may contribute to exceeding the allocated capacity of the sewer system ~~subbasins~~ subbasin serving this area. The following mitigation measures are recommended to address this impact:

**Mitigation Measure 14.4.4A: Sewer Line Replacement and Rehabilitation.** Consistent with the City of Oakland’s standard practice, development ~~Development~~ of this alternative would ~~should~~ include payment of a mitigation fee to allow replacement or rehabilitation of older and damaged portions of the existing sanitary sewer collection system between the Project site and the appropriate EBMUD interceptor to prevent an increase in inflow and infiltration and overload from new wastewater flows.

**Mitigation Measure 14.4.4B: Subbasin Flows.** A new Juvenile Justice Facility at this site should be programmed into the City of Oakland’s Inflow and Infiltration Correction Program to ensure that increased flows do not exceed allowable flows and so that capacity increases can be made as appropriate.

*Resulting Level of Significance:* With implementation of mitigation measures identified above, potential impacts to the City’s sewer collection system can be reduced to levels of *less than significant*.

Wastewater from this portion of the City is discharged from the City collection lines into the EBMUD Pump Station G. This pump station is currently operating at full capacity and needs to be upgraded by installing larger pumps, motor, piping and electrical components so that additional sewer flows can be accommodated. EBMUD collects sewer connection fees to pay for needed improvements to its wastewater collection, treatment and disposal system. Payment of these fees for this alternative would provide fair-share mitigation for the identified needed pump station improvements, and the impact on EBMUD transmission facilities would therefore be considered less than significant.

**Response to Comment 14-18:**

Comment noted. As stated in the Draft EIS/EIR, the proposed facility at the Glenn Dyer Detention Facility would result in no net increase in wastewater treatment and disposal demand over its preceding use (see page 14-26). Additionally, no improvements to the public water distribution are anticipated (see page 14-28). No mitigation measures are required.

**Letter 15: City of San Leandro****Response to Comment 15-1:**

The Draft EIS/EIR identifies the fact that the San Leandro alternative site is within the City of San Leandro's sphere of influence, and discusses applicable land use patterns and public services, as well as transportation effects and similar impacts that could occur in the City limits.

**Response to Comment 15-2:**

Comments confirming the conclusions of the Draft EIS/EIR regarding the lack of significant traffic impacts in the City of San Leandro are noted.

**Response to Comment 15-3:**

The impacts associated with emergency response for the San Leandro alternative were found to be less than significant for the following reasons:

Page 2-1 of the Draft EIS/EIR describes the existing facility in the following way, "all of the existing facilities have or will soon exceed their useful economic life and need replacing, based on operational and architectural/engineering evaluations. These facilities have been frequently overcrowded over the past several years. The County's Board of Supervisors and the State Board of Corrections determined that the existing Juvenile Hall does not meet the current Board of Corrections guidelines for juvenile detention facilities, nor does it meet current or future needs of the County of Alameda...." In addition, the following buildings at the existing facility were found to be seismically deficient in some way, shape or form:

- Juvenile Hall Administration
- Snedigar Cottage
- 2nd (newer) Medical Module
- 1<sup>st</sup> Medical Module
- Modular Unit 1
- Modular Unit 2
- Living Unit A
- Living Unit B
- Living Unit C
- Living Unit D
- Living Unit B-2
- Living Unit 1
- Living Unit 2
- Living Unit 3
- Living Unit 4
- Gymnasium
- Camp Sweeney Dining Hall
- Camp Sweeney School
- Existing Juvenile Hall - Receiving and Intake Unit

Chabot/Las Vistas – Las Vistas (Units 1, 2 and 3), Las Vistas Recreation Building  
Camp R.E.A.D.Y – Camp R.E.A.D.Y. Boys Dormitory, Camp Director’s Office  
Camp Sweeney – Camp Sweeney Administration Building, Camp Sweeney Boys  
Dormitory

By contrast, a new facility at the San Leandro would be built using the most current building codes and the latest technology. Despite the fact that it would be larger than the existing facility, it would be much safer. Therefore, it is assumed that a new facility would actually have a lower demand on emergency services than would the No Project alternative. This would actually decrease the demand on the Alameda County Fire Department. Therefore, no further analysis is needed to determine that the impact will be less than significant on the demand for emergency services.

**LETTER 16: City of San Leandro****Response to Comment 16-1:**

The commentor is referred to a description of the Modified San Leandro Alternative at the beginning of Chapter 2 of the Final EIS/EIR and the Master Response regarding the preferred alternative. Although the Final EIS/EIR specifies a preferred alternative for the purposes of NEPA, the selection of any of the alternatives will not be made until the EIS/EIR is adopted and certified under CEQA.

**Response to Comment 16-2:**

The commentor is correct in noting that the site of the existing Juvenile Hall in San Leandro (No Action / No Project) is subject to significant unavoidable geologic risks related to seismic activity along the Hayward fault and landslides. The project alternative of developing a new Juvenile Justice Facility at the site would address these constraints by moving the facility to another portion of the County property that has been extensively studied by geotechnical researchers and found to be suitable for development. Chapter 6 of the Draft EIS/EIR summarizes the studies, and Chapter 18 provides citations to the numerous reports on which the EIS/EIR is based. The project would necessarily be built to accommodate and withstand the constraints of the site if the San Leandro alternative is selected for implementation. Additional costs to address the site constraints have been considered by the County during the site selection process. Future repair costs will also be considered as part of the County's decision-making process, which will be completed following the completion of the environmental analysis process. The project is considered feasible at the San Leandro site, and therefore has been carried forward in the analysis. The long-term costs of the facility are not an environmental consideration to be evaluated in the EIS/EIR.

The County of Alameda General Services Agency contracted Subsurface Consultants Inc. to prepare the technical report "*Geotechnical Investigations Conceptual Planning Study Juvenile Justice Center San Leandro, California*" (SCI, January 2001). This study is referenced in the Draft EIS/EIR and used as a basis for geologic conclusions pertaining to the San Leandro site. In this study, SCI concludes that the San Leandro Juvenile Justice Facility is feasible from a geotechnical standpoint, and provides geotechnical conclusions and preliminary recommendations for conceptual-level design and costing. Principal geotechnical considerations as described in this report include:

- A fault hazard study prepared by William Lettis and Associates (WLA 2001) assisted in the delineation of a site that is free of active earthquake faulting, and concludes there to be generally low risk of surface fault rupture in those areas where buildings are planned.
- A very deep ancient landslide underlies most of the planned building site, but this feature has been inactive for thousands of years. Risks associated with shallower dormant and active landslides can be mitigated by properly designed retaining wall systems.

- Retaining wall systems of approximately 72-feet in height are planned for the site. These walls will retain varying conditions of fill natural soil deposits and bedrock, and will traverse areas where older landslides are present. The planned retaining walls can be constricted from the top down as site excavation proceeds, and can be restrained using drilled and grouted steel tendons (tiebacks).
- Walls up to about 23-feet high are planned for portions of the site that will retain fill placed during site development. These walls can be free-standing gravity walls or mechanically-stabilized earth walls incorporating tensile elements placed within the fill.
- Fill slopes up to about 30-feet high are planned at the western margin of the site. Conventional unreinforced fill slopes can be inclined at 1 ½ to 1 or flatter. Reinforced earth fills that incorporate tensile elements within the fill can be engineered to have inclinations of about 1 ¼ to 1 or flatter.
- Cutting and fill would be required to develop the site. In areas, cuts will encounter bedrock that can likely be excavated using conventional equipment. Fills will need to be properly keyed and benched into bedrock or firm undisturbed soil. Potentially expansive soils present at the site will require mitigation during site preparation.
- Foundations for the new building can be constructed on conventional spread footing foundations that bear on bedrock of firm, non-expansive soil.

Based upon this analysis, the Draft EIS/EIR recommended numerous mitigation measures (Measures 6.1.2, 6.2.2, 6.4.2, 6.5.2, 6.6.2 and 6.7.2) to address specific geologic considerations.

The *Geotechnical Investigations Conceptual Planning Study Juvenile Justice Center San Leandro, California* also informed the “*Value Engineering Report*” (Cornerstone Facilities Consulting, et.al.), which is the source for project costs. Cornerstone Consultants and its team engineers provided professional guidance for reducing costs while maintaining a juvenile justice complex that serves the people of Alameda County. As a result of this value engineering process, cost estimates for the San Leandro alternative were able to be reduced from approximately \$236,782,000 (the original estimate) to an estimated cost of approximately \$172,887,000 as reported in the Draft EIS/EIR (page 2-9). For comparative purposes, the costs of construction at the Pardee/Swan site are estimated at approximately \$168 million, but an additional \$142 million (or a total of approximately \$310 million) is estimated to be needed for site acquisition and construction of a parking garage to replace existing surface parking.

### **Response to Comment 16-3:**

The County will consider the environmental constraints at the San Leandro site and the associated potential environmental justice effects before making a final site selection. Chapter 16 of the Draft EIS/EIR discusses environmental justice issues and concludes that compliance with stringent codes for juvenile detention facilities would provide protections against injury.

**Response to Comment 16-4:**

As summarized on page 1-4 of the Draft EIS/EIR, the County of Alameda, California Board of Corrections, and U.S. Department of Justice/Office of Justice Programs have provided numerous public notices and opportunities for public comment regarding the proposed action and alternatives that are under consideration. A Notice of Preparation / Notice of Intent was mailed to all responsible / trustee agencies and local residents, and published in the Federal Register and local newspapers in January 2002. Scoping meetings were held in Dublin in February 2002. A second Notice of Preparation / Notice of Intent was mailed to all responsible / trustee agencies and local residents, and published in the Federal Register and local newspapers in June 2002. A second round of scoping meetings were held in Dublin and in Oakland in July 2002. The Notice of Completion / Availability of the Draft EIS/EIR was published and mailed in January 2003. Copies of the Draft EIS/EIR were sent to the City departments and public library in February, and the Alameda County Board of Supervisors, in cooperation with the California Board of Corrections and the U.S. Department of Justice/Office of Justice Programs, conducted two public hearings on the Draft EIS/EIR to gather public comments in February 2003.

As stated on pages S-23 and 3-1 of the Draft EIS/EIR, no preferred alternative was identified in the Draft EIS/EIR because all of the sites were being given equal consideration. An environmentally superior alternative was identified in the Draft EIS/EIR in conformance with the requirements of CEQA. However, that determination is only part of the informational purpose of the Draft EIS/EIR and was not an indication by the lead agencies that the Pardee/Swan site was the preferred alternative, nor does the identification of an environmentally superior alternative obligate the County to select that site. County staff has identified a preferred alternative in this Final EIS/EIR, in conformance with the requirements of NEPA, as described in more detail in at the beginning of Chapter 2 of this Final EIS/EIR.

**LETTER 17: County of Alameda, Public Works Agency**

**Response to Comment 17-1:**

No comments were offered; no response is required.

**LETTER 18: Superior Court, State of California, County of Alameda****Response to Comment 18-1:**

Statements in support of a new Juvenile Justice Facility are noted.

The commentator's opposition to the Glenn Dyer alternative is noted. On pages 3-8 through 3-15, the Draft EIS/EIR concludes that conversion of the Glenn Dyer Detention Facility in downtown Oakland to a juvenile detention facility would not achieve many of the project objectives. The analysis also concludes that use of the Glenn Dyer Detention Facility would result in significant unavoidable impacts due to the noise and air quality conditions in the area, and would therefore have environmental justice impacts on the detainees. The Draft EIS/EIR included the Glenn Dyer Detention Facility as one alternative based on the apparent feasibility of constructing a facility that could meet the minimum State standards for juvenile detention, and the analysis in the Draft EIS/EIR provides a useful comparison to other alternatives being considered. The County Board of Supervisors has not selected a preferred alternative. County staff has identified the preferred alternative as the Modified San Leandro Alternative, described in more detail at the beginning of Chapter 2 of this Final EIS/EIR. Final selection of an alternative that would be implemented will occur after the completion of the environmental review process, and will include consideration of all public comments regarding the project.

**Response to Comment 18-2:**

Comments in support of a new East County Hall of Justice are noted.

The Draft EIS/EIR describes the existing operations and the program components related to new development. The analysis addresses two alternative sites, and includes information regarding the relative costs of each (see pages 2-10 and 2-11). It is acknowledged that development at Site 15A is likely to cost more than development at the East County Government Center Site. The proposed parking garage at Site 15A would be similar to those being developed elsewhere in Dublin at sites with higher density office and other uses. As with the Juvenile Justice Facility, no preferred site was identified in the Draft EIS/EIR. A final decision on implementation of the project will not be made until the environmental review process is concluded.

Public transportation and accessibility are addressed in Chapter 9 of the Draft EIS/EIR. Site 15A is approximately one mile closer than the East County Government Center Site to the BART station, existing bus routes, and freeways. However, transit service is expected to be adjusted to better serve the East County Government Center site once development occurs, in coordination with the Livermore Amador Valley Transit Agency.

**LETTER 19: Supervisor Alice Lai-Bitker****Response to Comment 19-1:**

The cost estimates provided on pages 2-9 and 2-10 of the Draft EIS/EIR include all associated costs for engineering, site work, structural systems, and furnishings to meet the requirements of each of the alternatives. These costs are based on schematic designs and include substantial contingencies. More detailed cost estimates would be prepared during the design phase in conjunction with the design/build team. The San Leandro site has been estimated to cost approximately \$173 million, the reduced program at the Glenn Dyer Detention Facility (420 beds maximum) would cost \$122 million with an additional \$41 million required to provide new administration and court facilities elsewhere in the vicinity, the Pardee/Swan site would cost \$168 million for the Juvenile Justice portion plus about \$142 million for the site acquisition and parking garage components, and the East County Government Center site is estimated to cost \$173 million. Therefore, it does not appear from these estimates that there is a cost premium for development at the seismically active San Leandro site.

**Response to Comment 19-2:**

Development of any of the “build” alternatives, including a replacement project at the San Leandro alternative site, would address existing deficiencies at Juvenile Hall, which is located immediately along the Hayward fault. As discussed in Chapter 6 of the Draft EIS/EIR, extensive studies have been conducted to identify the buildable area on the San Leandro campus. The new Juvenile Justice Facility would be located within that area and would incorporate all necessary structural and equipment considerations to provide a safe environment for the detainees, staff, and visitors.

**Response to Comment 19-3:**

Construction at the San Leandro site would include all necessary security precautions to ensure that the construction site and activity would not affect the on-going operations at the existing Juvenile Hall. Access restrictions, temporary access routes, security personnel, and other measures would be in place. Detainees would not be moved to the new facilities until all of the new security measures were in place, tested, and approved for occupancy. The new facility would include state-of-the art technology as well as superior site planning and operational programs to address security, which would enhance the overall security for the neighborhoods in the area. Currently, security has not been a major problem at the facility, and therefore no security risks are anticipated.

**Response to Comment 19-4:**

The Juvenile Justice Facility conceptual site plan for the San Leandro property under both the Existing San Leandro Site alternative and the Modified San Leandro alternative includes grading and retaining walls that would address the topography and landslide potential at that site. The project has been designed in response to extensive geologic, geotechnical, and seismic studies

that identify the specific risks associated with the site, and these factors are included in the plan. Conformance with applicable codes and regulations, inspections, and quality control would protect the staff, juveniles, and others at the site from landslides.

**Response to Comment 19-5:**

There is little to no reported crime impact of the existing Juvenile Hall in San Leandro upon the neighboring communities. In response to community concerns, the perceived impact of the release of adult prisoners from the Santa Rita Rehabilitation Center in Dublin is discussed in detail (see page 4-55). No matter which site is selected, the Juvenile Justice Facility would be developed to include state-of-the-art security systems and would be staffed by personnel who are trained and equipped to address security at the facility.

**Response to Comment 19-6:**

Based on the review of other statistical analyses, it is expected that efforts to isolate the effect of the existing Juvenile Hall on surrounding residential property values would be inconclusive. The existing Juvenile Hall was built largely in the 1950s and the surrounding neighborhoods are older single-family areas. It would be nearly impossible to isolate the effect today of the Juvenile Hall on housing values from other factors such as housing size, lot size, age of unit, condition of the housing stock, development over time of other “disamenities” in the area, and general quality and upkeep of the neighborhood. In addition, the condition of the surrounding area and value of the homes relative to other areas in San Leandro and the County at the time that the Juvenile Hall was constructed is not known and information regarding housing transactions in the area during the years immediately before and after construction of the Juvenile Hall is not readily available.

## **Letter 20: Alameda County League of Women Voters**

### **Response to Comment 20-1:**

Pages 9-32 and 9-35 of the Draft EIS/EIR describe existing transit service in the Dublin area. Pages 9-89 through 9-91 address the impacts and mitigation measures necessary to address the transit service shortfalls in the Dublin area.

Page 16-14 of the Draft EIS/EIR also provides an analysis of the environmental justice implications of developing the project at the East County Government Center, due to increased transportation costs and travel times for family members and other visitors.

## Letter 21: Communities for a Better Environment

### Response to Comment 21-1:

The Draft EIS/EIR contains an analysis of a reasonable range of alternatives in accordance with NEPA and CEQA. For example, the Draft EIS/EIR evaluated alternatives that involve the development of both the Juvenile Justice Facility and the East County Hall of Justice on separate sites or in combination. The Draft EIS/EIR provides a rigorous analysis of alternatives, including variations in the size, location, and configuration of the Juvenile Justice Facility and the East County Hall of Justice. In this way, the document provides the decision-makers with information about a reasonable range of alternatives that could possibly achieve the Project objectives and that appeared to otherwise be feasible considering costs, land availability, and other factors.

The needs assessment and master plan determined that the County needed to construct a new Juvenile Justice Facility that would include 540 beds to meet the County's needs to house juvenile detainees. Based on increased use of alternatives to detention implemented by the Probation Department in recent years, however, the Draft EIS/EIR indicated that a total of 450 beds could remain adequate for long-term needs (Chapter 2, page 2-3). The size of the alternatives under consideration was based upon the purpose and projected need of the project and the project objectives.

As described on pages 2-2 through 2-5 of the Draft EIS/EIR, the Program requirements for the Juvenile Justice Facility, and the Alameda County Board of Supervisors' direction regarding the project parameters based on data and analysis presented by the Juvenile Justice Steering Committee and others, indicate that a minimum of 420 beds would be required to address current and future housing needs associated with the juvenile justice functions of the County. However, since that time, the Steering Committee has identified another feasible alternative and selected it as the preferred alternative. See the master response regarding the Modified San Leandro Alternative at the beginning of Chapter 2 of this Final EIS/EIR.

As part of the evaluation of a reasonable range of alternatives, the Draft EIS/EIR evaluated the No Action/No Project alternative in which 300 beds would be provided in the existing facility. As this analysis demonstrates, the impacts and project-generated demand for services based on size and population would be reduced compared to the impacts and demand for services of a 450-bed or 540-bed alternative (e.g., traffic, noise, air quality, utilities and services). Similarly, the Modified San Leandro Alternative consisting of 360 beds also would result in fewer impacts and demand for services and utilities when compared to the 450-bed and 540-bed alternatives. The commentor is referred to the beginning of Chapter 2 of this Final EIS/EIR for a description of this alternative.

In addition, over 20 other sites were considered during the site selection process, as described on page S-7 and pages 3-32 through 3-34 of the Draft EIS/EIR. Although it is true that somewhat less land might be required if fewer beds were constructed, the minimum land area would not be substantially reduced because the beds make up only part of the facility. Many of the support

facilities could be reduced in size, but not necessarily proportional to the number of beds due to minimum functional requirements. For example, the courtroom and administrative functions make up fully 25% of the total square footage of the project, and would not necessarily be reduced in area with the construction of fewer beds.

**Response to Comment 21-2:**

Refer to Response 9-135 regarding concerns related to radiological experimentation/testing and the East County Government Center site.

An Environmental Site Assessment has been conducted at the East County Government Center site (see pages 12-13 and 12-14 of the Draft EIS/EIR). Studies conducted to date strongly suggests that impacts to soil which may be encountered during site redevelopment are no more significant than those encountered during redevelopment of any of the adjacent former military areas. Studies have not identified conditions that would require extensive remediation prior to redevelopment, i.e. chemical contamination has not been detected at concentrations that would suggest the presence of hazardous waste and concentrations that exceed established risk thresholds. The East County Government Center site and Site 15A were investigated for possible hazardous materials contamination. A Preliminary Environmental Site Assessment was prepared for the East County Government Center Site in January 2002, which identified several recognized environmental conditions, as described in more detail in the Draft EIS/EIR at pages 12-13 and 12-14. This assessment did not disclose the likelihood of the presence of radioactive materials. In September 2000, a Phase I preliminary site assessment was also performed for the Site 15A property. Soil and groundwater investigations were also performed on Site 15A, which included a screening for the presence of radiation. No radiation above background levels was detected. (See Draft EIS/EIR p. 12-17.) Furthermore, common and routine site development procedures such as worker notification, dust control measures and work stoppage when unusual conditions are encountered conducted in association with a Soil Handling/Management Plan (SMP), will effectively address and mitigate potential risks of exposure including those potentially associated with asbestos containing materials (ACM) and lead based paint (LBP). An SMP will be prepared based on the actual development scheme selected. The commentor's statements regarding the potential for radioactive contamination at the Dublin site does not constitute significant new information requiring the recirculation of the Draft EIS/EIR. (See Recirculation Master Response at the beginning of Chapter 2 of this Final EIS/EIR).

**Response to Comment 21-3:**

The commentor is correct in noting that the East County Government Center alternative would result in several significant unavoidable impacts. The Executive Summary (Chapter S) of the Draft EIS/EIR lists all of the impacts and classifies them according to significance, including a summary of significant unavoidable impacts at each site on pages S-22 and S-23. The East County Government Center site has five significant unavoidable impact categories, including numerous roadway and intersection impacts that would require mitigation and remain unavoidable due to cumulative growth in the area. The traffic, noise, and air pollution impacts of increased travel distance for detainees, their family members, and others associated with the

activity at the project are fully described in each of the topical sections and are specifically considered in the environmental justice chapter (Chapter 16) of the Draft EIS/EIR. The Draft EIS/EIR evaluates cumulative air quality impacts and mitigation measures for the East County Government Center and Site 15A alternatives on page 17-57. The County has prepared a Draft transportation plan for the project if it is implemented in Dublin, as noted on pages 9-91 and 16-14. Its implementation depends on final planning studies and allocation of funding from the County, but it is expected to reduce the accessibility impact to a less than significant level. Vehicular noise impacts are expected to remain significant, however, due to the overall increase in trips in the immediate vicinity of existing residences.

#### **Response to Comment 21-4:**

The environmental justice impacts associated with the East County Government Center site and impacts on accessibility are described in Chapter 16 of the Draft EIS/EIR. Construction of roadway improvements in the area likely would exacerbate traffic delays in the interim pending completion of the roadway improvements. Chapters 9 and 11 evaluate the air quality and traffic impacts associated with the proposed Project.

In accordance with CEQA and NEPA, the Draft EIS/EIR identifies feasible mitigation measures that may be implemented as part of the Project to mitigate significant environmental impacts. We note that the commentor cites to cases that apply to the preparation of an initial study and mitigated negative declaration and the threshold decision to prepare an EIR. In this case, the County determined to prepare an EIR. The CEQA Guidelines and judicial decisions regarding the adequacy of mitigation in an EIR confirm that, although mitigation measures should not be deferred until some future time, mitigation measures may specify performance standards that would mitigate the project's significant environmental effect and may be accomplished in various ways. (14 Cal. Code Regs. § 15126.4(1)(B); *Sacramento Old City Ass'n v. City Council* (1991) 229 Cal.App.3d 1011.) Thus, it is appropriate for an agency to identify mitigation measures in an EIR, but rely on future studies to define how a mitigation measure will be designed and implemented in accordance with performance goals.

The Draft EIS/EIR evaluates the environmental impacts of the proposed project and identifies mitigation measures which would mitigate those impacts. In this regard, the Draft EIS/EIR does not defer the evaluation of mitigation measures. In fact, requirements regarding specific roadway improvements and the obligation to fund such improvements are specified in Chapters 9 and 17 of the Draft EIS/EIR. The recommended mitigation measures are designed to minimize the project's significant environmental impacts by substantially reducing or avoiding them. (Pub. Res. Code §§21002 and 21100.) While the Draft EIS/EIR identifies the recommended regional roadway improvements, it discloses to the public and decision-makers the uncertainties regarding potential delays in the implementation of all such improvements. Although implementation of the measures may be deferred, it does not mean that the Draft EIS/EIR deferred the identification of the mitigation measures. Thus, the commentor seems to confuse the potential for delays in implementing mitigation with the deferral in identifying mitigation that may be required for a project.

**Response to Comment 21-5:**

The public health impacts related to potential hazardous materials contamination at the East County Government Center and Site 15A are discussed in the Draft EIS/EIR at pages 12-22 to 12-23. For the East County Government Center, Mitigation Measure 12.1.5 requires the County's contractor's to prepare a Soil Handling/Management Plan (SMP) that will contain, among other things, a contingency plan that will ensure that construction workers and the public are adequately protected from health impacts associated with potential exposure to contamination. Compliance with the SMP, and all mitigation measures, will be monitored pursuant and enforced through a mitigation monitoring and reporting program to be adopted at the time of project approval, as required by CEQA Guidelines Section 21086(a)(1). Costs of potential clean-up is included in the project budgets.

**Response to Comment 21-6:**

The commentor is referred to Response to Comment 9-163, above. A detailed discussion of the potential impacts of the project on wildlife, foraging habitat for raptors and loggerhead shrike, and Congdon's tarplant is provided under Impact 8.1.5, 8.3.5, and 8.4.5, together with adequate mitigation where appropriate.

**Response to Comment 21-7:**

The commentor states that other noise studies have shown levels to be louder than those measured by Illingworth & Rodkin. According to the Draft EIS/EIR noise section, "LT-1 was made in the center of the rear yard of #5764 Idlewood Street behind an 8-foot sound wall along Hacienda Drive. At this location, Hacienda Drive was the major noise source. Construction of nearby offices also contributed to noise levels. Distant gunfire from the County Sheriff's Shooting Range was audible but not measurable at this location. The CNEL measured at this location was 58 dBA. The hourly data are displayed graphically in **Figure 10.9**. Measurement LT-2 was made on a pole at the corner of Idlewood Court and Winterbrook Avenue approximately 60 feet from the sound wall off Gleason Drive. At this site, gunshots were more audible but not measurable over the noise from traffic on Gleason Drive. The CNEL at this location was 57 dBA." During the monitoring surveys, even with distant gun range use audible, Community Noise Equivalent Levels (CNEL) are within acceptable limits, and thus no significant impact would occur.

The Wilson, Ihrig, and Associates (WIA) firing range acoustics report states that, "due to *atmospheric inversion effects*, range noise was higher during nighttime hours than during the daytime." The data and conclusions in the WIA report demonstrate that noise from the firing range is intrusive in the neighborhoods to the south. The WIA report contains a series of recommended mitigations that would reduce firing range noise in nearby neighborhoods, especially at night (but the noise would not be completely eliminated). However, the WIA report does not change the conclusions of the Draft EIS/EIR that exterior and interior noise impacts at the East County Government Center site would be less than significant (see Impact 10.1.5, page 10-24).

Illingworth & Rodkin measured overall ambient sound levels focusing on the County and City standards for Ldn or CNEL. Long-term measurements included firing range sounds, sounds from helicopters, existing traffic, lawnmowers, barking dogs, and whatever other sources were generating sound at the time of measurements.

CEQA §15355 (b) defines *Cumulative Impacts* as "the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonable (sic) foreseeable probable future projects." The Sheriff's Firing Range and Parks RFTA are part of the existing noise environment and have been included in the measurement of existing conditions. The Draft EIS/EIR used future traffic projections to calculate project-generated noise and cumulative increases.

The new Juvenile Justice Facility and East County Hall of Justice will be constructed of substantial, institutional-type materials that would normally reduce interior noise levels 30 dBA or more below outside levels. This noise attenuation would be sufficient to reduce gunshot sounds to below a level of significance (i.e. below 45 dBA). State law applicable to the project is described on page 10-4 of the Draft EIS/EIR, and used as a significance threshold for the analysis. The State multi-family law is described for comparison purposes, but that standard is not applicable because the Juvenile Justice Facility is not such a land use.

The reconfiguration of the existing berm would not substantially affect the audibility of the Sheriff's shooting range or other activity as perceived from residential or other areas south of Gleason Drive. This is due to the distance the berm is from the shooting range, which limits its ability to provide much shielding. In addition, the Sheriff's Department is considering the implementation of various improvements to sound barriers that will diminish, but not eliminate, gunshot sound in nearby areas. Those improvements are unrelated to and not needed to address the Juvenile Justice Facility. All of the Sheriff's possible mitigation measures are oriented to close-in walls and baffles that would provide immediate shielding, rather than more distant berms or walls that would allow sound to refract and travel around the barriers, thereby reducing their effectiveness.

Sound measurement data was obtained by professional acoustical engineers using specialized equipment, over several days at several locations. The measurements reflect short-term and long-term conditions, and adequately characterize the sensitive areas near the project sites based on professional practice. The Draft EIS/EIR data is therefore considered adequate and complete.

**Response to Comment 21-8:**

No greater site hazards exist at the alternative sites than existed under the current development between Gleason Drive and I-580 prior to the proper cleanup and development as residential, school, recreation, and commercial uses. Refer to Response 21-2 regarding the mitigation of potential impacts at the East County Government Center site. The potential removal of pipelines lined or wrapped with asbestos containing materials (ACM) would be conducted under the observation of a Certified Industrial Hygienist and by contractors licensed to handle and remove

ACM. Similar pipelines have already been encountered and were successfully removed from other adjacent military properties without incident.

**Response to Comment 21-9:**

Figure 12.6 of the Draft EIS/EIR is from a database search conducted by EDR, Inc. on behalf of the EIS/EIR preparers, and is necessarily vague due to the use of census map files. As shown in Figure 3.12 of the Draft EIS/EIR, the school is located approximately ¼ mile from the closest point of the East County Government Center site, although the majority of the site work and development would occur beyond this distance. Although Impact 12.3 addresses the handling of hazardous materials near school sites, the general issue of handling hazardous materials is addressed in Impact 12.1, under heading 12.1.5 and 12.1.6 for the Dublin sites. Concentrations detected to date at each of these sites would not constitute “hazardous materials”, according to Fugro West Consultants. Impacted soils, including asbestos containing materials and lead based paint, if encountered may, however, need to be transported from these sites as “hazardous waste” in accordance with applicable State laws. Potential impacts to the community related to these materials would be short-term and mitigated by implementation of the soil management plan. None of the transportation would occur along roads near the school site.

The discussion regarding impacts of hazardous waste handling near school sites in the Draft EIS/EIR is hereby amended as follows:

*Page 12-23, Impact 12.3: All Alternatives*

NO IMPACT. LESS THAN SIGNIFICANT IMPACT. Under each of the alternatives evaluated, construction and operation of the proposed facilities would not require the handling of significant quantities of hazardous materials. Mitigation Measures 12.1.2, 12.1.4, 12.1.5, and 12.1.6 would reduce the potential impact to less than significant. None of the sites evaluated are The closest part of Dougherty Elementary School is located within one-quarter mile of any existing or proposed school the from the closest part of the East County Government Center site. Site disturbance and construction activity would occur at or beyond this distance from the school site, and would not have any significant impacts after the implementation of the specified mitigation measures.

**Response to Comment 21-10:**

The commentor correctly notes that the Dublin site would result in more vehicle emissions than other sites evaluated in this EIS/EIR. The air quality analysis relies upon publicly available data from government-operated air monitoring stations. These air monitoring stations are part of a network that is representative of an air basin (or sub-basin). Although there are many air monitoring stations throughout the BAAQMD, the analysis is based upon data from those stations closest to the proposed project sites.

**Response to Comment 21-11:**

As noted in the Draft EIS/EIR, as a political subdivision of the State, the County is exempt from local regulations. (See Draft EIS/EIR at page 4-9.) This exemption extends to local land use (i.e., General Plans), zoning and building regulations. Moreover, Government Code Sections 53090-53096, which generally require local agencies to comply with the land use and building regulations of the county or city in which their territory is located, specifically excludes counties from this requirement. Therefore, the County is not required to comply with land use (i.e., General Plans), zoning and building requirements of any of the local jurisdictions in which the project may be located, including the City of Dublin. Consequently, even if the proposed project is determined to be inconsistent with local land use (i.e., General Plan), zoning or building requirements, such inconsistency generally would not prevent implementation of the project. Nonetheless, the County has, by agreement, recognized certain local land use principles in the Dublin area pursuant to the Annexation Agreement dated May 4, 1993, as discussed at pages 4-28 through 4-30 of the Draft EIS/EIR. The extent to which the Project would be required to comply with Dublin's land use laws and policies, including its General Plan, would be determined by Sections 8 and 9 of the Annexation Agreement. See responses to Comments 9-27 and 9-30.

**Response to Comment 21-12:**

The Draft EIS/EIR does not need to be translated into Spanish. Notices and information sheets were translated, and translators for six different languages were made available at the scoping meetings held in Oakland in order to address the wide range of ethnic and language groups represented in the urban setting of the Glenn Dyer Detention Facility and other alternative sites under consideration. No members of the public were observed to use these services. Public participation was also encouraged through local community organizations during the scoping process, and no non-English speaking persons appeared during the process. The County of Alameda provides accommodation in all of its proceedings for accessibility by persons with physical handicaps and language barriers. However, the projects evaluated in the Draft EIS/EIR are not located in an area with a predominant language group other than English, as with the cases cited by the commentor (Puerto Rico and New Mexico). The lead agencies for this project have complied with Executive Order 12898 regarding environmental justice to the extent it applies to this project. Chapter 16 of the Draft EIS/EIR provides a description of the communities potentially affected by the project alternatives. Table 16.1 shows that approximately 18 percent of the juvenile detainees are Hispanic. Table 16.2 documents that approximately 18 percent of the County's population is classified as Hispanic, and between 9 and 18 percent of the population in the vicinity of any individual site is Hispanic. The Draft EIS/EIR therefore concludes that there would not be a disproportionate impact on Hispanic persons.

**Response to Comment 21-13:**

Although the United States Environmental Protection Agency (EPA) may have certain jurisdiction over certain of the alternative project sites with respect to soil and water contamination, EPA is not expected to issue any specific approval or authorization for the

Project. EPA Region IX was one of the federal agencies to which the County distributed a copy of the Draft EIS/EIR. Region IX submitted a comment letter (see letter 3) which commended “the preparers of [the EIS/EIR] for publishing a clear and thorough analysis of the alternatives, and for including appropriate measures to mitigate potential impacts.” The EPA reviewed the Draft EIS/EIR and categorized it as “LO, Lack of Objection.” No further consultation is required at this time.

**Response to Comment 21-14:**

The lead agencies believe the Draft EIS/EIR to be adequate as an informational document, and no significant new information is provided in response to public comments that would trigger the need for recirculation of a revised Draft EIS/EIR. No substantial additional analysis is included in this response to comments document that would preclude meaningful public input. Public participation has been extensively sought and input has been received from over 50 individuals and agencies, evidencing sufficient public involvement in the process. No analysis of important environmental issues has been inappropriately deferred. Impact discussions include planning, design, construction and operations, as well as cumulative and long-term impacts for each of the topical issues addressed in the Draft EIS/EIR. The mitigation measures provide sufficient detail and are based on known conditions documented in the description of the existing setting, and conformance with established regulations and protocols that are sufficient to ensure the adequacy of the measures to meet the mitigation objectives. The commentor has not identified any significant new information that will need to be added to the Draft EIS/EIR and require recirculation as further indicated in the Master Response regarding recirculation at the beginning of Chapter 2 of this Final EIS/EIR.

**Response to Comment 21-15:**

Communities for a Better Environment will be added to the mailing list and will be informed of all public hearings, and will be provided with CEQA/NEPA notices and public documents.

**Letter 22: Reed Smith Crosby Heafy, LLP****Response to Comment 22-1:**

Section 15123(a) of the CEQA Guidelines requires a “brief” summary with language that is “as clear and simple as reasonably practical.” The Project assessed in this Draft EIS/EIR is complex and in order to provide a clear overview of it, the Executive Summary includes Table S.1. This table provides a summary of the potential environmental impacts among the six alternatives and an indication of whether mitigation measures would be required based on the significance of the identified impact. Additionally, page S-8 directs the reader to individual chapters for recommended mitigation measures. Although Section 15123(b)(1) does state that the mitigation measures should be identified in the Executive Summary, Section 15123(c) also states that the summary should not normally exceed 15 pages. The Executive Summary, without all the mitigation measures for each of the six alternatives, is 24 pages in length. Adding the mitigation measures would have resulted in an unwieldy “summary” that could have run 50 to 100 pages long.

A mitigation monitoring reporting program (MMRP), which outlines how the mitigation measures in the EIS/EIR will be implemented for the selected project, must be adopted by the County Board of Supervisors. That plan will also provide the requisite summary of mitigation measures as they would apply to a specific project site. A draft of the impacts and mitigation measures that would be included for the preferred alternatives is included as an appendix to this Final EIS/EIR.

**Response to Comment 22-2:**

Comment noted. See also responses to comments 22-6 through 22-10. The Draft EIS/EIR is revised as follows:

*Page S-21, paragraph 2:*

The proposed Juvenile Justice Facility and East County Hall of Justice projects are intended to address documented needs for improved facilities, and would not induce substantial population growth in the vicinity at any of the alternative sites considered in this EIS/EIR. ~~Development at the sites evaluated would be consistent with overall land use plans for the areas.~~ Each site is located in an urban area with adequate infrastructure to meet project-related demands for services, so no substantial infrastructure improvements would be required which could induce growth in neighboring areas. Employment at any of the sites would be relatively small in comparison to the overall level of activity in the vicinity. Many of the employees (approximately 450 to 550 staff at the Juvenile Justice Facility, and approximately 300 staff at the East County Hall of Justice) would be drawn primarily from the existing labor supply serving these County functions, and limited new housing would be required to serve new employees. Considered in the context of Alameda County and the individual communities in which the projects could be located, the projects do not represent the introduction of large

employment or economic generators. However, the overall trend in the region is toward increased traffic congestion, a lack of affordable housing, and increased service demands that could outstrip the ability of cities and other agencies to provide for all of the long-term growth within and beyond the nine-County San Francisco Bay Area. Therefore, there is the potential for significant cumulative growth-inducing impacts.

**Response to Comment 22-3:**

Although development costs of the new East County Hall of Justice on Site 15A might be higher than development costs associated with construction at the East County Government Center, this does not make the proposal infeasible. As noted on Page 2-10 of the Draft EIS/EIR, a number of funding sources have been identified that would adequately cover the costs of the proposed project.

**Response to Comment 22-4:**

Contrary to the commentor's assertion, the Draft EIS/EIR identifies and defines a "proposed project." The description of the "proposed project" may be found in Section 3.1 of the Draft EIS/EIR. The "proposed project" is the construction of the Juvenile Justice Facility and the East County Hall of Justice. Alternatives are considered for construction of the proposed project in accordance with NEPA and CEQA. These alternatives were evaluated at a comparable level of detail in accordance with NEPA's more stringent requirements regarding the analysis of alternatives. Consequently, the environmental impacts of each alternative were evaluated. The Draft EIS/EIR summary table compares each of these alternatives so the reader can understand the comparison of impacts among each of the alternatives. If the commentor's assertions were true, a combined EIS/EIR never could be prepared.

The commentor is referred to the responses to the comments contained in Comment Letter 9 regarding Dublin's land use approval authority with respect to the Project.

The Draft EIS/EIR describes the number of parking spaces required and to be provided for the East County Government Center site on page 3-19. Figure 3.22 illustrates the number of parking spaces (850 spaces) proposed for the East County Hall of Justice on Site 15 A. Page 3-23 indicates that the Juvenile Justice Facility on the East County Government Center site would be two stories (approximately 30 feet tall) and the East County Hall of Justice would be a 4-story building. For the East County Government Center Site, the East County Hall of Justice would have a building height of 56 feet for the three-story office portion and 80 feet for the four-story court portion, with a 14-foot taller elevation as viewed from Border Blvd. due to the below-grade sallyport area. Development of Site 15A would require a slightly taller building to accommodate an at-grade sallyport and mechanical areas.

**Response to Comment 22-5:**

As stated in the first sentence of the discussion, pages 3-32 and 3-33 of the Draft EIS/EIR relate the search for alternative sites to accommodate the Juvenile Justice Facility. The Draft EIS/EIR

also includes an analysis of two alternative sites for the East County Hall of Justice: the East County Government Center Site, and Site 15A.

**Response to Comment 22-6:**

The discussion of Site 15A on page 4-9 of the Draft EIS/EIR is a description of the physical setting for Site 15A. The description of the policy and regulatory setting for this site is found on page 4-35 through -37. On page 4-35 of the Draft EIS/EIR it clearly states that “Development of Site 15A with a new East County Hall of Justice would not be consistent with the land use designation for this property under the applicable General Plan. The annexation agreement provides that development of Site 15A and surrounding property within the Santa Rita Properties requires development consistent with City of Dublin land use policy and regulations. The County Surplus Authority has requested that the City of Dublin amend the General Plan and EDSP designation from High-Density Residential to a land use designation supporting campus-type office uses.” The Draft EIS/EIR makes clear that Site 15A is not zoned or designated for public use at the present time. In Chapter 4, describing the Land Use and Planning effects/impacts of the proposed Project, under the headings “Site 15A” and “City of Dublin Zoning,” the Draft EIS/EIR states, “Site 15A is zoned PD by the City of Dublin,” Draft EIS/EIR at 4-36, and further states that “the development of this site as an institutional use could be found to be inconsistent with current land use designation.” (Draft EIS/EIR at 4-36 through 4-37.) The extent to which development of Site 15A may be subject to review by the City of Dublin under its land use laws and policies would be determined by Section 8 of the May 4, 1993 Annexation Agreement. See Response to Comment 9-27 and 9-30.

**Response to Comment 22-7:**

Comment noted. This typographical error is amended as follows:

*Page 4-9, paragraph 1:*

Site 15A is part of the County of Alameda’s Santa Rita land holdings that were annexed to the City of Dublin in the early-1990’s for the purpose of facilitating public and private development. Site 15A is located south of Central Parkway, east of Arnold Road, north of Dublin Boulevard and west of the new Sybase Corporation Headquarters Complex. It encompasses ~~approximately 11.5 net acres of land~~ approximately 12.5 net acres of land. The site is currently vacant, relatively flat and contains native and introduced species of grasses but no trees (see **Figure 4.5**).

**Response to Comment 22-8:**

Comment noted. This graphics error is amended as follows:

*Page 4-29, Figure 4.12:*

This figure is revised to indicate the current General Plan land use designation on the adjacent Sybase property is Campus Office, and not High Density Residential.

**Response to Comment 22-9:**

The extent to which development on Site 15A may be subject to review by the City of Dublin under its land use laws and policies would be determined by Section 8 of the May 4, 1993 Annexation Agreement. See Response to Comment 9-27 and 9-30.

See Response to Comment 9-38 for a discussion of the most appropriate land use designation (from High Density Residential to Campus Office or Public/Semi-Public) for Site 15A.

**Response to Comment 22-10:**

Although the last two sentences of the cited section on page 4-35 are correct statements of the County's exemption from local regulation generally, the County's exemption as applied to development on Site 15A has been modified by Section 8 of the May 4, 1993 Annexation Agreement. As a result, the last two sentences of this paragraph are incorrect, and the Draft EIS/EIR is hereby amended to delete those sentences.

*Page 4-35, fifth paragraph:*

**Land Use Designations**

The Eastern Dublin Specific Plan/General Plan designates Site 15A for High-Density Residential uses with an average density of 25 dwelling units per acre. This land use designation would permit up to approximately 300 residential units at this site.

*Consistency Analysis.* Development of Site 15A with a new East County Hall of Justice would not be consistent with the land use designation for this property under the applicable General Plan. The annexation agreement provides that development of Site 15A and surrounding property within the Santa Rita Properties requires development consistent with City of Dublin land use policy and regulations. ~~The County Surplus Authority has requested that the City of Dublin amend the General Plan and EDSP designation from High Density Residential to a land use designation supporting campus-type office uses. If the General Plan and EDSP amendments are approved, the proposed project would be consistent with the new land use designations.~~

**Response to Comment 22-11:**

The discussion on page 4-41 of the Draft EIS/EIR regarding the consistency of development of the East County Hall of Justice at Site 15A with the City of Dublin General Plan concludes by stating "inconsistency would not result in significant effects on the environment *other than as described elsewhere in this document.*"

Potential inconsistency with the City's land use designation for the site, i.e. High Density Residential under existing policy or Campus Office under an existing General Plan Amendment request, is also discussed on pages 4-35 and 4-36 of the Draft EIS/EIR. The County believes that the East County Hall of Justice is a use consistent with the proposed land use designation and the

land use goal for the area, which includes a “high profile, quality image that establishes a positive impression.” The design intent of the East County Hall of Justice would be consistent with this goal.

Site 15A is included in the City of Dublin’s East Dublin Specific Plan area, as explained on page 4-35 and cross-referenced to pages 4-28 through 4-35. The overall planning scheme for the eastern Dublin area includes a substantial amount of flexibility, as has evidenced by prior development decisions of the City regarding neighboring sites including the Sybase headquarters site and other local offices, in which residential land use designations have been amended to allow office uses on all of the properties west of Hacienda Drive.

Mitigation measures adopted by the City of Dublin in 1994 as part of its Eastern Dublin Specific Plan do not necessarily apply to individual projects within the Plan area. The EDSP EIR was necessarily broad in scope and general in its conclusions, considering that no development had yet occurred in the Plan area and projections were for a long-term buildout of the area during which changes to the environmental and regulatory setting, land use plan, and detail of information was inevitable. Although the City uses the EDSP EIR to tier analyses of subsequent projects within the Plan area, the County has determined that in this case, the project required a separate EIR, and has therefore conducted new, site-specific studies of the site and surroundings. Given the time that has passed and the changed circumstances in the area since the EDSP EIR was certified, the original mitigation measures from the EDSP are inapplicable to or redundant of the measures identified in the project-specific Draft EIS/EIR prepared for the East County Hall of Justice.

As explained in the Draft EIS/EIR, the County disagrees with the commentor's statement that development of the East County Hall of Justice on Site 15A would be inconsistent with the proposed Office Campus designation for the site. *See* Draft EIS/EIR at 4-36. The County also disagrees with this comment to the extent that it contends that the severity of the traffic effects/impacts that would result from developing the East County Hall of Justice on Site 15A may vary depending upon the site's General Plan or Specific Plan designation. The Draft EIS/EIR adequately addresses the potential traffic effects/impacts that may result from the proposed use of Site 15A. *See* Draft EIS/EIR at 9-101 through 9-109.

**Response to Comment 22-12:**

The County Sheriff would maintain a significant presence at East County Hall of Justice, would maintain a very high level of security throughout the facility and site, would be able to rapidly respond to any disruption of normal community life by immediately alerting the Dublin Police Department, and would be able to provide any necessary back-up to the Dublin Police Department. The Sheriff's highly visible presence would certainly deter unlawful activity.

**Response to Comment 22-13:**

The Draft EIS/EIR evaluates the physical environmental impacts of increased criminal activity on page 4-55. The commentor’s concerns regarding loitering, litter, and traffic are very similar

to the issues included in the discussion of Impact 4.5, which were determined to have no impact. The increased demand for public services and utilities is described in Chapters 13 and 14.

**Response to Comment 22-14:**

The conclusion regarding a three to four story East County Hall of Justice building being in character with nearby buildings is based on assumptions about the type, height and mass of the building as conceptually shown on Figures 3-9 and 3-12 of the Draft EIS/EIR. Such a building would not be out of character with the surrounding properties, which are designated under the City of Dublin General Plan for either Campus Office, Industrial Park/Office, or a mix of uses as approved under the Dublin Transit Center project.

**Response to Comment 22-15:**

The Draft EIS/EIR is revised as follows:

*Page 5-44, paragraph 4*

**Impact 5.2.6 Site 15A**

~~NO IMPACT. No scenic vistas or scenic resources would be affected by the construction of a new Hall of Justice at this site. Views in the area from all viewpoints would be significantly changed.~~

LESS THAN SIGNIFICANT IMPACT. The massing of the proposed East County Hall of Justice building located on Site 15A would have a less significant visual impact on the area, as it would be consistent with the overall business park setting and existing buildings, and would not adversely affect the aesthetic setting of the other existing buildings in the area. Changes to the views from adjacent offices would not be significant environmental impacts of this project, as it would be consistent with the overall land use plan for the area, and views from individual offices are not protected as scenic vistas under CEQA or NEPA.

**Response to Comment 22-16:**

Design review for the proposed East County Hall of Justice at Site 15A would evaluate exterior materials proposed for the building's façade, as well as proposed exterior security light design, in order to ensure that the building's façade and exterior lighting do not have a significant impact on adjacent land uses.

**Response to Comment 22-17:**

The impacts of office development at Site 15A is considered as a background condition for those future condition scenarios that include the Juvenile Justice Facility and/or East County Hall of Justice at the East County Government Center Site.

The description of the scenarios on page 9-23 of the Draft EIS/EIR is hereby amended as follows:

- *Scenario A1*, in which a Juvenile Justice Facility with 420 beds and an East County Hall of Justice with 13 courtrooms would be co-located at the East County Government Center site. ~~No development of Site 15A would be developed according to the City of Dublin's Specific Plan and General Plan.~~ Development of the Cisco Systems project is considered representative of future conditions as part of this analysis because it was an approved project for that site.
- *Scenario A2*, in which a Juvenile Justice Facility with 540 beds and an East County Hall of Justice with 13 courtrooms would be co-located at the East County Government Center site. ~~No development of Site 15A would be developed according to the City of Dublin's Specific Plan and General Plan.~~ Development of the Cisco Systems project is considered representative of future conditions as part of this analysis analysis because it was an approved project for that site.
- *Scenario B*, in which a Juvenile Justice Facility would be located elsewhere outside of the area of influence in Dublin, and an East County Hall of Justice with 13 courtrooms would be located on the East County Government Center site. ~~No development of Site 15A would be developed according to the City of Dublin's Specific Plan and General Plan.~~ Development of the Cisco Systems project is considered representative of future conditions as part of this analysis analysis because it was an approved project for that site.
- *Scenario C1*, in which a Juvenile Justice Facility with 420 beds would be located at the East County Government Center site, and an East County Hall of Justice with 13 courtrooms would be located at Site 15A. The East County Government Center site would also accommodate future office development at some future date, consistent with the City of Dublin's Specific Plan and General Plan.
- *Scenario C2*, in which a Juvenile Justice Facility with 540 beds would be located at the East County Government Center site, and an East County Hall of Justice with 13 courtrooms would be located at Site 15A. The East County Government Center site would also accommodate future office development at some future date, consistent with the City of Dublin's Specific Plan and General Plan.
- *Scenario D*, in which a Juvenile Justice Facility would be located elsewhere outside of the area of influence in Dublin, and an East County Hall of Justice with 13 courtrooms would be located at Site 15A. ~~The East County Government Center site is not considered as part of this analysis.~~ The East County Government Center site would also accommodate future office development at some future date, consistent with the City of Dublin's Specific Plan and General Plan.

The text on page 9-57 of the Draft EIS/EIR is also amended for consistency, as follows:

**Scenario Description**

Scenario A1 includes the development of a Juvenile Justice Facility with 420 beds and the proposed East County Hall of Justice with 13 courtrooms at the East County Government Center site. Site 15A ~~would not be developed under this scenario~~ would be developed according to the City of Dublin's Specific Plan and General Plan. Development of the Cisco Systems project is considered representative of future conditions as part of this analysis.

The text on page 9-61 of the Draft EIS/EIR is also amended for consistency, as follows:

**Alternative Description**

Scenario A2 includes the development of a Juvenile Justice Facility with 540 beds and the proposed East County Hall of Justice with 13 courtrooms at the East County Government Center site. Site 15A ~~would not be developed under this scenario~~ would be developed according to the City of Dublin's Specific Plan and General Plan. Development of the Cisco Systems project is considered representative of future conditions as part of this analysis.

The text on page 9-65 of the Draft EIS/EIR is also amended for consistency, as follows:

**Alternative Description**

Scenario B would include development of only the East County Hall of Justice at the East County Government Center site. Site 15A ~~would not be developed in this scenario~~ would be developed according to the City of Dublin's Specific Plan and General Plan. Development of the Cisco Systems project is considered representative of future conditions as part of this analysis. ~~and the~~ The Juvenile Justice Facility would be located elsewhere in the County, beyond the area of influence in Dublin.

The text on page 9-66 of the Draft EIS/EIR is also amended for consistency, as follows:

**Alternative Description**

The Scenario C1 is for the proposed Juvenile Justice Facility with 420 beds would be located at the East County Government Center site, and the proposed East County Hall of Justice with 13 courtrooms would be located at Site 15A. Site 15A is bounded by Central Parkway to the north, Arnold Road to the west, Dublin Boulevard to the south and the existing Sybase office development to the east. The East County Government Center site would also accommodate future office development at some future date, consistent with the City of Dublin's Specific Plan and General Plan.

The text on page 9-72 of the Draft EIS/EIR is also amended for consistency, as follows:

**Alternative Description**

The Scenario C2 is for the proposed Juvenile Justice Facility with 540 beds would be located at the East County Government Center site, and the proposed East County Hall of Justice would be located at Site 15A. The East County Government Center site would also accommodate future office development at some future date, consistent with the City of Dublin's Specific Plan and General Plan.

The text on page 9-76 of the Draft EIS/EIR is also amended for consistency, as follows:

**Alternative Description**

The Scenario D is for the proposed East County Hall of Justice would be located at Site 15A. The proposed Juvenile Justice Facility would be located elsewhere in the County outside of the influence area of Dublin. The effects of the Juvenile Justice Facility would be as described in other sections of this chapter. The East County Government Center site would also accommodate future office development at some future date, consistent with the City of Dublin's Specific Plan and General Plan.

The proposed text revisions would not trigger recirculation because the revisions do not result in new significant or substantially more severe environmental impacts.

**Response to Comment 22-18:**

Mitigation Measures 9.1.5a and 9.1.5 b apply to traffic impacts resulting from development of the Project in Dublin. These mitigation measures state that the County would pay its fair-share contribution to roadway improvements. The Draft EIS/EIR acknowledges that fully mitigating the impact on the Dougherty Road/Dublin Boulevard intersection is not feasible, even with the proposed Scarlett Road extension. As stated in the Draft EIS/EIR, the impact on this intersection is a significant and unavoidable.

Bicycle and pedestrian traffic may be expected to occur with the development of the project at either the East County Government Center site or Site 15A. Infrastructure to accommodate bicycles and pedestrians will be included consistent with the County of Alameda policies concerning this traffic at the time of development, such as bicycle lanes, sidewalks, and designated bicycle parking, as well as bus stops and turnouts. Bicycle and pedestrian traffic is not expected to significantly reduce vehicular traffic or the level of service at any of the intersections studied for the Draft EIS/EIR.

**Response to Comment 22-19:**

The County has adequately evaluated the potential noise impacts that may occur if the Project is developed at either of the alternative sites in Dublin including the Project's consistency with Dublin's noise policies. (See Draft EIS/EIR, Chapter 10.)

not change because this location provides maximum visibility in accordance with the project objectives. The arrangement of parking and landscaped areas on the site could change.

**Response to Comment 32-22:**

The November 2002 earthquake swarm near San Ramon, California appears to be associated with northeast-striking, left-lateral strike-slip tear faults that link the northern Calaveras fault on the west with the Mt. Diablo anticlinorium (e.g., Mt. Diablo thrust fault) on the east. This recent earthquake swarm is similar in magnitude and trend to previous contemporary earthquake swarms that have occurred in the San Ramon Valley (e.g., 1970 and 1976 Danville sequence and 1990 Alamo sequence). The maximum earthquake magnitudes of these swarms have not exceeded magnitude 5, nor have they been associated with surface-fault rupture. The inferred tear faults associated with the swarms are located northwest of the East County Government Center site, and thus do not constitute a surface-fault rupture hazard.

The February 2003 Dublin swarm differs from the previously mentioned contemporary swarms that have been recorded in the San Ramon Valley. Specifically, the February 2003 swarm aligns with the northwest-trending, right-lateral strike slip northern Calaveras fault. The northern Calaveras fault is located west of the proposed site, and does not constitute a surface-fault rupture hazard to the proposed East County Government Center site. Also, it should be noted that the Dublin swarm actually occurred several miles north of Dublin and has been designated the Dublin swarm on the basis of proximity to Dublin by the California Integrated Seismic Network (CISN).

Expected ground motions for design at the site were evaluated using probabilistic seismic risk analysis. The methods and basis of this analysis are summarized in Appendix C of the *Geotechnical Baseline Report—Alameda County Juvenile Justice Center, Gleason Road and Arnold Drive* (Subsurface Consultants, Inc. 2002a). The design ground motions for the site consider the seismicity of both the Mt. Diablo thrust and the Calaveras (north) faults and the results are, in fact, dominated by these faults. As a result, the seismic risk analysis for the site fully and adequately considers the potential for and potential impacts of earthquake swarms of the type described above.

**Response to Comment 32-23:**

Detailed cost estimates have not been prepared for the mitigation measures that may be needed in Dublin. However, the Project will pay its fair share of traffic impact fees. The City of Dublin imposes the following traffic impact fees on development projects in Eastern Dublin:

- a. Eastern Dublin Traffic Impact Fee, imposed to finance transportation improvements needed to reduce traffic-related impacts caused by development in Eastern Dublin. This fee is imposed on a per-trip basis.

- b. Freeway Interchange Fee, which is imposed to reimburse the City of Pleasanton for costs to construct the I-580/Tassajara Road and I-580/Hacienda Drive interchange improvements. These fees are also imposed on a per-trip basis,
- c. Tri-Valley Transportation Development Fee, which is imposed to finance transportation improvements in the Tri-Valley development area made necessary by development in this portion of Alameda County. In some instances, government buildings are specifically exempted from this fee.

**Response to Comment 32-24:**

Funding sources and construction costs for each alternative are discussed on pages 2-9 through 2-11 of the Draft EIS/EIR.

**Response to Comment 32-25:**

This conclusion is not stated anywhere within the Draft EIS/EIR. In sections 9.7.5 and 9.7.6 on page 9-111, the Draft EIS/EIR states that the traffic associated both the East County Government Center and Site 15A will have no impact on emergency response routes or site access.

**Response to Comment 32-26:**

Round-trip costs were calculated based on the full fares for all modes of transit, including AC Transit, BART, and LAVTA, required to complete any given trip. See also response to 5-6.

**Response to Comment 32-27:**

As noted on page 9-91 and page 16-14 of the Draft EIS/EIR, the County has drafted a preliminary transit plan that analyzes available transit service, travel times, cost, and the opportunity for improving access to the East County Government Center site. That plan includes preliminary cost estimates for improving transit service to the site. Funds have not yet been identified to conduct a formal transportation plan. Funds will be allocated if the East County Government Center site is selected.

**Response to Comment 32-28:**

Expected commute patterns of employees are included in Trip Distribution and Assignment presented on pages 9-38, 9-45, 9-50, and 9-57.

**Letter 33: Kasie Hildenbrand****Response to Comment 33-1:**

Significant and unavoidable impacts are defined as those impacts for which no mitigation has been identified to ensure that the potential impact would be reduced to a less than significant level. In some cases, no mitigation is available to address the impact. In other cases, mitigation measures are recommended in the Draft EIS/EIR as a means of reducing the potential impact, but it is acknowledged that such measures only serve to partially reduce the impact, to the extent feasible. See page S-8 and page 1-10 of the Draft EIS/EIR for a discussion of the categorization of impacts and the process the County would have to comply with to approve a project that has significant unavoidable impacts, i.e. making findings of overriding considerations.

**Response to Comment 33-2:**

As explained more fully in Chapter 11 of the Draft EIS/EIR, Impact 11.1 regards construction-related emissions of toxic air contaminants, i.e. diesel exhaust emissions from heavy equipment at and traveling near the site. Although mitigation measures are available to reduce this impact, the Draft EIS/EIR takes a conservative approach and classifies this as a potentially significant and unavoidable impact because specific construction extent and schedules are not yet available, and so no health risk assessment has been prepared. This impact would be spread over the immediate vicinity of the site, further from the site, and along local and regional roadways, and so is likely to be less than significant at the more distant and dispersed locations. Impact 11.2 regards the specific exposure of detainees who would be exposed to concentrated air pollutant emissions, due to concerns expressed during the scoping process that one or more of the alternative sites could expose youth to toxic hotspots. No such hotspots were identified in the analysis conducted for the Draft EIS/EIR.

**Response to Comment 33-3:**

The preparers of the Draft EIS/EIR calculated construction and operation emissions using methods recommended by the BAAQMD. Air emission models were those provided by the ARB for this purpose. Model inputs (e.g., traffic volumes, site clearing and grading acreage) were provided by the project proponent. These calculations and model runs are documented in the technical appendix.

**Response to Comment 33-4:**

The discussion on page S-23 adequately summarizes the controversy surrounding the selection of a site. The specific environmental issues associated with each site, including environmental justice, transportation, noise and air quality due to the distance of the Dublin site from the urban centers of the County are addressed in the individual topical sections. Those sections address the comments submitted as part of the scoping process. The County's extensive site selection process is further described on pages 3-32 through 3-34 of the Draft EIS/EIR.

**Response to Comment 33-5:**

As summarized on page 1-4 of the Draft EIS/EIR, the County of Alameda, California Board of Corrections, and U.S. Department of Justice/Office of Justice Programs have provided numerous public notices and opportunities for public comment regarding the proposed action and alternatives that are under consideration. A Notice of Preparation / Notice of Intent was mailed to all responsible / trustee agencies and local residents (including approximately 600 addresses in the vicinity of the San Leandro site), and published in the Federal Register and local newspapers (including the local Hayward/San Leandro paper) in January 2002. Scoping meetings were held in Dublin in February 2002. A second Notice of Preparation / Notice of Intent was mailed to all responsible / trustee agencies and local residents, and published in the Federal Register and local newspapers in June 2002. A second round of scoping meetings were held in Dublin and in Oakland in July 2002. The Notice of Completion / Availability of the Draft EIS/EIR was published and mailed in January 2003. Copies of the Draft EIS/EIR were sent to City of San Leandro departments and the local public library in February, and the Alameda County Board of Supervisors, in cooperation with the California Board of Corrections and the U.S. Department of Justice/Office of Justice Programs, conducted two public hearings on the Draft EIS/EIR to gather public comments in February 2003. San Leandro residents were thus afforded ample opportunity to be informed about the County's on-going site evaluations, and to express opinions about the various proposals.

**Response to Comment 33-6:**

The commentor states that distance prohibits the County from meeting the "majority" of its stated goals. The commentor does not state which goals would not be met. As noted in Response to Comment 9-8, the Draft EIS/EIR acknowledges that, based on the current pattern of arrests and home addresses of the detainees, a majority of the detainees' family members would have to travel a greater distance to participate in the detention and visitation process if the Juvenile Justice Facility was located in Dublin compared to other alternative sites. As discussed in Mitigation Measure 16.1.5, transit service enhancements would improve access.

**Response to Comment 33-7:**

It is the desire of the County that a state of the art juvenile detention facility be constructed. Both Physical and Electronic security measures will be incorporated in all aspects of the design.

**Response to Comment 33-8:**

A new Juvenile Justice Facility located in Dublin would include programs and services for detained minors that are not available in the existing Juvenile Hall location due to its size, configuration and age. As stated in the Draft EIS/EIR, an important part of the County of Alameda's stated mission is "rehabilitating juvenile offenders" (page 2-2). Rehabilitation is a complex task, and many social and physical factors that may influence rehabilitation are independent of a correctional facility's location. Social factors that may affect the success of rehabilitation efforts may include a detainee's willingness to fully participate in rehabilitation programs, the budget available to implement these programs, and the skill and commitment of

juvenile justice system's staff. Physical factors, such as designing the correctional facility to allow for group activities and meals, recreation, schooling and family visits, create a homelike atmosphere for a detainee and may influence how a detainee behaves in a rehabilitation program. As discussed in the Draft EIS/EIR, the County of Alameda is designing the Juvenile Justice Facility to provide these activities. The County is also considering several alternative sites in order to be able to meet its rehabilitation objective (and the other objectives noted in Chapter 2) with the resources it has available.

**Response to Comment 33-9:**

See Response to Comment 9-8.

**Response to Comment 33-10:**

The Juvenile Court design proposed for Dublin includes numerous design enhancements to better accommodate families, as compared with existing juvenile delinquency courts.

**Response to Comment 33-11:**

Many factors influence "promptness of service," including site and building design, the professionalism and level of staffing, budgets, and the distance of a facility from the urban core. As discussed in the Draft EIS/EIR, the County of Alameda is considering several alternative sites in order to be able to meet this objective (and the other objectives noted in Chapter 2) with the resources it has available. The juvenile court design proposed for Dublin is expected to increase the efficiency of court proceedings, with corresponding increases in promptness of service. Co-location of the juvenile hall and the juvenile courts would also improve service for detainees.

**Response to Comment 33-12:**

Ancillary services include food, legal counsel, services and relationship to courts provided by the Alameda County Sheriffs Office.

**Response to Comment 33-13:**

A normative environment refers to one in which expected norms are clearly illustrated and reinforced. The proposed Juvenile Court will include space for siblings and parents that permits them to observe court proceedings in a comfortable setting while insuring the decorum required for court operations.

**Response to Comment 33-14:**

The Juvenile Justice Facility, which will be designed to allow for group activities and meals, recreation, schooling and family visits, will foster a homelike environment (see Response to Comment 9-10). These design features are independent of the specific location of the Juvenile Justice Facility. As discussed in Response to Comment 9-8, transit service enhancements would provide improved access for detainees and their families to either of the Dublin sites.

**Response to Comment 33-15:**

The Draft EIS/EIR does not cite studies that show the average population in detention is decreasing. As discussed on page 2-3, over the five-year period of the needs assessment (from 1992 to 1997), the average length of stay steadily increased. If this historical trend continued, then the population requiring detention would continue to increase. However, as also discussed in this section of the Draft EIS/EIR, reforms to detention undertaken by the Probation Department has resulted in a decline in number of beds needed in a detention facility. Policy reforms include implementation of a detention risk assessment, a recognized need for treatment, and placement options within the community. Further, the Alameda County Board of Supervisors, in conjunction with other agencies involved in the juvenile justice system, is undertaking a comprehensive review of this system. Additional reforms that direct detainees to options other than incarceration in a detention facility may be expected.

**Response to Comment 33-16:**

Fiscal impacts, including transportation subsidies and environmental clean-up costs, are not within the scope of environmental review pursuant to the California Environmental Quality Act and therefore are not included within this document. The fiscal impact of the projects is a consideration that would be part of the lead agencies' decision-making process when it selects a preferred site, and ultimately when they approve a project.

**Response to Comment 33-17:**

The berm currently screens surrounding communities from Santa Rita Rehabilitation Facility. The Office of Emergency Services (OES) building is partially visible from the eastern end of the site, and the Federal Correctional Facility and (Heavy Equipment Repair Building) HERB are only screened from some locations by the existing berm. The California Highway Patrol (CHP) and Animal Control Services are not screened by the existing berm at all. The new Juvenile Justice Facility would relocate the berm from the rear of the property to the front. The new berm, along with a wall and the Juvenile Justice Facility itself, would provide equivalent screening of the Santa Rita Rehabilitation Facility as what the existing berm provides. See the south elevation (Figure 3.18a in this Final EIS/EIR) and Response to Comment 33-32 for a description of the new berm. See Response to Comment 9-47 for a description of the continued screening of Santa Rita from view of the residences.

**Response to Comment 33-18:**

Parking needs for the Juvenile Justice Facility are described in 9.2.5. It requires 710 spaces for 540 beds, and 550 spaces for 450 beds. These parking spaces would be accommodated at the reconfigured front lots of Santa Rita, and at the new parking lot on the west of the Juvenile Justice Facility.

**Response to Comment 33-19:**

The nearest off-site uses, as measured from the edge of the East County Government Center site, are located approximately as follows:

- The nearest commercial retail use is located approximately 1 mile to the south near the I-580 freeway.
- The nearest industrial/office business park is immediately south of, and across Gleason Drive from the project site, approximately 150 feet from the nearest parking lot area for that project.
- The closest home would be approximately 500 feet from the nearest corner of the proposed Juvenile Justice Facility, about 500 feet from the proposed East County Hall of Justice building and 100 feet from the nearest parking lot area for that project.
- The nearest school site is the Dougherty Elementary School, approximately 1,250 feet to the south.

**Response to Comment 33-20:**

Chapters 4 and 5 of the Draft EIS/EIR adequately evaluate the potential impacts of the proposed East County Hall of Justice on the surrounding land uses, including the immediate neighborhoods, and conclude that such impacts would not be significant. *See* Draft EIS/EIR at pages 4-42 through 4-54 and at 5-44 through 5-45 (discussion of impacts of creation of new light sources affecting the neighboring areas). Chapter 5 of the Draft EIS/EIR adequately evaluates the potential impacts resulting from the development of a three- and four-story building on the visual character and quality of each of the Dublin sites. *See* Draft EIS/EIR at pages 5-27 through 5-44. It also adequately evaluates the potential impacts of such development on the area's scenic resources.

In the Annexation Agreement between the County and the City of Dublin, the County has agreed that any development or use of Site 15A "shall comply with" all City land use laws, including the City's general plan, the East Dublin Specific Plan, the City's Zoning Ordinance, and various other provisions of the City's municipal code. As a political subdivision of the State, the County is not bound by any local land use laws or regulations. *See* Draft EIS/EIR at 4-9. Typically, however, the County attempts, to the extent feasible, to implement its development projects in a manner that is consistent with otherwise applicable local land use principles.

**Response to Comment 33-21:**

Under the Annexation Agreement, Dublin's role with respect to Project development on the East County Government Center site consists of reviewing the development proposal for consistency with its General Plan, and performing site development review pursuant to the City's zoning ordinance. Dublin's role with respect to Project development on Site 15A may include General Plan consistency review and site development review, and could extend to other types of review

provided for under Dublin's applicable land use regulations. Dublin's role under Section 8 and 9 of the Annexation Agreement is described in full in Responses to Comments 9-27 and 9-30.

Land in the vicinity of the East County Government Center site has been owned by the County, with the intent to develop it for County uses, for several years prior to the 1993 Annexation Agreement. For example, in 1985, the County built the Santa Rita Rehabilitation Facility on nearby County property. The East County Government Center site itself was formally designated for government use under the 1993 agreement. This site was not examined as a potential site for the Juvenile Justice Facility in the 1992 site review. The comment suggesting that the Draft EIS/EIR include all site selection studies prior to the release of the Draft EIS/EIR is hereby noted. The commentor is referred to Section 3.2, which discusses what alternative sites were considered and why they were rejected.

**Response to Comment 33-22:**

As noted on page 4-31, first full paragraph, using a mid-range development intensity of a 0.25 FAR, the 88.5-acre County Center property would have a development potential of approximately 964,000 square feet. Dividing this development potential by an average of 590 square feet of building floor area per employee would provide space for approximately 1,634 persons within the County Center property. Subtracting the existing 70 employees that currently work on the County Center property (at HERB, CHP, the planned fire station, the Animal Shelter and the SPCA office, leaves a remaining employment growth capacity of approximately 1,565 employees.

**Response to Comment 33-23:**

As clearly noted in the Draft EIS/EIR, as a political subdivision of the State, the County is exempt from local regulations. This exemption extends to local land use (i.e., General Plans), zoning and building regulations. Moreover, Government Code Sections 53090-53096, which generally requires local agencies to comply with the land use and building regulations of the county or city in which their territory is located, specifically excludes counties from this requirement. Therefore, the County normally is not required to comply with land use (i.e., General Plans), zoning and building requirements of any of the local jurisdictions in which the project may be located, including the City of Dublin. With respect to development on the two alternative Dublin sites, the County's exemption from local regulations has been modified by Sections 8 and 9 of the May 4, 1993 Annexation Agreement. See Responses to Comment 9-27 and 9-30, for a discussion of the extent to which the Project must comply with Dublin's land use laws and policies. See also the Draft ESI/EIR at pages 4-28 through 4-30.

The Draft EIS/EIR includes an adequate analysis of the project's consistency with the City of Dublin's land use and development goals. Relating the five applicable land use goals of the EDSP directly to the consistency analysis contained on page 4-34 of the Draft EIS/EIR:

1. *To establish an attractive and vital community that provides a balanced and fully integrated range of residential, commercial, employment, recreational and social opportunities.* - The East County Government Center Alternative would be integrated with other existing

governmental services sector uses north of Gleason Drive including the Santa Rita Rehabilitation Facility, the CHP offices, the animal shelter, the SPCA, the planned fire station and the Alameda County Sheriffs' training Facility.

2. *To provide a diversity of housing opportunities that meets the social, economic and physical needs of future residents.* - The East County Government Center Alternative would not assist in providing housing opportunities.
3. *To create a well-defined hierarchy of neighborhood, community, and regional commercial areas, that serves the shopping, entertainment and service needs of Dublin and the surrounding area.* - The East County Government Center Alternative would serve the service needs of Dublin and the surrounding area by providing a Juvenile Justice Facility that is needed for all County residents, and a local East County Hall of Justice to serve the needs of the Tri-Valley communities of Dublin, Pleasanton and Livermore.
4. *To provide a stable and economically sound employment base for the City of Dublin, which is diverse in character and responsive to the needs of the community.* - The East County Government Center Alternative would provide for a broad range of job types, including administrative, management, technical, legal, security, educational, service, maintenance, and similar occupations. Wage scales would reflect the various job classifications, and would range from entry-level to upper management. The Project would also provide construction jobs for several years on each of the project components.
5. *To develop a comprehensive, integrated park and recreational open space system designed to meet the diverse needs of the City of Dublin.* - The East County Government Center Alternative would have enclosed recreation areas for the detainees, as well as on-site open areas to provide visual relief and outdoor activity areas for employees and visitors.

Other issues raised in this comment pertaining to the project's benefits to Dublin or its ability to serve as an economic stimulus for the area are not environmental issues, nor are they included in the Dublin General Plan goals, and are therefore not analyzed.

#### **Response to Comment 33-24:**

The Draft EIS/EIR (page 16-13) recognizes that the East County Government Center Alternative could have environmental justice impacts. These impacts are related to accessibility, including the time and cost of traveling longer distances in an area that is not as proximate to the majority of detainees nor as well served by transit as the more urban locations being considered in this EIS/EIR. Site accessibility due to distance from existing population centers is one of many factors to be considered in the selection of a new Juvenile Justice Facility site. The Dublin site's greater distance from existing population centers is not a sufficient reason to exclude this alternative from consideration.

#### **Response to Comment 33-25:**

Mitigation Measure 16.1.5 in the Draft EIS/EIR includes preparation of a formal transportation plan to improve access to the East County Government Center site.

Fiscal impacts, including transportation subsidies, are not within the scope of environmental review pursuant to the California Environmental Quality Act and therefore are not included within this document. The fiscal impact of the projects is a consideration that would be part of the lead agencies' decision-making process when it selects a preferred site, and ultimately when they approve a project.

See Response to Comments 5-5 and 33-44 for a discussion on the changes that LAVTA suggests for improving its service to the East County Government Center site. These include increasing the availability of its Route 1 service and/or providing larger transit vehicles. These suggestions will be incorporated into future discussions between the County and LAVTA during the preparation of the formal transportation plan discussed in Mitigation Measure 16.1.5. Responsibility for implementing these changes to transit service rest with LAVTA.

**Response to Comment 33-26:**

A detailed discussion of this alternative's impacts on special status species is found on page 8-28 through 8-29 of the Draft EIS/EIR.

The effects of existing and on-going noise sources on existing residences and businesses are not impacts attributable to the Project and are therefore not evaluated in this EIS/EIR. As noted on page 10-24 of the Draft EIS/EIR, "Noise levels in indoor and outdoor activity areas would be acceptable for the intended uses based on attenuation provided by structural systems of the building, i.e. the heavy masonry construction of the housing pods and perimeter wall around the recreation yards for the Juvenile Justice Facility."

A detailed discussion of this alternative's impacts on air quality is found on page 11-25 through 11-30 of the Draft EIS/EIR. Project-generated traffic would not cause any CO hot spots exceeding federal or state standards. Regional emissions of ROG, NO<sub>x</sub> and PM<sub>10</sub> would also be below state and federal thresholds.

**Response to Comment 33-27:**

According to the CEQA Guidelines published by the State Office of Planning and Research, the actual criteria of significance for determining a significant environmental impact is whether the project would result in "the physical division of an established community". The commentor's interpretation of dividing a community is not consistent with CEQA. Impacts related to transportation are discussed generally in Chapter 9 of the Draft EIS/EIR and specific impacts to the detainee population and their families are discussed in Chapter 16.

**Response to Comment 33-28:**

A review of academic literature on the subject indicates that there are few if any documented instances of long-term, statistically valid decreases in property values related to the siting of correctional facilities. In addition, an analysis conducted by Economic & Planning Systems, Inc, in November 2002, indicates that there has been no significant negative effect of the Santa Rita

Rehabilitation Facility on the growth of nearby property values. These findings suggest that growth in property values will not be affected negatively in the future as a result of the Project.

Some of the study communities profiled in the academic literature reviewed on this subject appear to be similar to Dublin based on population, location within a greater metropolitan area, and general land uses in the vicinity of the correctional facility (existing or proposed). Other communities appear less similar to Dublin because of smaller population and more remote location. Nevertheless, findings were generally consistent across study communities, indicating applicability to the context of Dublin.

It is correct that the study conducted by Economic & Planning Systems did not quantify the cumulative effects of placing all County correctional and judicial facilities in one central location.

A review of studies on the subject indicated that property-value impacts may occur in three instances: 1. Immediately adjacent to or across from facilities in the absence of buffers; 2. In direct line of vision of facilities; and 3. During the initial period of uncertainty prior to development. The conclusion regarding this Project assumed that the County will provide landscaping and screening sufficient to mitigate potential visual impacts.

**Response to Comment 33-29:**

Some of the study communities profiled in the academic literature appear to be similar to Dublin based on population, location within a greater metropolitan area, and general land uses in the vicinity of the correctional facility (existing or proposed). Other communities appear less similar to Dublin because of smaller population and more remote location. Nevertheless, findings were generally consistent across study communities, indicating applicability to the context of Dublin.

**Response to Comment 33-30:**

The commentor is referred to Responses to Comments 32-8 and 33-53.

As noted in Response to Comment 32-8, it is not the responsibility of an EIR or EIS to evaluate social or economic effects that do not cause, or are not interrelated with, environmental effects. See, e.g., 14 Cal. Code Regs § 15131(a), 40 C.F.R. §§ 1508.8, 1508.14.

**Response to Comment 33-31:**

Figures 3-12 and 3-13 on pages 3-20 and 3-21 of the Draft EIS/EIR illustrate where the East County Government Center site is located in relation to surrounding areas of the City of Dublin. Each of these figures includes a map scale, with which distances from the site to particular nearby points in the City can be determined.

As detailed in Response to Comment 9-47, the Juvenile Justice Facility would be oriented away from the existing residential facility.

The statement quoted, "new development, etc." is taken out of context. In the sentence preceding this statement, the Draft EIS/EIR, page 5-1, states, "New development can substantially change the visual qualities and characteristics of an area and may have long term lasting effects on its evolution, thereby stimulating growth and increasing its attractiveness for new or expanding businesses, residential development or other desired or planned land uses."

In other words, a project can improve or not improve a neighborhood. The East County Government Center is zoned for civic use and a courthouse certainly compatible with this use, along with the nearby fire station, highway patrol office, public works corporation yard, and animal shelter. The East County Hall of Justice is physically removed from residential and commercial development on the south side of Gleason Drive by being set-back from Gleason Drive by over 300', and it is a fully self-contained facility with its own parking.

The Juvenile Justice Facility's design is oriented, on it's public face, toward the intersection of Arnold and Broder. The support and service functions are oriented along Broder. The publicly accessible parts of the Courthouse are oriented toward in internal courtyard. The housing portions of the Juvenile Justice Facility are all oriented toward internal courtyards or recreation areas. No part of the Juvenile Justice Facility is oriented toward the communities south of Gleason. The parts of the Juvenile Justice Facility where children are being detained would have to be oriented away from SRJ. This is accomplished by orienting the secure parts of the Juvenile Justice Facility toward internal courtyards and recreation areas.

**Response to Comment 33-32:**

The proposed berm height varies. It is on average between 10 and 15 feet above Gleason. The southern wall of the Juvenile Justice Facility is only partially screened by the berm. On average, the top 10 feet of wall is exposed. While some of the exposed wall will be masked by landscaping on top of the berm, the wall will be visible from Gleason. With this in mind, the wall is designed to have an attractive appearance. The greatest degree of exposure of the wall is at the corner of Arnold and Gleason. The least amount of exposure is along Gleason near Hacienda. From the homes south of Gleason and from the entry to the Courthouse, the view of the Juvenile Justice Facility will be completely obscured.

**Response to Comment 33-33:**

The Draft EIS/EIR is revised as follows:

*Page 5-45, paragraph 4,*

- **Mitigation Measure 5.3.5: Lighting Design Criteria.** The County shall ~~consider mitigate~~ mitigate potential light and glare impacts ~~in~~ during the design-build process, including measures such as shielding, design revisions, or other means of reducing impacts. For example, lighting should, to the extent feasible, be oriented away from residential uses.

*Resulting Level of Significance.* Implementation of this mitigation measure would further lessen the Project's already less than significant impact.

Impact 5.3.6 is revised to read exactly as the same as the mitigation measure above.

**Response to Comment 33-34:**

The location of known active faults in relation to the East County Government Center site is indicated on page 6-19 of the Draft EIS/EIR. The Draft EIS/EIR does not indicate that this site is not at risk for damage due to an earthquake. It does indicate (on page 6-29) that there is little or no risk of a fault rupture at this site, but does recognize that strong seismic shaking would be anticipated at this site and throughout the seismically active Bay region with the potential to cause property damage, injury or death.

**Response to Comment 33-35:**

The seismic risk analysis discussed above in comment 32-22 considered all "Significant Seismogenic Sources Within 100KM of the ... Site". The faults considered in the analysis are obtained from a database maintained by the California Division of Mines and Geology and which is the most up-to-date source of information that is appropriate for this type of analysis. The analysis included the Calaveras (north and south), Mt. Diablo, Hayward (north and south), Concord, Greenville, San Andreas and San Gregario Faults. The Pleasanton Fault is considered as part of Calaveras Fault complex and its contribution is implicit to the fault parameter used for the Calaveras Fault.

Regarding the San Ramon and Dublin earthquake swarms, please refer to Response to Comment 32-22.

**Response to Comment 33-36:**

The site issues are anticipated to be similar to the site history and related issues addressed when the land south of Gleason was developed. Please see response to comment 33-54.

**Response to Comment 33-37:**

A discussion of the results of a preliminary wetland assessment of the East County Government Center site is provided on page 8-19 of the EIS/EIR, together with a map of potential wetlands indicated in Figure 8.4. Mapping prepared as part of the National Wetland Inventory typically identifies man-made detention basins as palustrine, semi-permanently flooded wetlands with an unconsolidated bottom. As indicated on page 8-33, mitigation would be required if the Corps determines the man-made detention basin and isolated seasonal wetland depressions to be jurisdictional wetlands. If necessary, these features could be recreated at an off-site location as required under Mitigation Measure 8.3.5. Due to their man-made origin, recreating these features at an alternative location could be successfully accomplished to ensure no net loss of wetlands.

**Response to Comment 33-38:**

Page 7-4 does not include a discussion of surface runoff. It does include a discussion about the potential for 100-year flooding on Tassajara Creek due to inadequate culvert flow capacity where the creek crosses the I-580. As discussed in Response to Comment 11-2, as a result of recent improvements to Tassajara Creek, the potential 100-year flood areas would be greatly reduced and would be confined to an approximately 200-foot width along the creek.

**Response to Comment 33-39:**

A detailed discussion of the potential impacts of the project on wildlife, foraging habitat for raptors and loggerhead shrike, and Congdon's tarplant is provided under Impact 8.1.5, 8.3.5, and 8.4.5, together with adequate mitigation where appropriate. As discussed on page 8-16 of the EIS/EIR, California tiger salamander are not believed to occur on the East County Government Center site due primarily to the absence of suitable breeding habitat but also because of the limited opportunities for upland estivation. The man-made detention pond and seasonal wetland depressions do not hold water long enough to allow for egg laying or metamorphoses of larval young. These features would have to hold water into late spring for successful breeding by tiger salamander, which is not possible because of their design or condition.

A supplemental field inspection was conducted by the EIS/EIR biologist on March 25, 2003 to confirm absence of suitable conditions to support breeding by California tiger salamander and update information on burrowing owl nesting activity. As discussed on page 8-28, surveys of the East County Government Center site were conducted in July 2001 and March and May 2002, not in 1999 as suggested by the commentor. Refer to the Response to Comments 9-69, 71, and 72 for a discussion of a supplemental survey conducted on March 25, 2003 to further clarify the potential for occurrence of burrowing owl, other raptors, and habitat suitability for California tiger salamander, followed by protocol surveys for burrowing owl in mid-April 2003.

**Response to Comment 33-40:**

As discussed on page 8-36, proposed development on either the East County Government Center site or Site 15A is not expected to have significant impacts on wildlife habitat. Both of these sites have been extensively altered by past development activities and are border by existing roads and development, limiting opportunities for movement and use by terrestrial wildlife species. Mitigation measures recommended to address the potential for occurrence of nesting raptors and loggerhead shrike would adequately protect any sensitive wildlife habitat values. Similarly, if trustee agencies determine that jurisdictional wetlands are present, appropriate mitigation would be required which would replace any wetland habitat values associated with the man-made depressions, detention basin, and low-lying areas. No revisions are considered necessary in response to the comment.

**Response to Comment 33-41:**

Fiscal impacts, including potential improvements to roads, are not within the scope of environmental review pursuant to the California Environmental Quality Act and therefore are not

included within this document. The fiscal impact of the projects is a consideration that would be part of the lead agencies' decision-making process when it selects a preferred site, and ultimately when they approve a project.

The Draft EIS/EIR concludes that the local traffic impacts on the Dougherty Road/Dublin Boulevard intersection is expected to be significant and unavoidable under the various scenarios considered in Dublin. Even with the implementation of Mitigation Measure 9.1.5, which recommends that the County contribute its fair-share funding to improve local roadways (in this case, to extend Scarlett Road), the impact would remain significant and unavoidable. Further mitigation is not feasible.

**Response to Comment 33-42:**

As stated in the Draft EIS/EIR, page 9-87, parking required for the East County Hall of Justice is 850 spaces. This number has been calculated based upon an analysis of the parking demand of the existing Pleasanton courthouse, as adjusted for greater employee occupancy of the facility, plus the needs of the jurors, jury pool, lawyers, witnesses, visitors, and the general public. It is a conservative number but, if additional parking is later determined to be needed, the site is large enough to accommodate the construction of more surface parking.

**Response to Comment 33-43:**

Comment noted regarding the likelihood that LAVTA or BART will make transportation changes.

**Response to Comment 33-44:**

The funding for new LAVTA routes and/or improvements has not been determined. However, in a letter dated February 24, 2003, the LAVTA general manager addresses the financial implications of improving service:

*Since LAVTA's financial resources are severely limited at this point in time, it is requested that the County, as a sponsor of the project, provide some level of capital and operating funding for improved transit services to the proposed facilities-improvements that LAVTA otherwise may not be able to provide-as a condition for approval of the project.*

Similar to its existing routes, LAVTA would most likely provide service to and from the Dublin/Pleasanton BART station. In the same letter mentioned above, the LAVTA general manager considers the expansion in service that may be needed with the proposed Project:

*As the current WHEELS fixed-route service in the affected area is not at capacity, parts of the anticipated new demand can be accommodated with the transit services that presently exist. However, extended temporal coverage for route 1 would likely be necessary, as DART is not designed to accommodate large point-to-point loads. Depending on how evenly the demand would be spread out, larger transit vehicles could*

*also prove necessary in order to accommodate spot surges in ridership, even if these occur only on particular trips.*

**Response to Comment 33-45:**

For a discussion of the noise impacts of the Sheriff's Shooting Range and the Parks RFTA weapons range, see Response to Comment 29-5. The Wilson, Ihrig, and Associates (WIA) firing range acoustics report is also discussed in that response.

**Response to Comment 33-46:**

The commentor is correct in summarizing the noise impacts of development, as presented in the Draft EIS/EIR and this Final EIS/EIR. Please see Response to Comment 33-26, above.

**Response to Comment 33-47:**

Please see Response to Comment 9-130.

**Response to Comment 33-48:**

Refer to Response to Comments 9-135 and 33-54 regarding the military use of the East County Government Center site and the lack of radiological testing that was conducted by the Naval Radiological Defense Labs (NRDL). For clarification, the University of California and Stanford University both reportedly operated portions of the radiological laboratory facilities for the military on properties other than the proposed Dublin sites. The historic uses of buildings (and building numbers) on this site is presented in Figure 12-6a in this Final EIS/EIR.

Refer to Response 24-3 regarding the significance of potential chemical impacts at the Dublin sites.

**Response to Comment 33-49:**

Comment noted. As noted on page 12-22, implementation of Mitigation Measure 12.1.5, the preparation and implementation of a soil handling/management plan, would ensure that the potentially significant impact of working with soils and/or groundwater that may have been contaminated by previous activities on the site would be less than significant.

**Response to Comment 33-50:**

Refer to Responses 9-135 and 21-2 regarding the mitigation of potential impacts at the East County Government Center site.

Refer to Response 9-137 regarding the mitigation of potential impacts at Site 15A.

Dougherty Elementary School is built over an area that had similar potential hazardous waste.

**Response to Comment 33-51:**

The Project will increase demand for fire protection services, emergency medical response services and hazardous materials response services. However, construction and operation of these facilities would not result in a loss of acceptable response times or other ACFD performance objectives nor would it result in significant adverse physical or environmental impacts. A new Fire Station 17 will be constructed and fully operational prior to construction of the new County facilities and response times for emergency services provided by the ACFD from this station would be well within the five-minute response time established by the City of Dublin.

Examining the environmental effects of a catastrophic event is beyond the scope of “reasonableness” as defined by CEQA, and is therefore beyond the scope of this document. However, it should be noted that the Project would be built adhering to the latest building codes and would incorporate the latest safety technology.

**Response to Comment 33-52:**

The impacts on public services resulting from the number of visitors to the East County Hall of Justice on City facilities are direct impacts of the Project. Therefore, these impacts resulting from increased visitors do not need to be examined as part of the *Impact 13.1, Indirect Effects on Public Services* section. It should be noted that the direct impacts on City facilities from visitors to the East County Hall of Justice are dealt with throughout Chapter 13 of the Draft EIS/EIR.

**Response to Comment 33-53:**

It is true that building the project will bring more people to the area during the daytime hours if the facility is constructed. The presence of more people often results in demand for more police officers. This increased demand does not necessarily imply more criminal activity, just an increase in demand for police services, of which, solving crimes is one service. Also, it must be noted that because a person visits an inmate he/she is not more likely to commit a crime than any other person .

Police service demand is calculated in Dublin using a ratio of 1.38 officers to 1,000 residents. However, in terms of environmental analysis, visitors and employees are categorized as daytime population, and would not have any more impact on police services than would an equal increase in the residential population of the area. In fact, they might have less of an impact because they would leave during the night, lowering the impact on police services for that shift. The City of Dublin has already taken into account an increasing population in its *Eastern Dublin Specific Plan* for the surrounding neighborhood. The project will not increase the population, and consequently raise the demand for police services, beyond what has already been forecasted for Eastern Dublin by the City. In other words, the increased daytime population and subsequent increased police services demand generated by the Project has already been taken into account and planned for by the City. Therefore, the Project’s increased demand for police services is not a significant environmental impact because it does not exceed the predicted police services demand allotted for the area in the City’s General Plan.

No direct comparisons were made to current criminal activity surrounding the existing San Leandro and expected criminal activity surrounding the proposed Dublin sites because such comparisons are both unfair and irrelevant as the crime rate has too many uncontrollable variables that determine it to make it suitable for direct comparison. A more relevant comparison is made in Chapter 4 of the Draft EIS/EIR concerning the effect a detention facility has on the property values of a surrounding neighborhood. The crime rate is an important consideration in property value calculations as there is a direct negative correlation between crime and property value (less crime, higher property values). This study would indicate evidence of increased criminal activity in a neighborhood by a decrease in property values due to the nearby location of a detention facility. A summary of findings for all relevant studies pertaining to the effect on surrounding property values of detention facilities can be found on pages 4-42 – 4-43.

As far as financial impacts to the City of Dublin, specific fiscal analysis is not within the scope of environmental review pursuant to CEQA. Therefore, a detailed cost analysis cannot be given.

**Response to Comment 33-54:**

Background information on past uses of the East County Government Center site is provided in several sections of the Draft EIS/EIR, including Chapters 6, 12 and 15. Active military use of the East County Government Center site ended in about 1958 and all the buildings were demolished or removed/relocated. Military use of the site had involved predominantly administrative and residential military activities, and no significant military research and development was conducted on site that would result in exposure to radiological contamination.

The results of the Environmental Site Assessment activities conducted to date strongly suggest that impacts to soil which may be encountered during site redevelopment are no more significant than those encountered during redevelopment of any of the adjacent former military areas. Studies have not identified conditions that would require extensive remediation prior to redevelopment, i.e. chemical contamination has not been detected at concentrations that would suggest the presence of hazardous waste and concentrations that exceed established risk thresholds. Furthermore, common and routine site development procedures such as worker notification, dust control measures and work stoppage when unusual conditions are encountered conducted in association with a Soil Handling/Management Plan (SMP), will effectively address and mitigate potential risks of exposure including those potentially associated with asbestos containing materials (ACM) and lead based paint (LBP). An SMP will be prepared based on the actual development scheme selected.

Parks RFTA Building 305 was not located on the East County Government Center site. Part of this confusion is that building numbering schemes were specific to the military unit that was governing the area during a specific time period. There have been at least 2 Building 305's in the Parks RFTA area; circa 1944-1958 --Building 305 was located several blocks to the south of the East County Government Center site and was occupied by a Boiler Room, and circa 1958 to 2000 – Building 305 was located just off of 8th Street on the west side of the military reservation near Dougherty and was initially used as a dormitory, and later used as a “Hot Lab” for the US

Naval Radiological Defense Laboratory (NRDL). The historic uses of buildings (and building numbers) on this site is presented in Figure 12-6a in this Final EIS/EIR.

The NRDL use of Buildings 305, 310 and 131 (all located on the west side of Parks RFTA), as well as open areas in the uplands more than 1 mile north (Chronic Irradiation Facility) and  $\frac{3}{4}$  mile west (Animal Farm) of the East County Government Center site. While these facilities are no longer in use, they have been the subject of studies conducted by the US Army Corp of Engineers and other military branches for several years. The Animal Farm site has already been redeveloped. Cs-137 contamination has been identified in the vicinity of some of the buildings and reportedly animal carcasses have been encountered and removed from the animal farm.

The proposed Dublin sites did not have any uses that would suggest that “military toxics” are buried on site. These sites did not have any historical uses significantly different than those historically conducted on the adjacent former military properties, which have already been redeveloped without posing any significant risk to the public.

**Response to Comment 33-55:**

The Draft EIS/EIR fully discloses the distance of each alternative site from the urban centers of the County, using average travel distance as a measure. Those on probation will conduct regular appointments at existing probation offices throughout the County. Expanded transit service would be provided throughout the day and evening, as needed, based on the preliminary concept under consideration by the County. Transit travel times are discussed in the Draft EIS/EIR. These factors will be part of the deliberations of the lead agencies as they consider which site to approve.

**Response to Comment 33-56:**

Comment noted. See Response to Comment 9-8.

**Response to Comment 33-57:**

Comment noted. See Response to Comment 9-8.

**Response to Comment 33-58:**

See response to 5-6. In addition, it should be noted that point-to-point transit service is available during off-peak hours through LAVTA’s DART service.

**Response to Comment 33-59:**

Round-trip transit costs include multiple types of transit services such as buses and BART. Round-trip transit costs depend on the origin of the trip; the highest cost would be for the person who is required to take multiple types of transit at the furthest distance from the site. Gas and vehicle costs vary considerably depending on the type of vehicle driven and its condition and age. The relative cost of traveling to Dublin compared to traveling to the alternative sites was

considered a more useful measure. It was determined by calculating the weighted-average travel distance (23.9 miles) of traveling to Dublin and comparing this with traveling to the alternative sites: it is approximately twice as far to the Dublin sites compared to the alternative sites (see page 16-14).

**Response to Comment 33-60:**

The County of Alameda can “work with” the Livermore-Amador Valley Transportation Agency (LAVTA) to expand transit service to the East County Government Center site. It has no authority to ensure LAVTA provides this service. As noted on page 16-14 of the Draft EIS/EIR, financing mechanisms for supporting expanded transit service and/or transit subsidies have not been developed. The City’s streets are public and LAVTA is not required to pay the City to use them.

**Response to Comment 33-61:**

See Response to Comment 32-27.

**Response to Comment 33-62:**

Staff from the existing Juvenile Hall in San Leandro and leased courtrooms in Pleasanton are expected to form a large portion of the employees at the proposed Juvenile Justice Facility and East County Hall of Justice. These employees live within commuting distance of the existing facilities. If their workplace is relocated, some employees at these facilities may chose to relocate nearer to it. Additional staff will be recruited from within commuting distance of the new facilities.

**Response to Comment 33-63:**

Contrary to the commentor’s assertions, the Draft EIS/EIR analyses are based upon past, present and reasonably foreseeable development. Past and present development is reflected in the baseline conditions. Similarly, the analysis was based on an extensive list of approved projects and development contemplated in the Eastern Dublin Specific Plan as described further in Response to Comment 9-90, above.

Chapters 4 through 16 evaluate the impacts of the proposed Project against the baseline conditions including past and present development. Chapter 17 contains the analysis of the Project’s impacts in comparison to baseline plus reasonably foreseeable development as described above in Response to Comment 9-90. The commentor’s remarks concerning the environmental impacts described in the Draft EIS/EIR indicates that there was data and analysis provided in the Draft EIS/EIR regarding the impacts of the proposed Project, as well as cumulative impacts.

**Response to Comment 33-64:**

Traffic mitigation measures are recommended in Chapters 9 and 17 of the Draft EIS/EIR. Air quality mitigation measures are recommended in Chapter 11 and 17. All Project-generated significant and significant unavoidable impacts to intersections and roadways within the Project vicinity are identified in Chapters 9 and 17.

The Draft EIS/EIR identifies feasible mitigation measures. The Project will be required to implement the mitigation measures required as conditions of Project approval. Implementation will be monitored through the mitigation and monitoring program required by CEQA. Therefore, the Project's mitigation measures will be implemented and impacts due to the lack of implementation would not be anticipated. If, however, regional and cumulative mitigation measures are not implemented, then the region could experience further traffic and air pollution impacts as indicated in Chapter 17.

**Response to Comment 33-65:**

Construction-related air pollution impacts are evaluated in Chapter 17 and Chapter 11. The cumulative construction-related impacts on sensitive receptors would resemble the types of construction-related impacts described for the proposed Project as stated in Impacts 11.1 through 11.3. Similarly, the cumulative mitigation measures would resemble the mitigation measures identified for the Project's construction-related impacts as set forth in Mitigation Measures 11.1.1 through 11.3.6.

The commentor is concerned that construction-related emissions could be cumulatively considerable. The Best Available Mitigation Measures have been included into the project. These include stringent requirements to control construction dust and diesel exhaust from heavy equipment. Essentially the same mitigation strategy for these two areas is recommended for every site. Construction would last for about 18 months. Grading, trenching, and other earth-moving activities would last for a few months of this period. Because this phase of construction activity would take place during the dry season, some of the unmitigated emissions would add to existing pollution levels.

**Response to Comment 33-66:**

Noise impacts are evaluated in Chapters 10 and 17 of the Draft EIS/EIR. The cumulative noise impacts on sensitive receptors would resemble the types of noise impacts on the surrounding residential neighborhoods described in Impacts 10.1.5 and 10.1.6, 10.2.5, 10.2.6, 10.3.5 and 10.3.6.

Traffic noise impacts to existing residential neighborhoods depend on an individual home's distance to the roadway generating the sound. Table 10.4 shows projected future traffic noise levels for residential areas. The Draft EIS/EIR also states that noise levels will exceed City of Dublin General Plan Noise Element recommendations even without the project (due to other approved development).

**Letter 34: Jolene Huey****Response to Comment 34-1:**

As stated on pages S-23 and 3-1 of the Draft EIS/EIR, no preferred alternative was identified in the Draft EIS/EIR because all of the sites were being given equal consideration. An environmentally superior alternative was identified in the Draft EIS/EIR in conformance with the requirements of CEQA. However, that determination is only part of the informational purpose of the Draft EIS/EIR and was not an indication by the lead agencies that the Pardee/Swan site was the preferred alternative, nor does the identification of an environmentally superior alternative obligate the County to select that site. The commentor is referred to the Master Response regarding the Preferred Alternative at the beginning of Chapter 2 of this Final EIS/EIR.

As summarized on page 1-4 of the Draft EIS/EIR, the County of Alameda, California Board of Corrections, and U.S. Department of Justice/Office of Justice Programs have provided numerous public notices and opportunities for public comment regarding the proposed action and alternatives that are under consideration. A Notice of Preparation / Notice of Intent was mailed to all responsible / trustee agencies and local residents (including approximately 600 addresses in the vicinity of the San Leandro site), and published in the Federal Register and local newspapers (including the local Hayward/San Leandro paper) in January 2002. Scoping meetings were held in Dublin in February 2002. A second Notice of Preparation / Notice of Intent was mailed to all responsible / trustee agencies and local residents, and published in the Federal Register and local newspapers in June 2002. A second round of scoping meetings were held in Dublin and in Oakland in July 2002. The Notice of Completion / Availability of the Draft EIS/EIR was published and mailed in January 2003. Copies of the Draft EIS/EIR were sent to City of San Leandro departments and the local public library in February, and the Alameda County Board of Supervisors, in cooperation with the California Board of Corrections and the U.S. Department of Justice/Office of Justice Programs, conducted two public hearings on the Draft EIS/EIR to gather public comments in February 2003. San Leandro residents were thus afforded ample opportunity to be informed about the County's on-going site evaluations, and to express opinions about the various proposals.

County staff has identified a preferred alternative in this Final EIS/EIR, in conformance with the requirements of NEPA, as described in more detail at the beginning of Chapter 2 of this Final EIS/EIR.

**Letter 35: Residents of Dublin****Response to Comment 35-1:**

Comments in opposition to the development of a new Juvenile Justice Facility at the East County Government Center site are noted.

**Response to Comment 35-2:**

The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site. The project would incorporate measures to address foreseeable conditions related to natural disasters. The Santa Rita Rehabilitation Facility and federal correctional institution were present before any of the homes in the eastern Dublin area, and additional government services have been planned for the East County Government Center as part of the Eastern Dublin Specific Plan. The proposed Juvenile Justice Facility and East County Hall of Justice are consistent with the community plan and would not detract from the livability of the area beyond the specific environmental effects identified in the Draft EIS/EIR, such as increased traffic, noise, and air pollution. These effects were also considered in the Eastern Dublin Specific Plan EIR and were found to be potentially significant when the City authorized the combined development of residential, commercial and public service uses. The Draft EIS/EIR addresses community safety and concludes that "speculation regarding the future actions or intent of individuals traveling to and from the proposed facility does not provide a sufficient basis for identifying any impact that would result in a physical change in the existing environment." (Page 4-56) Since the Santa Rita Rehabilitation Facility is already located at the East County Government Center, this condition exists with or without the East County Hall of Justice. That this condition will be any worse with the East County Hall of Justice is certainly debatable. The County Sheriff will maintain a significant presence at East County Hall of Justice, will maintain a very high level of security throughout the facility and site, will be able to rapidly respond to any disruption of normal community life by immediately alerting the Dublin Police Department, and will be able to provide any necessary back-up to the Dublin Police Department.

Examining the environmental effects of a catastrophic event, including a terrorist attack or machine gun fire, is beyond the scope of "reasonableness" as defined by CEQA, and is therefore beyond the scope of this document.

**Response to Comment 35-3:**

A literature review indicates that there is generally no long-term, statistically valid decrease in property values related to the siting of correctional facilities. In addition, an analysis conducted by Economic & Planning Systems, Inc., in November 2002, indicates that there has been no significant negative effect of the Santa Rita Rehabilitation Facility on the growth of nearby

property values. These findings indicate that property values will not be negatively affected in the future as a result of the Project.

**Letter 36: John Kaplan****Response to Comment 36-1:**

As stated on pages S-23 and 3-1 of the Draft EIS/EIR, no preferred alternative was identified in the Draft EIS/EIR because all of the sites were being given equal consideration. An environmentally superior alternative was identified in the Draft EIS/EIR in conformance with the requirements of CEQA. However, that determination is only part of the informational purpose of the Draft EIS/EIR and was not an indication by the lead agencies that the Pardee/Swan site was the preferred alternative, nor does the identification of an environmentally superior alternative obligate the County to select that site.

As summarized on page 1-4 of the Draft EIS/EIR, the County of Alameda, California Board of Corrections, and U.S. Department of Justice/Office of Justice Programs have provided numerous public notices and opportunities for public comment regarding the proposed action and alternatives that are under consideration. A Notice of Preparation / Notice of Intent was mailed to all responsible / trustee agencies and local residents (including approximately 600 addresses in the vicinity of the San Leandro site), and published in the Federal Register and local newspapers (including the local Hayward/San Leandro paper) in January 2002. Scoping meetings were held in Dublin in February 2002. A second Notice of Preparation / Notice of Intent was mailed to all responsible / trustee agencies and local residents, and published in the Federal Register and local newspapers in June 2002. A second round of scoping meetings were held in Dublin and in Oakland in July 2002. The Notice of Completion / Availability of the Draft EIS/EIR was published and mailed in January 2003. Copies of the Draft EIS/EIR were sent to City of San Leandro departments and the local public library in February, and the Alameda County Board of Supervisors, in cooperation with the California Board of Corrections and the U.S. Department of Justice/Office of Justice Programs, conducted two public hearings on the Draft EIS/EIR to gather public comments in February 2003. San Leandro residents were thus afforded ample opportunity to be informed about the County's on-going site evaluations, and to express opinions about the various proposals.

County staff has identified a preferred alternative in this Final EIS/EIR, in conformance with the requirements of NEPA, as described in more detail at the beginning of Chapter 2 of this Final EIS/EIR. As indicated in the Master Response regarding the Preferred Alternative, since the circulation of the Draft EIS/EIR, the Pardee Swan site has become unavailable as a feasible alternative (see Comment 6-34). Consequently, the Final EIS/EIR identifies the Modified San Leandro Alternative as the environmentally superior alternative for the Juvenile Justice Facility, of the remaining alternatives, because the site is available and would result in fewer significant environmental impacts as compared to the remaining alternatives for the Juvenile Justice Facility evaluated in the EIS/EIR.

The environmental consequences of developing the Juvenile Justice Facility at the San Leandro site have been fully addressed in the Draft EIS/EIR. The analysis specifically addresses traffic, transportation, land use and socioeconomics. As part of the Juvenile Justice Facility project at any of the alternative sites, the existing Juvenile Hall would be demolished, so the existing

effects of that facility on the community would be removed. The County’s overall planning effort for the Fairmont campus is still ongoing and takes into consideration the possibility of the Juvenile Justice Facility. No recommendations are expected regarding future development of other portions of the campus that would preclude the Juvenile Justice Facility, and all such future plans would be subject to independent environmental review when they are adequately defined.

## **Letter 37: Lucinda Leung**

### **Response to Comment 37-1:**

Comments in opposition to the development of a Juvenile Justice Facility at the East County Government Center site are noted. The Draft EIS/EIR provides an analysis of the land use compatibility impacts of the project, and concludes that the project would not adversely affect property values, nor pose a significant security or crime risk to the community due to the high level of security provided at the facility, as well as the orientation of the project towards the northwest, as far away as possible from the residential areas of Eastern Dublin. The analysis of property values also concludes that, although initial reactions to proposed detention facilities are often negative, that over time the communities do not experience the feared side-effects of the facilities and they come to accept the presence of the facility so long as it is “mitigated by a design that maintains continuity with the existing scale of development, careful landscaping, low-key architecture and high quality building materials.” (Page 4-44 of the Draft EIS/EIR) This is the case with the proposed Juvenile Justice Facility and East County Hall of Justice.

**Letter 38: Chia Liu**

**Response to Comment 38-1:**

Comments in opposition to the project are noted.

**Letter 39: Shola Oderinde****Response to Comment 39-1:**

Comment noted. The issue pertaining to the potential impacts of the East County Government Center alternative on surrounding land uses, including the nearby residential areas, is most directly addressed in the Draft EIS/EIR on pages 4-53 and 4-54. The conclusions of this analysis indicate the following:

- The East County Government Center site is located near diverse land uses that include the Emerald Park residential neighborhood.
- Academic literature and analyses of property values near the existing Santa Rita Rehabilitation Facility indicates that adverse effects on property values are unlikely.
- The site orientation and the design of the proposed Juvenile Justice Facility and East County Hall of Justice would minimize impacts on the character of the existing residential neighborhood.
- The Juvenile Justice Facility would occupy the western portion of the site, which is the farthest from the residential neighborhood located in neighborhoods near Hacienda Drive and Gleason Drive. These neighborhoods are located behind soundwalls, and have limited views to the western end of the site. The East County Hall of Justice would occupy the central and eastern portion of the lot, effectively screening the Juvenile Justice Facility from the neighborhood.
- The two-story height of the Juvenile Justice Facility would be the same height or lower than the existing light industrial/office buildings at Gleason Drive and Hacienda Drive.
- The outdoor recreation areas are planned as an interior courtyard to minimize the use of exterior fencing. A small landscaped berm would be developed around the southern edge of the site to screen the perimeter wall from view and the structure would be depressed into the site as the natural grade rises from west to east.

Taken together, these conclusions indicate that the East County Government Center site would not adversely affect nearby residential areas.

**Letter 40: Ram and Nitya Ramakrishnan****Response to Comment 40-1:**

The issue pertaining to the potential impacts of the East County Government Center alternative on surrounding land uses, including the nearby residential areas, is most directly addressed in the Draft EIS/EIR on pages 4-53 and 4-54. The conclusions of this analysis indicate the following:

- The East County Government Center site is located near diverse land uses that include the Emerald Park residential neighborhood.
- Academic literature and analyses of property values near the existing Santa Rita Rehabilitation Facility indicates that adverse effects on property values are unlikely.
- The site orientation and the design of the proposed Juvenile Justice Facility and East County Hall of Justice would minimize impacts on the character of the existing residential neighborhood.
- The Juvenile Justice Facility would occupy the western portion of the site, which is the farthest from the residential neighborhood located in neighborhoods near Hacienda Drive and Gleason Drive. These neighborhoods are located behind soundwalls, and have limited views to the western end of the site. The East County Hall of Justice would occupy the central and eastern portion of the lot, effectively screening the Juvenile Justice Facility from the neighborhood.
- The two-story height of the Juvenile Justice Facility would be the same height or lower than the existing light industrial/office buildings at Gleason Drive and Hacienda Drive.
- The outdoor recreation areas are planned as an interior courtyard to minimize the use of exterior fencing. A small landscaped berm would be developed around the southern edge of the site to screen the perimeter wall from view and the structure would be depressed into the site as the natural grade rises from west to east.

Taken together, these conclusions indicate that the East County Government Center site would not adversely affect nearby residential areas, including nearby schools and parks.

**Letter 41: Dale Reed****Response to Comment 41-1:**

Chapter 6 of the Draft EIS/EIR addresses seismic safety at the San Leandro site and each of the other alternative sites under consideration. The analysis concludes that, while No Project would result in a continuing significant impact due to seismic hazards, the impacts of development of a new Juvenile Justice Facility at the San Leandro site would be mitigated to a less than significant level through strict conformance with applicable codes and regulations, and the design-level studies that would be completed to confirm the findings of extensive subsurface exploration already conducted to identify and categorize specific fault traces on the site. A geotechnical baseline report prepared for the Alameda County Juvenile Justice Center at the East County Government Center site (Subsurface Consultants, Inc. January 2002) was used as the primary source of information contained in the Draft EIS/EIR regarding the potential seismic hazards of this site. This report provides geotechnical parameters for seismic design and other geologic considerations based on a review of published and unpublished references, as well as preliminary geotechnical investigation including 15 test borings on the site. If this site is selected for the facility, additional subsurface investigations and geotechnical analysis would be required based on the specific requirements of the final design. This additional investigation and analysis is recommended pursuant to Mitigation Measure 6.2.5 of the Draft EIS/EIR, and is required for compliance with state and local building practices. Security measures are similarly incorporated into the project through structural and operational features that would improve conditions relative to the existing Juvenile Hall. The Draft EIS/EIR therefore concludes that the impact would be less than significant. The Board of Supervisors will make a determination on which project to implement following the completion of the environmental review process.

**Letter 42: Robbin Velayedam**

**Response to Comment 42-1:**

Comments in opposition to the development of a Juvenile Justice Facility at the East County Government Center site are noted. The project's potential effect on land values is addressed in Chapter 4 of the Draft EIS/EIR, which concludes that the impact would be less than significant.

## Letter 43: George and Lisa

### Response to Comment 43-1:

The issue pertaining to the potential impacts of the East County Government Center alternative on surrounding land uses, including the nearby residential areas, is most directly addressed in the Draft EIS/EIR on pages 4-53 and 4-54. The conclusions of this analysis indicate the following:

- The East County Government Center site is located near diverse land uses that include the Emerald Park residential neighborhood.
- Academic literature and analyses of property values near the existing Santa Rita Rehabilitation Facility indicates that adverse effects on property values are unlikely.
- The site orientation and the design of the proposed Juvenile Justice Facility and East County Hall of Justice would minimize impacts on the character of the existing residential neighborhood.
- The Juvenile Justice Facility would occupy the western portion of the site, which is the farthest from the residential neighborhood located in neighborhoods near Hacienda Drive and Gleason Drive. These neighborhoods are located behind soundwalls, and have limited views to the western end of the site. The East County Hall of Justice would occupy the central and eastern portion of the lot, effectively screening the Juvenile Justice Facility from the neighborhood.
- The two-story height of the Juvenile Justice Facility would be the same height or lower than the existing light industrial/office buildings at Gleason Drive and Hacienda Drive.
- The outdoor recreation areas are planned as an interior courtyard to minimize the use of exterior fencing. A small landscaped berm would be developed around the southern edge of the site to screen the perimeter wall from view and the structure would be depressed into the site as the natural grade rises from west to east.

Taken together, these conclusions indicate that the East County Government Center site would not adversely affect nearby residential areas.

### 2.3 RESPONSES TO PUBLIC MEETING COMMENTS, FEBRUARY 19<sup>TH</sup>, 2003

This section includes the responses to comments received at the Alameda County Board of Supervisors Special Meeting held in the City of Dublin on February 19<sup>th</sup>, 2003. A transcript of the hearing is included at the end of this chapter, with comments numbered as follows:

44-1	President Steele, Alameda County Board of Supervisors
44-2	David Haubert
44-3	David Haubert
44-4	Janet Lockhart
44-5	Tom Cignarella
44-6	Audrey Cooper
44-7	Arlene Ruffo
44-8	Lester Jung
44-9	Kim Liebetrau
44-10	Dorothy Gordon
44-11	Rich Guarienti
44-12	Nelson Poon
44-13	Vera Sims
44-14	Paul Adwar
44-15	Ron Allen
44-16	Vince Bordelon
44-17	Tony Cassondonte
44-18	Elpi Albulencia
44-19	David Bewley
44-20	L. Eade
44-21	Elisha Cheung
44-22	Rowena Margan
44-23	Ehony Richards
44-24	Ananth Neddy
44-25	Kasie Hildenbrand

**Response to Comment 44-1 (comment submitted by President Steele)**

Comment noted. The President of the Board of Supervisors, Ms. Gail Steele, introduced the meeting and speakers for the meeting held February 19, 2003. No response is required.

**Response to Comment 44-2 (comment submitted by David Haubert)**

The commenter notes that emissions of ozone precursor compounds would increase if the project is built in Dublin, summarizing the conclusions of the Draft EIS/EIR.

As discussed in Chapter 11 of the Draft EIS/EIR, growth or reduction in regional air pollutant emissions is accounted for by the MTC and BAAQMD in their ozone attainment plan. This plan uses local general plans and growth projects to account for expected projects that will be or are being located in Alameda or Oakland. Thus, the cumulative air quality impact of all new projects within the BAAQMD is part of the ozone attainment plan. The Alameda County Juvenile Justice Facility is part of regional growth and emissions are therefore part of the ozone attainment plan. The commenter notes that a federal nonattainment status can lead to withholding of Federal transportation funds, and that freeways are growing increasingly crowded. The BAAQMD, MTC, and ABAG prepare air quality attainment plans that include strategies for achieving clean air, while accommodating growth projected by local governments. The plan prepared by MTC and BAAQMD is meant to achieve the federal ozone standard in a timely manner.

An Environmental Site Assessment has been conducted at the East County Government Center Site (see pages 12-13 and 12-14 of the Draft EIS/EIR). Studies conducted to date strongly suggest that impacts due to soil which may be encountered during site redevelopment are no more significant than those encountered during redevelopment of any of the adjacent former military areas. Studies have not identified conditions that would require extensive remediation prior to development, i.e. chemical contamination has not been detected at concentrations that would suggest the presence of hazardous waste and concentrations that exceed established risk thresholds. Furthermore, common and routine site development procedures such as worker notification, dust control measures and work stoppage when unusual conditions are encountered conducted in association with a Soil Handling/Management Plan (SMP), will effectively address and mitigate potential risks of exposure including those potentially associated with asbestos containing materials (ACM) and lead based paint (LBP). An SMP will be prepared based on the actual development scheme selected.

**Response to Comment 44-3 (comment submitted by David Haubert)**

Please see the master response at the beginning of Chapter 2 of this Final EIS/EIR for discussion of the modified San Leandro Alternative and the selection process for a preferred alternative and final approval of a Juvenile Justice Facility.

**Response to Comment 44-4 (comment submitted by Janet Lockhart)**

Written comments submitted by the City of Dublin are responded to as Letter 9 of this Final EIS/EIR. Comments in opposition to the development of a Juvenile Justice Facility at the East County Government Center site are noted. An environmentally superior alternative was identified in the Draft EIS/EIR in conformance with the requirements of CEQA. However, that determination is only part of the informational purpose of the Draft EIS/EIR and was not an indication by the lead agencies that the Pardee/Swan site was the preferred alternative, nor does the identification of an environmentally superior alternative obligate the County to select that site. Please see the master response at the beginning of Chapter 2 of this Final EIS/EIR for a complete discussion of the environmentally superior alternative and preferred alternative, including the modified San Leandro Alternative.

**Response to Comment 44-5 (comment submitted by Tom Cignarella)**

The commenter states that other noise studies have shown levels to be louder than those measured by Illingworth & Rodkin. Noise levels can vary in a community depending upon day of week, traffic levels, or rain. Measurements were made in areas where project impact could be expected (Table 10.6). Distant shooting from the gun range was audible, but it did not substantially affect measurements of CNEL. Noise from the shooting range could be heard in outdoor areas on the Project site and in the surrounding neighborhood. As noted for comment 21-7, the Sheriff's Department can implement various improvements to sound barriers that will diminish, but not eliminate, gunshot sound in nearby areas. Those improvements are unrelated to and not needed to address the Juvenile Justice Facility. The new juvenile hall and court buildings will be constructed of substantial, institutional-type materials that would normally reduce interior noise levels 30 dBA or more below outside levels. This noise attenuation would be sufficient to reduce gunshot sounds to below a level of significance (i.e. below 45 dBA). Other noise sources in the area, such as the automotive training facility, are existing conditions that would not be affected by the proposed project alternatives or reconfigurations of the berm.

**Response to Comment 44-6 (comment submitted by Audrey Cooper)**

Comments in opposition to the Juvenile Justice Facility at the East County Government Center site are noted. As discussed in Chapter 11 of the Draft EIS/EIR, growth or reduction in regional air pollutant emissions is accounted for by the MTC and BAAQMD in their ozone attainment plan. This plan uses local general plans and growth projects to account for expected projects that will be or are being located in Alameda or Oakland. Thus, the cumulative air quality impact of all new projects within the BAAQMD is part of the ozone attainment plan. The Alameda County Juvenile Justice Facility is part of regional growth and emissions are therefore part of the ozone attainment plan. The commenter notes that a federal nonattainment status can lead to withholding of Federal transportation funds, and that freeways are growing increasingly crowded. The BAAQMD, MTC, and ABAG prepare air quality attainment plans that include strategies for achieving clean air, while accommodating growth projected by local governments. The plan prepared by MTC and BAAQMD is meant to achieve the federal ozone standard in a timely manner. Measurements were made in areas where project impact could be expected (Table 10.6). Distant shooting from the gun range was audible, but it did not substantially affect

measurements of CNEL. Noise from the shooting range could be heard in outdoor areas on the Project site and in the surrounding neighborhood. As noted for comment 21-7, the Sheriff's Department can implement various improvements to sound barriers that will diminish, but not eliminate, gunshot sound in nearby areas. However, those measures are unrelated to the proposed project, as the development of the project would not have a substantial effect on the audibility of those activities. The Draft EIS/EIR addresses the presence of other governmental activities in the vicinity of the East County Government Center site, and characterizes their land use and environmental impacts to the degree they are relevant to the subject study. As explained in Chapter 4 of the Draft EIS/EIR, the site has been designated for governmental uses as part of the Eastern Dublin Specific Plan since 1994. Please see the master response regarding the selection of a preferred alternative at the beginning of Chapter 2 of this Final EIS/EIR for more information about the final site selection process.

**Response to Comment 44-7 (comment submitted by Arlene Raffo)**

The Draft EIS/EIR presents information in Chapter 16 regarding the relative average travel distances to each of the alternative sites for the majority of employees, detainees, family members and many other visitors to the facility. The Juvenile Justice Facility would be constructed in a manner that would preclude sight and sound contact for the detained minors near the Santa Rita Jail facility. The Transportation chapter of the Draft EIS/EIR addresses the congestion on local roadways and intersections, and identifies the significant impacts, planned mitigation measures, and unavoidable impacts of existing, background, and future growth, as well as the project's potential impacts. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative. The Draft EIS/EIR addresses the potential presence of San Joaquin Kit Fox on pages 8-16 and 8-36, concluding that there is very low likelihood of any impacts at the East County Government Center site due to the fact that the site is surrounded by developed parcels and heavily traveled roads. No mitigation is necessary.

**Response to Comment 44-8 (comment submitted by Lester Jung)**

The population centers and relative average travel distances to each of the alternative sites is described in Chapter 16 of the Draft EIS/EIR, and the impacts of this travel are included in the transportation, noise, air quality, environmental justice, and other sections of the analysis. The commenter's summary of caseloads is unclear. The existing caseloads for Juvenile Court and for the East County Hall of Justice are described in Chapter 2 of the Draft EIS/EIR. Each project would be constructed and operated independently, except to the extent that the site development at the East County Government Center site would require coordination of utilities, grading, and similar physical attributes. The personnel for each project is described in Chapter 2 of the Draft EIS/EIR, and the impacts of an increased work force in the area are evaluated in the land use, transportation, noise, air quality, growth inducement and other sections of the Draft EIS/EIR. Bus lines are not expected to serve the East County Government Center site as a single mode of transportation from the inner East Bay, but would serve the site as a connection from BART and for local travel. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a

potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. The commenter's assertion that this would have implications for rehabilitation of juvenile detainees is noted. The juvenile detention facility would also include rehabilitative elements aside from parental visits, including education, counseling, group activities, role modeling, and similar functions. The lead agencies will consider all of these factors when approving the project. Please see the beginning of Chapter 2 of this Final EIS/EIR for a discussion of the County's identification of a preferred alternative for each project, and the modified San Leandro Alternative.

**Response to Comment 44-9 (comment submitted by Kim Liebetrau)**

Noise from existing activity and future traffic and other land uses is described and evaluated in Chapter 10 of the Draft EIS/EIR. Distant shooting from the gun range was audible during noise studies for the Draft EIS/EIR, but it did not substantially affect measurements of CNEL. Noise from the shooting range could be heard in outdoor areas on the Project site and in the surrounding neighborhood. The Sheriff's Department has conducted a study to evaluate various improvements to sound barriers that will diminish, but not eliminate, gunshot sound in nearby areas. However, those measures are unrelated to the proposed project, and are not required to mitigate project impacts. It is noted that significant traffic noise would affect the neighboring residents along Gleason Drive near Hacienda Drive due to cumulative traffic growth. Traffic increases on local roads as a result of the proposed projects would be consistent with estimates made when the Eastern Dublin Specific Plan was adopted by the City of Dublin in 1994, which included extensive governmental uses on the property north of Gleason Drive. The project would not result in any significant impacts to local intersections near residential areas. Transit service to the East County Government Center site is described in the Transportation section of the Draft EIS/EIR. The EIS/EIR recommends mitigation that would address the frequency of service, mid-day, and evening service to accommodate visitors. Earthquake hazards are addressed in Chapter 6 of the Draft EIS/EIR. Neither of the Dublin sites is within an Alquist Priolo Earthquake Hazard Zone designated by the State of California. No earthquake faults have been mapped as crossing either site. For these reasons, both sites are considered to have a very low risk of surface fault rupture. The sites will be likely subjected to strong groundshaking, as will other nearby sites. Structures planned for the sites will be designed to resist strong groundshaking in accordance with the applicable codes and local design practice. Visual quality and aesthetics are addressed in Chapter 5 of the Draft EIS/EIR, which concludes that development of the East County Government Center site would not result in a significant adverse effect. The Juvenile Justice Facility and the East County Hall of Justice would be designed to reflect the dignity and importance of justice functions in American society, would be constructed of high quality materials, and would include extensive landscaping and other features to screen the sites from view to the extent feasible. Please see discussion at the beginning of Chapter 2 of this Final EIS/EIR for a description of a modified San Leandro Alternative and the lead agencies' identification of a preferred alternative.

**Response to Comment 44-10 (comment submitted by Dorothy Gordon)**

Comments in support of a new Juvenile Justice Facility in Dublin are noted.

**Response to Comment 44-11 (comment submitted by Rich Guarienti)**

Comments in opposition to locating a new Juvenile Justice Facility in Dublin are noted. The population centers and relative average travel distances to each of the alternative sites is described in Chapter 16 of the Draft EIS/EIR, and the impacts of this travel are included in the transportation, noise, air quality, environmental justice, and other sections of the analysis. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 44-12 (comment submitted by Nelson Poon)**

Comments in opposition to locating a new Juvenile Justice Facility in Dublin are noted. The population centers and relative average travel distances to each of the alternative sites is described in Chapter 16 of the Draft EIS/EIR, and the impacts of this travel are included in the transportation, noise, air quality, environmental justice, and other sections of the analysis. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site.

**Response to Comment 44-13 (comment submitted by Vera Sims)**

Comments acknowledging property value increases and lack of security concerns in the vicinity of the existing Juvenile Hall are noted. Such comments support the conclusions of Chapter 4 of the Draft EIS/EIR. Comments in support of constructing a new Juvenile Justice Facility to address the shortcomings of the existing facility, as noted in Chapter 2 of the Draft EIS/EIR, are noted. Concerns about the geologic stability of the San Leandro site are noted. Chapter 6 of the Draft EIS/EIR includes discussion of the geologic instabilities and seismic constraints of the San Leandro site, and concludes that the site is buildable. Please see the master response at the beginning of Chapter 2 of this Final EIS/EIR for a discussion of a modified San Leandro Alternative.

**Response to Comment 44-14 (comment submitted by Paul Adwar)**

Comments in opposition to locating a new Juvenile Justice Facility in Dublin are noted. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site.

**Response to Comment 44-15 (comment submitted by Ron Allen)**

Comments in opposition to the development of a new Juvenile Justice Facility in Dublin are noted. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site. Chapter 4 also concludes that there would not be a significant adverse effect on property values in the area, based on other case studies.

**Response to Comment 44-16 (comment submitted by Vince Bordelon)**

Comments in support of a new Juvenile Justice Facility, particularly in Dublin, and concerns about the condition of the existing facility, are noted. Chapter 2 of the Draft EIS/EIR provides information about the project need, and Chapter 3 provides a description of each of the alternatives under consideration and the relative ability to satisfy the project objectives. Please see Chapter 2 of this Final EIS/EIR for information about the modified San Leandro Alternative.

**Response to Comment 44-17 (comment submitted by Tony Cassadonte)**

Comments in opposition to locating a new Juvenile Justice Facility in Dublin are noted. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site. Please see Chapter 4 of the Draft EIS/EIR for a complete discussion. Support functions are included in the program needs and project designs, so minimal support would be required from the local community services. Detainees would be released to responsible adult family members or guardians, and would have home-based release to their place of residence, not all into the local community. Examining the environmental effects of a catastrophic event is beyond the scope of "reasonableness" as defined by CEQA, and is therefore beyond the scope of this document. However, it should be noted that the Project would be built adhering to the latest building codes and would incorporate the latest safety technology. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site. The project would incorporate measures to address foreseeable conditions related to natural disasters.

**Response to Comment 44-18 (comment submitted by Elpi Albulencia)**

Comments in opposition to locating a new Juvenile Justice Facility in Dublin are noted. Methodologies used in preparation of the Draft EIS/EIR reflect the technical approach and level of detail judged to be appropriate to each of the topical analyses. Personnel with specialized training were employed to perform the studies and to consult other published sources and agency personnel. The U.S. Environmental Protection Agency has rated the Draft EIS/EIR "LO – Lack

of Objections”, signifying that the document presents an adequate analysis under the National Environmental Policy Act. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development’s orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site. Please see Chapter 4 of the Draft EIS/EIR for a complete discussion. Chapter 4 also concludes that there would not be a significant adverse effect on property values in the area, based on other case studies.

**Response to Comment 44-19 (comment submitted by David Bewley)**

Comments summarizing the “project need” for the new Juvenile Justice Facility are noted, consistent with the discussion in Chapter 2 of the Draft EIS/EIR. Earthquake hazards are addressed in Chapter 6 of the Draft EIS/EIR. Neither of the Dublin sites is within an Alquist Priolo Earthquake Hazard Zone designated by the State of California. No earthquake faults have been mapped as crossing either site. For these reasons, both sites are considered to have a very low risk of surface fault rupture. The sites will be likely subjected to strong groundshaking, as will other nearby sites. Structures planned for the sites will be designed to resist strong groundshaking in accordance with the applicable codes and local design practice. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for a description of the modified San Leandro Alternative and the reduced number of beds that could be developed in response to the reduced juvenile detention population during the past year. The population centers and relative average travel distances to each of the alternative sites is described in Chapter 16 of the Draft EIS/EIR, and the impacts of this travel are included in the transportation, noise, air quality, environmental justice, and other sections of the analysis. The comparison of alternatives provided in the summary table in the Draft EIS/EIR provides a quick reference to environmental issues at each site under consideration. The Draft EIS/EIR identified the Pardee/Swan site as the environmentally preferred alternative. The County Board of Supervisors and U.S. Department of Justice will consider this information as well as other technical, legal, social, and economic factors when deciding which project to pursue. Please see the Master Responses at the beginning of Chapter 2 of this Final EIS/EIR for a discussion of changes to the preferred and environmentally superior alternatives.

**Response to Comment 44-20 (comment submitted by L. Eade)**

A new Juvenile Justice Facility in Dublin would have certain transportation-related impacts as a result of its location, as discussed in Chapters 9 and 16 of the Draft EIS/EIR. The environmental justice / economic hardship aspects of the project location are considered potentially significant impacts that would require mitigation. The fiscal impact of the projects on governmental agencies is a consideration that would be part of the lead agencies’ decision-making process when it selects a preferred site, and ultimately when they approve a project. Earthquake hazards are addressed in Chapter 6 of the Draft EIS/EIR. Neither of the Dublin sites is within an Alquist Priolo Earthquake Hazard Zone designated by the State of California. No earthquake faults have been mapped as crossing either site. For these reasons, both sites are considered to have a very low risk of surface fault rupture. The sites will be likely subjected to strong groundshaking, as

will other nearby sites. Structures planned for the sites will be designed to resist strong groundshaking in accordance with the applicable codes and local design practice. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site. Traffic and parking impacts are evaluated in Chapter 9 of the Draft EIS/EIR. Sufficient parking is provided on the site at the East County Government Center and at Site 15A. Site 15A would require the construction of a parking garage, similar to some of the office developments in the vicinity. The caseload projections for the East County Hall of Justice, contained in Chapter 2 of the Draft EIS/EIR, reflect existing and projected Tri-Valley court cases. Some case management decisions may result in shifting cases from one court to another. Comments in opposition to the location of the East County Hall of Justice at Site 15A are noted. Please see the beginning of Chapter 2 of this Final EIS/EIR for a discussion of the County's selection of a preferred alternative.

**Response to Comment 44-21 (comment submitted by Elisha Cheung)**

Comments in opposition to the location of a new Juvenile Justice Facility in Dublin are noted. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for information on the County of Alameda's identification of a preferred alternative, the modified San Leandro Alternative.

**Response to Comment 44-22 (comment submitted by Rowena Margan)**

The Juvenile Justice Facility would not be the largest in the country. The transportation patterns associated with the existing Santa Rita Jail are not directly related to the proposed Projects. However, the County has designed the site plans to address through traffic by limiting pedestrian access between Broder Blvd. (immediately adjacent to Santa Rita Jail), and the community to the south, by replicating the visual and physical barrier of the existing berm. In addition, detainees from the Juvenile Justice Facility would not be released into the community unsupervised, but would be released only into the custody of a responsible parent or guardian. Therefore, there would be a distinct difference from the release pattern at Santa Rita Jail, in which prisoners are released at various times of the day with no direct supervision or provision of transportation. The number of visitors to the East County Government Center Site are estimated in Chapter 2 and Chapter 9 of the Draft EIS/EIR. The population at the Juvenile Justice Facility would fluctuate and would be temporary, as the actual number of detainees in the facility varies over time and the length of stay averages 23 days (see page 16-10 of the Draft EIS/EIR). The maximum number of detainees at any one time would be limited to 540 under the full build-out of the project. The population of Dublin is estimated to be 20,000 persons, so the Juvenile Justice Facility would represent an increase of about 2.7 percent compared to the existing population. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby

residential areas, the security measures that would be built into the project, and the availability of security services at the site.

**Response to Comment 44-23 (comment submitted by Ebony Richards)**

Comments in support of developing a new Juvenile Justice Facility in Dublin are noted. Detainees would be released into the custody of a responsible parent or guardian, and would not have home supervision in Dublin unless their family resided there. Rehabilitation is incorporated as part of the mission of the Juvenile Justice Facility, and would be supported by alternatives to incarceration that are under review and being implemented by Alameda County. No environmental issues are raised in this comment.

**Response to Comment 44-24 (comment submitted by Ananth Neddy)**

Earthquake hazards are addressed in Chapter 6 of the Draft EIS/EIR. Neither of the Dublin sites is within an Alquist Priolo Earthquake Hazard Zone designated by the State of California. No earthquake faults have been mapped as crossing either site. For these reasons, both sites are considered to have a very low risk of surface fault rupture. The sites will be likely subjected to strong groundshaking, as will other nearby sites. Structures planned for the sites will be designed to resist strong groundshaking in accordance with the applicable codes and local design practice. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site. Traffic and parking impacts are evaluated in Chapter 9 of the Draft EIS/EIR. The population centers and relative average travel distances to each of the alternative sites is described in Chapter 16 of the Draft EIS/EIR, and the impacts of this travel are included in the transportation, noise, air quality, environmental justice, and other sections of the analysis.

**Response to Comment 44-25 (comment submitted by Kasie Hildenbrand)**

Please see responses to comments contained in Letter 33, submitted by the commentor.

## 2.5 RESPONSES TO PUBLIC MEETING COMMENTS, FEBRUARY 20<sup>TH</sup>, 2003

This section includes the responses to the comments received at the Alameda County Board of Supervisors Special Meeting held in the City of Oakland on February 20<sup>th</sup>, 2003. A transcript of the hearing is included at the end of this chapter, with comments numbered as follows:

- 45-1 President Steele, Alameda County Board of Supervisors
- 45-2 Marion Sims
- 45-3 Mike Molina
- 45-4 Olis Simmons
- 45-5 Tory Becker
- 45-6 Emil Dupont
- 45-7 Arytey Welbeck
- 45-8 Nicole Lee
- 45-9 David Kahn
- 45-10 Khadine Bennet
- 45-11 Rocio Nieves
- 45-12 Maris Arnold
- 45-13 Todd Davies
- 45-14 May Saephanh
- 45-16 Justin Bojorquez
- 45-17 David Haubert
- 45-18 Kasie Hildenbrand
- 45-19 Sarah Jarmon
- 45-20 Tiffic
- 45-21 Ari Wohlfeiler
- 45-22 Rachel Jackson
- 45-23 Calvin King

**Response to Comment 45-1 (comment submitted by President Steele)**

Comment noted. The President of the Board of Supervisors, Ms. Gail Steele, introduced the meeting and speakers for the meeting held February 20, 2003. No response is required.

**Response to Comment 45-2 (comment submitted by Marion Sims)**

Comments in support of developing a new Juvenile Justice Facility are noted. Chapters 2 and 3 of the Draft EIS/EIR present the project need and a description of the alternatives that are under consideration. The Board of Supervisors and U.S. Department of Justice will consider this information, along with other technical, social, legal, and economic factors as part of their decision-making process.

**Response to Comment 45-3 (comment submitted by Mike Molina)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-4 (comment submitted by Olis Simmons)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-5 (comment submitted by Tory Becker)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project

and these on-going efforts currently implemented by Alameda County may continue to be implemented whether or not the proposed Project is approved. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-6 (comment submitted by Emil Dupont)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-7 (comment submitted by Arytey Welbeck)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-8 (comment submitted by Nicole Lee)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-9 (comment submitted by David Kahn)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact

that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-10 (comment submitted by Khadine Bennet)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-11 (comment submitted by Rocio Nieves)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-12 (comment submitted by Maris Arnold)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-13 (comment submitted by Todd Davies)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-14 (comment submitted by Miarri Glass)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-15 (comment submitted by May Saephanh)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-16 (comment submitted by Justin Bojorquez)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. There would be no sight or sound contact between Santa Rita Jail and the juvenile detention facility. Please see the discussion at the beginning of

Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-17 (comment submitted by David Haubert)**

Please see responses to comment letter 32, submitted by the same commentor.

**Response to Comment 45-18 (comment submitted by Kasie Hildenbrand)**

Please see responses to comment letter 33, submitted by the same commentor.

**Response to Comment 45-19 (comment submitted by Sarah Jarmon)**

The No Project / No Action alternative would have fewer environmental impacts, compared to other “build” alternatives, but would result in a significant unavoidable environmental justice impact due to the conditions present at the existing juvenile hall facility in San Leandro. Although alternatives to detention could reduce the detained population, an alternative facility is necessary to address the fact that some minors will require detention and temporary housing within a juvenile facility, according to the County’s mandated role in the juvenile justice system.

**Response to Comment 45-20 (comment submitted by Tiffic)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. There would be no sight or sound contact between Santa Rita Jail and the juvenile detention facility. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-21 (comment submitted by Ari Wohlfeiler)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. There would be no sight or sound contact between Santa Rita Jail and the juvenile detention facility. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-22 (comment submitted by Rachel Jackson)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The site selection process, public scoping meetings, and other relevant actions of the lead agencies as they pertain to the environmental analysis are summarized in Chapter 1 of the Draft EIS/EIR. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. There would be no sight or sound contact between Santa Rita Jail and the juvenile detention facility. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-23 (comment submitted by Calvin King)**

Comments noted. No environmental issues are raised, so no response is provided.



U.S Department  
of Transportation  
  
Federal Aviation  
Administration

Western-Pacific Region  
Airports Division  
San Francisco Airports District Office

831 Mitten Road, Suite 210  
Burlingame, CA 94010-1300

LETTER 1

February 10, 2003

Mr. Michael Houghtby, Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

Dear Mr. Houghtby:

RE: Draft Environmental Impact Statement & Environmental Impact Report,  
Juvenile Justice Facility and East County Hall of Justice

1-1

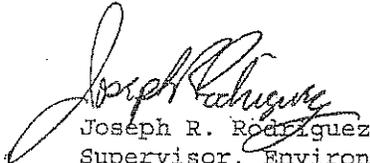
Thank you for notifying our office of the proposed improvements for the proposed improvements to Alameda County facilities. We have reviewed the project location for impacts to Federal Aviation Administration (FAA) programs related to aviation safety and efficiency for the Oakland International Airport (OAK).

We recommend the County to submit a FAA form 7460-1, *Notice of Proposed Construction or Alteration*, to confirm the need for any obstruction lighting requirements or conflicts within the navigable airspace of OAK due to the proximity of the Pardee/Swan site to the North Field runway system.

The information required for the airspace review should include the height above finished grade for the two-story structure and any radio antenna/electronic equipment mounted on the proposed building. Construction of improvements on the Port of Oakland property does not exempt the County or the Port of Oakland from any notification criteria contained in Federal Aviation Regulation (FAR) Part 77, *Objects Affecting Navigable Airspace*. The airspace study is not a substitute for any local plan or building code review.

If you have any questions you may contact me at (650) 876-2805.

Sincerely,



Joseph R. Rodriguez

Supervisor, Environmental Planning and Compliance Section

Enclosure: FAA form 7460-1

**Response to Comment 33-15:**

The Draft EIS/EIR does not cite studies that show the average population in detention is decreasing. As discussed on page 2-3, over the five-year period of the needs assessment (from 1992 to 1997), the average length of stay steadily increased. If this historical trend continued, then the population requiring detention would continue to increase. However, as also discussed in this section of the Draft EIS/EIR, reforms to detention undertaken by the Probation Department has resulted in a decline in number of beds needed in a detention facility. Policy reforms include implementation of a detention risk assessment, a recognized need for treatment, and placement options within the community. Further, the Alameda County Board of Supervisors, in conjunction with other agencies involved in the juvenile justice system, is undertaking a comprehensive review of this system. Additional reforms that direct detainees to options other than incarceration in a detention facility may be expected.

**Response to Comment 33-16:**

Fiscal impacts, including transportation subsidies and environmental clean-up costs, are not within the scope of environmental review pursuant to the California Environmental Quality Act and therefore are not included within this document. The fiscal impact of the projects is a consideration that would be part of the lead agencies' decision-making process when it selects a preferred site, and ultimately when they approve a project.

**Response to Comment 33-17:**

The berm currently screens surrounding communities from Santa Rita Rehabilitation Facility. The Office of Emergency Services (OES) building is partially visible from the eastern end of the site, and the Federal Correctional Facility and (Heavy Equipment Repair Building) HERB are only screened from some locations by the existing berm. The California Highway Patrol (CHP) and Animal Control Services are not screened by the existing berm at all. The new Juvenile Justice Facility would relocate the berm from the rear of the property to the front. The new berm, along with a wall and the Juvenile Justice Facility itself, would provide equivalent screening of the Santa Rita Rehabilitation Facility as what the existing berm provides. See the south elevation (Figure 3.18a in this Final EIS/EIR) and Response to Comment 33-32 for a description of the new berm. See Response to Comment 9-47 for a description of the continued screening of Santa Rita from view of the residences.

**Response to Comment 33-18:**

Parking needs for the Juvenile Justice Facility are described in 9.2.5. It requires 710 spaces for 540 beds, and 550 spaces for 450 beds. These parking spaces would be accommodated at the reconfigured front lots of Santa Rita, and at the new parking lot on the west of the Juvenile Justice Facility.

**Response to Comment 33-19:**

The nearest off-site uses, as measured from the edge of the East County Government Center site, are located approximately as follows:

- The nearest commercial retail use is located approximately 1 mile to the south near the I-580 freeway.
- The nearest industrial/office business park is immediately south of, and across Gleason Drive from the project site, approximately 150 feet from the nearest parking lot area for that project.
- The closest home would be approximately 500 feet from the nearest corner of the proposed Juvenile Justice Facility, about 500 feet from the proposed East County Hall of Justice building and 100 feet from the nearest parking lot area for that project.
- The nearest school site is the Dougherty Elementary School, approximately 1,250 feet to the south.

**Response to Comment 33-20:**

Chapters 4 and 5 of the Draft EIS/EIR adequately evaluate the potential impacts of the proposed East County Hall of Justice on the surrounding land uses, including the immediate neighborhoods, and conclude that such impacts would not be significant. *See* Draft EIS/EIR at pages 4-42 through 4-54 and at 5-44 through 5-45 (discussion of impacts of creation of new light sources affecting the neighboring areas). Chapter 5 of the Draft EIS/EIR adequately evaluates the potential impacts resulting from the development of a three- and four-story building on the visual character and quality of each of the Dublin sites. *See* Draft EIS/EIR at pages 5-27 through 5-44. It also adequately evaluates the potential impacts of such development on the area's scenic resources.

In the Annexation Agreement between the County and the City of Dublin, the County has agreed that any development or use of Site 15A "shall comply with" all City land use laws, including the City's general plan, the East Dublin Specific Plan, the City's Zoning Ordinance, and various other provisions of the City's municipal code. As a political subdivision of the State, the County is not bound by any local land use laws or regulations. *See* Draft EIS/EIR at 4-9. Typically, however, the County attempts, to the extent feasible, to implement its development projects in a manner that is consistent with otherwise applicable local land use principles.

**Response to Comment 33-21:**

Under the Annexation Agreement, Dublin's role with respect to Project development on the East County Government Center site consists of reviewing the development proposal for consistency with its General Plan, and performing site development review pursuant to the City's zoning ordinance. Dublin's role with respect to Project development on Site 15A may include General Plan consistency review and site development review, and could extend to other types of review

provided for under Dublin's applicable land use regulations. Dublin's role under Section 8 and 9 of the Annexation Agreement is described in full in Responses to Comments 9-27 and 9-30.

Land in the vicinity of the East County Government Center site has been owned by the County, with the intent to develop it for County uses, for several years prior to the 1993 Annexation Agreement. For example, in 1985, the County built the Santa Rita Rehabilitation Facility on nearby County property. The East County Government Center site itself was formally designated for government use under the 1993 agreement. This site was not examined as a potential site for the Juvenile Justice Facility in the 1992 site review. The comment suggesting that the Draft EIS/EIR include all site selection studies prior to the release of the Draft EIS/EIR is hereby noted. The commentor is referred to Section 3.2, which discusses what alternative sites were considered and why they were rejected.

**Response to Comment 33-22:**

As noted on page 4-31, first full paragraph, using a mid-range development intensity of a 0.25 FAR, the 88.5-acre County Center property would have a development potential of approximately 964,000 square feet. Dividing this development potential by an average of 590 square feet of building floor area per employee would provide space for approximately 1,634 persons within the County Center property. Subtracting the existing 70 employees that currently work on the County Center property (at HERB, CHP, the planned fire station, the Animal Shelter and the SPCA office, leaves a remaining employment growth capacity of approximately 1,565 employees.

**Response to Comment 33-23:**

As clearly noted in the Draft EIS/EIR, as a political subdivision of the State, the County is exempt from local regulations. This exemption extends to local land use (i.e., General Plans), zoning and building regulations. Moreover, Government Code Sections 53090-53096, which generally requires local agencies to comply with the land use and building regulations of the county or city in which their territory is located, specifically excludes counties from this requirement. Therefore, the County normally is not required to comply with land use (i.e., General Plans), zoning and building requirements of any of the local jurisdictions in which the project may be located, including the City of Dublin. With respect to development on the two alternative Dublin sites, the County's exemption from local regulations has been modified by Sections 8 and 9 of the May 4, 1993 Annexation Agreement. See Responses to Comment 9-27 and 9-30, for a discussion of the extent to which the Project must comply with Dublin's land use laws and policies. See also the Draft ESI/EIR at pages 4-28 through 4-30.

The Draft EIS/EIR includes an adequate analysis of the project's consistency with the City of Dublin's land use and development goals. Relating the five applicable land use goals of the EDSP directly to the consistency analysis contained on page 4-34 of the Draft EIS/EIR:

1. *To establish an attractive and vital community that provides a balanced and fully integrated range of residential, commercial, employment, recreational and social opportunities.* - The East County Government Center Alternative would be integrated with other existing

governmental services sector uses north of Gleason Drive including the Santa Rita Rehabilitation Facility, the CHP offices, the animal shelter, the SPCA, the planned fire station and the Alameda County Sheriffs' training Facility.

2. *To provide a diversity of housing opportunities that meets the social, economic and physical needs of future residents.* - The East County Government Center Alternative would not assist in providing housing opportunities.
3. *To create a well-defined hierarchy of neighborhood, community, and regional commercial areas, that serves the shopping, entertainment and service needs of Dublin and the surrounding area.* - The East County Government Center Alternative would serve the service needs of Dublin and the surrounding area by providing a Juvenile Justice Facility that is needed for all County residents, and a local East County Hall of Justice to serve the needs of the Tri-Valley communities of Dublin, Pleasanton and Livermore.
4. *To provide a stable and economically sound employment base for the City of Dublin, which is diverse in character and responsive to the needs of the community.* - The East County Government Center Alternative would provide for a broad range of job types, including administrative, management, technical, legal, security, educational, service, maintenance, and similar occupations. Wage scales would reflect the various job classifications, and would range from entry-level to upper management. The Project would also provide construction jobs for several years on each of the project components.
5. *To develop a comprehensive, integrated park and recreational open space system designed to meet the diverse needs of the City of Dublin.* - The East County Government Center Alternative would have enclosed recreation areas for the detainees, as well as on-site open areas to provide visual relief and outdoor activity areas for employees and visitors.

Other issues raised in this comment pertaining to the project's benefits to Dublin or its ability to serve as an economic stimulus for the area are not environmental issues, nor are they included in the Dublin General Plan goals, and are therefore not analyzed.

#### **Response to Comment 33-24:**

The Draft EIS/EIR (page 16-13) recognizes that the East County Government Center Alternative could have environmental justice impacts. These impacts are related to accessibility, including the time and cost of traveling longer distances in an area that is not as proximate to the majority of detainees nor as well served by transit as the more urban locations being considered in this EIS/EIR. Site accessibility due to distance from existing population centers is one of many factors to be considered in the selection of a new Juvenile Justice Facility site. The Dublin site's greater distance from existing population centers is not a sufficient reason to exclude this alternative from consideration.

#### **Response to Comment 33-25:**

Mitigation Measure 16.1.5 in the Draft EIS/EIR includes preparation of a formal transportation plan to improve access to the East County Government Center site.

Fiscal impacts, including transportation subsidies, are not within the scope of environmental review pursuant to the California Environmental Quality Act and therefore are not included within this document. The fiscal impact of the projects is a consideration that would be part of the lead agencies' decision-making process when it selects a preferred site, and ultimately when they approve a project.

See Response to Comments 5-5 and 33-44 for a discussion on the changes that LAVTA suggests for improving its service to the East County Government Center site. These include increasing the availability of its Route 1 service and/or providing larger transit vehicles. These suggestions will be incorporated into future discussions between the County and LAVTA during the preparation of the formal transportation plan discussed in Mitigation Measure 16.1.5. Responsibility for implementing these changes to transit service rest with LAVTA.

**Response to Comment 33-26:**

A detailed discussion of this alternative's impacts on special status species is found on page 8-28 through 8-29 of the Draft EIS/EIR.

The effects of existing and on-going noise sources on existing residences and businesses are not impacts attributable to the Project and are therefore not evaluated in this EIS/EIR. As noted on page 10-24 of the Draft EIS/EIR, "Noise levels in indoor and outdoor activity areas would be acceptable for the intended uses based on attenuation provided by structural systems of the building, i.e. the heavy masonry construction of the housing pods and perimeter wall around the recreation yards for the Juvenile Justice Facility."

A detailed discussion of this alternative's impacts on air quality is found on page 11-25 through 11-30 of the Draft EIS/EIR. Project-generated traffic would not cause any CO hot spots exceeding federal or state standards. Regional emissions of ROG, NO<sub>x</sub> and PM<sub>10</sub> would also be below state and federal thresholds.

**Response to Comment 33-27:**

According to the CEQA Guidelines published by the State Office of Planning and Research, the actual criteria of significance for determining a significant environmental impact is whether the project would result in "the physical division of an established community". The commentor's interpretation of dividing a community is not consistent with CEQA. Impacts related to transportation are discussed generally in Chapter 9 of the Draft EIS/EIR and specific impacts to the detainee population and their families are discussed in Chapter 16.

**Response to Comment 33-28:**

A review of academic literature on the subject indicates that there are few if any documented instances of long-term, statistically valid decreases in property values related to the siting of correctional facilities. In addition, an analysis conducted by Economic & Planning Systems, Inc, in November 2002, indicates that there has been no significant negative effect of the Santa Rita

Rehabilitation Facility on the growth of nearby property values. These findings suggest that growth in property values will not be affected negatively in the future as a result of the Project.

Some of the study communities profiled in the academic literature reviewed on this subject appear to be similar to Dublin based on population, location within a greater metropolitan area, and general land uses in the vicinity of the correctional facility (existing or proposed). Other communities appear less similar to Dublin because of smaller population and more remote location. Nevertheless, findings were generally consistent across study communities, indicating applicability to the context of Dublin.

It is correct that the study conducted by Economic & Planning Systems did not quantify the cumulative effects of placing all County correctional and judicial facilities in one central location.

A review of studies on the subject indicated that property-value impacts may occur in three instances: 1. Immediately adjacent to or across from facilities in the absence of buffers; 2. In direct line of vision of facilities; and 3. During the initial period of uncertainty prior to development. The conclusion regarding this Project assumed that the County will provide landscaping and screening sufficient to mitigate potential visual impacts.

**Response to Comment 33-29:**

Some of the study communities profiled in the academic literature appear to be similar to Dublin based on population, location within a greater metropolitan area, and general land uses in the vicinity of the correctional facility (existing or proposed). Other communities appear less similar to Dublin because of smaller population and more remote location. Nevertheless, findings were generally consistent across study communities, indicating applicability to the context of Dublin.

**Response to Comment 33-30:**

The commentor is referred to Responses to Comments 32-8 and 33-53.

As noted in Response to Comment 32-8, it is not the responsibility of an EIR or EIS to evaluate social or economic effects that do not cause, or are not interrelated with, environmental effects. See, e.g., 14 Cal. Code Regs § 15131(a), 40 C.F.R. §§ 1508.8, 1508.14.

**Response to Comment 33-31:**

Figures 3-12 and 3-13 on pages 3-20 and 3-21 of the Draft EIS/EIR illustrate where the East County Government Center site is located in relation to surrounding areas of the City of Dublin. Each of these figures includes a map scale, with which distances from the site to particular nearby points in the City can be determined.

As detailed in Response to Comment 9-47, the Juvenile Justice Facility would be oriented away from the existing residential facility.

The statement quoted, "new development, etc." is taken out of context. In the sentence preceding this statement, the Draft EIS/EIR, page 5-1, states, "New development can substantially change the visual qualities and characteristics of an area and may have long term lasting effects on its evolution, thereby stimulating growth and increasing its attractiveness for new or expanding businesses, residential development or other desired or planned land uses."

In other words, a project can improve or not improve a neighborhood. The East County Government Center is zoned for civic use and a courthouse certainly compatible with this use, along with the nearby fire station, highway patrol office, public works corporation yard, and animal shelter. The East County Hall of Justice is physically removed from residential and commercial development on the south side of Gleason Drive by being set-back from Gleason Drive by over 300', and it is a fully self-contained facility with its own parking.

The Juvenile Justice Facility's design is oriented, on it's public face, toward the intersection of Arnold and Broder. The support and service functions are oriented along Broder. The publicly accessible parts of the Courthouse are oriented toward in internal courtyard. The housing portions of the Juvenile Justice Facility are all oriented toward internal courtyards or recreation areas. No part of the Juvenile Justice Facility is oriented toward the communities south of Gleason. The parts of the Juvenile Justice Facility where children are being detained would have to be oriented away from SRJ. This is accomplished by orienting the secure parts of the Juvenile Justice Facility toward internal courtyards and recreation areas.

#### **Response to Comment 33-32:**

The proposed berm height varies. It is on average between 10 and 15 feet above Gleason. The southern wall of the Juvenile Justice Facility is only partially screened by the berm. On average, the top 10 feet of wall is exposed. While some of the exposed wall will be masked by landscaping on top of the berm, the wall will be visible from Gleason. With this in mind, the wall is designed to have an attractive appearance. The greatest degree of exposure of the wall is at the corner of Arnold and Gleason. The least amount of exposure is along Gleason near Hacienda. From the homes south of Gleason and from the entry to the Courthouse, the view of the Juvenile Justice Facility will be completely obscured.

#### **Response to Comment 33-33:**

The Draft EIS/EIR is revised as follows:

*Page 5-45, paragraph 4,*

- **Mitigation Measure 5.3.5: Lighting Design Criteria.** The County shall ~~consider~~ mitigate potential light and glare impacts ~~in~~ during the design-build process, including measures such as shielding, design revisions, or other means of reducing impacts. For example, lighting should, to the extent feasible, be oriented away from residential uses.

*Resulting Level of Significance.* Implementation of this mitigation measure would further lessen the Project's already less than significant impact.

Impact 5.3.6 is revised to read exactly as the same as the mitigation measure above.

**Response to Comment 33-34:**

The location of known active faults in relation to the East County Government Center site is indicated on page 6-19 of the Draft EIS/EIR. The Draft EIS/EIR does not indicate that this site is not at risk for damage due to an earthquake. It does indicate (on page 6-29) that there is little or no risk of a fault rupture at this site, but does recognize that strong seismic shaking would be anticipated at this site and throughout the seismically active Bay region with the potential to cause property damage, injury or death.

**Response to Comment 33-35:**

The seismic risk analysis discussed above in comment 32-22 considered all "Significant Seismogenic Sources Within 100KM of the ... Site". The faults considered in the analysis are obtained from a database maintained by the California Division of Mines and Geology and which is the most up-to-date source of information that is appropriate for this type of analysis. The analysis included the Calaveras (north and south), Mt. Diablo, Hayward (north and south), Concord, Greenville, San Andreas and San Gregario Faults. The Pleasanton Fault is considered as part of Calaveras Fault complex and its contribution is implicit to the fault parameter used for the Calaveras Fault.

Regarding the San Ramon and Dublin earthquake swarms, please refer to Response to Comment 32-22.

**Response to Comment 33-36:**

The site issues are anticipated to be similar to the site history and related issues addressed when the land south of Gleason was developed. Please see response to comment 33-54.

**Response to Comment 33-37:**

A discussion of the results of a preliminary wetland assessment of the East County Government Center site is provided on page 8-19 of the EIS/EIR, together with a map of potential wetlands indicated in Figure 8.4. Mapping prepared as part of the National Wetland Inventory typically identifies man-made detention basins as palustrine, semi-permanently flooded wetlands with an unconsolidated bottom. As indicated on page 8-33, mitigation would be required if the Corps determines the man-made detention basin and isolated seasonal wetland depressions to be jurisdictional wetlands. If necessary, these features could be recreated at an off-site location as required under Mitigation Measure 8.3.5. Due to their man-made origin, recreating these features at an alternative location could be successfully accomplished to ensure no net loss of wetlands.

**Response to Comment 33-38:**

Page 7-4 does not include a discussion of surface runoff. It does include a discussion about the potential for 100-year flooding on Tassajara Creek due to inadequate culvert flow capacity where the creek crosses the I-580. As discussed in Response to Comment 11-2, as a result of recent improvements to Tassajara Creek, the potential 100-year flood areas would be greatly reduced and would be confined to an approximately 200-foot width along the creek.

**Response to Comment 33-39:**

A detailed discussion of the potential impacts of the project on wildlife, foraging habitat for raptors and loggerhead shrike, and Congdon's tarplant is provided under Impact 8.1.5, 8.3.5, and 8.4.5, together with adequate mitigation where appropriate. As discussed on page 8-16 of the EIS/EIR, California tiger salamander are not believed to occur on the East County Government Center site due primarily to the absence of suitable breeding habitat but also because of the limited opportunities for upland estivation. The man-made detention pond and seasonal wetland depressions do not hold water long enough to allow for egg laying or metamorphoses of larval young. These features would have to hold water into late spring for successful breeding by tiger salamander, which is not possible because of their design or condition.

A supplemental field inspection was conducted by the EIS/EIR biologist on March 25, 2003 to confirm absence of suitable conditions to support breeding by California tiger salamander and update information on burrowing owl nesting activity. As discussed on page 8-28, surveys of the East County Government Center site were conducted in July 2001 and March and May 2002, not in 1999 as suggested by the commentor. Refer to the Response to Comments 9-69, 71, and 72 for a discussion of a supplemental survey conducted on March 25, 2003 to further clarify the potential for occurrence of burrowing owl, other raptors, and habitat suitability for California tiger salamander, followed by protocol surveys for burrowing owl in mid-April 2003.

**Response to Comment 33-40:**

As discussed on page 8-36, proposed development on either the East County Government Center site or Site 15A is not expected to have significant impacts on wildlife habitat. Both of these sites have been extensively altered by past development activities and are border by existing roads and development, limiting opportunities for movement and use by terrestrial wildlife species. Mitigation measures recommended to address the potential for occurrence of nesting raptors and loggerhead shrike would adequately protect any sensitive wildlife habitat values. Similarly, if trustee agencies determine that jurisdictional wetlands are present, appropriate mitigation would be required which would replace any wetland habitat values associated with the man-made depressions, detention basin, and low-lying areas. No revisions are considered necessary in response to the comment.

**Response to Comment 33-41:**

Fiscal impacts, including potential improvements to roads, are not within the scope of environmental review pursuant to the California Environmental Quality Act and therefore are not

included within this document. The fiscal impact of the projects is a consideration that would be part of the lead agencies' decision-making process when it selects a preferred site, and ultimately when they approve a project.

The Draft EIS/EIR concludes that the local traffic impacts on the Dougherty Road/Dublin Boulevard intersection is expected to be significant and unavoidable under the various scenarios considered in Dublin. Even with the implementation of Mitigation Measure 9.1.5, which recommends that the County contribute its fair-share funding to improve local roadways (in this case, to extend Scarlett Road), the impact would remain significant and unavoidable. Further mitigation is not feasible.

**Response to Comment 33-42:**

As stated in the Draft EIS/EIR, page 9-87, parking required for the East County Hall of Justice is 850 spaces. This number has been calculated based upon an analysis of the parking demand of the existing Pleasanton courthouse, as adjusted for greater employee occupancy of the facility, plus the needs of the jurors, jury pool, lawyers, witnesses, visitors, and the general public. It is a conservative number but, if additional parking is later determined to be needed, the site is large enough to accommodate the construction of more surface parking.

**Response to Comment 33-43:**

Comment noted regarding the likelihood that LAVTA or BART will make transportation changes.

**Response to Comment 33-44:**

The funding for new LAVTA routes and/or improvements has not been determined. However, in a letter dated February 24, 2003, the LAVTA general manager addresses the financial implications of improving service:

*Since LAVTA's financial resources are severely limited at this point in time, it is requested that the County, as a sponsor of the project, provide some level of capital and operating funding for improved transit services to the proposed facilities-improvements that LAVTA otherwise may not be able to provide-as a condition for approval of the project.*

Similar to its existing routes, LAVTA would most likely provide service to and from the Dublin/Pleasanton BART station. In the same letter mentioned above, the LAVTA general manager considers the expansion in service that may be needed with the proposed Project:

*As the current WHEELS fixed-route service in the affected area is not at capacity, parts of the anticipated new demand can be accommodated with the transit services that presently exist. However, extended temporal coverage for route 1 would likely be necessary, as DART is not designed to accommodate large point-to-point loads. Depending on how evenly the demand would be spread out, larger transit vehicles could*

*also prove necessary in order to accommodate spot surges in ridership, even if these occur only on particular trips.*

**Response to Comment 33-45:**

For a discussion of the noise impacts of the Sheriff's Shooting Range and the Parks RFTA weapons range, see Response to Comment 29-5. The Wilson, Ihrig, and Associates (WIA) firing range acoustics report is also discussed in that response.

**Response to Comment 33-46:**

The commentor is correct in summarizing the noise impacts of development, as presented in the Draft EIS/EIR and this Final EIS/EIR. Please see Response to Comment 33-26, above.

**Response to Comment 33-47:**

Please see Response to Comment 9-130.

**Response to Comment 33-48:**

Refer to Response to Comments 9-135 and 33-54 regarding the military use of the East County Government Center site and the lack of radiological testing that was conducted by the Naval Radiological Defense Labs (NRDL). For clarification, the University of California and Stanford University both reportedly operated portions of the radiological laboratory facilities for the military on properties other than the proposed Dublin sites. The historic uses of buildings (and building numbers) on this site is presented in Figure 12-6a in this Final EIS/EIR.

Refer to Response 24-3 regarding the significance of potential chemical impacts at the Dublin sites.

**Response to Comment 33-49:**

Comment noted. As noted on page 12-22, implementation of Mitigation Measure 12.1.5, the preparation and implementation of a soil handling/management plan, would ensure that the potentially significant impact of working with soils and/or groundwater that may have been contaminated by previous activities on the site would be less than significant.

**Response to Comment 33-50:**

Refer to Responses 9-135 and 21-2 regarding the mitigation of potential impacts at the East County Government Center site.

Refer to Response 9-137 regarding the mitigation of potential impacts at Site 15A.

Dougherty Elementary School is built over an area that had similar potential hazardous waste.

**Response to Comment 33-51:**

The Project will increase demand for fire protection services, emergency medical response services and hazardous materials response services. However, construction and operation of these facilities would not result in a loss of acceptable response times or other ACFD performance objectives nor would it result in significant adverse physical or environmental impacts. A new Fire Station 17 will be constructed and fully operational prior to construction of the new County facilities and response times for emergency services provided by the ACFD from this station would be well within the five-minute response time established by the City of Dublin.

Examining the environmental effects of a catastrophic event is beyond the scope of “reasonableness” as defined by CEQA, and is therefore beyond the scope of this document. However, it should be noted that the Project would be built adhering to the latest building codes and would incorporate the latest safety technology.

**Response to Comment 33-52:**

The impacts on public services resulting from the number of visitors to the East County Hall of Justice on City facilities are direct impacts of the Project. Therefore, these impacts resulting from increased visitors do not need to be examined as part of the *Impact 13.1, Indirect Effects on Public Services* section. It should be noted that the direct impacts on City facilities from visitors to the East County Hall of Justice are dealt with throughout Chapter 13 of the Draft EIS/EIR.

**Response to Comment 33-53:**

It is true that building the project will bring more people to the area during the daytime hours if the facility is constructed. The presence of more people often results in demand for more police officers. This increased demand does not necessarily imply more criminal activity, just an increase in demand for police services, of which, solving crimes is one service. Also, it must be noted that because a person visits an inmate he/she is not more likely to commit a crime than any other person .

Police service demand is calculated in Dublin using a ratio of 1.38 officers to 1,000 residents. However, in terms of environmental analysis, visitors and employees are categorized as daytime population, and would not have any more impact on police services than would an equal increase in the residential population of the area. In fact, they might have less of an impact because they would leave during the night, lowering the impact on police services for that shift. The City of Dublin has already taken into account an increasing population in its *Eastern Dublin Specific Plan* for the surrounding neighborhood. The project will not increase the population, and consequently raise the demand for police services, beyond what has already been forecasted for Eastern Dublin by the City. In other words, the increased daytime population and subsequent increased police services demand generated by the Project has already been taken into account and planned for by the City. Therefore, the Project’s increased demand for police services is not a significant environmental impact because it does not exceed the predicted police services demand allotted for the area in the City’s General Plan.

No direct comparisons were made to current criminal activity surrounding the existing San Leandro and expected criminal activity surrounding the proposed Dublin sites because such comparisons are both unfair and irrelevant as the crime rate has too many uncontrollable variables that determine it to make it suitable for direct comparison. A more relevant comparison is made in Chapter 4 of the Draft EIS/EIR concerning the effect a detention facility has on the property values of a surrounding neighborhood. The crime rate is an important consideration in property value calculations as there is a direct negative correlation between crime and property value (less crime, higher property values). This study would indicate evidence of increased criminal activity in a neighborhood by a decrease in property values due to the nearby location of a detention facility. A summary of findings for all relevant studies pertaining to the effect on surrounding property values of detention facilities can be found on pages 4-42 – 4-43.

As far as financial impacts to the City of Dublin, specific fiscal analysis is not within the scope of environmental review pursuant to CEQA. Therefore, a detailed cost analysis cannot be given.

**Response to Comment 33-54:**

Background information on past uses of the East County Government Center site is provided in several sections of the Draft EIS/EIR, including Chapters 6, 12 and 15. Active military use of the East County Government Center site ended in about 1958 and all the buildings were demolished or removed/relocated. Military use of the site had involved predominantly administrative and residential military activities, and no significant military research and development was conducted on site that would result in exposure to radiological contamination.

The results of the Environmental Site Assessment activities conducted to date strongly suggest that impacts to soil which may be encountered during site redevelopment are no more significant than those encountered during redevelopment of any of the adjacent former military areas. Studies have not identified conditions that would require extensive remediation prior to redevelopment, i.e. chemical contamination has not been detected at concentrations that would suggest the presence of hazardous waste and concentrations that exceed established risk thresholds. Furthermore, common and routine site development procedures such as worker notification, dust control measures and work stoppage when unusual conditions are encountered conducted in association with a Soil Handling/Management Plan (SMP), will effectively address and mitigate potential risks of exposure including those potentially associated with asbestos containing materials (ACM) and lead based paint (LBP). An SMP will be prepared based on the actual development scheme selected.

Parks RFTA Building 305 was not located on the East County Government Center site. Part of this confusion is that building numbering schemes were specific to the military unit that was governing the area during a specific time period. There have been at least 2 Building 305's in the Parks RFTA area; circa 1944-1958 --Building 305 was located several blocks to the south of the East County Government Center site and was occupied by a Boiler Room, and circa 1958 to 2000 – Building 305 was located just off of 8th Street on the west side of the military reservation near Dougherty and was initially used as a dormitory, and later used as a "Hot Lab" for the US

Naval Radiological Defense Laboratory (NRDL). The historic uses of buildings (and building numbers) on this site is presented in Figure 12-6a in this Final EIS/EIR.

The NRDL use of Buildings 305, 310 and 131 (all located on the west side of Parks RFTA), as well as open areas in the uplands more than 1 mile north (Chronic Irradiation Facility) and ¾ mile west (Animal Farm) of the East County Government Center site. While these facilities are no longer in use, they have been the subject of studies conducted by the US Army Corp of Engineers and other military branches for several years. The Animal Farm site has already been redeveloped. Cs-137 contamination has been identified in the vicinity of some of the buildings and reportedly animal carcasses have been encountered and removed from the animal farm.

The proposed Dublin sites did not have any uses that would suggest that “military toxics” are buried on site. These sites did not have any historical uses significantly different than those historically conducted on the adjacent former military properties, which have already been redeveloped without posing any significant risk to the public.

**Response to Comment 33-55:**

The Draft EIS/EIR fully discloses the distance of each alternative site from the urban centers of the County, using average travel distance as a measure. Those on probation will conduct regular appointments at existing probation offices throughout the County. Expanded transit service would be provided throughout the day and evening, as needed, based on the preliminary concept under consideration by the County. Transit travel times are discussed in the Draft EIS/EIR. These factors will be part of the deliberations of the lead agencies as they consider which site to approve.

**Response to Comment 33-56:**

Comment noted. See Response to Comment 9-8.

**Response to Comment 33-57:**

Comment noted. See Response to Comment 9-8.

**Response to Comment 33-58:**

See response to 5-6. In addition, it should be noted that point-to-point transit service is available during off-peak hours through LAVTA’s DART service.

**Response to Comment 33-59:**

Round-trip transit costs include multiple types of transit services such as buses and BART. Round-trip transit costs depend on the origin of the trip; the highest cost would be for the person who is required to take multiple types of transit at the furthest distance from the site. Gas and vehicle costs vary considerably depending on the type of vehicle driven and its condition and age. The relative cost of traveling to Dublin compared to traveling to the alternative sites was

considered a more useful measure. It was determined by calculating the weighted-average travel distance (23.9 miles) of traveling to Dublin and comparing this with traveling to the alternative sites: it is approximately twice as far to the Dublin sites compared to the alternative sites (see page 16-14).

**Response to Comment 33-60:**

The County of Alameda can “work with” the Livermore-Amador Valley Transportation Agency (LAVTA) to expand transit service to the East County Government Center site. It has no authority to ensure LAVTA provides this service. As noted on page 16-14 of the Draft EIS/EIR, financing mechanisms for supporting expanded transit service and/or transit subsidies have not been developed. The City’s streets are public and LAVTA is not required to pay the City to use them.

**Response to Comment 33-61:**

See Response to Comment 32-27.

**Response to Comment 33-62:**

Staff from the existing Juvenile Hall in San Leandro and leased courtrooms in Pleasanton are expected to form a large portion of the employees at the proposed Juvenile Justice Facility and East County Hall of Justice. These employees live within commuting distance of the existing facilities. If their workplace is relocated, some employees at these facilities may chose to relocate nearer to it. Additional staff will be recruited from within commuting distance of the new facilities.

**Response to Comment 33-63:**

Contrary to the commentor’s assertions, the Draft EIS/EIR analyses are based upon past, present and reasonably foreseeable development. Past and present development is reflected in the baseline conditions. Similarly, the analysis was based on an extensive list of approved projects and development contemplated in the Eastern Dublin Specific Plan as described further in Response to Comment 9-90, above.

Chapters 4 through 16 evaluate the impacts of the proposed Project against the baseline conditions including past and present development. Chapter 17 contains the analysis of the Project’s impacts in comparison to baseline plus reasonably foreseeable development as described above in Response to Comment 9-90. The commentor’s remarks concerning the environmental impacts described in the Draft EIS/EIR indicates that there was data and analysis provided in the Draft EIS/EIR regarding the impacts of the proposed Project, as well as cumulative impacts.

**Response to Comment 33-64:**

Traffic mitigation measures are recommended in Chapters 9 and 17 of the Draft EIS/EIR. Air quality mitigation measures are recommended in Chapter 11 and 17. All Project-generated significant and significant unavoidable impacts to intersections and roadways within the Project vicinity are identified in Chapters 9 and 17.

The Draft EIS/EIR identifies feasible mitigation measures. The Project will be required to implement the mitigation measures required as conditions of Project approval. Implementation will be monitored through the mitigation and monitoring program required by CEQA. Therefore, the Project's mitigation measures will be implemented and impacts due to the lack of implementation would not be anticipated. If, however, regional and cumulative mitigation measures are not implemented, then the region could experience further traffic and air pollution impacts as indicated in Chapter 17.

**Response to Comment 33-65:**

Construction-related air pollution impacts are evaluated in Chapter 17 and Chapter 11. The cumulative construction-related impacts on sensitive receptors would resemble the types of construction-related impacts described for the proposed Project as stated in Impacts 11.1 through 11.3. Similarly, the cumulative mitigation measures would resemble the mitigation measures identified for the Project's construction-related impacts as set forth in Mitigation Measures 11.1.1 through 11.3.6.

The commentator is concerned that construction-related emissions could be cumulatively considerable. The Best Available Mitigation Measures have been included into the project. These include stringent requirements to control construction dust and diesel exhaust from heavy equipment. Essentially the same mitigation strategy for these two areas is recommended for every site. Construction would last for about 18 months. Grading, trenching, and other earth-moving activities would last for a few months of this period. Because this phase of construction activity would take place during the dry season, some of the unmitigated emissions would add to existing pollution levels.

**Response to Comment 33-66:**

Noise impacts are evaluated in Chapters 10 and 17 of the Draft EIS/EIR. The cumulative noise impacts on sensitive receptors would resemble the types of noise impacts on the surrounding residential neighborhoods described in Impacts 10.1.5 and 10.1.6, 10.2.5, 10.2.6, 10.3.5 and 10.3.6.

Traffic noise impacts to existing residential neighborhoods depend on an individual home's distance to the roadway generating the sound. Table 10.4 shows projected future traffic noise levels for residential areas. The Draft EIS/EIR also states that noise levels will exceed City of Dublin General Plan Noise Element recommendations even without the project (due to other approved development).

**Letter 34: Jolene Huey****Response to Comment 34-1:**

As stated on pages S-23 and 3-1 of the Draft EIS/EIR, no preferred alternative was identified in the Draft EIS/EIR because all of the sites were being given equal consideration. An environmentally superior alternative was identified in the Draft EIS/EIR in conformance with the requirements of CEQA. However, that determination is only part of the informational purpose of the Draft EIS/EIR and was not an indication by the lead agencies that the Pardee/Swan site was the preferred alternative, nor does the identification of an environmentally superior alternative obligate the County to select that site. The commentor is referred to the Master Response regarding the Preferred Alternative at the beginning of Chapter 2 of this Final EIS/EIR.

As summarized on page 1-4 of the Draft EIS/EIR, the County of Alameda, California Board of Corrections, and U.S. Department of Justice/Office of Justice Programs have provided numerous public notices and opportunities for public comment regarding the proposed action and alternatives that are under consideration. A Notice of Preparation / Notice of Intent was mailed to all responsible / trustee agencies and local residents (including approximately 600 addresses in the vicinity of the San Leandro site), and published in the Federal Register and local newspapers (including the local Hayward/San Leandro paper) in January 2002. Scoping meetings were held in Dublin in February 2002. A second Notice of Preparation / Notice of Intent was mailed to all responsible / trustee agencies and local residents, and published in the Federal Register and local newspapers in June 2002. A second round of scoping meetings were held in Dublin and in Oakland in July 2002. The Notice of Completion / Availability of the Draft EIS/EIR was published and mailed in January 2003. Copies of the Draft EIS/EIR were sent to City of San Leandro departments and the local public library in February, and the Alameda County Board of Supervisors, in cooperation with the California Board of Corrections and the U.S. Department of Justice/Office of Justice Programs, conducted two public hearings on the Draft EIS/EIR to gather public comments in February 2003. San Leandro residents were thus afforded ample opportunity to be informed about the County's on-going site evaluations, and to express opinions about the various proposals.

County staff has identified a preferred alternative in this Final EIS/EIR, in conformance with the requirements of NEPA, as described in more detail at the beginning of Chapter 2 of this Final EIS/EIR.

**Letter 35: Residents of Dublin****Response to Comment 35-1:**

Comments in opposition to the development of a new Juvenile Justice Facility at the East County Government Center site are noted.

**Response to Comment 35-2:**

The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site. The project would incorporate measures to address foreseeable conditions related to natural disasters. The Santa Rita Rehabilitation Facility and federal correctional institution were present before any of the homes in the eastern Dublin area, and additional government services have been planned for the East County Government Center as part of the Eastern Dublin Specific Plan. The proposed Juvenile Justice Facility and East County Hall of Justice are consistent with the community plan and would not detract from the livability of the area beyond the specific environmental effects identified in the Draft EIS/EIR, such as increased traffic, noise, and air pollution. These effects were also considered in the Eastern Dublin Specific Plan EIR and were found to be potentially significant when the City authorized the combined development of residential, commercial and public service uses. The Draft EIS/EIR addresses community safety and concludes that "speculation regarding the future actions or intent of individuals traveling to and from the proposed facility does not provide a sufficient basis for identifying any impact that would result in a physical change in the existing environment." (Page 4-56) Since the Santa Rita Rehabilitation Facility is already located at the East County Government Center, this condition exists with or without the East County Hall of Justice. That this condition will be any worse with the East County Hall of Justice is certainly debatable. The County Sheriff will maintain a significant presence at East County Hall of Justice, will maintain a very high level of security throughout the facility and site, will be able to rapidly respond to any disruption of normal community life by immediately alerting the Dublin Police Department, and will be able to provide any necessary back-up to the Dublin Police Department.

Examining the environmental effects of a catastrophic event, including a terrorist attack or machine gun fire, is beyond the scope of "reasonableness" as defined by CEQA, and is therefore beyond the scope of this document.

**Response to Comment 35-3:**

A literature review indicates that there is generally no long-term, statistically valid decrease in property values related to the siting of correctional facilities. In addition, an analysis conducted by Economic & Planning Systems, Inc., in November 2002, indicates that there has been no significant negative effect of the Santa Rita Rehabilitation Facility on the growth of nearby

property values. These findings indicate that property values will not be negatively affected in the future as a result of the Project.

## Letter 36: John Kaplan

### Response to Comment 36-1:

As stated on pages S-23 and 3-1 of the Draft EIS/EIR, no preferred alternative was identified in the Draft EIS/EIR because all of the sites were being given equal consideration. An environmentally superior alternative was identified in the Draft EIS/EIR in conformance with the requirements of CEQA. However, that determination is only part of the informational purpose of the Draft EIS/EIR and was not an indication by the lead agencies that the Pardee/Swan site was the preferred alternative, nor does the identification of an environmentally superior alternative obligate the County to select that site.

As summarized on page 1-4 of the Draft EIS/EIR, the County of Alameda, California Board of Corrections, and U.S. Department of Justice/Office of Justice Programs have provided numerous public notices and opportunities for public comment regarding the proposed action and alternatives that are under consideration. A Notice of Preparation / Notice of Intent was mailed to all responsible / trustee agencies and local residents (including approximately 600 addresses in the vicinity of the San Leandro site), and published in the Federal Register and local newspapers (including the local Hayward/San Leandro paper) in January 2002. Scoping meetings were held in Dublin in February 2002. A second Notice of Preparation / Notice of Intent was mailed to all responsible / trustee agencies and local residents, and published in the Federal Register and local newspapers in June 2002. A second round of scoping meetings were held in Dublin and in Oakland in July 2002. The Notice of Completion / Availability of the Draft EIS/EIR was published and mailed in January 2003. Copies of the Draft EIS/EIR were sent to City of San Leandro departments and the local public library in February, and the Alameda County Board of Supervisors, in cooperation with the California Board of Corrections and the U.S. Department of Justice/Office of Justice Programs, conducted two public hearings on the Draft EIS/EIR to gather public comments in February 2003. San Leandro residents were thus afforded ample opportunity to be informed about the County's on-going site evaluations, and to express opinions about the various proposals.

County staff has identified a preferred alternative in this Final EIS/EIR, in conformance with the requirements of NEPA, as described in more detail at the beginning of Chapter 2 of this Final EIS/EIR. As indicated in the Master Response regarding the Preferred Alternative, since the circulation of the Draft EIS/EIR, the Pardee Swan site has become unavailable as a feasible alternative (see Comment 6-34). Consequently, the Final EIS/EIR identifies the Modified San Leandro Alternative as the environmentally superior alternative for the Juvenile Justice Facility, of the remaining alternatives, because the site is available and would result in fewer significant environmental impacts as compared to the remaining alternatives for the Juvenile Justice Facility evaluated in the EIS/EIR.

The environmental consequences of developing the Juvenile Justice Facility at the San Leandro site have been fully addressed in the Draft EIS/EIR. The analysis specifically addresses traffic, transportation, land use and socioeconomics. As part of the Juvenile Justice Facility project at any of the alternative sites, the existing Juvenile Hall would be demolished, so the existing

effects of that facility on the community would be removed. The County's overall planning effort for the Fairmont campus is still ongoing and takes into consideration the possibility of the Juvenile Justice Facility. No recommendations are expected regarding future development of other portions of the campus that would preclude the Juvenile Justice Facility, and all such future plans would be subject to independent environmental review when they are adequately defined.

### **Letter 37: Lucinda Leung**

#### **Response to Comment 37-1:**

Comments in opposition to the development of a Juvenile Justice Facility at the East County Government Center site are noted. The Draft EIS/EIR provides an analysis of the land use compatibility impacts of the project, and concludes that the project would not adversely affect property values, nor pose a significant security or crime risk to the community due to the high level of security provided at the facility, as well as the orientation of the project towards the northwest, as far away as possible from the residential areas of Eastern Dublin. The analysis of property values also concludes that, although initial reactions to proposed detention facilities are often negative, that over time the communities do not experience the feared side-effects of the facilities and they come to accept the presence of the facility so long as it is “mitigated by a design that maintains continuity with the existing scale of development, careful landscaping, low-key architecture and high quality building materials.” (Page 4-44 of the Draft EIS/EIR) This is the case with the proposed Juvenile Justice Facility and East County Hall of Justice.

**Letter 38: Chia Liu**

**Response to Comment 38-1:**

Comments in opposition to the project are noted.

**Letter 39: Shola Oderinde****Response to Comment 39-1:**

Comment noted. The issue pertaining to the potential impacts of the East County Government Center alternative on surrounding land uses, including the nearby residential areas, is most directly addressed in the Draft EIS/EIR on pages 4-53 and 4-54. The conclusions of this analysis indicate the following:

- The East County Government Center site is located near diverse land uses that include the Emerald Park residential neighborhood.
- Academic literature and analyses of property values near the existing Santa Rita Rehabilitation Facility indicates that adverse effects on property values are unlikely.
- The site orientation and the design of the proposed Juvenile Justice Facility and East County Hall of Justice would minimize impacts on the character of the existing residential neighborhood.
- The Juvenile Justice Facility would occupy the western portion of the site, which is the farthest from the residential neighborhood located in neighborhoods near Hacienda Drive and Gleason Drive. These neighborhoods are located behind soundwalls, and have limited views to the western end of the site. The East County Hall of Justice would occupy the central and eastern portion of the lot, effectively screening the Juvenile Justice Facility from the neighborhood.
- The two-story height of the Juvenile Justice Facility would be the same height or lower than the existing light industrial/office buildings at Gleason Drive and Hacienda Drive.
- The outdoor recreation areas are planned as an interior courtyard to minimize the use of exterior fencing. A small landscaped berm would be developed around the southern edge of the site to screen the perimeter wall from view and the structure would be depressed into the site as the natural grade rises from west to east.

Taken together, these conclusions indicate that the East County Government Center site would not adversely affect nearby residential areas.

**Letter 40: Ram and Nitya Ramakrishnan****Response to Comment 40-1:**

The issue pertaining to the potential impacts of the East County Government Center alternative on surrounding land uses, including the nearby residential areas, is most directly addressed in the Draft EIS/EIR on pages 4-53 and 4-54. The conclusions of this analysis indicate the following:

- The East County Government Center site is located near diverse land uses that include the Emerald Park residential neighborhood.
- Academic literature and analyses of property values near the existing Santa Rita Rehabilitation Facility indicates that adverse effects on property values are unlikely.
- The site orientation and the design of the proposed Juvenile Justice Facility and East County Hall of Justice would minimize impacts on the character of the existing residential neighborhood.
- The Juvenile Justice Facility would occupy the western portion of the site, which is the farthest from the residential neighborhood located in neighborhoods near Hacienda Drive and Gleason Drive. These neighborhoods are located behind soundwalls, and have limited views to the western end of the site. The East County Hall of Justice would occupy the central and eastern portion of the lot, effectively screening the Juvenile Justice Facility from the neighborhood.
- The two-story height of the Juvenile Justice Facility would be the same height or lower than the existing light industrial/office buildings at Gleason Drive and Hacienda Drive.
- The outdoor recreation areas are planned as an interior courtyard to minimize the use of exterior fencing. A small landscaped berm would be developed around the southern edge of the site to screen the perimeter wall from view and the structure would be depressed into the site as the natural grade rises from west to east.

Taken together, these conclusions indicate that the East County Government Center site would not adversely affect nearby residential areas, including nearby schools and parks.

**Letter 41: Dale Reed****Response to Comment 41-1:**

Chapter 6 of the Draft EIS/EIR addresses seismic safety at the San Leandro site and each of the other alternative sites under consideration. The analysis concludes that, while No Project would result in a continuing significant impact due to seismic hazards, the impacts of development of a new Juvenile Justice Facility at the San Leandro site would be mitigated to a less than significant level through strict conformance with applicable codes and regulations, and the design-level studies that would be completed to confirm the findings of extensive subsurface exploration already conducted to identify and categorize specific fault traces on the site. A geotechnical baseline report prepared for the Alameda County Juvenile Justice Center at the East County Government Center site (Subsurface Consultants, Inc. January 2002) was used as the primary source of information contained in the Draft EIS/EIR regarding the potential seismic hazards of this site. This report provides geotechnical parameters for seismic design and other geologic considerations based on a review of published and unpublished references, as well as preliminary geotechnical investigation including 15 test borings on the site. If this site is selected for the facility, additional subsurface investigations and geotechnical analysis would be required based on the specific requirements of the final design. This additional investigation and analysis is recommended pursuant to Mitigation Measure 6.2.5 of the Draft EIS/EIR, and is required for compliance with state and local building practices. Security measures are similarly incorporated into the project through structural and operational features that would improve conditions relative to the existing Juvenile Hall. The Draft EIS/EIR therefore concludes that the impact would be less than significant. The Board of Supervisors will make a determination on which project to implement following the completion of the environmental review process.

**Letter 42: Robbin Velayedam**

**Response to Comment 42-1:**

Comments in opposition to the development of a Juvenile Justice Facility at the East County Government Center site are noted. The project’s potential effect on land values is addressed in Chapter 4 of the Draft EIS/EIR, which concludes that the impact would be less than significant.

**Letter 43: George and Lisa****Response to Comment 43-1:**

The issue pertaining to the potential impacts of the East County Government Center alternative on surrounding land uses, including the nearby residential areas, is most directly addressed in the Draft EIS/EIR on pages 4-53 and 4-54. The conclusions of this analysis indicate the following:

- The East County Government Center site is located near diverse land uses that include the Emerald Park residential neighborhood.
- Academic literature and analyses of property values near the existing Santa Rita Rehabilitation Facility indicates that adverse effects on property values are unlikely.
- The site orientation and the design of the proposed Juvenile Justice Facility and East County Hall of Justice would minimize impacts on the character of the existing residential neighborhood.
- The Juvenile Justice Facility would occupy the western portion of the site, which is the farthest from the residential neighborhood located in neighborhoods near Hacienda Drive and Gleason Drive. These neighborhoods are located behind soundwalls, and have limited views to the western end of the site. The East County Hall of Justice would occupy the central and eastern portion of the lot, effectively screening the Juvenile Justice Facility from the neighborhood.
- The two-story height of the Juvenile Justice Facility would be the same height or lower than the existing light industrial/office buildings at Gleason Drive and Hacienda Drive.
- The outdoor recreation areas are planned as an interior courtyard to minimize the use of exterior fencing. A small landscaped berm would be developed around the southern edge of the site to screen the perimeter wall from view and the structure would be depressed into the site as the natural grade rises from west to east.

Taken together, these conclusions indicate that the East County Government Center site would not adversely affect nearby residential areas.

## 2.3 RESPONSES TO PUBLIC MEETING COMMENTS, FEBRUARY 19<sup>TH</sup>, 2003

This section includes the responses to comments received at the Alameda County Board of Supervisors Special Meeting held in the City of Dublin on February 19<sup>th</sup>, 2003. A transcript of the hearing is included at the end of this chapter, with comments numbered as follows:

44-1	President Steele, Alameda County Board of Supervisors
44-2	David Haubert
44-3	David Haubert
44-4	Janet Lockhart
44-5	Tom Cignarella
44-6	Audrey Cooper
44-7	Arlene Ruffo
44-8	Lester Jung
44-9	Kim Liebetrau
44-10	Dorothy Gordon
44-11	Rich Guarienti
44-12	Nelson Poon
44-13	Vera Sims
44-14	Paul Adwar
44-15	Ron Allen
44-16	Vince Bordelon
44-17	Tony Cassondonte
44-18	Elpi Albulencia
44-19	David Bewley
44-20	L. Eade
44-21	Elisha Cheung
44-22	Rowena Margan
44-23	Ebony Richards
44-24	Ananth Neddy
44-25	Kasie Hildenbrand

**Response to Comment 44-1 (comment submitted by President Steele)**

Comment noted. The President of the Board of Supervisors, Ms. Gail Steele, introduced the meeting and speakers for the meeting held February 19, 2003. No response is required.

**Response to Comment 44-2 (comment submitted by David Haubert)**

The commenter notes that emissions of ozone precursor compounds would increase if the project is built in Dublin, summarizing the conclusions of the Draft EIS/EIR.

As discussed in Chapter 11 of the Draft EIS/EIR, growth or reduction in regional air pollutant emissions is accounted for by the MTC and BAAQMD in their ozone attainment plan. This plan uses local general plans and growth projects to account for expected projects that will be or are being located in Alameda or Oakland. Thus, the cumulative air quality impact of all new projects within the BAAQMD is part of the ozone attainment plan. The Alameda County Juvenile Justice Facility is part of regional growth and emissions are therefore part of the ozone attainment plan. The commenter notes that a federal nonattainment status can lead to withholding of Federal transportation funds, and that freeways are growing increasingly crowded. The BAAQMD, MTC, and ABAG prepare air quality attainment plans that include strategies for achieving clean air, while accommodating growth projected by local governments. The plan prepared by MTC and BAAQMD is meant to achieve the federal ozone standard in a timely manner.

An Environmental Site Assessment has been conducted at the East County Government Center Site (see pages 12-13 and 12-14 of the Draft EIS/EIR). Studies conducted to date strongly suggest that impacts due to soil which may be encountered during site redevelopment are no more significant than those encountered during redevelopment of any of the adjacent former military areas. Studies have not identified conditions that would require extensive remediation prior to development, i.e. chemical contamination has not been detected at concentrations that would suggest the presence of hazardous waste and concentrations that exceed established risk thresholds. Furthermore, common and routine site development procedures such as worker notification, dust control measures and work stoppage when unusual conditions are encountered conducted in association with a Soil Handling/Management Plan (SMP), will effectively address and mitigate potential risks of exposure including those potentially associated with asbestos containing materials (ACM) and lead based paint (LBP). An SMP will be prepared based on the actual development scheme selected.

**Response to Comment 44-3 (comment submitted by David Haubert)**

Please see the master response at the beginning of Chapter 2 of this Final EIS/EIR for discussion of the modified San Leandro Alternative and the selection process for a preferred alternative and final approval of a Juvenile Justice Facility.

**Response to Comment 44-4 (comment submitted by Janet Lockhart)**

Written comments submitted by the City of Dublin are responded to as Letter 9 of this Final EIS/EIR. Comments in opposition to the development of a Juvenile Justice Facility at the East County Government Center site are noted. An environmentally superior alternative was identified in the Draft EIS/EIR in conformance with the requirements of CEQA. However, that determination is only part of the informational purpose of the Draft EIS/EIR and was not an indication by the lead agencies that the Pardee/Swan site was the preferred alternative, nor does the identification of an environmentally superior alternative obligate the County to select that site. Please see the master response at the beginning of Chapter 2 of this Final EIS/EIR for a complete discussion of the environmentally superior alternative and preferred alternative, including the modified San Leandro Alternative.

**Response to Comment 44-5 (comment submitted by Tom Cignarella)**

The commenter states that other noise studies have shown levels to be louder than those measured by Illingworth & Rodkin. Noise levels can vary in a community depending upon day of week, traffic levels, or rain. Measurements were made in areas where project impact could be expected (Table 10.6). Distant shooting from the gun range was audible, but it did not substantially affect measurements of CNEL. Noise from the shooting range could be heard in outdoor areas on the Project site and in the surrounding neighborhood. As noted for comment 21-7, the Sheriff's Department can implement various improvements to sound barriers that will diminish, but not eliminate, gunshot sound in nearby areas. Those improvements are unrelated to and not needed to address the Juvenile Justice Facility. The new juvenile hall and court buildings will be constructed of substantial, institutional-type materials that would normally reduce interior noise levels 30 dBA or more below outside levels. This noise attenuation would be sufficient to reduce gunshot sounds to below a level of significance (i.e. below 45 dBA). Other noise sources in the area, such as the automotive training facility, are existing conditions that would not be affected by the proposed project alternatives or reconfigurations of the berm.

**Response to Comment 44-6 (comment submitted by Audrey Cooper)**

Comments in opposition to the Juvenile Justice Facility at the East County Government Center site are noted. As discussed in Chapter 11 of the Draft EIS/EIR, growth or reduction in regional air pollutant emissions is accounted for by the MTC and BAAQMD in their ozone attainment plan. This plan uses local general plans and growth projects to account for expected projects that will be or are being located in Alameda or Oakland. Thus, the cumulative air quality impact of all new projects within the BAAQMD is part of the ozone attainment plan. The Alameda County Juvenile Justice Facility is part of regional growth and emissions are therefore part of the ozone attainment plan. The commenter notes that a federal nonattainment status can lead to withholding of Federal transportation funds, and that freeways are growing increasingly crowded. The BAAQMD, MTC, and ABAG prepare air quality attainment plans that include strategies for achieving clean air, while accommodating growth projected by local governments. The plan prepared by MTC and BAAQMD is meant to achieve the federal ozone standard in a timely manner. Measurements were made in areas where project impact could be expected (Table 10.6). Distant shooting from the gun range was audible, but it did not substantially affect

measurements of CNEL. Noise from the shooting range could be heard in outdoor areas on the Project site and in the surrounding neighborhood. As noted for comment 21-7, the Sheriff's Department can implement various improvements to sound barriers that will diminish, but not eliminate, gunshot sound in nearby areas. However, those measures are unrelated to the proposed project, as the development of the project would not have a substantial effect on the audibility of those activities. The Draft EIS/EIR addresses the presence of other governmental activities in the vicinity of the East County Government Center site, and characterizes their land use and environmental impacts to the degree they are relevant to the subject study. As explained in Chapter 4 of the Draft EIS/EIR, the site has been designated for governmental uses as part of the Eastern Dublin Specific Plan since 1994. Please see the master response regarding the selection of a preferred alternative at the beginning of Chapter 2 of this Final EIS/EIR for more information about the final site selection process.

**Response to Comment 44-7 (comment submitted by Arlene Raffo)**

The Draft EIS/EIR presents information in Chapter 16 regarding the relative average travel distances to each of the alternative sites for the majority of employees, detainees, family members and many other visitors to the facility. The Juvenile Justice Facility would be constructed in a manner that would preclude sight and sound contact for the detained minors near the Santa Rita Jail facility. The Transportation chapter of the Draft EIS/EIR addresses the congestion on local roadways and intersections, and identifies the significant impacts, planned mitigation measures, and unavoidable impacts of existing, background, and future growth, as well as the project's potential impacts. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative. The Draft EIS/EIR addresses the potential presence of San Joaquin Kit Fox on pages 8-16 and 8-36, concluding that there is very low likelihood of any impacts at the East County Government Center site due to the fact that the site is surrounded by developed parcels and heavily traveled roads. No mitigation is necessary.

**Response to Comment 44-8 (comment submitted by Lester Jung)**

The population centers and relative average travel distances to each of the alternative sites is described in Chapter 16 of the Draft EIS/EIR, and the impacts of this travel are included in the transportation, noise, air quality, environmental justice, and other sections of the analysis. The commenter's summary of caseloads is unclear. The existing caseloads for Juvenile Court and for the East County Hall of Justice are described in Chapter 2 of the Draft EIS/EIR. Each project would be constructed and operated independently, except to the extent that the site development at the East County Government Center site would require coordination of utilities, grading, and similar physical attributes. The personnel for each project is described in Chapter 2 of the Draft EIS/EIR, and the impacts of an increased work force in the area are evaluated in the land use, transportation, noise, air quality, growth inducement and other sections of the Draft EIS/EIR. Bus lines are not expected to serve the East County Government Center site as a single mode of transportation from the inner East Bay, but would serve the site as a connection from BART and for local travel. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a

potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. The commenter's assertion that this would have implications for rehabilitation of juvenile detainees is noted. The juvenile detention facility would also include rehabilitative elements aside from parental visits, including education, counseling, group activities, role modeling, and similar functions. The lead agencies will consider all of these factors when approving the project. Please see the beginning of Chapter 2 of this Final EIS/EIR for a discussion of the County's identification of a preferred alternative for each project, and the modified San Leandro Alternative.

**Response to Comment 44-9 (comment submitted by Kim Liebetrau)**

Noise from existing activity and future traffic and other land uses is described and evaluated in Chapter 10 of the Draft EIS/EIR. Distant shooting from the gun range was audible during noise studies for the Draft EIS/EIR, but it did not substantially affect measurements of CNEL. Noise from the shooting range could be heard in outdoor areas on the Project site and in the surrounding neighborhood. The Sheriff's Department has conducted a study to evaluate various improvements to sound barriers that will diminish, but not eliminate, gunshot sound in nearby areas. However, those measures are unrelated to the proposed project, and are not required to mitigate project impacts. It is noted that significant traffic noise would affect the neighboring residents along Gleason Drive near Hacienda Drive due to cumulative traffic growth. Traffic increases on local roads as a result of the proposed projects would be consistent with estimates made when the Eastern Dublin Specific Plan was adopted by the City of Dublin in 1994, which included extensive governmental uses on the property north of Gleason Drive. The project would not result in any significant impacts to local intersections near residential areas. Transit service to the East County Government Center site is described in the Transportation section of the Draft EIS/EIR. The EIS/EIR recommends mitigation that would address the frequency of service, mid-day, and evening service to accommodate visitors. Earthquake hazards are addressed in Chapter 6 of the Draft EIS/EIR. Neither of the Dublin sites is within an Alquist Priolo Earthquake Hazard Zone designated by the State of California. No earthquake faults have been mapped as crossing either site. For these reasons, both sites are considered to have a very low risk of surface fault rupture. The sites will be likely subjected to strong groundshaking, as will other nearby sites. Structures planned for the sites will be designed to resist strong groundshaking in accordance with the applicable codes and local design practice. Visual quality and aesthetics are addressed in Chapter 5 of the Draft EIS/EIR, which concludes that development of the East County Government Center site would not result in a significant adverse effect. The Juvenile Justice Facility and the East County Hall of Justice would be designed to reflect the dignity and importance of justice functions in American society, would be constructed of high quality materials, and would include extensive landscaping and other features to screen the sites from view to the extent feasible. Please see discussion at the beginning of Chapter 2 of this Final EIS/EIR for a description of a modified San Leandro Alternative and the lead agencies' identification of a preferred alternative.

**Response to Comment 44-10 (comment submitted by Dorothy Gordon)**

Comments in support of a new Juvenile Justice Facility in Dublin are noted.

**Response to Comment 44-11 (comment submitted by Rich Guarienti)**

Comments in opposition to locating a new Juvenile Justice Facility in Dublin are noted. The population centers and relative average travel distances to each of the alternative sites is described in Chapter 16 of the Draft EIS/EIR, and the impacts of this travel are included in the transportation, noise, air quality, environmental justice, and other sections of the analysis. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 44-12 (comment submitted by Nelson Poon)**

Comments in opposition to locating a new Juvenile Justice Facility in Dublin are noted. The population centers and relative average travel distances to each of the alternative sites is described in Chapter 16 of the Draft EIS/EIR, and the impacts of this travel are included in the transportation, noise, air quality, environmental justice, and other sections of the analysis. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site.

**Response to Comment 44-13 (comment submitted by Vera Sims)**

Comments acknowledging property value increases and lack of security concerns in the vicinity of the existing Juvenile Hall are noted. Such comments support the conclusions of Chapter 4 of the Draft EIS/EIR. Comments in support of constructing a new Juvenile Justice Facility to address the shortcomings of the existing facility, as noted in Chapter 2 of the Draft EIS/EIR, are noted. Concerns about the geologic stability of the San Leandro site are noted. Chapter 6 of the Draft EIS/EIR includes discussion of the geologic instabilities and seismic constraints of the San Leandro site, and concludes that the site is buildable. Please see the master response at the beginning of Chapter 2 of this Final EIS/EIR for a discussion of a modified San Leandro Alternative.

**Response to Comment 44-14 (comment submitted by Paul Adwar)**

Comments in opposition to locating a new Juvenile Justice Facility in Dublin are noted. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site.

**Response to Comment 44-15 (comment submitted by Ron Allen)**

Comments in opposition to the development of a new Juvenile Justice Facility in Dublin are noted. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site. Chapter 4 also concludes that there would not be a significant adverse effect on property values in the area, based on other case studies.

**Response to Comment 44-16 (comment submitted by Vince Bordelon)**

Comments in support of a new Juvenile Justice Facility, particularly in Dublin, and concerns about the condition of the existing facility, are noted. Chapter 2 of the Draft EIS/EIR provides information about the project need, and Chapter 3 provides a description of each of the alternatives under consideration and the relative ability to satisfy the project objectives. Please see Chapter 2 of this Final EIS/EIR for information about the modified San Leandro Alternative.

**Response to Comment 44-17 (comment submitted by Tony Cassadonte)**

Comments in opposition to locating a new Juvenile Justice Facility in Dublin are noted. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site. Please see Chapter 4 of the Draft EIS/EIR for a complete discussion. Support functions are included in the program needs and project designs, so minimal support would be required from the local community services. Detainees would be released to responsible adult family members or guardians, and would have home-based release to their place of residence, not all into the local community. Examining the environmental effects of a catastrophic event is beyond the scope of "reasonableness" as defined by CEQA, and is therefore beyond the scope of this document. However, it should be noted that the Project would be built adhering to the latest building codes and would incorporate the latest safety technology. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site. The project would incorporate measures to address foreseeable conditions related to natural disasters.

**Response to Comment 44-18 (comment submitted by Elpi Albulencia)**

Comments in opposition to locating a new Juvenile Justice Facility in Dublin are noted. Methodologies used in preparation of the Draft EIS/EIR reflect the technical approach and level of detail judged to be appropriate to each of the topical analyses. Personnel with specialized training were employed to perform the studies and to consult other published sources and agency personnel. The U.S. Environmental Protection Agency has rated the Draft EIS/EIR "LO – Lack

of Objections”, signifying that the document presents an adequate analysis under the National Environmental Policy Act. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development’s orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site. Please see Chapter 4 of the Draft EIS/EIR for a complete discussion. Chapter 4 also concludes that there would not be a significant adverse effect on property values in the area, based on other case studies.

**Response to Comment 44-19 (comment submitted by David Bewley)**

Comments summarizing the “project need” for the new Juvenile Justice Facility are noted, consistent with the discussion in Chapter 2 of the Draft EIS/EIR. Earthquake hazards are addressed in Chapter 6 of the Draft EIS/EIR. Neither of the Dublin sites is within an Alquist Priolo Earthquake Hazard Zone designated by the State of California. No earthquake faults have been mapped as crossing either site. For these reasons, both sites are considered to have a very low risk of surface fault rupture. The sites will be likely subjected to strong groundshaking, as will other nearby sites. Structures planned for the sites will be designed to resist strong groundshaking in accordance with the applicable codes and local design practice. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for a description of the modified San Leandro Alternative and the reduced number of beds that could be developed in response to the reduced juvenile detention population during the past year. The population centers and relative average travel distances to each of the alternative sites is described in Chapter 16 of the Draft EIS/EIR, and the impacts of this travel are included in the transportation, noise, air quality, environmental justice, and other sections of the analysis. The comparison of alternatives provided in the summary table in the Draft EIS/EIR provides a quick reference to environmental issues at each site under consideration. The Draft EIS/EIR identified the Pardee/Swan site as the environmentally preferred alternative. The County Board of Supervisors and U.S. Department of Justice will consider this information as well as other technical, legal, social, and economic factors when deciding which project to pursue. Please see the Master Responses at the beginning of Chapter 2 of this Final EIS/EIR for a discussion of changes to the preferred and environmentally superior alternatives.

**Response to Comment 44-20 (comment submitted by L. Eade)**

A new Juvenile Justice Facility in Dublin would have certain transportation-related impacts as a result of its location, as discussed in Chapters 9 and 16 of the Draft EIS/EIR. The environmental justice / economic hardship aspects of the project location are considered potentially significant impacts that would require mitigation. The fiscal impact of the projects on governmental agencies is a consideration that would be part of the lead agencies’ decision-making process when it selects a preferred site, and ultimately when they approve a project. Earthquake hazards are addressed in Chapter 6 of the Draft EIS/EIR. Neither of the Dublin sites is within an Alquist Priolo Earthquake Hazard Zone designated by the State of California. No earthquake faults have been mapped as crossing either site. For these reasons, both sites are considered to have a very low risk of surface fault rupture. The sites will be likely subjected to strong groundshaking, as

will other nearby sites. Structures planned for the sites will be designed to resist strong groundshaking in accordance with the applicable codes and local design practice. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site. Traffic and parking impacts are evaluated in Chapter 9 of the Draft EIS/EIR. Sufficient parking is provided on the site at the East County Government Center and at Site 15A. Site 15A would require the construction of a parking garage, similar to some of the office developments in the vicinity. The caseload projections for the East County Hall of Justice, contained in Chapter 2 of the Draft EIS/EIR, reflect existing and projected Tri-Valley court cases. Some case management decisions may result in shifting cases from one court to another. Comments in opposition to the location of the East County Hall of Justice at Site 15A are noted. Please see the beginning of Chapter 2 of this Final EIS/EIR for a discussion of the County's selection of a preferred alternative.

**Response to Comment 44-21 (comment submitted by Elisha Cheung)**

Comments in opposition to the location of a new Juvenile Justice Facility in Dublin are noted. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for information on the County of Alameda's identification of a preferred alternative, the modified San Leandro Alternative.

**Response to Comment 44-22 (comment submitted by Rowena Margan)**

The Juvenile Justice Facility would not be the largest in the country. The transportation patterns associated with the existing Santa Rita Jail are not directly related to the proposed Projects. However, the County has designed the site plans to address through traffic by limiting pedestrian access between Broder Blvd. (immediately adjacent to Santa Rita Jail), and the community to the south, by replicating the visual and physical barrier of the existing berm. In addition, detainees from the Juvenile Justice Facility would not be released into the community unsupervised, but would be released only into the custody of a responsible parent or guardian. Therefore, there would be a distinct difference from the release pattern at Santa Rita Jail, in which prisoners are released at various times of the day with no direct supervision or provision of transportation. The number of visitors to the East County Government Center Site are estimated in Chapter 2 and Chapter 9 of the Draft EIS/EIR. The population at the Juvenile Justice Facility would fluctuate and would be temporary, as the actual number of detainees in the facility varies over time and the length of stay averages 23 days (see page 16-10 of the Draft EIS/EIR). The maximum number of detainees at any one time would be limited to 540 under the full build-out of the project. The population of Dublin is estimated to be 20,000 persons, so the Juvenile Justice Facility would represent an increase of about 2.7 percent compared to the existing population. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby

residential areas, the security measures that would be built into the project, and the availability of security services at the site.

**Response to Comment 44-23 (comment submitted by Ebony Richards)**

Comments in support of developing a new Juvenile Justice Facility in Dublin are noted. Detainees would be released into the custody of a responsible parent or guardian, and would not have home supervision in Dublin unless their family resided there. Rehabilitation is incorporated as part of the mission of the Juvenile Justice Facility, and would be supported by alternatives to incarceration that are under review and being implemented by Alameda County. No environmental issues are raised in this comment.

**Response to Comment 44-24 (comment submitted by Ananth Neddy)**

Earthquake hazards are addressed in Chapter 6 of the Draft EIS/EIR. Neither of the Dublin sites is within an Alquist Priolo Earthquake Hazard Zone designated by the State of California. No earthquake faults have been mapped as crossing either site. For these reasons, both sites are considered to have a very low risk of surface fault rupture. The sites will be likely subjected to strong groundshaking, as will other nearby sites. Structures planned for the sites will be designed to resist strong groundshaking in accordance with the applicable codes and local design practice. The Draft EIS/EIR analyzes the land use compatibility of a new Juvenile Justice Facility at each of the alternative sites, and concludes that the project would not result in a significant impact to the vicinity due to the development's orientation away from the nearby residential areas, the security measures that would be built into the project, and the availability of security services at the site. Traffic and parking impacts are evaluated in Chapter 9 of the Draft EIS/EIR. The population centers and relative average travel distances to each of the alternative sites is described in Chapter 16 of the Draft EIS/EIR, and the impacts of this travel are included in the transportation, noise, air quality, environmental justice, and other sections of the analysis.

**Response to Comment 44-25 (comment submitted by Kasie Hildenbrand)**

Please see responses to comments contained in Letter 33, submitted by the commentor.

## 2.5 RESPONSES TO PUBLIC MEETING COMMENTS, FEBRUARY 20<sup>TH</sup>, 2003

This section includes the responses to the comments received at the Alameda County Board of Supervisors Special Meeting held in the City of Oakland on February 20<sup>th</sup>, 2003. A transcript of the hearing is included at the end of this chapter, with comments numbered as follows:

45-1	President Steele, Alameda County Board of Supervisors
45-2	Marion Sims
45-3	Mike Molina
45-4	Olis Simmons
45-5	Tory Becker
45-6	Emil Dupont
45-7	Arytey Welbeck
45-8	Nicole Lee
45-9	David Kahn
45-10	Khadine Bennet
45-11	Rocio Nieves
45-12	Maris Arnold
45-13	Todd Davies
45-14	May Saephanh
45-16	Justin Bojorquez
45-17	David Haubert
45-18	Kasie Hildenbrand
45-19	Sarah Jarmon
45-20	Tiffic
45-21	Ari Wohlfeiler
45-22	Rachel Jackson
45-23	Calvin King

**Response to Comment 45-1 (comment submitted by President Steele)**

Comment noted. The President of the Board of Supervisors, Ms. Gail Steele, introduced the meeting and speakers for the meeting held February 20, 2003. No response is required.

**Response to Comment 45-2 (comment submitted by Marion Sims)**

Comments in support of developing a new Juvenile Justice Facility are noted. Chapters 2 and 3 of the Draft EIS/EIR present the project need and a description of the alternatives that are under consideration. The Board of Supervisors and U.S. Department of Justice will consider this information, along with other technical, social, legal, and economic factors as part of their decision-making process.

**Response to Comment 45-3 (comment submitted by Mike Molina)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-4 (comment submitted by Olis Simmons)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-5 (comment submitted by Tory Becker)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project

and these on-going efforts currently implemented by Alameda County may continue to be implemented whether or not the proposed Project is approved. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-6 (comment submitted by Emil Dupont)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-7 (comment submitted by Arytey Welbeck)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-8 (comment submitted by Nicole Lee)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-9 (comment submitted by David Kahn)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact

that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-10 (comment submitted by Khadine Bennet)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-11 (comment submitted by Rocio Nieves)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-12 (comment submitted by Maris Arnold)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-13 (comment submitted by Todd Davies)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-14 (comment submitted by Miarri Glass)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-15 (comment submitted by May Saephanh)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-16 (comment submitted by Justin Bojorquez)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. There would be no sight or sound contact between Santa Rita Jail and the juvenile detention facility. Please see the discussion at the beginning of

Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-17 (comment submitted by David Haubert)**

Please see responses to comment letter 32, submitted by the same commentor.

**Response to Comment 45-18 (comment submitted by Kasie Hildenbrand)**

Please see responses to comment letter 33, submitted by the same commentor.

**Response to Comment 45-19 (comment submitted by Sarah Jarmon)**

The No Project / No Action alternative would have fewer environmental impacts, compared to other “build” alternatives, but would result in a significant unavoidable environmental justice impact due to the conditions present at the existing juvenile hall facility in San Leandro. Although alternatives to detention could reduce the detained population, an alternative facility is necessary to address the fact that some minors will require detention and temporary housing within a juvenile facility, according to the County’s mandated role in the juvenile justice system.

**Response to Comment 45-20 (comment submitted by Tiffic)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. There would be no sight or sound contact between Santa Rita Jail and the juvenile detention facility. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-21 (comment submitted by Ari Wohlfeiler)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County as explained in Response to Comment 45-4. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. There would be no sight or sound contact between Santa Rita Jail and the juvenile detention facility. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-22 (comment submitted by Rachel Jackson)**

Comments in opposition to constructing a new Juvenile Justice Facility in Dublin are noted. The site selection process, public scoping meetings, and other relevant actions of the lead agencies as they pertain to the environmental analysis are summarized in Chapter 1 of the Draft EIS/EIR. The potential difficulty of travel for visitors to the Juvenile Justice Facility if it developed at the East County Government Center site is acknowledged and considered a potentially significant impact that would require mitigation, as described in Chapter 16 of the Draft EIS/EIR. Alternatives to detention are under consideration and are being implemented by Alameda County. However, those activities are not evaluated in the Draft EIS/EIR because they are not a part of this project. There would be no sight or sound contact between Santa Rita Jail and the juvenile detention facility. Please see the discussion at the beginning of Chapter 2 of this Final EIS/EIR for an explanation of the selection process for the preferred alternative and the consideration of a modified San Leandro Alternative.

**Response to Comment 45-23 (comment submitted by Calvin King)**

Comments noted. No environmental issues are raised, so no response is provided.



U.S Department  
of Transportation  
Federal Aviation  
Administration

Western-Pacific Region  
Airports Division  
San Francisco Airports District Office

831 Mitten Road, Suite 210  
Burlingame, CA 94010-1300

LETTER 1

February 10, 2003

Mr. Michael Houghtby, Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

Dear Mr. Houghtby:

RE: Draft Environmental Impact Statement & Environmental Impact Report,  
Juvenile Justice Facility and East County Hall of Justice

1-1

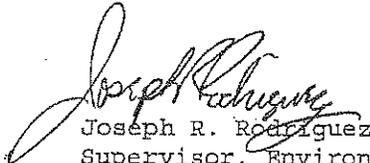
Thank you for notifying our office of the proposed improvements for the proposed improvements to Alameda County facilities. We have reviewed the project location for impacts to Federal Aviation Administration (FAA) programs related to aviation safety and efficiency for the Oakland International Airport (OAK).

We recommend the County to submit a FAA form 7460-1, *Notice of Proposed Construction or Alteration*, to confirm the need for any obstruction lighting requirements or conflicts within the navigable airspace of OAK due to the proximity of the Pardee/Swan site to the North Field runway system.

The information required for the airspace review should include the height above finished grade for the two-story structure and any radio antenna/electronic equipment mounted on the proposed building. Construction of improvements on the Port of Oakland property does not exempt the County or the Port of Oakland from any notification criteria contained in Federal Aviation Regulation (FAR) Part 77, *Objects Affecting Navigable Airspace*. The airspace study is not a substitute for any local plan or building code review.

If you have any questions you may contact me at (650) 876-2805.

Sincerely,



Joseph R. Rodriguez

Supervisor, Environmental Planning and Compliance Section

Enclosure: FAA form 7460-1



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY GARRISON  
PARKS RESERVE FORCES TRAINING AREA  
790 FIFTH STREET  
DUBLIN, CALIFORNIA 94568-8201

REPLY TO  
ATTENTION OF:

March 7, 2003

LETTER 2

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

Dear Mr. Houghtby:

The January 2003 Draft EIR/EIS of the Juvenile Justice Facility and East County Hall of Justice (EIR/EIS) proposes development of sites adjacent to or in the vicinity of Parks Reserve Forces Training Area (RFTA). The U.S. Army is required to train units in the defense of our nation and Parks RFTA plays an important role in that mission. Parks RFTA provides administrative facilities and approximately 2,000 acres of open grassland for year-round training.

2-1

Chapter 10 (noise) of the EIR/EIS describes the local physical settings of the proposed development sites. Parks RFTA is adjacent to or in the vicinity of the East County Government Center and Site 15A. A number of training activities, including small arms firing, artillery bombardment simulations, tactical vehicle operation and military helicopter operations, have the potential to generate noise that may affect the proposed projects. These activities were not included in the description of local physical settings. We request that this information be added to the EIR/EIS to accurately describe the local physical settings of the proposed sites.

Page 4-7 states that the East Bay Regional Park District owns the Tassajara Creek Regional Park. In 1992 a portion of this park, approximately 481 acres, was transferred to Parks RFTA. The Tassajara Creek Regional Park now consists of the land immediately bordering Tassajara Creek. Parks RFTA should be listed under the 5<sup>th</sup> bullet on page 4-7. Please see enclosed map.

2-2

Parks RFTA is referred to incorrectly several times as Camp Parks RFTA. The correct title is Parks RFTA.

2-3

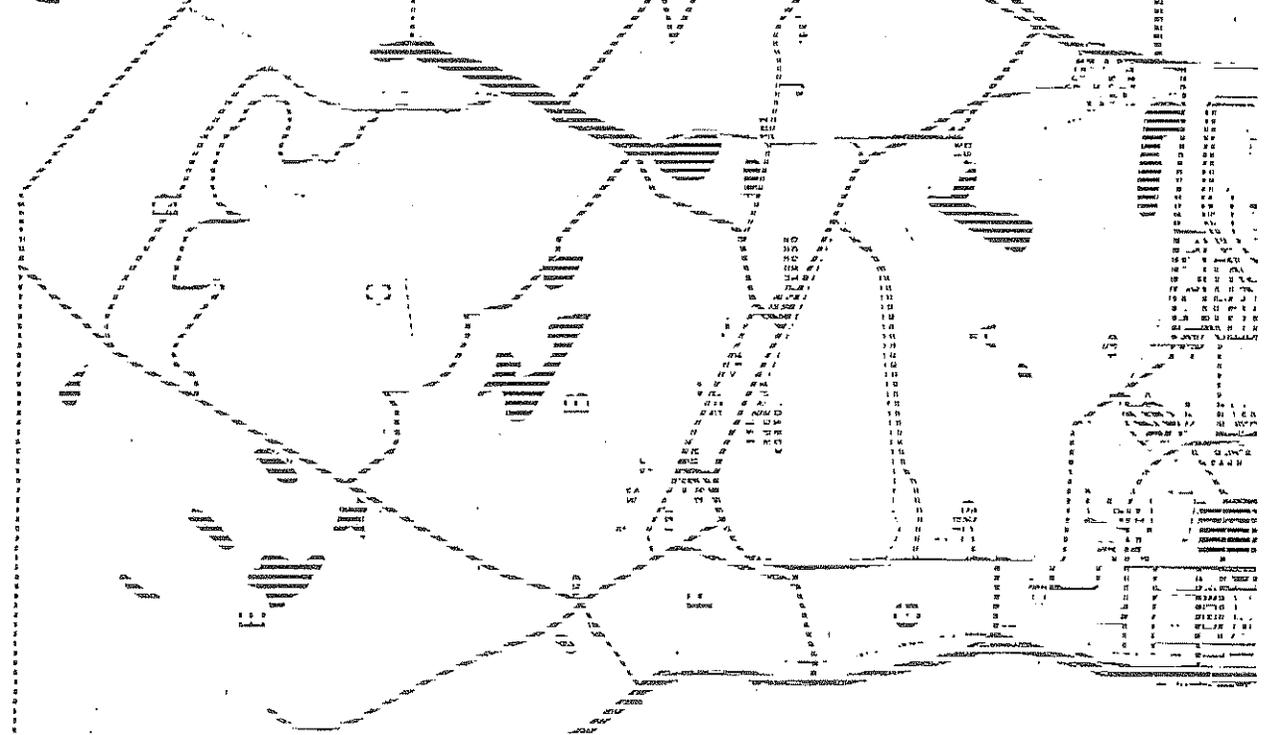
Please contact Mr. Paul Kot (925) 875-4682 with any questions.

Sincerely,

DawnLee DeYoung  
Lieutenant Colonel, U.S. Army  
Commanding Officer

Enclosure (1)

1. The area shown on this map is bounded by the following coordinates:  
 North: 48° 15' 00" N  
 East: 122° 00' 00" W  
 South: 48° 00' 00" N  
 West: 122° 15' 00" W



2. The following table lists the parcels shown on this map, along with their identification numbers and other relevant information.

Parcel ID	Area (Acres)	Owner/Notes
101	1.2	Country Club
102	0.8	Country Club
103	1.5	Country Club
104	0.5	Country Club
105	2.1	Country Club
106	0.3	Country Club
107	1.8	Country Club
108	0.7	Country Club
109	1.1	Country Club
110	0.9	Country Club
111	1.4	Country Club
112	0.6	Country Club
113	1.0	Country Club
114	0.4	Country Club
115	1.3	Country Club
116	0.2	Country Club
117	1.6	Country Club
118	0.5	Country Club
119	1.7	Country Club
120	0.8	Country Club
121	1.2	Country Club
122	0.6	Country Club
123	1.4	Country Club
124	0.3	Country Club
125	1.9	Country Club
126	0.7	Country Club
127	1.1	Country Club
128	0.9	Country Club
129	1.5	Country Club
130	0.4	Country Club
131	1.3	Country Club
132	0.2	Country Club
133	1.8	Country Club
134	0.5	Country Club
135	1.6	Country Club
136	0.8	Country Club
137	1.2	Country Club
138	0.6	Country Club
139	1.4	Country Club
140	0.3	Country Club
141	1.7	Country Club
142	0.7	Country Club
143	1.1	Country Club
144	0.9	Country Club
145	1.5	Country Club
146	0.4	Country Club
147	1.3	Country Club
148	0.2	Country Club
149	1.8	Country Club
150	0.5	Country Club
151	1.6	Country Club
152	0.8	Country Club
153	1.2	Country Club
154	0.6	Country Club
155	1.4	Country Club
156	0.3	Country Club
157	1.7	Country Club
158	0.7	Country Club
159	1.1	Country Club
160	0.9	Country Club
161	1.5	Country Club
162	0.4	Country Club
163	1.3	Country Club
164	0.2	Country Club
165	1.8	Country Club
166	0.5	Country Club
167	1.6	Country Club
168	0.8	Country Club
169	1.2	Country Club
170	0.6	Country Club
171	1.4	Country Club
172	0.3	Country Club
173	1.7	Country Club
174	0.7	Country Club
175	1.1	Country Club
176	0.9	Country Club
177	1.5	Country Club
178	0.4	Country Club
179	1.3	Country Club
180	0.2	Country Club
181	1.8	Country Club
182	0.5	Country Club
183	1.6	Country Club
184	0.8	Country Club
185	1.2	Country Club
186	0.6	Country Club
187	1.4	Country Club
188	0.3	Country Club
189	1.7	Country Club
190	0.7	Country Club
191	1.1	Country Club
192	0.9	Country Club
193	1.5	Country Club
194	0.4	Country Club
195	1.3	Country Club
196	0.2	Country Club
197	1.8	Country Club
198	0.5	Country Club
199	1.6	Country Club
200	0.8	Country Club

1000 2000 3000 4000 5000 6000 7000 8000 9000 10000 11000 12000 13000 14000 15000 16000 17000 18000 19000 20000 21000 22000 23000 24000 25000 26000 27000 28000 29000 30000 31000 32000 33000 34000 35000 36000 37000 38000 39000 40000 41000 42000 43000 44000 45000 46000 47000 48000 49000 50000 51000 52000 53000 54000 55000 56000 57000 58000 59000 60000 61000 62000 63000 64000 65000 66000 67000 68000 69000 70000 71000 72000 73000 74000 75000 76000 77000 78000 79000 80000 81000 82000 83000 84000 85000 86000 87000 88000 89000 90000 91000 92000 93000 94000 95000 96000 97000 98000 99000 100000



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

3/7/2003

LETTER 3

Paul DeLameter  
U.S. Department of Justice  
Corrections Program Office/Bureau of Justice Assistance  
810 7th Street NW, Fourth Floor  
Washington, D.C. 20531

Dear Mr. DeLameter:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) for the Juvenile Justice Facility and East County Hall of Justice, Alameda County, California [CEQ #030031]. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act. 3-1

The Draft EIS/EIR evaluates alternatives for developing (a) a detention center to house 420 to 540 youth and includes probation administration and juvenile courts; and (b) an East County Hall of Justice with 13 civil, criminal, and traffic courts. A preferred alternative is not identified in the Draft EIS/EIR.

EPA has rated this Draft EIS/EIR as "LO" – Lack of Objections. We commend the preparers of this document for publishing a clear and thorough analysis of the alternatives, and for including appropriate measures to mitigate potential impacts. 3-2

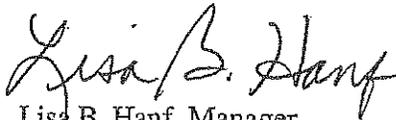
We note that the Draft EIS/EIR (p. 1-11) indicates the Alameda County Board of Supervisors intends to select one of the assessed alternatives *after* the Final EIS/EIR is certified and adopted and a plan to monitor and implement the mitigation measures has been adopted. We wish to remind you that, under NEPA, your agency is required to identify the agency's preferred alternative in the Final EIS/EIR unless another law prohibits the expression of such a preference (40 CFR 1502.14(e)). Because this is a joint Federal/State document, you may wish to explicitly identify the preferred alternative in the Final EIS/EIR as the *Federally Preferred Alternative*, clearly distinguishing it from the Alameda County Board of Supervisors' preferred alternative. An explanation of the different requirements between NEPA and the California Environmental Quality Act (CEQA) on this issue could prove useful to the reader. Furthermore, your Record of Decision (ROD) must state what the decision is (i.e., select an alternative) pursuant to 40 CFR 1505.2(a). The timing of your ROD may depend on the timing of the Board of Supervisors' decision/approval process. 3-3

As the lead Federal agency for this project, you are also encouraged to identify the environmentally preferable alternative for the project in the Final EIS/EIR. (See "NEPA's Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," CEQ, March 23, 1981, as amended). In any case, the NEPA ROD must specify the environmentally preferable alternative(s), in accordance with 40 CFR 1505.2(b).

3-4

We appreciate the opportunity to review this Draft EIS/EIR. Please send a copy of the Final EIS/EIR to this office when it is officially filed with our Washington, D.C., office. If you have any questions, please call me at (415) 972-3854, or Jeanne Geselbracht at (415) 972-3853.

Sincerely,



Lisa B. Hanf, Manager  
Federal Activities Office

003869

cc: Michael Houghtby, California Board of Corrections

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5505  
FAX (510) 286-5513  
TTY (800) 735-2929



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LETTER 4

March 10, 2003

ALA580760  
ALA-580-32.84  
SCH 2002012080

Mr. James Sorensen  
Alameda County Planning Department  
399 Elmhurst Street, Room 136  
Hayward, CA 94544

Dear Mr. Sorensen:

**ALAMEDA COUNTY JUVENILE JUSTICE FACILITY - DRAFT ENVIRONMENTAL IMPACT REPORT**

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed Juvenile Justice Facility. The following comments are based on the Draft Environmental Impact Report and Traffic Study Technical Appendices.

***Level Of Service Impact to Foothill Boulevard/Interstate 580 Westbound Offramp Intersection***

Since the Foothill Boulevard/Interstate 580 (I-580) Westbound Off-ramp intersection currently operates at level of service (LOS) F during both the AM and PM peak, mitigation should be required as both the 420- and 540-bed scenarios would further degrade the LOS under the San Leandro Property option. Signalization or construction of a roundabout would result in LOS B (2<sup>nd</sup> Paragraph, Page 9-44). The project-related impact to LOS at this intersection should be quantified, and the applicant should be required to mitigate the impact to pre-project levels. The number of project-related trips sent to the intersection should also be identified in Table 9.11 (Page 9-43). Merely indicating that the intersection will remain at LOS F, with over 120 seconds of delay, under the San Leandro site option does not sufficiently disclose project impacts (Table 9.1, Page 9-8 and Table 9.11 Page 9-43).

4-1

***LOS Impact to I-580 East of Tassajara Road, Scenario A2***

Since the project-related impact to LOS along I-580 East of Tassajara Road is a significant impact, the applicant should be required to mitigate to pre-project levels. The number of project-related trips comprising the 1.5% of total traffic on the freeway segment should also be identified in Table 9.34 (Page 9-103).

4-2

*"Caltrans improves mobility across California"*

Mr. James Sorensen  
 March 10, 2003  
 Page 2

### *Mitigation*

The project's fair share contribution toward mitigating impacts to both the Foothill Boulevard/I-580 Westbound Off-ramp intersection and to I-580 East of Tassajara Road should be identified. Financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all mitigation measures.

4-3

Specific roadway segments and/or intersections where impacts have been prematurely labeled Significant and Unavoidable should be identified, and feasible mitigation should be explored (Table S-1, Page S-13). An explanation detailing why neither mitigation nor project modifications, such as reduced-intensity alternatives, project phasing, etc., are feasible, should be provided. The explanation should be supported by reliable data sufficient to allow independent verification so that the California Environmental Quality Act's (CEQA) requirement for full public disclosure is fully satisfied. The basic purposes of CEQA, as listed below, are not achieved unless a good faith effort is made to not only identify project impacts, but to *mitigate these to a less than significant level*.

- Identify ways that environmental damage can be avoided or significantly reduced.
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures....
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved" (CEQA Guidelines, Sections 15002 (2), (3), (4).

### *LOS Data Missing*

While the intersections listed below were included in the Draft Environmental Impact Report, supporting data such as LOS calculation worksheets were not included in the Traffic Study Technical Appendix. Please forward the LOS worksheets for these intersections to the address listed below as soon as they are available.

4-4

- I-580 Eastbound Offramp/150<sup>th</sup> Avenue,
- I-580 Westbound Onramp/150<sup>th</sup> Avenue,
- I-580 Eastbound Onramp/Fairmont Avenue,
- I-580 Westbound Offramp/Foothill Boulevard,
- I-580 Westbound Off-ramp/Dougherty Road,
- I-880 Northbound Offramp/6<sup>th</sup> Street/Broadway,
- I-880 Southbound Onramp/5<sup>th</sup> Street/Broadway,
- I-980 Westbound Offramp/12<sup>th</sup> Street/Brush Street,
- I-980 Eastbound Offramp/12<sup>th</sup> Street Castro Street,
- I-880 Southbound Offramp/5<sup>th</sup> Street/Union Street,
- I-880 Southbound Offramp/98<sup>th</sup> Avenue, and
- I-880 Northbound Ramps/98<sup>th</sup> Avenue.

Patricia Maurice, Associate Transportation Planner  
 Office of Transit and Community Planning, Mail Station 6E  
 California DOT, District 4  
 111 Grand Avenue  
 Oakland, CA 94612-3717

"Caltrans improves mobility across California"

Mr. James Sorensen  
March 10, 2003  
Page 3

*Right of Way*

Work that encroaches onto the State Right-of-Way (ROW) requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating State ROW, must be submitted to the address below. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process.

4-5

Sean Nozzari, District Office Chief  
Office of Permits  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Please feel free to call or email Patricia Maurice of my staff at (510) 622-1644 or [patricia\\_maurice@dot.ca.gov](mailto:patricia_maurice@dot.ca.gov) with any questions regarding this letter.

Sincerely,



TIMOTHY C. SABLE  
District Branch Chief  
IGR/CEQA

- c: Michael Houghtby, State of California Board of Corrections
- Scott Hogan, State Clearinghouse

*"Caltrans improves mobility across California"*



Livermore Amador Valley Transit Authority

February 24, 2003

LETTER 5

State of California Board of Corrections  
Attn: Mr. Michael Houghtby, Field Representative  
600 Bercut Drive  
Sacramento, CA 95814

**RE: Alameda County Juvenile Justice Facility and East County Hall of Justice EIR**

Dear Mr. Houghtby:

Thank you for the opportunity to review the Environmental Impact Report for the above-mentioned project. It would comprise the new development of two components – a juvenile justice facility that would accommodate up to 540 youth in a detention center with administration and juvenile courts, and a east county hall of justice that would include civil, criminal, and traffic courts with associated support functions. These would either be co-located on a piece of land just south of the Santa Rita Jail in east Dublin, or be split between that site and property on Dublin Boulevard near the Sybase office building. The “null-alternative” would mean continued operation of the existing juvenile hall in San Leandro, and the existing Dublin-Pleasanton-Livermore courts would continue to operate in leased space in Pleasanton.

5-1

LAVTA operates its WHEELS transit buses in the area of Dublin, Livermore, and Pleasanton. Route 1 runs a counter-clockwise loop around the above-mentioned site next to Santa Rita Jail, and connects it with other areas of east Dublin and with the Dublin/Pleasanton BART station. This line runs on a 30-minute headway for approximately three hours in the morning and five hours in the afternoon. It has no service during mid-day, evening, or weekend.

5-2

Site “15A”, an alternative site for the hall of justice component, is located next to the Sybase building, and is served by route 1 as well as by route 12. The latter provides all-day and evening service on a 15-45 minute headway, Monday thru Saturday.

5-3

On Sundays, WHEELS operates a fixed-schedule van shuttle between the Santa Rita Jail and the Dublin/Pleasanton BART station, which runs throughout most of the day. In addition, on all days of the week, a demand-responsive type of service called DART provides rides for the general public during some of the hours when fixed-route service is unavailable. DART’s capacity is limited, and is only provided as a supplement to regular service.

5-4

The proposed facilities are estimated to generate approximately 1,000 new transit trips on an average typical weekday (400 for the juvenile facility, and 600 for the court complex). As the current WHEELS fixed-route service in the affected area is not at capacity, parts of the anticipated new demand can be accommodated with the transit services that presently exist. However, extended temporal coverage for route 1 would likely be necessary, as DART is not designed to accommodate large point-to-point loads. Depending on how evenly the demand would be spread out, larger transit vehicles could also prove necessary in order to accommodate spot surges in ridership, even if these occur only on particular trips. Improved headways would also be a potential measure in addition to the above – all of which would entail additional financial resources to provide. The site 15A option would require less

5-5

February 24, 2003

additional measures than if both facilities are placed on the northern site, as the 15A location already has better existing transit service and is within a realistic walking distance to BART.

Since LAVTA's financial resources are severely limited at this point in time, it is requested that the County, as a sponsor of the project, provide some level of capital and operating funding for improved transit services to the proposed facilities – improvements that LAVTA otherwise may not be able to provide – as a condition for approval of the project. 5-6

Thank you again for the opportunity to comment on the above report, and please do not hesitate to contact me if you have any questions.

Sincerely,



Virendra K. Sood  
General Manager

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# PORT OF OAKLAND

March 7, 2003

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

LETTER 6

**RE: DRAFT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT (EIS/EIR) - ALAMEDA COUNTY JUVENILE JUSTICE FACILITY AND EAST COUNTY HALL OF JUSTICE (JANUARY 2003)**

Dear Mr. Houghtby:

I am writing on behalf of the Port of Oakland to provide the following comments on the draft EIS/EIR for the Alameda County Juvenile Justice Facility and East County Hall of Justice (January 2003). This document fails to properly account for either the status of the Pardee/Swan site, identified as the environmentally preferred alternative, or analyze fully the impacts of utilization of that site. It needs to be substantially corrected.

6-1

The Port of Oakland owns the Pardee/Swan site, and has nearly completed construction of a 3500-space parking lot on the site. That lot provides parking for the Oakland International Airport, and any alteration to the site's current use is inextricably linked to the current and proposed expansion of the Airport. The Port's Airport expansion is commonly referred to as the Airport Development Program ("ADP"). The Port is currently preparing a supplemental EIR ("SEIR") for the ADP expansion. The ADP SEIR will include an analysis of use of the Pardee/Swan site as a permanent Airport parking site.

6-2

If the Pardee/Swan site is selected for the Juvenile Justice Facility, it will displace current Port parking and will have a significant impact on traffic and circulation as drivers search for parking with an inadequate supply. This could have a cascading impact on Airport operations, including Airport deliveries; airline departure schedules, ground transportation and emergency vehicle response times. These impacts are ignored in the subject EIR, rendering it fatally flawed. With this overall background established, we have a number of specific comments that direct corrective action in the document.

6-3

1. The EIS/EIR's alternatives analysis is flawed since there are numerous references to the Pardee/Swan site as vacant, when in fact it is currently being prepared for long-term parking for airport uses.

6-4

2. The EIS/EIR incorrectly characterizes the Pardee/Swan site as an "interim" location for Airport parking, but the Port is analyzing its use for permanent Airport parking.

6-5

3. While the EIS/EIR concludes that the County does not have to comply with "local" land use requirements, it is still not exempt from the CEQA requirement to analyze all environmental impacts related to the County's non-compliance with adopted land use plans, rules and regulations (e.g., Oakland General Plan and Port of Oakland's Standards and Restrictions Ordinance for the Oakland Airport Business Park).

6-6

Mr. Michael Houghtby  
Re: Draft Environmental Impact Statement/Environmental Impact  
Report (EIS/EIR) - Alameda County Juvenile Justice Facility  
And East County Hall Of Justice (January 2003)

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March 7, 2003

2

4. The County's EIS/EIR incorrectly indicates (p. 4-26) that the City of Oakland's zoning is applicable to Pardee/Swan site. This misinformation may have confused potential commentators; from a zoning perspective, the site is governed by the Port of Oakland's Standards and Restrictions Ordinance, as amended. 6-7
  
5. Even if the County is not subject to locally adopted land use regulations, it would be an abuse of discretion for the County to certify the current EIS/EIR and/or select the Pardee/Swan site as an alternative site, unless the County were to analyze all of the significant environmental effects that may occur due to the County's noncompliance with those local land use regulations. 6-8
  
6. The EIS/EIR incorrectly states that "development at the sites evaluated would be consistent with overall land use plans for the area" (p. S-21, "Growth Inducement", 3rd sentence); the project is inconsistent with the City of Oakland's General Plan and the Port of Oakland's Standards and Restrictions Ordinance, which is a comprehensive general plan for the Airport Business Park. The EIS/EIR is inadequate because it fails to adequately discuss the inconsistencies between the proposed project and these applicable plans. 6-9
  
7. The EIS/EIR violates NEPA's requirement for exploration of all reasonable alternatives and CEQA's requirement for a reasonable range of alternatives, in that the Pardee/Swan site is not a reasonable alternative, since the development of the site with the project would conflict with the existing land use plans, surrounding uses and the current parking use (now under construction). The Pardee/Swan site is not a reasonable alternative, since the project, if developed on that site, would result in unavoidable significant impacts that could be avoided in the area of the project by siting the project elsewhere. 6-10
  
8. The EIS/EIR document is unclear regarding when the County's proposed replacement Pardee/Swan parking garage would be constructed and how it would be operated, funded, etc. Each of these issues has potential environmental implications. The EIS/EIR does not adequately analyze parking, circulation, and air quality impacts associated with parking displacement that would occur while the proposed garage is being constructed. 6-11
  
9. Mitigation measure 4.7.1 is not a real mitigation measure, since it states that the County merely "should consider assisting the Port of Oakland" in finding substitute airport parking. Furthermore, it violates CEQA laws and regulations that prohibit punting analysis into the future. The County has a duty to identify the replacement-parking site and to provide an analysis of any impacts associated with the use of that replacement site in the current EIS/EIR. In addition, the County's consideration of payment to the Port for loss of parking spaces is not an adequate CEQA mitigation measure, unless the County has identified a reasonable site where the payment can be used to provide actual replacement parking. 6-12
  
10. The Port disagrees with the EIS/EIR's conclusion that "The Pardee/Swan site is not subject to local land use policies, and thus there is no impact arising out of conflict with local, City of Oakland policies adopted to avoid or mitigate an environmental effect." (Impact 4.3.4, p. 4-41) and the Port incorporates by reference its comments 3, 5 and 6 6-13

**Mr. Michael Houghtby**  
**Re: Draft Environmental Impact Statement/Environmental**  
**Impact Report (EIS/EIR) - Alameda County Juvenile**  
**Justice Facility And East County Hall Of Justice**  
**(January 2003)**

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March 7, 2003

3

above. In addition, there would be unavoidable impacts that have not been adequately analyzed.

11. Some of the impacts that arise out of the conflict with local policies are substantial adverse effects on scenic vistas, exceedances of regional roadway standards, and other potential environmental effects related to the incompatibility of the proposed use with existing and planned uses that do comply with local land use policies. The EIS/EIR does not adequately address these potential impacts. 6-14
  
12. California Government Code Section 65402 prohibits counties from acquiring real properties for street, square, park or other purposes, or authorizing construction of a public building or structure within the corporate limits of a city, if such city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, or public building or structure has been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. The EIS/EIR does not address these issues or any related environmental effects that may result from the project. 6-15
  
13. For public projects, similar to the proposed project, CEQA requires public agencies to comply with CEQA at the earliest possible feasible time. When read together, CEQA and Government Code Section 65402 require the County of Alameda to refer the proposed project to the Port of Oakland. The Port is the planning agency for the area where the site is located. The Port has the right and obligation to issue a report on whether the location, purpose and extent of the proposed site acquisition and buildings would be in conformity with the City of Oakland general plan and the Port's land use regulations. That report by the Port would include, among other things, consideration of potential environmental effects relating to the proposed project's compliance, or non-compliance, with the City's General Plan. Thus, it would be an abuse of discretion, a conflict with the Port's Airport Business Park Standards and Restrictions, a violation of CEQA's liberal rules of construction and a violation of CEQA's fundamental purpose of protecting the environment, if the County waits until after the CEQA process has concluded to make the Government Code Section 65402 referral to the Port of Oakland. In such case, the public will not have been given a fair opportunity to consider all of the impacts of the project. CEQA's rules on public agency consultation also would be violated. The EIS/EIR is inadequate because it lacks analysis of the project under Government Code Section 65402. 6-16
  
14. Since Federal money is involved in this project, the Federal agencies associated with the project and the County are required to comply with the Intergovernmental Cooperation Act of 1968 (31 USC 6506), as amended. That Act provides that all viewpoints, national, regional, state and local, shall be considered, to the extent possible, in planning Federal or federally assisted development programs and projects. The Act also provides that, to the maximum extent possible and consistent with national objectives, Federal aid for development purposes shall be consistent with local comprehensive planning (31 USC 6506 (d)). The County's EIS/EIR is inadequate because, although Federal funds are involved with the proposed development, the County's EIS/EIR does not discuss its compliance with these provisions of the Intergovernmental Cooperation Act, or their implications for the CEQA/NEPA document. 6-17

**Mr. Michael Houghtby**  
**Re: Draft Environmental Impact Statement/Environmental**  
**Impact Report (EIS/EIR) - Alameda County Juvenile**  
**Justice Facility And East County Hall Of Justice**  
**(January 2003)**

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March 7, 2003

4

15. The County's use of Federal funds for this project brings the project within the requirements of the Federal Intergovernmental Cooperation Act of 1968, as amended, and amounts to a waiver of the County's State law "exemption" from compliance with local land use policies. This should be addressed in the County's EIS/EIR. 6-18
16. The County's EIS/EIR is inadequate because it only addresses a few policies of the Oakland General Plan and the Port's Business Park Standards and Restrictions Ordinance. There are numerous other policies of the Port Ordinance and elements of the Oakland General Plan that are applicable to the proposed project that are neither mentioned nor analyzed in the County's EIS/EIR. 6-19
17. The EIS/EIR contains numerous conclusions indicating the proposed project, if sited on the Pardee/Swan site, will not have a significant effect on the environment; however, those conclusions are not supported by substantial evidence. 6-20
18. Since the County is claiming exemption from local regulations, the EIS/EIR is unclear as to whether or not the County is proposing to comply with Port Business Park restrictions that prohibit on-street parking. The EIS/EIR should analyze the potential environmental effects of the project's users' non-compliance with Port parking restrictions in the Business Park, unless compliance will be imposed through mitigation measures. 6-21
19. The EIS/EIR does not adequately analyze or discuss the Port's Airport Development Program's ("ADP") build-out and what effect, if any, the County's project will have on it, including the cumulative effects of the County's project. 6-22
20. The proposed mitigation measures for the Pardee/Swan site are vague, conclusionary and non-responsive to the potential significant impacts that the project will create. Moreover, the EIS/EIR, in violation of CEQA, also defers required mitigation determination to unknown times in the future. 6-23
21. Mitigation measures 9.2.4(a) and 9.2.4(b) are inadequate because: (a) it is assumed the Port will not increase on-site parking beyond what is currently contemplated; (b) they fail to analyze environmental effects associated with the potential use of the Central Basin site for parking; (c) no actual site was considered; (d) no actual related impacts were analyzed for the project's parking shortfall identified in impact 9.2.4; and (e) the EIS/EIR fails to indicate when the parking shortfall would occur, when parking to meet that shortfall would come on line, or how the parking shortfall will be addressed, if the Port determines it needs more than 3,500 parking spaces at the Pardee/Swan site. 6-24
22. The Pardee/Swan site is impressed with the State's Public Trust and is dedicated for statewide commerce, navigation and fisheries purposes. As recognized by the California Legislature in 1981, the Port of Oakland has a comprehensive plan for the development of the Oakland Airport Business Park, including the Pardee/Swan site. That plan, the Port's Standards and Restrictions Ordinance, as amended, was adopted, among other reasons, for the purpose of promoting, protecting, and ensuring, that the Oakland Airport Business Park would be used only for lawful and legitimate State Public Trust purposes. 6-25

**Mr. Michael Houghtby**  
**Re: Draft Environmental Impact Statement/Environmental**  
**Impact Report (EIS/EIR) - Alameda County Juvenile**  
**Justice Facility And East County Hall Of Justice**  
**(January 2003)**

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March 7, 2003

5

Airport Parking is a lawful and legitimate State Public Trust purpose and the Port's use of the Pardee/Swan site for Oakland Airport parking purposes complies with the Port's comprehensive plan for development of the site. The project described in the EIS/EIR, excluding the Airport parking component, would not be a legitimate or lawful State Public Trust purpose. As such, the proposed project conflicts with the Port's comprehensive land use plan for the Airport Business Park and with State Public Trust laws.

The draft EIS/EIR is inadequate for its failure to analyze the potential environmental impacts of the project's non-compliance with the Port's State Public Trust-related development plan (Port's Airport Business Park Standards and Restrictions). The Port's Standards and Restrictions, since they were adopted for protection of State Public Trust lands, are not considered only "local" regulations. Instead, the Port's Standards and Restrictions were adopted for a sovereign State Public Trust purpose and they are of statewide concern.

Therefore, since the Port has not determined that the Pardee/Swan site is not needed for Statewide Public Trust purposes, it would be an abuse of discretion for the County's EIS/EIR to not adequately analyze the potential impacts related to the County's non-compliance with the Port's comprehensive plan. This non-compliance with the Port's comprehensive development plan could lead to business dislocations and related blight.

Likewise, it is an abuse of discretion for the County's EIS/EIR to conclude that the Pardee/Swan site is the environmentally superior site. This is especially true if the site is needed permanently for Airport parking (a Statewide Public Trust purpose).

23. The Port incorporates by reference the comments of the Port's Executive Director, Tay Yoshitani, in a February 19, 2003 letter to Alameda County Administrator Susan Muranishi, as set forth in Exhibit "A". 6-26
24. Use of the Pardee/Swan site for the project is subject to the Alameda County Land Use Policy Plan and the proposed project must be referred to the Airport Land Use Commission ("ALUC") for a determination of plan consistency. Considering the fundamental purpose of CEQA, its liberal rules of interpretation, public agency consultation requirements, and the County's duty to comply with CEQA at the earliest possible point, it would be an abuse of discretion for the County to certify the EIS/EIR before that plan consistency determination is made by the ALUC. In fact, the ALUC's consistency determination should have been included in the draft EIS/EIR so the public would have had full disclosure of potential project impacts. The County's singular determination is inefficient and inadequate, for CEQA purposes. 6-27
25. The EIS/EIR does not adequately analyze whether the proposed underground parking garage is really viable, considering the shallow water table on the site. 6-28
26. The EIS/EIR fails to adequately analyze whether nighttime light emanating from the project will significantly affect nearby animal life. 6-29

Mr. Michael Houghtby  
Re: Draft Environmental Impact Statement/Environmental  
Impact Report (EIS/EIR) - Alameda County Juvenile  
Justice Facility And East County Hall Of Justice  
(January 2003)

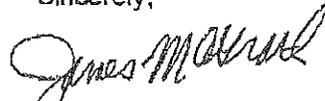
March 7, 2003

6

27. The EIS/EIR appears to underestimate the project's parking needs and is internally inconsistent because the project's parking demand, as analyzed at potential alternative project sites, is stated differently for each site. 6-30
28. The estimated cost for construction at the Pardee/Swan site appears not to take into consideration the soil conditions on the site that may require construction on piles. Moreover, the construction noise that potentially would emanate from a pile driven support system has not been addressed adequately in the EIS/EIR. 6-31
29. The EIS/EIR appears not to adequately analyze the project's cumulative impacts, including noise, traffic and air quality impacts, in that several other projects that will be, or are being, located in Oakland or Alameda are omitted. 6-32
30. The EIS/EIR's conclusion that the Pardee/Swan site is the "environmentally superior" alternative is critically flawed because of the document's failure to address the issues set forth in items 1 through 29 above. 6-33

Thank you for the opportunity to comment on this draft EIS/EIR. Please contact Anne Whittington at (510) 627-1559 if you need further assistance on this issue.

Sincerely,



James McGrath  
Environmental Planning Manager

Attachment

cc: Barbara Szudy  
Anne Whittington  
Ralph Wheeler, Esq.

**Mr. Michael Houghtby**

**March 7, 2003**

**Re: Draft Environmental Impact Statement/Environmental  
Impact Report (EIS/EIR) - Alameda County Juvenile  
Justice Facility And East County Hall Of Justice  
(January 2003)**

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**7**

bcc: Daniel Markels  
Kristi McKenney  
Renee Ananda



## PORT OF OAKLAND

TAY YOSHITANI  
Executive Director

6-34

February 19, 2003

Ms. Susan Muranishi  
County Administrator  
County of Alameda  
221 Oak Street – Fifth Floor  
Oakland, CA 94612

Via FAX: (510) 272-3784

Dear Ms. Muranishi,

The Port of Oakland has received a copy of the Draft Environmental Impact Statement & Environmental Impact Report published in January 2003 relating to the proposed Juvenile Justice Facility and East County Hall of Justice, and Port staff are now preparing detailed written comments in response. One of the alternatives identified in the document for consideration is referred to as the "Pardee/Swan Site", and is owned by the Port of Oakland..

Although the Port of Oakland is sensitive to the issues regarding the proposed Justice Facility, I feel it is important to advise you that this site will be permanently required for operations relating to Oakland International Airport, and is not available for alternative development. The Port is, in fact, currently engaged in various construction projects to augment airport operations, including construction at the "Pardee/Swan Site".

Port staff will provide detailed written comments to the Field Representative of the State of California Board of Corrections prior to the March 10, 2003 deadline.

Although the "Pardee/Swan Site" is not available for the Justice Facility development, we hope that you will find an alternative site that is suitable. If we may be of further assistance please feel free to contact me at your convenience.

Sincerely,

Tay Yoshitani  
Executive Director

**Mr. Michael Houghtby**  
**Re: Draft Environmental Impact Statement/Environmental**  
**Impact Report (EIS/EIR) - Alameda County Juvenile**  
**Justice Facility And East County Hall Of Justice**  
**(January 2003)**

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March 7, 2003  
8

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814  
FAX (916) 445-5796

**DUBLIN  
SAN RAMON  
SERVICES  
DISTRICT**



7051 Dublin Boulevard  
Dublin, California 94568  
FAX: 925 829 1180

925 828 0515

March 6, 2003

LETTER 7

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
Sacramento, CA 95814

**Subject: Draft EIR for Alameda County Juvenile Justice Facility and East County Government Center**

Dear Mr. Houghtby:

Thank you for the opportunity to provide comments on the Draft EIS/EIR for the Alameda County Juvenile Justice Facility and East County Hall of Justice. The following issues of concern were addressed in DSRSD's comments presented to the State Board of Corrections during the Notice of Preparation (NOP) review and comment period. DSRSD questions the sufficiency of the Draft EIR as we do not believe our concerns voiced during the NOP review and comment period were adequately addressed in this Draft EIR.

7-1

During the review and comment period of the NOP, DSRSD stated, "the EIR should include a complete analysis of the effects on demand for District services resulting from the proposed General Plan and Specific Plan amendments, and any impacts associated with necessary service or trunk-line extensions". After reviewing the Draft EIR, DSRSD believes the Draft EIR had not adequately addressed this concern.

Wastewater Services

The District has included the subject project area in its current master planning for increases to wastewater effluent disposal capacity. However, the portion of the Draft EIR discussing wastewater services has not adequately assessed the impacts of collection, treatment or disposal of wastewater generated from the project. It will be necessary to carefully evaluate the demand for wastewater service represented by the proposed land uses, and address these issues in the EIR including specific discussions about what improvements may be needed to the District's sewer infrastructure in the area and the cost of making any improvements found to be necessary.

7-2

In addition, the District entered into an Area Wide Facilities Agreement (December, 1994) with Alameda County that may limit the availability of sewer service for detention facilities such as the proposed Juvenile Hall. Specifically that Agreement provides in part that (Section 10(d))

7-3

*"...the County shall not apply for, and the District shall not grant, Wastewater Treatment and Disposal Capacity Rights for the Santa Rita Correctional Facility (Defined as "that facility on the Governmental Property which is used by the County to house prison inmates") beyond those specified herein unless and until the District has obtained and/or constructed permanent year-round Wastewater Treatment and Disposal Facilities specifically allocated by the District to the Santa Rita Correctional Facility; provided that the District shall not be deemed obligated to acquire or otherwise provide such additional Facilities hereunder.*

That Areawide Facility Agreement goes on to state:

*The County hereby agrees that if any future permanent year-round Wastewater Treatment and Disposal Facilities and Capacities are funded in their entirety from any source other than the County, the District shall not be required to make said future Facilities and Capacity available for the Santa Rita Correctional Facility. The District agrees to notify the County in writing of any plans the District may have to acquire and/or construct future permanent year-round Wastewater Disposal Facilities which would be capable of providing Wastewater Disposal Services to the Santa Rita Correctional Facility. Upon such notification, the County shall, within ninety (90) days of the date of notice, advise the District of the County's desire to participate in the acquisition and/or construction of such Facilities. The terms and conditions of the County's participation may be evidenced by a Supplemental Agreement. The County agrees that unless a Supplemental Agreement between the Parties has been entered into prior to the District's acquisition or construction of the future permanent year-round Wastewater Disposal Facilities and Capacity addressing the use thereof for the Santa Rita Correctional Facility, the District shall have no obligation to make said future Facilities and Capacity available for the Santa Rita Correctional Facility.*

That same Agreement also addresses the fact that the existing Santa Rita Correctional Facilities have been allocated "No-Net Demand Wastewater Disposal Service" (essentially defined as very limited use of the LAVWMA pipeline for disposal of treated effluent) by the District in exchange for the County funding and taking delivery of recycled water on an average annual basis in an amount equal to the "no net demand wastewater disposal capacity". A total of 0.267 mgd average annual flow has been allocated under the contract (approximately 300 Acre Feet).

*The County hereby agrees that, at either the County's or District's initial expense as provided herein, the District shall provide Recycled Water Facilities and Capacity as described below in accordance with its Major Infrastructure Policy for the purpose of landscape irrigation and/or other beneficial uses on the County's Properties in such minimum amount (measured in mgd flow) as to offset, on an annual basis, the aforesaid excess demand upon the flow parameter of Wastewater Disposal Capacity from the Santa Rita Correctional Facility described in Paragraph 10.*

Mr. Michael Houghtby  
Page Three  
March 6, 2003

Given that in 2003 the District delivered a total of 320 acre feet of recycled water throughout its entire service area it would seem doubtful that the operative part of the Agreement for the existing Santa Rita Correctional Facility has been satisfied. That portion of the Agreement also discusses how the facilities will be paid for and how operating costs will be collected.

The Draft EIR must properly include a summary of how the proposed project would comply with the terms of the referenced agreement.

Potable Water Supply and Service

The project area is within the service area of the District. The portion of the Draft EIR discussing potable water service has not yet assessed the impacts of providing an adequate water supply, and the effects on current and future potable water storage and distribution facilities within the area. In addition, it will be necessary to carefully analyze the water demand represented by the proposed land uses as compared to the General Plan land use. Increased demand, if any, will have to be evaluated and addressed in the EIR including specific discussions about what improvements may be needed to the District's water infrastructure in the area and the cost of making any improvements found to be necessary.

7-4

Recycled Water Service

District Ordinance 280 requires that new development located within the potable water service area of the District, which represents landscape irrigation demand for recycled water, must provide for and utilize recycled water. Recycled water for landscape irrigation will be an element of the overall water supply for the project and is supported by the District's Urban water Management Plan. The Draft EIR has not examined the impacts that may be associated with the provision of recycled water service. In addition, recycled water for toilet flushing uses should also be evaluated and addressed as a possible mitigation measure for the impacts created by the project on the availability of potable water availability. If you have any questions, please feel free to contact Greg Taylor at (925) 875-2250.

7-5

Sincerely,



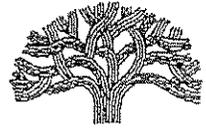
Bert Michalczyk  
General Manager

BM/es

cc: Board of Directors, DSRSD  
David Behrens, Principal Engineer DSRSD  
Dave Requa, District Engineer DSRSD  
Robert Maddow, DSRSD General Counsel  
Richard Ambrose, City Manager, City of Dublin

Mr. Michael Houghtby  
Draft EIR/EIS Comment Letter  
Alameda County Juvenile Justice Facility  
March 10, 2003 page 1

CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Manager  
Robert C. Bobb  
City Manager

(510) 238-3301  
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TDD: (510) 238-2007

March 10, 2003

LETTER 8

Michael Houghtby  
Field Representative  
California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

RE: Comments on the Draft EIR/EIS for the Alameda County Juvenile Justice Facility and the East County Hall of Justice

Dear Mr. Houghtby:

This letter presents the City of Oakland's comments about the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Alameda County Juvenile Justice Facility and the East County Hall of Justice. Our comments are based on the City of Oakland's role as a Responsible Agency under the California Environmental Quality Act (CEQA). In particular, the City continues to be seriously concerned with the proposed Glenn Dyer Detention Facility Alternative, and the resulting direct and significant impacts on this part of downtown Oakland. I appreciate your efforts and cooperation in the review process for this project to date.

8-1

Our comments focus on land use compatibility, visual/aesthetic impacts (including wind), noise impacts, cultural and historic resource impacts and environmental justice impacts. The Draft EIR/EIS has identified substantial environmental concerns, some of which cannot be effectively eliminated or reduced through mitigation measures or changes to the project. The information and analysis contained in the Draft EIR/EIS has substantiated our already strong opposition to the Glenn Dyer Alternative, due to the existing physical limitations of the facility and site, the close proximity to Interstate 880, the current design and program standards for a juvenile facility, and the concentration of similar public facilities in central downtown Oakland. As further specified, the Draft EIR/EIS fails to provide adequate mitigation measures as required by CEQA, and fails to adequately analyze a reasonable range of alternatives that will substantially lessen or avoid significant environmental effects.

8-2

Specific comments are presented below and are organized sequentially following the general order set forth in the Draft EIR/EIS.

Mr. Michael Houghtby  
Draft EIR/EIS Comment Letter  
Alameda County Juvenile Justice Facility  
March 10, 2003 page 2

1. Areas of Controversy and Decisions to be Made (page 1-11): The areas of controversy identified during the scoping process for this EIR/EIS also included whether the alternatives would be able to meet the primary project objectives, not simply the proposed location and size of the sites. As the City of Oakland has previously noted, the Glenn Dyer Alternative fundamentally fails to satisfy the legal requirements of providing that "... the juvenile hall shall not be in, or connected with, any jail or prison, and shall not be deemed to be, nor be treated as, a penal institution. It shall be a safe and supportive *homelike* environment." (Welfare and Institutions Code § 851). Failure to analyze the project alternatives in light of this legally mandated project objective stunts the environmental review and ignores CEQA's directive that an EIR must provide a basis for informed decision-making. 8-3

2. Use and Planning (pages 4-16 to 4-21): The land use planning analysis for the Glenn Dyer Alternative is incomplete. The following City of Oakland General Plan goals, policies and objectives are also important to consider in the reuse and revitalization of this site: 8-4

Land Use and Transportation Element (LUTE)

Policy D2.1: Enhancing the Downtown

Downtown development should be visually interesting, harmonize with its surroundings, respect and enhance important views in and of the downtown, respect character, history and pedestrian-orientation of the downtown, and contribute to an attractive skyline.

Objective D3: *Create a pedestrian friendly downtown*

Objective D5: *Enhance the safety and perception of safety downtown at all hours.*

Policy D5.1: Encouraging 24 hour Activity

Activities and amenities that encourage pedestrian traffic during the work week, as well as evenings and weekends should be promoted.

Policy D13.2: Providing Parking

An adequate quantity of car, bicycle, and truck parking, which has been designed to enhance the pedestrian environment, should be provided to encourage housing development and the economic vitality of commercial, office, entertainment, and mixed use areas.

Objective N2: *Encourage adequate civic, institutional and educational facilities located within Oakland, appropriately designed and sited to serve the community.*

Mr. Michael Houghtby  
Draft EIR/EIS Comment Letter  
Alameda County Juvenile Justice Facility  
March 10, 2003 page 3

**Policy N2.3: *Supporting Institutional Facilities***

The City should support many uses occurring in institutional facilities where they are compatible with surrounding activities and where the facility site adequately supports the proposed uses.

**Policy N2.5: *Balancing City and Local Benefits of Institutions***

When reviewing land use permit applications for the establishment or expansion of institutional uses, the decision-making body should take into account the institution's overall benefit to the entire Oakland community, as well as its effects upon the immediately surrounding area.

**Openspace, Conservation, and Conservation Element (OSCAR)**

**Policy OS-2.1: *Protection of Park Open Space***

Manage Oakland's urban parks to protect and enhance their open space character while accommodating a wide range of outdoor recreational activities.

**City of Oakland Zoning**

The Draft EIR/EIS should note that along with the C-40 zoning district, the site is adjacent to historic Jefferson Square Park (open space zoning and landmark designation.)

8-5

**City of Oakland summary comments concerning Land Use and Planning Section:**

Contrary to the conclusion reached in the Draft EIR/EIS, the City finds that there are potential land use planning conflicts with the proposed Glenn Dyer Alternative. These findings include the proposal's lack of pedestrian orientation; the lack of 24 hour activity; the lack of parking; the fact that the facility, as proposed, does not adequately support the proposed use as identified in the Draft EIR/EIS; and potential impacts to the adjacent Jefferson Square Park (discussed further in Comments Nos. 3 and 5). In addition, the over-concentration of governmental facilities in this area contributes to the existing blight. There does not appear to be a feasible set of mitigation measures that would serve to reduce this impact to less than significant other than to eliminate the Glenn Dyer Alternative from further consideration. Therefore, these inconsistencies with approved plans need to be identified as a significant and unavoidable impact and the Draft EIR/EIS is required to be recirculated pursuant to CEQA Section 15088.5.

8-6

3. **Visual Quality/Aesthetics** (pages 5-11 to 5-19): The site photographs of the existing Glenn Dyer facility do not include visual simulations of the proposed ten story addition. Therefore, it is difficult to determine and thus to draw a conclusion about the potential visual impacts of this alternative. In addition, there is no shade, shadow or wind analysis included in the Draft EIR/EIS. We consider this a serious omission given the adjacent

8-7

Mr. Michael Houghtby  
Draft EIR/EIS Comment Letter  
Alameda County Juvenile Justice Facility  
March 10, 2003 page 4

Jefferson Square Park located immediately to the north. This existing urban park is important to the downtown and is considered an historic resource as defined by CEQA Guideline Section 15064.5(a) due to its rating of "A" on the Oakland Cultural Heritage Survey and its landmark designation (LM 398).

With regard to wind impacts, tall buildings and structures can significantly affect the local wind environment at the pedestrian (ground level). Such buildings can intercept and redirect winds and bring them down to the ground level, rather than having these winds flow overhead. These winds can be relatively strong and relatively turbulent, and can prove to be incompatible with existing and intended uses around buildings. These winds, in the worst case, particularly when flowing squarely against tall flat surfaces such as the proposed ten story addition to the Glenn Dyer Facility, can create ground level winds that can be hazardous to pedestrians and users of adjacent facilities.

The City of Oakland uses a significance threshold of an accidence of 36 miles per hour in close proximity to areas with a substantial public use such as adjacent sidewalks and the Jefferson Square Park. We therefore request that wind tunnel testing of the Glenn Dyer Alternative be completed as part of the Final EIR/EIS, in order to determine whether there are any potentially significant wind impacts.

4. Noise Impacts (pages 10-8, 10-23 and 24): Noise measurements at and around the Glenn Dyer facility indicate a high existing noise environment (70 – 85 dBA.) These sound levels have been deemed unacceptable for outdoor or recreational use according to the State of California Noise and Land Use Compatibility Guidelines (Figure 10.1 of the Draft EIR/EIS.) The conclusion in the Draft EIR/EIS, even with the inclusion of mitigation measures, is that the site could not be developed to meet outdoor noise exposure standards. Given the important objective of large muscle exercise and team sports activities to minors, the Glenn Dyer Alternative is infeasible because it would not be able to accommodate such outdoor recreation space that meets State noise standards.

8-8

5. Historic and Cultural Resources (page 15-29): An additional potentially significant impact on historic and cultural resources is the shade and shadow impact to Jefferson Square Park from the new ten story building, as discussed in Comment No. 3. A further evaluation about how this shading could affect the landmark status or alter this historic resource is required. If this impact were found to be significant or significant and unavoidable, the Draft EIR/EIS must be recirculated (CEQA Guideline Section 15088.5).

8-9

Environmental Justice Impacts (pages 16-5 to 16-15): The Draft EIR/EIS omits any meaningful analysis of the environmental justice issues associated with the alternatives. Specifically, NEPA requires that an EIS include a reasonable level of analysis of each of the project alternatives at an equal level of detail. Although the document includes an

8-10

Mr. Michael Houghtby  
Draft EIR/EIS Comment Letter  
Alameda County Juvenile Justice Facility  
March 10, 2003 page 5

overview of the existing socio-economic conditions in the project areas, it fails to assess in any way the physical environmental context, or to identify that the redevelopment of the Glenn Dyer Alternative would result in significant secondary environmental impacts as set forth in this letter pertaining to land use policy and planning, shade, shadow, and historic resources.

In summary, to the extent that significant impacts within Oakland pertaining to shade, shadow, wind, historic resources and environmental justice impacts are not analyzed and addressed in the current Draft EIR/EIS, the document must be revised and recirculated. More importantly, given the information and analysis contained in the report, we strongly urge you to simply reject the Glenn Dyer Alternative as infeasible. With this change, no further environmental review of this alternative would be required, and recirculation would be moot.

8-11

Please feel free to contact me should you have further questions about any of these comments. I look forward to the successful completion of this environmental review process for this important project.

Sincerely,



Robert Bobb  
City Manager

Attachment: City Response Letter to Notice of Preparation



# CITY OF DUBLIN

100 Civic Plaza, Dublin, California 94568  
Website: <http://www.ci.dublin.ca.us>



March 4, 2003

LETTER 9

Mr. Richard Houghtby, Field Representative  
California Board of Corrections  
600 Bercut Drive  
Sacramento CA 95814

**Re: Comments on Juvenile Justice Facility and East County Hall of Justice Draft  
EIS/EIR, Alameda County California**

Dear Mr. Houghtby:

Please find below the City of Dublin's comments on the Draft Environmental Impact Statement/Environmental Impact Report (hereafter "Draft EIR" or "DEIR"), issued by Alameda County for the proposed Juvenile Justice Facility/East County Hall of Justice project. 9-1

As noted in the DEIR, the County intended the document to provide CEQA compliance for future City of Dublin review of the potential for developing the project elements on either the East County Government Center or Site 15A of the Eastern Dublin planning area.

Unfortunately, the City of Dublin views the document as inadequate for future review of either alternative project sites. The City of Dublin believes that many potentially significant impacts associated with the implementation of the proposed project are either missing or understated. As further noted in the following comments, the document's deficiencies cannot be resolved by mere clarification or insignificant modifications to the Draft EIR. Therefore, the City of Dublin respectfully requests that the document be revised to provide adequate information and analysis on the East County area alternatives and recirculated for public review. 9-2

## **Executive Summary**

1. The Executive Summary does not identify proposed mitigation measures for each significant effect, as required by CEQA Guidelines section 15123(b)(1). 9-3
2. Page S-21, Growth Inducement, fourth and fifth line. The document notes that development at the sites evaluated would be consistent with the overall land use plans for the areas. In the case of both Dublin sites, this is likely not a correct statement. Site 15A is presently designated for High Density Residential, which does not allow public uses. There is also a question if the Eastern Dublin Specific Plan allows the Juvenile Justice Center as a permitted use in this area. See a further description of this in the comments under Chapter 4, Land Use and Planning. 9-4

Area Code (925) • City Manager 833-6650 • City Council 833-6650 • Personnel 833-6605 • Economic Development 833-6650  
Finance 833-6640 • Public Works/Engineering 833-6630 • Parks & Community Services 833-6645 • Police 833-6670  
Planning/Code Enforcement 833-6610 • Building Inspection 833-6620 • Fire Prevention Bureau 833-6606

3. Page S-23, Areas of Controversy and Issues to Be Resolved. This section falls far short of describing local and regional areas of controversy that have surrounded this project for the past 2+ years, especially the Juvenile Justice Facility portion of the project. Numerous comments have been made to the County about the extreme distance between the majority of users of the proposed Juvenile Justice Facility and the alternative to site this facility in the City of Dublin, resulting in major social and economic dislocations for residents of the Oakland/Berkeley/Hayward and similar West County residents. 9-5

### Introduction (Chapter 1)

4. Page 1-11, Areas of Controversy and Decisions to be Made. Paragraphs 3 and 4 state that the County will select one of the alternatives and will complete design concepts after certification of an EIR/EIS and adoption of a mitigation plan. Prior to such approval of a specific project and site, further CEQA review will be required at a project-level. The previously adopted mitigation plan may need to be revised and/or supplemented based on project specific CEQA review. Also, as set forth in the following comments, many of the proposed mitigation measures require future study and environmental analysis once additional design level information is developed. 9-6
5. Page 1-19, Responsible, Trustee and Other Interested Agencies. This list does not include the Livermore Amador Valley Water Management Agency LAVWMA. As described later in the document, this is an important agency and must be consulted as part of the environmental review process. 9-7

### Purpose and Need (Chapter 2)

6. Page 2-2, Project Objectives, Juvenile Justice Facility. Among the Project Objectives listed is to "provide ready access for juveniles, their families, and professionals working in the juvenile justice system," and also to "provide a facility that reflects a high priority on families and judicial case processing." 9-8

It is clear from the DEIR analysis that locating the Juvenile Justice Facility in Dublin will not likely meet either of these important objectives. Although the facility is proposed for the Tri-Valley area, most of the population served by the project is not located in the Tri-Valley. As noted in later comments, traveling to and from the Juvenile Justice Facility will require extensive travel time, cost, and inconvenience to both detainees and their families. 9-9

7. Page 2-2, Project Objectives, Juvenile Justice Facility. As reflected in the Project Objectives, important goals of the overall juvenile justice system are to protect children and rehabilitate juvenile offenders. As noted in later comments, the East County Government Center alternative places a juvenile facility directly in the shadows of a heavily-secured county jail as well as two federal penitentiaries. It is difficult to see how the proposed project at this site could protect, rehabilitate, and offer hope to at-risk youth by warehousing them far from their families and homes in a facility overlooking an adult jail surrounded by heavy fencing and razor wire. 9-10

8. Page 2-2, Project Objectives, Juvenile Justice Facility, the City of Dublin requests that additional Project Objectives be added to the list to assure protection to Dublin residents and surrounding properties and improvements. Suggested additional Objectives include: 9-11
- Assure visual protection from unsightly views from the Juvenile Justice Facility.
  - Provide for adequate safety and security for adjacent properties.
9. Page 2-4. The Project described in the first full paragraph includes the detention center, five juvenile courtrooms and probation offices, and various support and staff facilities (e.g., classroom space, staff space). Table 2.1 includes estimated total square footage for the detention facility, the courts, and probation administration, but does not appear to include square footage for support and staff facilities. Please clarify whether additional square footage will be proposed to accommodate these functions.. 9-12
10. Page 2-5, Project Objectives. East County Hall of Justice, Strategic Objective 1. This statement is unclear and confusing. Please explain what this means in terms of the proposed development of a new courthouse facility. 9-13
11. Page 2-6, Project Objectives, East County Hall of Justice, Economic Objectives. Please add an additional Objective to the effect that the proposed facility will not result in an economic detriment to the City of Dublin. This policy has been applied to all other land uses and developments in the Eastern Dublin area. 9-14
12. Page 2-8. The text on page 2-7 states that the Hall of Justice will accommodate probate examiners; however, Table 2.2 shows "0" square feet of space needed for Probate Examiner functions. Please clarify. 9-15
13. Pages 2-10 and 2-11, Costs of East County Government Center and Site 15A. Please clarify if development costs for these two sites include all permit, impact and connection fees charged by the City of Dublin, Dublin San Ramon Services District, Zone 7 and other impact fees normally charged to new development projects in this portion of Dublin. If these fees and charges are not included, it appears development costs for the projects have been understated. Please provided updated and accurate development costs for the Dublin alternatives. 9-16
14. Page 2-11. The document states that the County intends to utilize a design/build contract for construction of both facilities and that a request for design/build proposals will be issued following completion of the environmental review process. 9-17

The design/build process is intended to produce cost savings for the client by allowing the design/build team to develop its own final design and construction methods, materials, etc., based on a set of performance specifications determined by the owner. Therefore, a final design is not available at the time bids are issued for the project. Selection is based on the lowest cost proposal adhering to the performance specifications, not a specific design. Depending on the contract, final working drawings may not be submitted until after the contract has been awarded to a specific design/build team. Any design changes

inserted after the contract is awarded would be subject to the terms of the contract as opposed to being to being competitively bid.

Given that many of the mitigation measures listed in the document are vague and require further study to develop the actual mitigation (for example, replacement of lost wetlands), it will be difficult to estimate the cost of certain elements of the projects, and it is unclear how a prospective bidder could adequately cover all potential mitigation requirements in a bid. Further, under the 1993 Annexation Agreement, the City has retained the right to perform design review of projects. Under the design/ build process, the City may not see a final design until a design/build team has selected, at which time design comments from the City could impact the final location and design. 9-18

The document should clarify (1) the means in which the design/build process will be integrated with the Eastern Dublin and project mitigation monitoring plans, and (2) the means in which the City will be provided an opportunity to complete the design review process.

A potential process might be to (1) require development of a refined preliminary design which addresses any mitigation measures related to the design, (2) include the refined preliminary design in the bid documents, and (3) submit the bid package performance specifications to the City's design review process.

### **Proposed Action and Alternatives (Chapter 3).**

15 Contrary to CEQA requirements, the Draft EIR does not provide a complete, accurate and consistent project description of the East County Government Center and Site 15A project alternatives, as noted in the following comments. 9-19

16. Page 3-19. The project is described as being constructed on two flat terraces. This will require removal of the existing earth berm occupying the north third of the property, and grading the site to form one or two flat pads for the length and width of the property. 9-20

The berm currently provides a screen for the Santa Rita Jail from the south. Removal of the berm will result in loss of the screen. The document does not indicate how this loss of screening will be mitigated, particularly since the existing berm is 20-30' high, providing complete screening of the existing facility. The document notes that the proposed berm along Gleason Drive will provide only partial screening of the new facility, which would potentially leave the old facility partially unshielded (unless it was blocked by the new facility, in which case the new facility would be exposed).

Removing the upper 20' of the berm down to an elevation of 380 feet above sea level would require excavation of approximately 175,000 cubic yards of material. The document does not describe where the excavated material would be placed. Off-site disposal would require approximately 10,000 round trips by 18-wheel trucks on existing City streets. Any further excavation of the site below the 380 foot elevation as needed to accommodate the site design would result in additional material, so the above figures may

be low. The truck traffic required for the material disposal is not discussed in either the traffic or construction impact sections.

The document does not provide a grading plan for the site (The building elevations appear to include finished grades for the site, but the elevations provided in the document are illegible. The building elevations do not show conform-grading at the site perimeters).

The building layout will require large pads, with little opportunity to step the grading in either direction. The site varies in height along its length from 362 at the west end to 380 at the east end. The site abuts Broder Road along the north side, which varies in elevation from 362 feet at the west end to 390 feet at the east end. Construction of a flat pad on the site result in a combination of cut and/ or fill of over 20' from end to end. For example, if the site was graded to the 380 foot elevation, the west end of the pad would be 20 feet higher than the existing ground at the intersection of Gleason Drive and Arnold Road. The site plan does not describe how the grade differential will be handled, and how this will appear along the Gleason Drive frontage.

The plan shows a berm along the Gleason Drive frontage. A section and dimensions for the berm are not provided. It is unclear how high the berm will be and how much screening it will provide for the project. Given that the west end of the pad may be higher than Gleason Drive, much of the berm area may be taken up by a fill slope, leaving less room for screening.

Dropping the pads to a lower elevation may increase the opportunity for screening, but would result in greater excavation, potential conform problems at the east end, and problems draining the site (the drainage issues are discussed further under the Chapter 7 and 14 comments).

In summary, it is unclear from the site plan that the site can accommodate the proposed development or that the various grading/ screening/ drainage issues associated with developing the site have been identified and resolved.

17. Page 3-19. The last two sentences state that 700-750 parking spaces will be required for the Juvenile Justice Facility at the East County Government Center site; however, the DEIR does not state how much parking is proposed to meet this need. The text states that parking "could" be at Santa Rita, or that surface parking "may" be provided onsite, however no specific number and location of proposed parking spaces is identified. Neither is the number and location of proposed parking spaces identified in later analyses even though inadequate parking is identified as a significant impact under Impact 9.2.5 on p. 9-86. In a similarly vague discussion, Mitigation Measure 9.2.5 calls for restriping the Santa Rita parking lot to increase parking capacity, but does not identify how much additional parking is needed, or could be created by restriping. The Draft EIR should be revised and recirculated to provide the number and location of proposed parking spaces for the Juvenile Justice Facility, to analyze with specificity the parking deficit impact, and to propose mitigation measures that will provide sufficient parking to meet the identified deficit.

9-21

18. Page 3-24, Figure 3.15. This Figure does not include a south elevation of the proposed Juvenile Justice Facility. The southerly elevation is the most important elevation that would affect properties and improvements in the City of Dublin. Lack of a suitable elevation does not allow the City to evaluate aesthetic impacts from this critical viewpoint. As noted in later comments on Impact 5.15, a finding of less than significant visual impacts is not supported by the record. The Draft EIR should be revised to include additional viewshed analysis, especially for the critical south elevation, and recirculated for public review. (See also, comments under p. 5-42.) 9-22

Information is provided for the northerly elevation, which will face Santa Rita Jail and not private properties in Dublin. Information regarding building height on Figure 3.18 is also too faint to read, so that the City is not aware of the proposed building height. Figure 3.19 is a conceptual rendering of the proposed East County Hall of Justice and does not include building height information.

19. Page 3-32, Alternative Sites Considered and Rejected. The first full paragraph identifies site assessment criteria for location of the Project. Conspicuously absent from the description is Item No. 4 of the December 7, 2001 RFP, as follows: 9-23

“4. Local Approvals/Acceptance: County’s final acceptance of the site is contingent on the local government’s approval of the use and the community’s acceptance.”

20. The criteria should also include proximity to client base for each of the component projects. The Juvenile Justice Facility and Hall of Justice projects have different client bases and the role of public transit and transportation access will also be different for the two types of facilities. 9-24

#### Land Use and Planning (Chapter 4)

21. Page 4-9, Site 15A. This subsection should reference the recently approved Transit Center project, which was sponsored by the Alameda County Surplus Property Authority and was approved in November 2002 by the Dublin City Council. The Transit Center is located west and south of Site 15A. Site F, located within the Transit Center, is planned for a neighborhood park by the City. The status of the Transit Center and the location of the planned park should be noted in this DEIR. 9-25
22. Page 4-9, Policy and Regulatory Setting. These "certain local land use principles in the Dublin area" recognized by the County should be identified in this section as well as later in the document in order to provide a complete picture of the limits and extent of land use regulatory governance by the County. 9-26
23. Page 4-28, Annexation Agreements. As noted without discussion on Page 1-8, the City of Dublin is a Responsible Agency under CEQA. The discussion on Annexation Agreements should be revised to more accurately and completely describe Dublin’s decision-making authority over the project alternatives identified within Dublin. The last line on page 4-28 fails to accurately describe the authority, virtually dismissing it as a “formal opportunity to review project’s proposed by the County..”. In fact, under the 9-27

terms of the 1993 Annexation Agreement, the City of Dublin is a decision-maker for projects on both of the East County alternative sites.

With respect to potential development of the Juvenile Justice Facility and/or Hall of Justice on the East County Government Center site, the 1993 Annexation Agreement provides that any such project would be subject to the City's Site Development Review (SDR) process. As noted later in this comment letter, the DEIR should expand its description of this process. As part of the SDR process, the City would review the potential project for consistency with the Dublin General Plan and Eastern Dublin Specific Plan, and would be required to make findings on the project's consistency with these two regulatory plans. For CEQA purposes, the City is a Responsible Agency and is anticipating to rely on the DEIR for CEQA compliance. As noted throughout the comments, the City views this document as inadequate CEQA compliance for the East County Government site.

With respect to development of a Hall of Justice on Site 15A, the 1993 Annexation Agreement provides that any development on the Santa Rita property, which includes Site 15A, is subject to City of Dublin land use approval. As noted throughout these comments, the DEIR erroneously concludes that the Site 15A alternative would be consistent with a pending proposal to amend the General Plan and Specific Plan land use designations to "Campus Office." The Site 15A alternative would require a General Plan and Specific Plan land use designation of "Public/Semi Public." The City of Dublin has been the Lead Agency under CEQA for development review on projects on the Santa Rita property, which includes Site 15A, and would expect to be the Lead Agency for future land use approvals, including those proposed on Site 15A. Because the DEIR does not include and analyze all the approvals that would be required, the DEIR is insufficient to support future City review of the Site 15A alternative.

The Annexation Agreements discussion should also clarify that the parties to the agreement included the City, County and the Surplus Property Authority. In the Agreement, the 214 acres north of Gleason Road is defined as the County Governmental Property, not the County Center.

24. As noted in the DEIR, both potential sites in Dublin, the East County Government Center and Site 15A, are located within the Eastern Dublin Specific Plan project area. As part of the associated Eastern Dublin Specific Plan EIR, a wide range of Mitigation Measures were adopted by the City of Dublin to reduce environmental impacts to a less-than-significant level. The document needs to be revised to acknowledge all applicable mitigation measures and an analysis of how the portions of the proposed project located in Dublin comply with these approved mitigation measures. 9-28
25. Page 4-29, Figure 4.12 is incorrect, Site 15B, located just east of Site 15A, is designated for Campus Office, not High Density Residential as depicted on the exhibit. Also, the title of the figure implies that it is both the Specific Plan and General Plan map, however, these are two different maps. The title of the figure (as well as the Source notation) should be corrected to show the figure as "based on" the Specific Plan and General Plan maps. 9-29

26. Page 4-30, first paragraph second line. The Draft EIR description of the 1993 Annexation Agreement is unclear; the City suggests that Section 8.a, the referenced provision of the agreement, be set forth verbatim. The passage is short and makes it clear that any County development on Site 15A, governmental or otherwise, is subject to City land use regulation. 9-30
27. Page 4-30, second paragraph, second sentence. This paragraph is misleading both with respect to the content of Section 9 of the Annexation Agreement and with respect to General Plan consistency. Section 9.a provides for a General Plan consistency review pursuant to Government Code 65402, but, contrary to the DEIR, says nothing either way about whether the proposed use should comply with the General Plan. Section 9.a also provides for Site Development Review (SDR) of the proposed project according to the City's Zoning Ordinance. As part of this process, the City would be required to determine whether the project is consistent with the Dublin General Plan and Eastern Dublin Specific Plan. 9-31
28. Page 4-30, passim. The Draft EIR frequently refers to the EDGPA for applicable land use designations. The correct reference should be to the current City of Dublin General Plan land use map and text rather than to the 1993 GPA. 9-32
29. Page 4-31, passim. The Draft EIR land use analyses generally refer to the EDSP, without also reviewing for consistency with the Dublin General Plan. While the EDSP is consistent with the General Plan, the documents, policies, programs are not identical. Applicable policies and programs of the General Plan should be separately identified and analyzed as appropriate. Note that consistency with the General Plan and with applicable specific plans are both required findings for Site Development Review under Chapter 8.104 of the Dublin Zoning Ordinance. 9-33
30. Page 4-31, Development Intensity. This discussion in the DEIR states that development of both a Juvenile Justice Facility and Hall of Justice on the East County Government site would result in a Floor Area Ratio of 0.36. This is inconsistent with the Eastern Dublin Specific Plan, which allows development at the mid-point of the density range, which would be 0.25. Requests to average density across the development area should be included in the Project Description. 9-34
31. Page 4-34, first Consistency Analysis. The Land Use Development Goals and Policies on p. 4-33 do not support the related Consistency Analysis. The Consistency Analysis states that the East County Government Center alternative meets local and regional needs, providing a Juvenile Justice Facility for all County residents and a Hall Of Justice for Tri-Valley communities. There is nothing in the five land use goals cited on p. 4-33 that addresses such countywide or regional services. The only "regional" reference in the goals relates to a hierarchy of commercial areas and services, which areas and services are not located in or related to the governmental facilities proposed by the Project. 9-35
32. Page 4-34, Consistency Analysis. The last sentence on this page erroneously implies that a project's consistency with applicable general or specific plans could "override" that 9-36

project's inconsistency with applicable zoning. The Dublin zoning ordinance provides for reviewing uses that are not specifically allowable to determine if they are consistent with applicable zoning. Consistency with applicable specific plans is not among the grounds for making such a determination.

33. Page 4-35, Site Development Review. The EIR/EIS does not adequately describe the purpose, process or scope of the Site Development Review (SDR) process. This paragraph needs to be significantly expanded to fully capture the requirements of the City's SDR process, particularly since the EIR/EIS is intended to be the CEQA documentation for the City's review. 9-37
  
34. Page 4-35, Site 15A Land Use Designations, Consistency Analysis. As noted in the Consistency Analysis, the Hall of Justice proposal is not consistent with the applicable land use designation for Site 15A, which designation is High Density Residential. As further noted, the Surplus Property Authority has applied to change the General Plan and Eastern Dublin Specific Plan designations to Campus Office. The application has not yet gone to hearing and has not been approved. Nor has there been any determination by the City that the Hall of Justice alternative would be consistent with the potential Campus Office designation. In fact, the alternative is also inconsistent with the Campus Office designation which anticipates non-retail commercial uses. The appropriate land use designation under the General Plan and Specific Plan would be Public/Semi Public. 9-38
  
35. Page 4-36, last paragraph of the Subarea Land Use Planning Concept paragraph. As noted above, the City does not believe that the proposed Hall of Justice on this site would be consistent with either the General Plan or EDSP land use designation of Campus Office. According to the EDSP, Section 4.8.2, Campus Office uses include offices and other non-retail uses that do not generate nuisances related to emissions, noise, odors or outdoor storage. The proposed Hall of Justice would have major differences from traditional campus office uses in terms of differing hours of activity for traffic and would attract a more public clientele which would not be consistent with the Campus Office land use designation. Although public uses are not specifically excluded by the language of the EDSP, the fact that a separate Public/Semi-Public land use category also exists indicates that the Hall of Justice should be located within this land use designation. Section 4.8.3 of the EDSP notes that the public and semi-public land use designation provides for the development of government and institutional uses. In order to develop the Hall of Justice alternative on Site 15A, applications would need to be submitted to and approved by the City for a General Plan Amendment, Specific Plan Amendment, PD rezoning and related Stage 1 and 2 development plans, and Site Development Review. Contrary to the statements at the end of p. 4-36, the County would be subject to the City's local land use processes pursuant to Section 8.a of the 1993 Annexation Agreement. 9-39
  
36. Page 4-39, Impacts 4.1.5 and 4.1.6, physical division of an established community. The City of Dublin disagrees with the EIR/EIS conclusion that development of the two project elements in Dublin will not divide an established community. As identified later in the EIR/EIS document (Environmental Justice Section) the City of Dublin believes development of the two projects in Dublin would have a significant and unavoidable impact in terms of dividing existing communities in the westerly portion of Alameda 9-40

County which is the primary client base for the Juvenile Justice Facility. As documented in the Environmental Justice Section of the EIR/EIS, many of the future detainees within the Juvenile Justice Center will be required to travel to Dublin from points west. With inadequate public transportation to the proposed Juvenile Justice Center site in Dublin, an excessive amount of time will be required to travel to and from the Center. This, the existing physical community in the western portion of Alameda County (including but not limited to Oakland, Hayward and San Leandro) will be physically divided as residents are forced to travel to Dublin, for detention, probation or visitation purposes.

37. Page 4-41, Impact 4.3.5. The City disagrees with the assertion that there will be No Impact from the East County Government Center alternative. First, the County's statement that the "site is not subject to the land use policies of the City of Dublin" is inaccurate. Development on the site requires SDR review, which in turn requires the City to make a finding that the development complies with the General Plan and Specific Plan. Second, as noted previously, the development of a Juvenile Justice Facility is not anticipated in the EDSP as a potential use in the East County Government Center. This raises a consistency issue which should be identified as a significant impact. 9-41
38. Page 4-41. Impact 4.3.6. The City of Dublin disagrees with the conclusion that there will be No Impact from placement of the Hall of Justice on Site 15A. As the Draft EIS/EIR noted previously, the alternative is inconsistent with the existing General Plan and EDSP designations of High Density Residential. The alternative is also not consistent with the proposed Campus Office designations. (See comment above regarding p. 4-36.) The DEIR should be revised to identify this inconsistency as a significant impact and should be recirculated for public review. 9-42
39. Page 4-42, Impact 4.4, Changes in land use effects on surrounding land uses and uses within the area of environmental impacts. The analysis concludes that it is unlikely there would be any adverse impact on surrounding property values. However, case studies cited in the report suggest there is substantial potential for such impacts. The report in fact acknowledges at the outset that there is a 'paucity of statistical findings' to support the conclusory statements made in the EIR. The EIR fails to analyze the project as proposed, relying instead on poorly-related comparisons to other facilities, and fails completely to analyze the cumulative economic impacts of the project. Furthermore, the comparison discussion includes adult facilities, not juvenile facilities, without any discussion of how such facilities are comparable or distinguishable. 9-43

Contrary to its summary conclusions, the report states that, "[t]here is some evidence to suggest that correctional facility-related property value impacts occur in three instances: 1) immediately adjacent to or across from facilities in the absence of buffers or screening; 2) in the direct line of vision of facilities; and 3) during the initial period of uncertainty prior to development of a facility."

The project as proposed is in fact directly adjacent to and within the line of sight of residential uses south of the East County Government Center site. The analysis fails to address this issue, but rather relies on data concerning existing properties in the vicinity of the Santa Rita Rehabilitation Center and the federal penitentiary. Those facilities are

not immediately adjacent to private development, and are not generally within sight of any surrounding residential uses. To base conclusions of no impact on these existing conditions is to fail to recognize the profound cumulative impact of the proposed project. With the development of the proposed project, the County will have created a significant concentration of correctional and judicial facilities that would confront the existing residential and commercial uses more directly than do any of the existing facilities.

The report cites a study by Abrams of populous areas in four states, and notes that a high-income area in Arizona did in fact show evidence of a negative effect from an adjacent prison, particularly those houses in direct line of vision of the facility. As the study indicates elsewhere, residential unit prices for the study area in Dublin exceed \$500,000. The area has much more in common with the more affluent areas in states like Arizona than with the small communities in Wisconsin cited in other studies. The fact that many studies were unable to isolate the impact of prison siting among other economic variables indicates more that the subject has not been sufficiently studied than that no impacts in fact exist. The City of Dublin therefore believes that the EIR bases its conclusions on insufficient data and analysis that do not support a finding of less than significant impacts for the East County Government Center.

40. Page 4-56, Increased Demand for Housing and Services. The Draft EIR impact analysis is conclusory, and is not supported by substantial evidence. The analysis concludes that any increased demand for housing and services is less than significant, but bases this conclusion on vague employment projections of some 865 employees for the Juvenile Justice Facility and Hall of Justice projects. The analysis does not translate these employment projections into an estimated housing demand, does not include any housing distribution analysis showing where the employees might live, does not indicate what kinds of jobs would be created and whether they would be compatible with local area housing prices and vacancy rates. The discussion also notes but does not explain the relevance of increased daytime activity at the sites, including some 3,000 daily visitors to the East County Hall of Justice. Finally, the second paragraph under Impact 4.6 does not appear to have any relation to the identified impact. The Draft EIR should be revised to adequately analyze increased housing and services demands with substantial evidence presented to support the analysis and conclusions. 9-44
41. Missing Information: The City of Dublin's response to the Notice of Preparation for this project specifically requested a discussion of neighborhood compatibility between the two projects in Dublin and surrounding neighborhoods. This was not listed as an impact in the DEIR and must be included in a revised DEIR document. 9-45
42. Missing Information: The City of Dublin's response to the Notice of Preparation for this project specifically requested a discussion of project phasing and associated environmental impacts. This was not listed as an impact in the DEIR and must be included in a revised DEIR document. 9-46

#### Visual Quality (Section 5)

43. Page 5-42, Impact 5.15. The EIR/EIS notes that development of the proposed project on the East County Government Center would result in a Less-than-Significant impact regarding substantial degradation in the existing visual character of the site and its surroundings. Since the EIR/EIS document does not include elevations of the south side of the proposed Juvenile Justice Center, or analysis of security lighting, this conclusion cannot be supported by the evidence in this record. These issues are addressed elsewhere in these comments. 9-47

The City of Dublin also notes that the proposed construction of a multi-story Hall of Justice on the north side of Gleason Drive would result in potentially significant impacts to existing two-story single family residences on the immediate south side of Gleason Drive. Existing privacy of these residents will be disrupted, both within yard areas nearest the project as well as into second floors of the dwellings. The City requests that a viewshed analysis be prepared to evaluate this impact and recommend effective mitigation measures. The viewshed analysis should also address the views from the Juvenile Justice Facility towards the Santa Rita facility. The area where the Juvenile Justice Facility is proposed presently looks across the Santa Rita parking lot to heavily secured fencing with rows of razor wire. Juvenile detainees could be subjected to full views of the jail premises and perimeter fencing. Finally, the viewshed analysis should include any light standards that could be visible from the Gleason Drive residential area.

The project as described does not appear to be consistent with the Chapter 3 Project Description. The first paragraph of text under Impact 5.1.5 mentions an "alternative master plan concept" referred to as "Master Plan Concept A." It is unclear if this is the same project as described on p. 3-19, et seq.. The first bullet on p. 5-43 indicates the Juvenile Justice Facility will have a distinct identity from the adult detention center. It is difficult to see how this identity will be maintained if the Juvenile Justice Facility shares parking with the adult detention center (presumably the Santa Rita jail). Finally, it is unclear what parking is existing or proposed, based on mention of an "allotment" of 550 spaces onsite and Santa Rita use of 250 parking stalls.

44. Page 5-42, first bullet point. The ninth line of this paragraph notes that a berm would be constructed to screen the proposed Juvenile Justice Facility from existing uses to the south. The DEIR/EIS needs to clarify if the proposed berm would be of sufficient height to screen the proposed Facility. Based on the need to create a flat building pad, the City does not believe that the proposed berm would be sufficient to accomplish full or even substantial facility screening and a Significant Visual Impact would be created. As noted in comments for Chapter 3, it is not possible to determine the adequacy of the screening provided by the berm due to the lack of a typical section or grading plan. 9-48

A point related to visual impacts is the fact that if the existing tall berm is to be removed as indicated in the Chapter 3 Project Description, significantly greater views will be available of Santa Rita Jail north of the East County Government Center. The City requests that a viewshed analysis be performed to identify potential impacts of existing and proposed facilities on the north side of Gleason Drive from motorists using Gleason and from properties on the south side of Gleason Drive.

45. Page 5-43, first bullet point, next-to-last line. The EIR/EIS notes that the East County Hall of Justice would provide a general public function. Since the intended use is as a public facility, the appropriate land use designation pursuant to the General Plan and EDSP would be Public/Semi-Public and not Campus Office. 9-49
46. Page 5-43, Impact 5.1.6, the EIR/EIS notes that the proposed Hall of Justice would have a Less Than Significant impact regarding a substantial degradation of the existing visual character or quality of the site and its surroundings. The EIR/EIS notes that the type, height and mass of the building would not be out of character with surrounding buildings, including the Sybase complex and Microdental Building. Although the proposed multi-story courthouse may be similar in character with the office buildings cited, it would not be in scale with the neighborhood park planned by the City of Dublin immediately west of Site 15A, on Site F of the approved Transit Center. The Draft EIR should be revised to analyze this compatibility issue. 9-50
47. Page 5-44, Impact 5.2.6. The Draft EIR identifies No Impact on scenic vistas for Site 15A. This conclusion is not supported by the evidence in the document. Site 15A is currently vacant, with vacant land to the west as well. Figure 5.32 on p. 5-40 looks across the site towards I-580 and west across Camp Parks and shows large open areas. Views from I-580 would be back across the vacant site towards northerly distant hills. Contrary to the scant discussion in the Draft EIR, development of the project on Site 15A will substantially affect both short distance and long distance views across the now vacant site. The Draft EIR should be revised to adequately analyze the project's potential effects on scenic vistas. 9-51
48. Page 5-45, Impact 5.3.5 does not identify "lighting used for security purposes, reflective materials and other sources" either qualitatively or quantitatively, so it is unclear how or how much light and glare will be increased by the projects. If the security lighting is as tall as the light standards in the Santa Rita facility (which are approximately twice as tall as the parking lot standards, and have eight lights circled around the top of each standard), with that lighting closer to residential and commercial uses south of Gleason, and with a smaller berm, increased light and glare from the project is likely to be substantial. For these same reasons, typical shielding and unspecified "design revisions" are not adequate mitigation measures because there is no evidence that they will reduce increased light and glare that will accompany the project. The Draft EIR should be revised to adequately describe sources of project light and glare in an impact and mitigation analysis based on substantial and specific evidence. The analysis should also address the Gleason Drive berm which is described as only partially shielding the site. With only partial shielding, it is unclear how the screening will be provided. 9-52

#### **Geology, Soils and Seismicity (Section 6)**

49. Page 6-5, Figure 6.2. It is virtually impossible to decipher this diagram, even with the related text. The legend should be clarified to distinguish between different features of the Figure. The Figure should be clarified by clearly showing and labeling the rupture zone and setback areas, so the reader can tell which side of a particular boundary line is critical area and which is not. Although this figure is not directly related to the East County site 9-53

alternatives, the seismic hazards of the Existing San Leandro site are the driving force for the entire project and thus should be clear and understandable to even non-technical readers.

50. Page 6-17. The first paragraph impermissibly defers identification of potential geotechnical impacts and mitigations to future studies even though the size, configuration and location of buildings on both of the East County sites are set forth in the Chapter 3 project description and elsewhere throughout the document. While impact and mitigation analyses may need to be refined in subsequent final design stages, the Draft EIR should analyze the information that is available on the project, which in this case, appears to be considerably more than as noted. 9-54
51. Page 6-21, third paragraph under Foundation Support. The document says field exploration did not include borings or test pits. The Draft EIR should explain how the analysis can be adequate without these investigations, especially in view of last sentence regarding the instability of site materials. 9-55
52. Page 6-36, Impacts and Mitigation Measures 6.5.5 and 6.5.6. The identified impact is potentially significant soil erosion from site preparation and excavation, and from ongoing soil erosion following development (p. 6-34.) The identified mitigation measure (Mitigation Measure 6.5.2, p. 6-35) requires implementation of a SWPPP during construction, but does not identify or require site-specific or site design erosion control measures to address ongoing soil erosion impacts following development. The City's SDR review of the East County Government Code is a Project level review for which this information should be provided. 9-56
53. Page 6-38, Soil Instability. Impact 6.6.5 indicates that the impact will be reduced to less than significant through engineering recommendations, however the impact is improperly described as Less than Significant rather than Potentially Significant but Mitigatable. Although explicitly stating that that the recommendations would reduce the impact, compliance with the engineering recommendations is not identified as a mitigation measure. By contrast, Impact 6.7.5 on p. 6-39 regarding Expansive Soils identifies compliance with the engineering recommendations (presumably from the same study) as a mitigation measure. Furthermore, the engineering recommendations are not summarized or otherwise identified in the discussion under Impact 6.6.5, or in related text on p. 6-16, or on p. 6-21 regarding Foundation Support and Settlement. It is impossible from the Draft EIR to know what actions are recommended to reduce this impact, let alone whether they will be successful. 9-57
54. Page 6-40, Mitigation Measure 6.7.6 for Expansive Soils impacts at Site 15A is unclear whether either or both of the identified structure designs is necessary to reduce the impact to less than significant. 9-58

#### Hydrology and Water Quality (Section 7)

55. Page 7-2, Stormwater Pollution Prevention Plans. The DEIR does not reference new and more stringent surface water quality standards which will soon be applicable to new 9-59

development projects. Since proposed projects in Eastern Dublin will be required to comply with these standards, they need to be referenced in the document.

56. Page 7-3, East County Government Center. The Corps of Engineers has not yet approved the wetlands delineation for the East County Government Center site. It has not been determined if the existing detention pond is considered a wetland, or if preservation/mitigation will be required. Either option could impact the design of the site. 9-60

57. Page 7-4. The document states that runoff from the site is discharged into the Arnold Road channel and then leaves the area via Tassajara Creek and a culvert under I-580, 2,000' east of Tassajara Road. This is an incorrect statement. The Arnold Road channel does not discharge to either one of these drainage courses (note that the channel is located 4,000' west of Tassajara Road. The Arnold Road channel discharges to a flow splitter near Central Parkway, with a portion of the flows continuing south in a closed pipe to a triple 54-inch culvert under I-580 at Arnold Road, and the remainder continuing through an open channel to a closed pipe through the BART Station and then under I-580. 9-61

The document incorrectly states that the site drains to the detention pond. The 1999 Update to the Santa Rita Properties Master Drainage Plan (prepared by BKF Engineers, consultants to the Alameda County Surplus Property Authority for Eastern Dublin development) shows drainage from the site split between two systems. The westerly portion of the site drains to the detention pond, with the approximately 3.7 acres of the easterly end of the site draining to a 24-inch storm drain in Gleason Drive which drains easterly to Tassajara Creek. The existing storm drain systems have been designed based on this split of runoff.

58. Page 7-6, Impact 7.1.5 and Impact 7.1.6, Water Quality) These impacts are shown to be mitigated through the development of a SWPPP. The SWPPP will be required to provide physical improvements (grassy swales, etc.) to filter runoff. Given the high percentage of impervious surface on the site, and the need for much of the remaining open space to be occupied by the berms, it is unclear whether there is sufficient area for the water quality features to be provided, and thus, whether the mitigation measure will be capable of successful implementation. 9-62

It is also noted that, should a Corps of Engineers 404 Permit be required to fill the detention pond, the permit will not be effective unless the Regional Board provides a Water Quality Waiver. Further, the Board may act independent of the Corps and require that the pond be preserved or replaced as a water quality measure.

In summary, it is not clear that the proposed site plan can accommodate potential water quality/wetland preservation requirements.

59. Page 7-7, Impact 7.2, Substantial Interference with Groundwater Recharge. The DEIR indicates there would be No Impact with regard to this topic. However, Impact IM 3.5/Z of the Eastern Dublin General Plan and Specific Plan identifies a Potentially Significant Impact with regard to reduced groundwater recharge area. Since both potential project elements in Dublin would involve building or paving currently vacant land, Dublin 9-63

believes, contrary to the DEIR, this would be a potentially significant impact. Therefore, the DEIR needs to be revised to reflect this new impact and recirculated.

60. Page 7-8. Impact 7.4.5, Stormwater Capacity. This impact has not been addressed as stated in the document. This impact addresses only the water quality issues. There is no discussion of downstream stormwater capacity issues. 9-64

Reference is made to the BKF 1999 Update of the Santa Rita Property Drainage Master Plan. The plan reviewed probable land uses within the study area, determined the future runoff from various sites, and sized the new drainage system accordingly. The plan used a coefficient of runoff ("C" value) of 0.5 for the East County Government Center. The proposed development on the site has a high proportion of impervious surfaces and a C-value of 0.5 appears low. The result would be a discharge of higher flows than had been assumed in the design of the downstream storm drain facilities.

The plan also includes an analysis of the existing 24-inch storm drain which drains easterly to Tassajara Creek. The storm drain was installed as part of the initial Gleason Drive construction off Tassajara Road to serve the East County Government Center facilities. Based on the BKF analysis, the storm drain is undersized for a 15 year storm, with the hydraulic grade line 3-4-feet above the rim of the upstream catch basin, at approximate elevation 379. In other words, during a 15-year (and much lower) storms, water will back up out of the system and pond in Gleason Drive and potentially on adjoining property. This would be a significant impact.

Impacts associated with construction of the proposed project are as follows:

- a. Addition of runoff from the site will increase the existing flooding problem in Gleason Drive.
- b. Connection of the project to the system could result in backup from the pipe onto to site.
- c. With or without a stormwater connection from the site to the Gleason Drive system, overflow from the pipe system could find its way onto the site as surface flow.

Directing all runoff from the East County site to the system at Arnold Road would eliminate the first two issues, but not necessarily eliminate flooding of the site due to the overflow problem. In addition, this would result in a diversion of flows to the Arnold Road not allowed for in the design of the system.

The document does not address the required pad elevations needed to provide adequate freeboard in the drainage system or to protect the site from the overflow problem at the east end of the site. Raising the pad to address these issues would reduce the ability to screen the site from Gleason Drive.

61. Page 7-6 and 7-7, Impacts 7.1.5 and 7.1.6, Violation of Water Quality Standards. These impacts are identified as "short term" in nature. No impact is identified for long-term operations of these two facilities as they might affect water quality. It appears that 9-65

associated mitigation measures only require the SWPPP to deal with construction level impacts, which understates this potentially significant impact. Therefore, the City of Dublin believes this impact needs to be expanded to include long-term operational impacts of both facilities and modifications need to be made in the recommended mitigation measures.

62. Page 7-10, Impact 7.6, Exposure of People or Structures to Flood Hazards. This is stated as "No Impact." Based on the capacity problem in the Gleason Drive easterly drainage system and the possibility of overland release onto this or other properties, it is unclear how this statement can be made for the East County Government site. Please clarify how the area drainage would work with an increase in the amount of impervious surfaces. Page 7-4 says there is existing flooding at 580/Tassajara because the culverts are too small; it appears the project will individually or cumulatively contribute to flooding, or will increase flooding there. 9-66
63. Note: The BKF 1999 Update is cited as a reference at the end of the document. It is unclear why the document authors did not consider the existing flooding problems in the evaluation of the site drainage. 9-67
64. Missing Information: The DEIR needs to review the potential for seiche in detention ponds the event of seismic activity. This potential impact should be included in the document. 9-68

#### Biological Resources (Section 8)

65. Page 8-14, California Ground Squirrel. The DEIR states that California ground squirrels are absent from the East County Government Center site. A recent field visit (1/22/03) found two clusters of ground squirrel burrows in the west central portion of the site. This discrepancy and the potential for loss of significant species or habitat, especially the California Tiger Salamander and burrowing owl, needs to be discussed in a revised document. 9-69
66. Page 8-14, Congdon's Tarplant. The discussion on Congdon's tarplant misrepresents the status of this species in the East Dublin area. It infers the plants found on the East County Government Center site (and site 15A) are only a small portion of a much larger and widely distributed population in this area. Large portions of where this plant were reported by Preston (1999) have been lost or are rapidly undergoing development. What was once one of the species largest populations is being lost or fragmented into small, isolated stands. This project is a continuation of that pattern. The discussion in the DEIR should be revised to incorporate this information and the related potential for significant project and cumulative effects and should address mitigations for this impact as recently adopted through the Transit Center project. 9-70
67. Page 8-16, California Tiger Salamander. The DEIR concludes that the East County Government Center site is not suitable habitat for this species due to the absence of breeding habitat and limited opportunities for upland estivation. This conclusion should be reevaluated. The site contains two ponds which are potentially suitable tiger 9-71

salamander breeding habitat. The surface area of these ponds was sufficiently large and they contained ponded water to a depth of 4 to 6 inches on January 22, 2003. Invertebrates were observed swimming in the water column and Pacific treefrog egg masses were present. Their presence indicates regular ponding at these locations and that a food source for tiger salamander larvae is available. These ponds could support breeding tiger salamanders. The site should be surveyed for tiger salamanders using the survey protocol recommended by the California Department of Fish and Game. Based on this additional information, the City of Dublin requests the DEIR be amended to reflect this potentially significant impact and the document be recirculated per CEQA Guidelines.

68. Page 8-18, Burrowing Owl, White-tailed Kite. The DEIS/EIR notes that the East County Government Center site provides potentially suitable nesting habitat for burrowing owl but makes no mention of whether they were observed at this location. Table 8.1 indicates they could possibly occur here. Burrowing owl are present on the East County Government Center site. One owl was flushed from a ground squirrel burrow on January 22, 2003. The burrow had evidence of long-term occupation (white wash, several pellets). A pair of white-tailed kite were also observed here on the same date. Table 8.1 says both species are "possible" on this site. The text discussion and table in the DEIR should be updated to reflect their status on this property. 9-72
69. Pages 8-19 and 20. Wetlands. The DEIR reports that a preliminary jurisdictional delineation was conducted on the East County Government Center site and that two depressional features were present that met the Corps three-parameter test to determine if wetland conditions are present (page 8-19). The mapped locations (Figure 8.4) correspond to the locations where the ponds described above were observed. The DEIR text, on page 8-19, states that these features function largely as grasslands, with no unique values to wildlife. This is not correct. As noted above in the comments on tiger salamanders, these areas pond water for sufficiently long periods to support aquatic organisms, including breeding by Pacific treefrogs and possibly tiger salamanders. Evidence of use by waterfowl (feathers) was also present. This information is essential to properly evaluate project impacts on wetland resources and the DEIR should be revised to incorporate it and should be recirculated per the CEQA Guidelines to allow all applicable regulatory agencies to evaluate this potential impact. 9-73
70. Page 8-28, Inadequate Impact Analysis of and Mitigation for Effects to Nesting Loggerhead Shrike and Raptors. The DEIR correctly notes that these species could nest on the project site and surveys prior to construction are necessary to determine if nesting is occurring. However, Mitigation Measure 8.1.5a does not provide specific criteria for establishing buffers around active nests if they are found. It only makes reference to consulting a "qualified biologist" who will establish these buffers. It does not even state who the results of the pre-construction survey will be submitted to. The Area Biologist of the Department of Fish and Game should be named as the individual to contact to establish appropriate buffer size and implementing DFG's recommendation made a condition of project approval. The results of the pre-construction survey should be submitted to the County and the Department of Fish and Game. 9-74

71. Page 8-28, Inadequate Impact Analysis of and Mitigation for Effects to Burrowing Owls. 9-75  
Mitigation Measure 8.1.5b should be revised to note that burrowing owls are present on the East County Government Center site. This measure should also be revised to state that the Burrowing Owl Protocol and Mitigation Guidelines are those contained in the Department of Fish and Game Staff Report on Burrowing Owl Mitigation. They require the preservation (not creation as stated on page 8-28) of 6.5 acres of occupied burrowing owl habitat per single owl or pair found on a site. This mitigation measure should be revised to state that if the avoidance measures contained in the Department of Fish and Game's Staff Report on Burrowing Owl Mitigation cannot be implemented then the project will be required to preserve 6.5 acres (or more if additional owls are detected) of off-site burrowing owl habitat. The location to be approved by the Department of Fish and Game. The DEIR should address mitigations for this impact as recently adopted through the Transit Center project.
72. Pages 8-28 and 8-30, Inadequate Impact Analysis of and Mitigation for Effects to Congdon's Tarplant. The method of determining the level of impact to this species used in Mitigation Measure 8.1.5c and 8.1.6a is not adequate. The number of individual plants detected at a specific location varies from year to year depending on a number of variables. As a result there is no way of knowing if the one year surveys were conducted was a high or low year in terms of total numbers of individual plants. Numbers of individual plants may also have no relationship to conditions which exist when the five-year monitoring program is concluded. A more accurate way of determining the level of impact is to measure how large an area of suitable habitat is impacted and require as mitigation the preservation of suitable occupied habitat at a 1:1 ratio. This method of impact analysis should be used to calculate impacts to Congdon's tarplant on both the East County Government Center site and Site 15A and to determine the necessary amount of mitigation acreage required. 9-76
73. Page 8-33, Inadequate Impact Analysis of and Mitigation for Effects to Wetland Areas. The DEIS/EIR takes the position on page 8-33 that impacts to the wetland areas identified on the East County Government Center site are only significant if they are subject to the jurisdiction of the U.S. Army Corps of Engineers. Establishing whether the Corps has jurisdiction over wetland resources on this site is a legal question. It has little to do with the biological values of these resources and determining whether their loss will result in one or more significant impacts. As noted previously in the comments on wetland resources on this site, the DEIR does not adequately describe the condition and values of the wetlands present. The impact analysis should be revised to state there will be a significant impact on wetland resources and mitigation for their loss provided whether they are determined to be subject to the Corps jurisdiction or not. 9-77
- The same approach should be used to analyze potential wetland impacts on site 15A. See also comments above regarding Mitigation Measure 6.5.2.
74. Page 8-36, Loss of Wildlife Habitat. These two analyses should be revised and reanalyzed in light of the above comments regarding the potential impacts on wildlife habitat and any impacts on movement corridors. 9-78

75. Page 8-38, Conflict with Local Policies or Ordinances. Mitigation measures for potentially significant impacts 8.5.5 and 8.5.6 are not specifically cross-referenced, nor is reference to the “measures described above” sufficient to identify the mitigation measures proposed for these impacts. See also comments above regarding reanalysis of potential wetlands and sensitive species impacts and mitigations. 9-79

#### Transportation (Section 9)

76. Page 9.1, Regulatory/Policy Setting. This section should be expanded to identify and describe the range of traffic impact fees imposed by the City of Dublin for projects in Eastern Dublin. These include: 9-80

- a. Eastern Dublin Traffic Impact Fee, imposed to finance transportation improvements needed to reduce traffic-related impacts caused by development in Eastern Dublin. This fee is imposed on a per-trip basis.
- b. Freeway Interchange Fee, which is imposed to reimburse the City of Pleasanton for costs to construct the I-580/Tassajara Road and I-580/Hacienda Drive interchange improvements. These fees are also imposed on a per-trip basis,
- c. Tri-Valley Transportation Development Fee, which is imposed to finance transportation improvements in the Tri-Valley development area made necessary by development in this portion of Alameda County. In some instances, government buildings are specifically exempted from this fee.

77. Page 9-1, Regulatory/Policy Setting. This section should reference the existence of the Eastern Dublin Specific Plan and Eastern Dublin Specific Plan EIR. These documents provide a regulatory framework for traffic and circulation in the Eastern Dublin area and appropriate policies need to be included to provide a true picture of the regulatory setting. 9-81

78. Page 9-23, East County Government Center and Site 15A, Project Scenarios. The DEIR texts suggest that no future traffic is accounted for under Scenarios A1, A2 or B. Assuming that a Hall of Justice is not located on Site 15A, it is likely that a another use, consistent with the proposed Campus Office land use designation, would be constructed on Site 15A, which would generate traffic. The analysis should clarify how potential future traffic on Site 15A would be addressed in cumulative analyses. 9-82

79. Page 9-24, Important Roadways. The list of roadways does not identify which, if any, are MTS roadways for which the County Congestion Management Agency would require analysis. The City notes that many of the referenced roadways are being funded through the City’s Traffic Impact Fee program. Thus, development relying on these roadways to meet project demand is paying its proportionate share of the roadway costs. 9-83

80. On Page 9-24, under Important Roadways, some of the information provided on the following roadways is inaccurate and needs to be updated to reflect current lane configurations: Dublin Boulevard, Central Parkway, and Hacienda Drive. 9-84

81. Page 9-25, Study Intersections. Nineteen study intersections are identified. Please explain why these particular intersections were selected. The intersection of Hacienda 9-85

Drive/Hacienda Crossings/(future) Digital Drive should be added to the list of Study Intersections and included in the LOS analysis. This is because this intersection is expected to be highly congested in the future due to heavy turning volumes during the peak periods.

82. Page 9-25, Existing Conditions Analysis. It is noted that the peak period traffic volumes were obtained from "recent transportation analyses or conducted in the field by TJKM Transportation Consultants." On page 9-29, it is noted that traffic volume counts were conducted in August 2001 and January 2002. No information was provided in the DEIR to identify the source of each count and the date on which each location was counted. Also, no detail information was provided as to why counts were done in August 2001 which is some time ago and during the summer when traffic volumes are generally lower than average. 9-86

No detailed information was provided in the DEIR as to how the percent occupancy for approved projects was determined and applied given that the existing conditions data were collected in August 2001 and January 2002. For example, the DEIR lists the percent occupancies for approved projects as of January 2002, and yet, some traffic counts were collected in August 2001.

In general, the use of old traffic counts, including summer counts, for this DEIR is unacceptable to the City of Dublin, considering the rapid changes to traffic conditions that have occurred in Eastern Dublin. These counts raise major concerns regarding the validity of the LOS analysis used in the DEIR. The Dublin Boulevard widening to six lanes east of Dougherty Road was completed in Spring 2002 and traffic volumes on Dublin Boulevard have since increased, in part due to increased traffic diversions from I-580 as a result of the Dublin Boulevard widening. The intersection LOS analysis should be redone again, starting with existing traffic conditions and based on new or recent turning movement counts, and the DEIR should be re-circulated for public review.

83. Page 9-25, Study Intersections and Page 9-29, Baseline Conditions Analysis. For Project scenarios that involve locating the East County Hall of Justice at Site 15A, the list of study intersections for the LOS analysis should also include the Project access intersections along Arnold Road and Central Parkway. The intersection of Central Parkway/(shared driveway with Sybase) should be analyzed as a signalized intersection. A traffic signal is planned at this intersection with the development of Site 15A. The adjacent Sybase development has contributed its fair share toward the installation of this traffic signal. The DEIR should specify that the County should install this traffic signal as part of the development of Site 15A. 9-87

84. Under Existing Conditions Analysis (from Traffic Appendix), lane geometries are incorrect at the following intersections based on current improvements: Hacienda Drive/I-580 EB Off-Ramp, Hacienda Drive/Central Parkway, and Tassajara Road/Dublin Boulevard. 9-88

85. Under Existing Conditions Analysis (from Traffic Appendix), the signal phasing input is incorrect at the following intersections: Arnold Road/Dublin Boulevard, Arnold 9-89

Road/Central Parkway, Hacienda Drive/Central Parkway, and Tassajara Road/Dublin Boulevard.

86. Page 9-29, Baseline Conditions Analysis. Information for the Baseline analysis is incomplete and does not provide an accurate basis for the traffic analyses. A definition should be provided for Pending Projects under Baseline conditions. The list of approved and pending projects needs to include all City-wide projects, including the recently approved Transit Center project which is included in the Eastern Dublin Specific Plan area. The Dublin Boulevard/Dougherty Road intersection is likely to be impacted by Citywide projects due to its central location within the City of Dublin. Without consideration of these impacts, the baseline conditions could be artificially low. Page 9-31 refers to "currently planned improvements," but does not identify those improvements, who planned them, who has or will pay for them, or who will construct them. Finally, there has been no mention in Chapter 9 of the City's Eastern Dublin traffic impact fee programs. The Dublin area alternatives should be reanalyzed based on accurate baseline conditions, on participation in applicable traffic impact fee programs, or other identified mitigation measures. The list should be updated and the LOS analysis should be re-run under Baseline conditions. The revised analysis should then be recirculated for public review. 9-90
87. Page 9-31 The list of planned intersection improvements on Page 9-31 of the DEIR is incomplete. The list should include all applicable improvements as identified in previous traffic studies in Eastern Dublin, including the Transit Center EIR. Also, improvements included on the list for the following intersections are either inaccurate, unclear or already existing: Dublin Boulevard/Arnold Road, Tassajara Road/Central Parkway, Tassajara Road/I-580 Westbound Off-Ramp, Santa Rita Road/I-580 Eastbound Off-Ramp/Pimlico Drive. The DEIR analyzes the intersection of Dublin Boulevard/Dougherty Road without and with the extension of Scarlett Drive between Dublin Boulevard and Dougherty Road under Baseline conditions. It should be recognized that this extension is not planned to be constructed until the Transit Center project is developed. 9-91
88. Under Baseline Conditions Analysis (in the Traffic Appendix), lane geometries are incorrect at the following intersections based on current improvements, planned improvements, and other applicable improvements as identified in the EIR for the Transit Center: Dougherty Road/Dublin Boulevard, Arnold Road/Dublin Boulevard, Hacienda Drive/I-580 WB Off-Ramp, Tassajara Road/Gleason Drive, Tassajara Road/Dublin Boulevard, Tassajara Road/I-580 WB Off-Ramp. 9-92
89. Under Baseline Conditions Analysis (in the Traffic Appendix), the signal phasing input is incorrect at the following intersections: Arnold Road/Dublin Boulevard, Arnold Road/Central Parkway, Hacienda Drive/Central Parkway, Tassajara Road/Gleason Drive. 9-93
90. Page 9-31, Baseline Conditions Analysis. There is a note that the Eastern Dublin Specific Plan EIR uses a methodology different from the CCTALOS methodology for analyzing peak hour intersection operations. Please provide more detail regarding the differences and how the "actual land use development, trip generation and regional travel patterns have necessarily changed since preparation of the EDSP." 9-94

91. Page 9-31. Changes to the existing lane geometry at seven intersections are listed. Please provide detail regarding how these changes were developed, including if all are from the EDSP or if new changes were added and if changes would be acceptable to the jurisdiction where the intersections are located. Please provide detail on how each improvement is to be funded and constructed. 9-95
92. Similarly it is concluded on Page 9-32 of the DEIR that the Tassajara Road/Dublin Boulevard intersection would operate at LOS F (although the analysis sheet shows LOS E) during the PM peak hour under Baseline conditions. Furthermore, it is suggested that a through lane on the eastbound Dublin Boulevard approach be converted to third right-turn lane to improve operations to LOS C. Firstly, the addition of a third eastbound right-turn lane could possibly be achieved without converting one of the through lanes by striping the third through lane (which currently exists but is closed to traffic) as a right-turn lane on an interim basis. However, the DEIR should evaluate the safety of operating three eastbound right-turn lanes, including the distribution of traffic in each right-turn lane that considers the I-580 destined movements at the next ramp intersections. Also, it should be recognized that Dublin Boulevard is ultimately planned to have six through lanes (three lanes in each direction) throughout Eastern Dublin. As such, adding a third eastbound right-turn lane under ultimate roadway configurations would require widening the eastbound approach of Dublin Boulevard at Tassajara Road to accommodate two left-turn lanes, three through lanes and three right-turn lanes. 9-96
- Secondly, the results of the above analysis at Tassajara Road/Dublin Boulevard is not necessarily conclusive because the lane geometries assumed for this intersection are incorrect and the list of approved and pending projects is incomplete and inaccurate.
93. The Baseline LOS analysis should be re-run for all study intersections within the City of Dublin, based on corrected geometries and an updated list of approved and pending projects, and the DEIR should be re-circulated. 9-97
94. Page 9-32, Baseline. The DEIR indicates that the Dougherty Road/Dublin Boulevard intersection would operate at an unacceptable LOS during the PM peak hour under Baseline conditions. The results of this analysis may be invalid because the lane geometries assumed for this intersection are incorrect and the list of approved and pending projects is incomplete and inaccurate. 9-98
95. Page 9-32. It is noted that parking occupancy was surveyed in August 2001. Please provide details on the parking occupancy counts, including how a survey during the summer with generally lower trip generation and lower parking demand would compare to a survey during other times of the year. Please provide more detail regarding the surveyed site for parking data such as percent occupancy of the facility. 9-99
96. Page 9-35, first full paragraph. This text provides information on the BART services, but does not appear to be complete. The text does not state whether travelers from Oakland, San Leandro and Hayward locations would have to change trains to or from Dublin. The 9-100

text also appears to assume that project ridership will be comparable to regular commute patterns and peaks. If so, this assumption should be stated and substantiated.

97. Page 9-35, the significance criteria for the City of Dublin as set forth in the Dublin General Plan circulation element should also be cited and analyzed in a revised and recirculated DEIR since the City, as a Responsible Agency, is intended to rely on the DEIR. 9-101
98. Page 9-54, Under Project Scenarios A1, A2, B, C1, C2 and D (Impact 9.1.5 and Impact 9.1.6), lane geometries are incorrect at the following intersections based on current improvements, planned improvements, and other applicable improvements as identified in the EIR for the Transit Center: Dougherty Road/Dublin Boulevard, Arnold Road/Dublin Boulevard, Hacienda Drive/I-580 WB Off-Ramp, Tassajara Road/Gleason Drive, Tassajara Road/Dublin Boulevard, Tassajara Road/I-580 WB Off-Ramp. 9-102
99. Under Project Scenarios A1, A2, B, C1, C2 and D (Impact 9.1.5 and Impact 9.1.6), the signal phasing input is incorrect at the following intersections: Arnold Road/Dublin Boulevard, Arnold Road/Central Parkway, Hacienda Drive/Central Parkway, Hacienda Drive/Gleason Drive, Tassajara Road/Gleason Drive. 9-103
100. The results of the LOS analysis under Project Scenarios A1, A2, B, C1, C2 and D (Impact 9.1.5 and Impact 9.1.6) may be invalid because the lane geometries assumed for the above listed intersections are incorrect and the list of approved and pending projects is incomplete and inaccurate. 9-104

The LOS analysis under Project conditions should be re-run for all study intersections within the City of Dublin, based on corrected geometries and an updated list of approved and pending projects, and the DEIR should be re-circulated.

101. Page 9-54, Impacts 9.1.5 and 9.1.6. Significant and unavoidable impacts are noted for the intersection of Dougherty Road at Dublin Boulevard. It is noted that "These impacts would occur with or without the Project, but the Project's traffic would be a significant impact that requires proportionate contribution toward mitigation." However, it is noted on page 9-61 that "Additional mitigation at the intersection of Dougherty Road/Dublin Boulevard is not feasible due to physical constraints at this location and this impact is significant and unavoidable." Any mitigation measure concerning the intersection of Dublin Boulevard/Dougherty Road must include making a fair share contribution toward the funding of the planned improvements at this intersection. The DEIR analyzes this intersection using existing lane configurations. The LOS analysis should be re-run to reflect the planned intersection improvements, starting with Baseline conditions. 9-105
102. Page 9-57, Trip Generation. It is noted that the trip generation for Scenario A1 was "...estimated based on the Architectural Program and previous reports." Table 9.16 on page 9-58 presents the trip generation for Scenario A1, with about 9,000 daily trips and 1,200 peak hour trips. Please provide more detail as to the development of the trip generation, in addition to the note "Rates for the Project were calculated based on the 9-106

number of trips estimated for these uses." Please provide a list of previous reports with details. Please provide more detail on the use of the Architectural Program and previous reports to develop the trip generation.

It is also stated that "The person-trips were translated into vehicle-trips by assuming vehicle occupancy rates and a 10% transit and carpool reduction." Please provide detail as to the assumed vehicle occupancy. Please provide detail on how and why a 10% transit and carpool reduction was used, including the percent that would use BART and how they would travel to and from the East Dublin BART station. The existing transit use at the San Leandro site would be helpful to know, although the transit use at the East County sites may be lower if the existing and potential transit service is less frequent and less convenient with lower capacity.

These comments on trip generation also pertain to the other scenarios as described on pages 9-61, 9-65, 9-66 9-72, 9-76.

103. Page 9-57, Trip Distribution. The percent directional distribution for the project traffic is listed. Please provide more detail on how the directional distribution percentages were developed. 9-107

104. Page 9-58, Level of Service Analysis. The DEIR for the Transit Center specifies that the road segment of Hacienda Drive between Central Parkway and Gleason Drive should be widened from three to four travel lanes (i.e., by widening southbound Hacienda Drive from one to two lanes) as one of the mitigation measures for the Transit Center project. According to the Baseline plus Project traffic analysis in the DEIR for the proposed Project, up to 1,277 vehicles are projected to travel southbound on Hacienda Drive north of Central Parkway during the PM peak hour, depending on the Project Scenario. 9-108

Based on these traffic projections during the PM peak hour, the County would need to widen southbound Hacienda Drive from one to two through lanes (the analysis sheets already show two through lanes for the southbound Hacienda Drive approach at Central Parkway) between Gleason Drive and Central Parkway. The DEIR should specify that in the event that the proposed Project is developed first (i.e., prior to the Transit Center development), then the County should implement this widening improvement as part of the traffic mitigation measures for the proposed Project.

The traffic mitigations for the proposed Project should also include installing a second eastbound left-turn lane on Dublin Boulevard at Arnold Road within the existing median island on Dublin Boulevard. This is because under Baseline plus Project conditions, this left-turn movement is expected to increase to between 500 and 697 vehicles, depending on the Project Scenario, during the AM peak hour, thereby necessitating two left-turn lanes.

105. Pages 9-58 and -61, Impact 9.1.5 and Mitigation Measure 9.1.5a. The Resulting Level of Significance discussion on p. 9-61 states that the Scarlett Drive extension would not mitigate the related impact to less than significant; however, no other mitigation measures are identified for this impact. Addressing this same intersection in the Eastern 9-109

Dublin Properties Revised Draft Supplemental EIR (pp. 3.6-16 to -18), the City examined certain intersection improvements but found them infeasible. However, the City also identified other measures to reduce trip generation and congestion and improve levels of service. These measures include, but are not limited to, a transportation demand program, ride sharing, free or discounted BART or other transit passes, as well as current and future phases of the I-580 Smart Corridor program. With these additional measures, the City determined that impacts to the intersection would be reduced to less than significant levels. These additional measures should be included in the Draft EIR for project and cumulative impacts related to the Dublin intersections.

106. Page 9-61, Mitigation Measure 9.1.5b. As mentioned above in a previous comment, the addition of a third eastbound right-turn lane from Dublin Boulevard onto southbound Tassajara Road could possibly be achieved without converting one of the through lanes by striping the third through lane (which currently exists but is closed to traffic) as a right-turn lane on an interim basis. However, the DEIR should evaluate the safety of operating three eastbound right-turn lanes, including the distribution of traffic in each right-turn lane that considers the I-580 destined movements at the next ramp intersections. Also, it should be recognized that Dublin Boulevard is ultimately planned to have six through lanes (three lanes in each direction) throughout Eastern Dublin. As such, adding a third eastbound right-turn lane under ultimate roadway configurations would require widening the eastbound approach of Dublin Boulevard at Tassajara Road to accommodate two left-turn lanes, three through lanes and three right-turn lanes. 9-110
107. Page 9-62, Mitigation Measure 9.1.5c. From this point on in Chapter 9, identified mitigation measures are no longer followed by a statement of the Resulting Level of Significance. Without this information, the reader does not know if the impacts have been avoided, and thus, how the alternative scenarios compare to one another regarding related traffic impacts. 9-111
108. Page 9-75, Table 9.25. This table indicates that under Scenario C1 for the p.m. peak hour the level of service (LOS) for the intersection of Dougherty Road at Dublin Boulevard would be LOS F (with the Scarlett Drive extension). Under baseline conditions without the project, Table 9.9 indicates LOS E for the intersection with the Scarlett Drive extension. Therefore project traffic under Scenario C1 would result in the LOS changing from LOS E to LOS F. The significance criteria noted on page 9-35 indicate that a project would have a significant environmental impact if the LOS degrades to worse than LOS E or if the volume-to-capacity ratio increases by more than 1 percent if the baseline conditions are LOS E or LOS F. Therefore, the project would result in a significant impact. Please provide more detail on the significant impacts of the project and the mitigation for Scenario C2. Please provide more detail for the other scenarios also, as noted in Table 9.17 on page 9-61, Table 9.19 on page 9-64, Table 9.21 on page 9-68, Table 9.23 on page 9-71, and Table 9.27 on page 9-72, as the addition of project traffic under each of the scenarios would change the volume-to-capacity ratio at this intersection by more than 1 percent. As noted elsewhere in these comments, traffic impacts should be analyzed based on the Dublin General Plan LOS standards, in a revised and recirculated DEIR. 9-112

109. Page 9-87, Inadequate Parking Supply at East County Government Center. As noted in previous comments, the Draft EIR parking analysis is inadequate because it does not identify how many parking places are proposed to meet project demand and does not identify the deficit number of spaces. Mitigation Measure 9.2.5 is similarly inadequate since it does not identify the number of spaces needed to meet the deficit, or the number of additional spaces that could be created through restriping the Santa Rita lot. The Draft EIR should be revised to provide adequate, accurate parking demand and supply figures upon which the analysis can be based. 9-113
110. Page 9-91, Impact 9.3.5. The impact analysis is inadequate because the finding of a Less than Significant transit impact is dependent on expansion of LAVWTA route coverage; however, this expansion is not identified as a mitigation measure and LAVWTA is not required to even consider much less complete such expansion. Furthermore, the descriptions of LAVWTA and BART facilities do not present evidence showing that the facilities are convenient or cost effective for anticipated project ridership. See earlier comments regarding the questionable validity of apparent assumptions that project ridership needs are comparable to commuter ridership needs. Note that this same comment applies to Impact 9.8.1 on p. 9-111; this impact analysis is inadequate since it also relies on voluntary actions such as LAVWTA expansion that are not identified as mitigation measures. 9-114
111. Page 9-91, please provide detail on how the new LAVTA routes and/or improved headways would be funded and on how bus connections and transfers would provide access and be coordinated with BART. 9-115
112. Page 9-91, please provide more detail on how the number of transit riders was determined under Impact 9.3.6 for Site 15A. 9-116
113. Page 9-101. It is noted that under Scenario A2, the project would add 1.5 percent of the total traffic on I-580 and "This contribution of traffic would be considered a significant effect of the Project." In addition, significant effects are noted for four scenarios on segments of Dougherty Road and Dublin Boulevard. On page 17-16 under cumulative conditions, it is noted that "Project-related contributions to unacceptable levels of congestion on these roadway segments could be regarded as cumulatively considerable." The mitigation for these significant effects are a TSM/TDM Program (9.4.5a, 9.4.6a, 17.1.5a and 17.1.6a), an Enhanced Transit Program (9.4.5b, 9.4.6b, 17.1.5b and 17.1.6b), and Tri-Valley Transportation Fees (9.4.5c, 9.4.6c, 17.1.5c and 17.1.6c). Please provide more detail as to how these measures would provide mitigation for the significant effects. It is noted that even with these measures, the contribution of traffic by the project "... would be a significant and unavoidable effect. Additionally, improvements to regional roadways depend upon other agencies for implementation and are outside of the County's jurisdiction. Consequently, construction of improvements cannot be assured." 9-117
114. The study segments for the 2005 and 2025 CMA Roadway Analysis without and with the proposed Project should also include Hopyard Road and Santa Rita Road, both of 9-118

which are on the Metropolitan Transportation System (MTS) in the vicinity of the Project.

115. Missing Information: There is no reference in Chapter 9 or elsewhere to the current and potential geographic locations of the homes of visitors (to all the planned facilities, including courts), inmates, juvenile probationers, and juveniles in custody. The distance that these persons currently travel and would travel with the East County sites should be included in the analysis, including vehicle-miles traveled (VMT) and related impacts, such as on air quality. 9-119

The traffic analysis described in the report does not include consideration of pedestrians and bicyclists. Please provide detail on how the operations at the study intersections may be affected by pedestrians and bicyclists. Please provide detail regarding the project impact on pedestrian and bicycle facilities and on pedestrians and bicyclists traveling to and from the project sites and at the study intersections.

116. Page 9-108, Mitigation Measures 9.4.5a and 9.4.6a. TSM/TDM mitigation measures are normally responsive to commuter traffic impacts and do not appear appropriate for the Juvenile Justice Facility project. See above comment regarding unsubstantiated assumptions regarding the similarity of commuter ridership and potential project ridership. Also, the identified mitigation measures are "should" measures rather than "shall" measures and thus cannot be relied upon for implementation or feasible mitigation. Since the DEIR identifies mitigation measures using both terms, the City assumes that "shall" means mandatory, while "should" means advisory. 9-120

#### Noise (Section 10)

117. Page 10-11, Local Physical Setting, East County Government Center. The DEIR/EIS does not disclose the presence of helicopter overflights of the property from military helicopters using Parks RFTA. Figure 4-2 of the Parks RFTA Environmental Noise Management Plan prepared in December 2002 clearly shows that both the East County Government Center and Site 15A are subject to helicopter noise impacts. Based on this new information, the DEIR should be revised and recirculated to analyze this potential impact. 9-121
118. Page 10-11, Local Physical Setting, East County Government Center. The DEIR fails to disclose the proximity of the weapons shooting ranges on Camp Parks. In late 2002, the Alameda County Sheriff's Office commissioned an acoustic study of the impacts of shooting ranges on adjacent properties to the ranges. This study was prepared by the firm of Wilson, Ihrig Associates. The report indicates potentially significant noise impacts to adjacent residential areas south of Gleason Drive. By inference, there would be significant noise impacts to the proposed Juvenile Justice Facility site, since this site in the East County Government Facility is located closer to the shooting ranges than properties south of Gleason Drive. Since this study was commissioned by the Alameda 9-122

County Sheriff's office, the City of Dublin is concerned that this study is not used or even referenced in the DEIR document.

Information contained in the DEIR on Page 10-11 seems to contradict the finding of the earlier study. The DEIR notes that "Distant gunfire from the County Sheriff's Shooting Range was audible but not measurable at this location." The Wilson, Ihrig study found that shooting range noise could range up to 64 dBA at the Hacienda/Gleason intersection. Since the Juvenile Justice Center would be significantly closer to the Shooting Range, gunfire noise would be a potentially significant impact. This impact should be analyzed in a revised DEIR and recirculated for public review.

119. Page 10-21, Significance Criteria. The first bullet point under Significance Criteria indicates that a significant noise impact would result if noise exposure limits would exceed noise standards established in the local general plan or noise ordinance or applicable standards of other agencies. The City of Dublin has adopted a Noise Element as part of the General Plan that contains specific exterior noise exposure limits. Since two of the candidate sites are within the City of Dublin, specific reference needs to be made of City of Dublin standards with analysis included based on those standards. 9-123
120. Page 10-27, Impact 10.2.5, East County Government Center. The City of Dublin agrees that future traffic noises would result in a significant and unavoidable impact to residences south of this site. 9-124
121. Page 10-28, Mitigation Measure 10.2.5a. The recommendation that either the City or County install "quiet pavement" material on adjacent streets near the east County Government Center needs to be expanded to identify specific noise reduction levels, expressed in Ldn or a similar noise metric, to be achieved by this action. This mitigation measure must identify who will fund the increase in cost from normal paving to "quiet paving." The DEIR needs to include additional information of the approximate per square foot costs of this enhanced paving treatment. 9-125
122. Page 10-33, Impact 10.3.6, Construction Noise Impacts adjacent to Site 15A. The DEIR incorrectly and inaccurately notes that there are "no noise sensitive receivers adjacent to Site 15A. The final approved development plan for the Transit Center shows a neighborhood park immediately west of Site 15A, which is considered a sensitive noise receptor. Therefore, this is a new impact not disclosed in this document and the DEIR must be revised and recirculated for public review. 9-126
123. Impact Not Disclosed. The DEIR does not disclose anticipated impacts to surrounding properties from groundborne vibration. For the proposed East County Government Center, there could be potential impacts to residences south of Gleason Drive. For Site 15A there could be potentially significant construction groundborne vibration impacts to both Sybase to the east and the proposed City of Dublin park immediately to the west on Site F of the Transit Center. The Draft EIR should be revised to include analysis of groundborne vibration impacts and should be recirculated for public review. 9-127

**Air Quality (Section 11)**

124. Page 11-15, Mitigation Measure 11.1.1. The DEIR notes under point 1 that construction contractors should be required to use biodiesel fuel to minimize diesel emissions. How will this requirement be enforced? Similarly how will all the other recommendations contained in the Mitigation Measure (points 2-6) be enforced? Are all six of the recommendations required to be implemented? 9-128
125. Page 11-13, Construction and Demolition Impacts. The DEIR/EIS references air quality standards adopted by the South Coast Air Quality Management District, however, page 11-1 notes that this document has been prepared using BAAQMD CEQA Guidelines. The document needs to explain why emission standards have been changed in mid-document. 9-129
126. Pages 11-25 and 11-28. Does the air quality analysis take into account increased quantities of permanent diesel emissions from new busses required to transport visitors to the two Dublin facilities to and from the East Dublin BART station? Since a large number of visitors are anticipated to travel to these facilities via public transportation systems, increased public transportation vehicle trips should be evaluated in the DEIR as part of the air quality analysis. Proposed Mitigation Measures 9.4.5b and c call for expanded LAVTA service in the Eastern Dublin area to support the proposed land uses. Therefore, air quality impacts associated with increased service should also be assessed, especially due to the presence of a sensitive air quality receptor, a recently approved City park on Site F of the Transit Center. 9-130
127. Page 11-28, Impacts 11.3.5 and .6, Ozone Precursors. Please clarify if the air quality calculations account for the excessive VMT for potential users of the proposed facilities required to access the proposed Dublin facilities from North Alameda County. 9-131
128. Page 11-30, Impacts 11.4.5 and 11.4.6. There is no backup material contained in the DEIR to support the conclusion of Less-than-Significant impacts regarding carbon Monoxide hotspot impacts. Results of computer modeling need to be supplied in order to prove this is truly a less-than significant impact. 9-132

**Public Health and Safety (Section 12)**

129. Page 12-23, Mitigation Measure 12.1.6. The DEIR describes groundwater contamination as a potentially significant and mitigatable impact. Specifically, petroleum hydrocarbons associated with former service stations, chlorinated hydrocarbons apparently associated with a "former laundry" on the property adjacent to the east of Site 15A, and "a tar-like substance" found in two samples are mentioned. The mitigation measure presented includes only soil remediation and case closure for the service station sites, and preparation of a soil management plan to deal with potential petroleum-contaminated soil. Mitigation measures for groundwater contamination are not presented. 9-133

130. Page 12-14 and 12-19, Aviation Operations. The Draft EIR does not disclose the presence of helicopter overflights from Parks RFTA over both of the Dublin area sites. See previous related comments. 9-134
131. Page 12-22, Impact 12.1.5, East County Government Center. The Draft EIR states that "...the extent to which soils and groundwater may have been contaminated by previous activities at the site is unknown, and such contamination (if present) could result in potential construction worker health effects...". However, the Army has stated that Camp Parks was the site of extensive radiation testing throughout the 1960s and early 1970s, and even contained a building that held radioactive materials. Part of a multi-agency research project, high-level radiation experiments were conducted on plants and large animals. Building 305, which once stood on the site of the proposed East County Government Center on Gleason, was used for many years by the US Naval Radiological Defense Laboratory, Stanford Research Institute, as well as the University of California for tests on how plants absorb low-level radioactive material. 9-135
- The recommended mitigation measure includes only the preparation of a soil handling/management plan (SMP). It is premature to develop a SMP before the extent of site contamination is determined and appropriate health risk effects have been assessed. As appropriate for the City's project-level SDR review, the Draft EIR should be revised to reflect a more formal assessment to establish that the site characterization is complete, and should be recirculated for public review.
132. Page 12-25, Impact 12.27, Impairment/Interference with Emergency Response and Evacuation Plans. The DEIR indicates there will be No Impact with regard to an impairment or interference with an emergency evacuation plan. The City of Dublin believes the DEIR completely understates this impact with respect to construction of either one or both of the proposed justice facilities in East Dublin. Adding one or more major facilities to the Eastern Dublin area will be a Significant Impact to the City of Dublin emergency rescue resources in the community when added to the large number of inmates and staff at the Federal Correctional Facility and Santa Rita Jail facilities. In the event of a catastrophic emergency, City resources will be able to provide limited service to evacuating these facilities in a safe manner. 9-136
133. Missing or incomplete information, Site 15A. The documentation provided in the EIS/EIR is apparently not complete and difficult to follow. It is not clear if groundwater testing took place at Site 15A, and no specific sampling and analyses results are reported. A groundwater monitoring program to determine the extent of groundwater contamination is mentioned, but no results are presented. The regulatory status of the former service stations are not given. Soil sampling locations and results are not included in the EIS/EIR. While the DEIR states that the extent of soil and groundwater contamination has not been established, it lists "...overexcavation and hauling away..." of soil as the recommended mitigation measure, and preparation of an SMP to deal with "...small pockets of petroleum hydrocarbon impacted soil..." encountered during grading activities. Given the stated uncertainty of the extent of soil and groundwater contamination, this measure is inadequate. The extent of soil and groundwater contamination should be established prior to determining mitigation measures. The 9-137

Draft EIR should be revised to accurately and completely assess potential soil and groundwater contamination impacts and should be recirculated for public review.

134. Page 12-23, Mitigation Measure 12.1.6, Remediation. This mitigation measure "recommends" certain activities, and states that a soil management plan "should" be completed. As stated, the mitigation is inadequate since the mitigation activities are not required and therefore, uncertain of being implemented. The mitigation language contrasts with other mandatory activities, such as Mitigation Measure 12.1.5 which prescribes certain activities that "shall" be completed. 9-138

### Public Services (Section 13)

135. Page 13-13 to 13-16, East County Government Center, Site 15A. The City imposes a number of development impact fees on residential and nonresidential development in Eastern Dublin. In addition to the traffic impact fees described under Chapter 9 comments, the following fees apply to Eastern Dublin development. 9-139
- a. Public Facilities Fee. The purpose of this fee is to finance public improvements (such as the Civic Center, library, senior center, neighborhood and community parks) to reduce the impacts of caused by future development in the City. It is imposed on the basis of population created by various development types.
  - b. Fire Facilities Fee. The purpose of this fee is to finance fire facilities (fire stations and apparatus) necessary to reduce the impacts of future development on the City's existing fire facilities. It is imposed on the basis of population created by various development types.
  - c. Noise Mitigation Fee. The purpose of this fee is to finance mitigation measures designed to minimize noise from roadways in Eastern Dublin. It specifically exempts public uses.

As noted previously in comments on Chapter 9, all City and other applicable impact fee programs should be identified in the Setting discussions, including those in Chapter 13 of the DEIR.

136. Page 13-15, Parks and Recreation, second paragraph. The DEIR is partially incorrect in describing City park facilities near the East County Government Center and Site 15A. The document fails to disclose that a Neighborhood Park was recently approved by the City on Site F of the Transit Center, which is just west of Site 15A. 9-140
137. Page 13-18, Impact 13.1, Indirect Effects on Public Services. The City of Dublin does not agree with the Less Than Significant conclusion reached in this impact analysis. The City of Dublin believes there could be Significant Impacts on a number of public services offered by the City of Dublin, including but not limited to police services, fire services, parks and recreation and maintenance services. Indirect impacts will result from the number of visitors to the Hall of Justice on City facilities. 9-141
138. Page 13-22, Impact 13.3.5. Police Impacts to the City of Dublin, Juvenile Justice Facility. The City of Dublin strongly believes that DEIR grossly understates the impact 9-142

of constructing the Juvenile Justice Facility at the East County Government Center. The DEIR states that the City of Dublin would not be required to provide basic police services to a new Juvenile Justice Facility constructed at the East County Government Center, since County counselors, who are also trained law enforcement officers would staff the facility. The City of Dublin disagrees with these assumptions and believes the proposed Juvenile Justice Facility will represent a major increase in calls for service to the Dublin Police Department. Based on information supplied by the Sheriff's Office, Sheriff's personnel had to respond to 275 calls for service to the existing Juvenile Facility in San Leandro last year. There were 61 written reports generated for a variety of incidents, including assault and battery, assault with a deadly weapon, rape, malicious mischief, grand theft and others. Impacts to the Dublin Police Department will include not only direct calls for service to the proposed facility, but tedious follow-up required by law, including but not limited to writing reports and court appearances. The City of Dublin therefore requests the discussion regarding Impact 13.3.5 be expanded to reflect the true impact to the City of Dublin to provide necessary police service, including but not limited to additional vehicles and personnel needed to provide safety and security for this site and associated financial impacts to the City of Dublin.

139. Page 13-22, Impact 13.3.6, Police Impacts to the City of Dublin, Hall of Justice Facility. The level of impact reported in the DEIR understates impacts to the Dublin Police Services Department, The DEIR states that the Alameda County Sheriff's Department will provide security within the building. However, the City of Dublin will be responsible for police service outside of the building. Given the close proximity of a planned Neighborhood Park just to the west of Hall of Justice, the City of Dublin believes this will become a congregation point for visitors to the Hall, resulting in increased need for police services. The DEIR should therefore provide a revised and more detailed impact analysis, including estimates for increased Police staffing and emergency vehicles needed to provide an adequate level of security as well as a discussion of the fiscal and financial impacts on the City. 9-143
140. Page 13-25, Impact 13.5.5. The project proposes approximately 2-acres of landscaped area. As part of the SDR process, the City will determine whether this is an adequate amount under the General Plan, Specific Plan and City Parks and Recreation Master Plan. The General and Specific Plans require that development pay its own way. To the extent that the project increases demand on City parks without proposing related mitigation, impacts on City parks and recreation facilities could be significant. (See following comment.) 9-144
141. Page 13-26, Impact 13.5.6, Additional Parks and Recreation Impacts to Site 15A. The DEIR does not state what amount of park-like area is proposed for Site 15A. Failure of the project to mitigate the demand it creates for parkland will result in a shortfall of park facilities and/or park development fees for the City of Dublin. As noted in other comments, it is highly likely that visitors and employees of the proposed Hall of Justice will use the proposed City park immediately adjacent to the west of the proposed Hall of Justice. To the extent the project will not be providing parkland in accordance with 9-145

the City's adopted standards, and will not be providing other mitigation, the project will have a significant impact on the adequacy of parks and recreation services.

#### Utilities (Section 14)

142. Pages 14-10, 14-15, Water Supply. These pages rely on DSRSD's Final Water Service Analysis for their conclusion that Zone 7 has sufficient water supplies for the project. It is difficult to confirm the supporting analysis in the DSRSD report. For example, the DEIR estimates water demand in gallons per day, while the DSRSD report provides water supply figures in acre-feet per year. Furthermore, the DSRSD report categorizes water demand by use, including Institutional. (See, e.g., Appendix C, p. 6.) The Institutional category is further divided into School and Other. Presumably the East County Government Center would be "Other", however, it is virtually impossible to determine whether this is an accurate assumption. The water supply discussions on the above pages, and the related Impact discussions on pp. 14-21, -22 should be revised to provide a more comprehensive summary of water demand and supply for the East Dublin project alternatives. The revised discussions should contain complete and accurate citations to supporting materials. 9-146
143. Page 14-13. Storm Drainage. The description of the existing drainage conditions does not include the presence of an existing 48-inch pipe entering the detention pond from the north. The 48-inch pipe carries a portion of the runoff from a ditch draining the County property north of Broder Road. Flows from this ditch are currently split between the 48-inch pipe/ detention pond and a ditch through the Camp Parks property. The pond and ditch do not have adequate capacity to handle the runoff from the north. 9-147
- As noted earlier in the comments regarding Page 7-4 of the DEIR, the description of the downstream drainage improvements is incorrect.
144. Page 14-21, Mitigation Measures 14.1.5A and 5B. The third full paragraph suggests the mitigation measures are only recommended, however, Mitigation Measure 14.1.5A itself says it "would apply" to the alternative. It is unclear whether the mitigation is required or not. In any case, both mitigation measures are inadequate because they state the activities "should" be done, in contrast to other mitigations in the DEIR which identify actions that "shall" be taken. Thus, it is not certain that the mitigations will be implemented. Mitigation measures 14.1.6A and .6B on p. 14-22 are inadequate for the same reasons. 9-148
145. Page 14-21, Mitigation Measure 14.1.5B, The Mitigation Measure suggests that the East County Government Center install dual water systems to include a recycled water system in order to minimize water use. This mitigation measure is very weak and does not require installation of a dual water system. 9-149
146. Page 14-26, Impact 14.3.5 and .5, Expanded Wastewater Treatment and Disposal Services; Impact 14.4.5, Expanded Wastewater Collection Facilities. Impacts 14.3.5 and 14.4.5 imply that the project will pay DSRSD connection and other fees, but do not so state. If the project does not pay all DSRSD fees, the Draft EIR should be revised and 9-150

- recirculated to show the impacts as Significant. This same comment applies to any other impacts for which the project does not pay fees that other Eastern Dublin development would be required to pay, and does not identify other mitigation for project demand.
147. Page 14-31 and 32, Impacts 14.5.5 and .6, Impacts to Storm Drain Facilities. Neither of two impacts describes impacts of salt loading on Zone 7 underground aquifers. This impact and any mitigation measures need to be described. 9-151
148. Page 14-31. Impact 14.5.5. This impact indicates that the existing Gleason Drive storm drain may not be designed with adequate capacity for runoff from the project. This is listed as a potentially significant and mitigatable impact. Mitigation Measure 14.5.5 does not include a mitigation measure for the Gleason Drive pipe storm drain capacity deficiency (construction of the Arnold Drive Channel bypass addresses capacity problems with the detention pond but not the Gleason Drive pipe). 9-152
- Under Mitigation Measure 14.5.5, construction of an off-site detention pond in lieu of constructing the Arnold Road Channel bypass is discussed. This mitigation measure is vague and does not describe any potential site for construction of the pond, nor are potential impacts of the pond construction discussed. The Santa Rita Property Master Drainage Plan (updated in 1999) discusses past studies of potential detention pond sites and indicates that the further consideration of ponds was dropped as impractical. A more appropriate mitigation measure would be to require the County to complete construction of the bypass prior to grading the site and eliminating the existing pond. If the pond is retained in the mitigation, its potential impacts, including construction, operation, and ongoing maintenance, should be identified and analyzed.
149. Prior concerns noted under Chapter 7 comments regarding the capacity of the existing storm drains in Gleason Drive would apply to this chapter as well. 9-153

#### Historic/Archaeological Resources (Chapter 15)

150. Page 15-10, Methods. The first paragraph under Methods says that no historical assessments of the East County Government Center site or Site 15A were done because there are no existing buildings. Failure to examine the sites for non-structural historical elements renders the Setting description inadequate as a baseline for identifying the projects' potential significance. Without such examination, the Draft EIR findings of No Impact for Impacts 15.3.5 and 15.3.6 (p. 15-32) are likewise inadequate. The first paragraph under Regulatory/Policy Setting in the Draft EIR recognizes that cultural resources are not limited to structures, but may include "locations of important historic events or sites of traditional/cultural importance to various groups." (p. 15-6). The third paragraph on p. 15-2, for example, notes that the "general alignment of Interstate I-580 conforms to the location of a major prehistoric trail..." The fact that a site has since been disturbed may limit the mitigations for identified significant cultural locations to plaques or other similar remembrances, however, that does not obviate the need under CEQA to examine whether a vacant site might nevertheless have cultural significance. 9-154

#### Environmental Justice (Section 16)

151. Page 16-8, Juvenile Arrests/Population Characteristics. The first paragraph refers not only to detainees, but also to probationers. The Draft EIR analyses have focused primarily on the detention function of the Juvenile Justice Facility, but have not identified how the project will affect non-detention services. For example, how often would probationers be expected to travel to the Juvenile Justice Facility? Would the potential expanded transit service be adequate to get probationers from their jobs to the Juvenile Justice Facility in a time efficient manner so as not to jeopardize their employment? 9-155

The third paragraph asserts a substantial shift in population away from the urban centers, however, even with this shift, the second paragraph states that Dublin, Livermore and Pleasanton account for only 12% of the County's population. It is unlikely that a Tri-Valley Juvenile Justice Facility will be efficiently accessible to most County residents any time in the near future.

152. Page 16-14. The third full paragraph states that the travel distance to the East County Government Center site is approximately double the distance to other alternative sites. Given bus and BART routes and schedules which may require a rider to wait at one or the other end of the trip segment, as well as the likelihood of bus and/or BART transfers, it will likely be far more than double the time to reach the East County Government Center. Furthermore, once reaching the Center and completing their business Juvenile Justice Facility visitors will presumably need to make a return trip. There could well be a significant cost in terms of lost school, employment, family and other time. 9-156

153. Page 16-15, Mitigation Measure 16.1.5, The Mitigation Measure recommends that the County of Alameda complete a "formal" transportation plan that addresses economic and social effects of inconvenient access and increased costs related to traveling to East Dublin to visit the Hall of Justice and/or Juvenile Hall. The City of Dublin believes this mitigation measure is inadequate and incomplete and will not mitigate significant impacts related to residents being forced to travel, where many of the offenders and their families and friends likely live, to Eastern Dublin, where proposed County facilities would service relatively few local residents. 9-157

The proposed mitigation measure should be expanded to include, at minimum:

- a. Name of County Agency responsible for preparing and implementing the Transportation Plan
- b. Estimated number of increased riders on public transit to serve new County facilities.
- c. Estimated number of increased transportation facilities needed to serve expected increased ridership
- d. Provisions for interagency transit cooperation
- e. Sources for funding of new facilities
- f. On-going monitoring and reporting requirements

154. Undisclosed Impact. The Draft EIR does not account for the potential environmental justice impact of the proximity of the Juvenile Justice Facility to weapons firing ranges nearby within Camp Parks RFTA. It is conceivable that a proportion of the future detainees within the Facility may be traumatized by gunfire in other portions of the County. The proximity of the Facility to weapons ranges could result in continuing severe trauma to juvenile detainees. 9-158

#### Growth Inducement (Section 17)

155. Page 17-1, fourth paragraph. The statement that “development of these projects at any of the sites evaluated in the EIS/EIR would be consistent with overall land use plans in terms of density and intensity of use” is incorrect. See previous comments in this letter in the Land Use section indicating that a Juvenile Justice Facility is not a use envisioned in the EDSP for the East County Government Center. Similarly, development of a Hall of Justice on Site 15A is not consistent with either the existing High Density Residential or the proposed Campus Office land use designations of the General Plan and EDSP. 9-159
156. Page 17-1 fifth paragraph. The statement that “many of the employees... would be drawn primarily from the exiting labor supply serving these County functions, and limited new housing would be required to serve new employees” is not based on any supporting information presented elsewhere in the document. The City of Dublin believes that employment requirements for the two proposed County facilities is highly specialized and future employees of these facilities will be required to commute to these sites from west County areas. There is no analysis in the document indicating that the salary structure paid by the County will allow facility employees to relocate to either Pleasanton or Dublin. 9-160
157. Page 17-2, et seq. This chapter does not follow the format established in the rest of the Draft EIR for identifying impacts, mitigation measures and resulting levels of significance. Unlike the rest of the document, impact statements are simply part of the text, and often unaccompanied by any mitigation measures. (See, e.g., “potential for significant cumulative growth-inducing impacts” in the fourth line down on p. 17-2.) Without such formatting, much of the traffic analysis is unintelligible. Later sections of the chapter identify mitigation measures as in previous chapters, but do not similarly identify impacts, thereby requiring the reader to rummage through the text to attempt to discover the impact being addressed. Some of the text consists of lists of roadway segments without any indication whether they are intended to precede or to follow similarly vague mitigation measures. (See, e.g., p. 17-32.). Other roadway segments are identified as mitigation measures but without indication of whether the mitigations reduce the related impact to less than significant. (See, e.g., p. 17-28.). The text is interspersed with pages-long tables and figures, all at the end of a two-inch thick document. These deficiencies render this chapter of the Draft EIR inadequate as an informational document. Chapter 17 should be rewritten using the same format as the rest of the document and recirculated for public review. 9-161
158. Page 17-15 et seq., Cumulative Development Concept. The cumulative analysis is inadequate for failure to appropriately consider closely related past, present and 9-162

reasonably foreseeable future projects, as required by CEQA. The third paragraph limits the cumulative analysis to two projects in the vicinity of the East County Government Center. The analysis appears to ignore the many projects which have been recently approved in the area, including the projects listed in the traffic chapter, pp. 9-29 to 9-31, plus the East Dublin Property Owners project. One of the two included "projects" consists only of the purported remaining office development potential of the project site. There is no application for such offices, nor any indication that they are reasonably foreseeable. Attempting to recast development potential as a potential project is inappropriate and renders the cumulative analysis inadequate. Furthermore, the description of this "office" project is inconsistent within the text. For example, the first paragraph on p. 17-15 notes Juvenile Justice Facility, Hall Of Justice and "office" space totaling 880,000 square feet, while the second paragraph on p. 17-24 cites a total development potential of 964,000 square feet.

159. Page 17-16, Biology. No mitigations are identified or referenced for the cumulative impacts apparently identified for Congdon's tarplant and wetlands. Based on the discussion under Impact 8.1.5 on p. 8-28, the project appears to contribute to cumulative loss of foraging habitat for burrowing owl and other raptors, however, this is not included in the cumulative analysis. 9-163
160. Pages 17-16 and 17, Traffic Modeling Pursuant to CMA Methodology. This section does not adequately identify anticipated impacts to the I-680 freeway. Approval of the County-sponsored Transit Center required the adoption of a Statement of Overriding Considerations relative to future cumulative impacts to the I-680 freeway since the portion of the I-680 immediately north and south of the I-580 freeway is projected to operate at unacceptable levels of service in the future. The addition of project traffic for the proposed County facilities would similarly add more congestion to the I-680 freeway as well as to the I-580 freeway, Dougherty Road and Dublin Boulevard as stated in the document. The Draft EIR should be revised to adequately analyze cumulative impacts on I-680 and should be recirculated for public review. 9-164
161. Pages 17-16 and 17-17, All Mitigation Measures. The mitigation measures identified for project impacts are inadequate because they recommend actions that "should" be taken, but do not insure that the actions will actually be implemented. This is in contrast to other mitigations which the Draft EIR says "shall" be implemented. 9-165
162. Page 17-17, the last paragraph entitled "*Resulting level of Significance*" uses the wrong Mitigation Measure numbers and should be corrected to refer to Measures 17.1.5a, b and c, and 17.1.6a, b and c. 9-166
163. Page 17-26. The partial list of built out development projects on Pages 17-26 to 17-28 of the DEIR (under Cumulative Year 2025 conditions) is unnecessary. The 2025 Tri-Valley Transportation Model that was used for the cumulative impacts analysis is supposed to have included the full buildout of the General Plans within the Tri-Valley area. The only additional projects that should be listed are General Plan Amendments not reflected in the TVTM program. 9-167

164. Page 9-101, et. seq. and Page 17-16. Under Cumulative Year 2025 Conditions (without and with Project Scenarios), lane geometries are incorrect at the following intersections and should be based upon current improvements, planned ultimate improvements, and other applicable improvements as identified in the Environmental Impact Reports for the Transit Center and East Dublin Properties developments: Dougherty Road/Dublin Boulevard, Arnold Road/Dublin Boulevard, Hacienda Drive/I-580 EB Off-Ramp, Hacienda Drive/I-580 WB Off-Ramp, Hacienda Drive/Dublin Boulevard, Hacienda Drive/Central Parkway, Hacienda Drive/Gleason Drive, Tassajara Road/Gleason Drive, Tassajara Road/Central Parkway, Tassajara Road/Dublin Boulevard, Tassajara Road/I-580 WB Off-Ramp. 9-168
165. Pages 17-25, et. seq. Under Cumulative Year 2025 Conditions (without and with Project Scenarios), the signal phasing input is incorrect at the following intersections: Arnold Road/Dublin Boulevard, Arnold Road/Central Parkway, Hacienda Drive/Central Parkway, Hacienda Drive/Gleason Drive, Tassajara Road/Gleason Drive. 9-169
166. Page 17-25 et. seq. The Cumulative Year 2025 Conditions LOS analysis (without and with Project Scenarios) should be re-run at the above listed intersections to incorporate the appropriate lane geometry and signal phasing assumptions, and the DEIR should be re-circulated. 9-170
167. Page 17-27. Please provide more detail as to how the Tri-Valley Transportation Model was used for cumulative traffic conditions. On page 17-26, a list of projects is noted as "... assumed to be fully built under this scenario." Please provide detail as to how this list was incorporated into the model. 9-171
- The CMA analysis for each of the scenarios indicates increases in the volume-to-capacity ratios for segments of Dublin Boulevard and Dougherty Road. Please provide more detail as to the significance of these increases as noted in Table 17.6 through Table 17.11 and more detail on how these impacts would be mitigated.
168. Page 17-28, Cumulative Year 2025 Background Traffic, Without Project Conditions. It is concluded that the intersection of Dougherty Road/Dublin Boulevard is expected to operate at LOS F (during the AM and PM peak hours) under Cumulative Year 2025 Background Conditions (without Project) even with the Scarlett Drive Extension in place. It is also concluded that there are no feasible mitigation measures given the physical constraints at this intersection. However, this LOS analysis fails to take into consideration the planned intersection improvements and, instead, uses the existing lane configurations. The LOS analysis should be re-run to validate the results of this analysis, based on the lane improvements planned for this intersection. 9-172
169. Page 17-28. The DEIR recommends adding a fourth northbound through lane on Hacienda Drive at the I-580 westbound off-ramp intersection to improve the intersection LOS under Cumulative Year 2025 Background Conditions (without Project) to an acceptable level. This improvement is not practical, because there are only three lanes on the far side of the intersection to receive northbound through traffic, and is also unnecessary. The planned improvements at this intersection, based on the mitigation 9-173

measures identified in the Environmental Impact Reports for the Transit Center and East Dublin Properties developments, would allow this intersection to operate at an acceptable LOS in Year 2025. One of these mitigation measures consists of adding a third westbound left-turn lane on the off-ramp approach. The DEIR should also consider configuring this additional lane as a shared left/right turn lane in order to obtain an improved V/C ratio at the intersection.

170. Page 17-31. The mitigation measures recommended under Cumulative Year 2025 Background Conditions (without Project) for the Tassajara Road/Gleason Drive and Tassajara Road/Central Parkway intersections are part of the ultimate improvements planned for these intersections. Tassajara Road has been built to its ultimate width to accommodate these improvements in the future. The LOS analysis should be re-run to incorporate the ultimate lane improvements planned for these intersections. 9-174
171. Page 17-31. The mitigation measures recommended under Cumulative Year 2025 Background Conditions (without Project) for the Tassajara Road/Dublin Boulevard intersection include three southbound left-turn lanes on Tassajara Road and three eastbound right-turn lanes on Dublin Boulevard. However, the ultimate configuration planned for this intersection includes only two southbound left-turn lanes and two eastbound right-turn lanes. The DEIR should explain how the additional lanes could be accommodated within the ultimate right-of-way boundaries along Tassajara Road and Dublin Boulevard. Furthermore, the DEIR should evaluate the safety of operating three eastbound right-turn lanes, including the distribution of traffic in each right-turn lane that considers the I-580 destined movements at the next ramp intersections. 9-175
172. Page 17-31. The DEIR recommends widening the northbound approach at the Santa Rita Road/I-580 Eastbound Off-Ramp/Pimlico Drive intersection to five lanes under Cumulative Year 2025 Background Conditions (without Project). The DEIR should assess the feasibility of this widening improvement given possible physical constraints at this intersection. 9-176
173. Page 17-32, Mitigation Measure 17.2.5a and 6a. The Mitigation Measure that reads "Contribute a Fair Share of Funds Toward the Implementation of Local Roadway and Intersection Improvements" for all Cumulative Year 2025 plus Project Scenarios specifies that the proposed Project should contribute a fair share towards the necessary improvements. This mitigation measure should further specify that these improvements include planned ultimate improvements and other applicable improvements as identified in the Environmental Impact Reports for the Transit Center and East Dublin Properties developments. 9-177

At Dougherty Road/Dublin Boulevard, the DEIR specifies that the County should contribute a fair share of the funding toward the implementation of the Scarlett Drive extension. In addition to this contribution, the DEIR should also specify that the County should contribute a fair share toward the implementation of the planned intersection improvements at Dougherty Road/Dublin Boulevard.

See also the above comments on mitigation measures under Cumulative Year 2025 Background Conditions (without Project). These comments also apply to the same mitigation measures listed under Cumulative Year 2025 Conditions plus Project Scenarios

174. Page 17-32. Mitigation Measures 17.2.5b and 6b. By the language of this mitigation, the County would be obligated to fund the improvements listed on page 17-33 of the DEIR/EIS. The language of the Mitigation Measure is uncertain (the County "should"), and should be revised so as to assure these needed improvements will actually be constructed. 9-178

175. Page 17-32. Under the Mitigation Measure that reads "Implement Local Roadway and Intersection Improvements" for all Cumulative Year 2025 plus Project Scenarios, the mitigation measure for the Tassajara Road/Gleason Drive intersection under Scenario B to add a right-turn lane to the westbound Gleason Drive approach was assumed in the LOS analysis sheets for all Project Scenarios, and not only for Scenario B. 9-179

The mitigation measures described under Scenario A1 for the Hacienda Drive/Dublin Boulevard intersection includes widening the eastbound Dublin Boulevard approach to add a fourth through lane. The DEIR should explain how this widening could possibly be implemented given the physical constraints present at this intersection. Similarly, in addition to this mitigation measure, Scenario B calls for adding a through lane on both the southbound and northbound Hacienda Drive approaches. Again, how can these improvements be constructed given the current physical constraints on Hacienda Drive? The DEIR should assess the practicality of such mitigation measures and evaluate the level of development at the East County Government Center site that can be supported by the adjacent street system based on the ultimate planned improvements on Dublin Boulevard and Hacienda Drive.

The mitigation measure for the Hacienda Drive/Central Parkway intersection described under Scenario A1 calls for providing two southbound through lanes and one shared through/right-turn lane. Under Scenario B, an additional mitigation measure is specified at this intersection calling for converting the rightmost left-turn lane on Hacienda Drive to a through lane. This lane conversion would not be acceptable to the City of Dublin due to the heavy AM peak hour volumes projected to make this left-turn lane movement under future traffic conditions.

The DEIR does not specifically address Project traffic impacts during the AM and PM peak hours on Hacienda Drive between Dublin Boulevard and Gleason Drive and the necessary improvement measures to mitigate these impacts. Based on Cumulative Year 2025 plus Project Scenario traffic volumes, between 1,749 and 2,245 vehicles are projected to travel northbound on Hacienda Drive north of Central Parkway during the AM peak hour, depending on the Project Scenario. Between 1,098 and 1,577 of these vehicles would continue northbound on Hacienda Drive to Gleason Drive. Similarly, between 1,156 and 1,583 vehicles are projected to travel southbound on Hacienda Drive south of Gleason Drive during the PM peak hour, depending on the Project Scenario.

As southbound traffic on Hacienda Drive approaches Central Parkway, these volumes are expected to increase to between 1,804 and 2,255 vehicles.

Based on these peak hour traffic projections, the County would need to widen Hacienda Drive to six through lanes (three lanes in each direction) between Central Parkway and Summerglen Drive and to four lanes (two lanes in each direction) between Summerglen Drive and Gleason Drive, as part of Project traffic mitigations. The County should also widen northbound Hacienda Drive to three lanes from Dublin Boulevard to Central Parkway. Alternatively, the DEIR could evaluate the level of development at the East County Government Center site that can be supported by the four through lanes (two lanes in each direction) currently planned for Hacienda Drive north of Central Parkway.

The mitigation measure described under Scenario A2 for the Hacienda Drive/Gleason Drive intersection calls for widening the northbound Hacienda Drive approach to include one left-turn lane, one through lane, and one right-turn lane. Due to the heavy traffic volumes projected on the northbound Hacienda Drive approach at Gleason Drive during the AM peak hour (e.g., 225 left-turn, 839 through, and 513 right-turn vehicles under Project Scenario B), the City suggests that this approach be widened to include one left-turn lane, one through lane, one shared through/right turn lane, and one right-turn lane. In addition to this improvement, the DEIR recommends that the leftmost westbound through lane on Gleason Drive be converted to a shared through/left-turn lane under Scenario B. This mitigation measure would not be acceptable to the City, as it would require switching the traffic signal phasing at this intersection to a less efficient operation by splitting the phases for eastbound and westbound movements on Gleason Drive. Furthermore, this mitigation would not be necessary if the northbound Hacienda Drive approach were configured with four lanes as suggested above.

The analysis sheets for the Hacienda Drive/I-580 Westbound Off-Ramp intersection show the I-580 westbound off-ramp approach consisting of three left-turn lanes and three right-turn lanes under Cumulative Project Scenarios B and D. Yet, the mitigations listed for Scenario B erroneously state that the mitigation measure for this intersection is the same as the one described for Year 2025 Cumulative conditions without the Project. This mitigation measure should be corrected to indicate that the Project should fund the widening of the I-580 westbound off-ramp approach at Hacienda Drive to include three left-turn lanes and three right-turn lanes. Also, the DEIR should evaluate the level of development at the East County Government Center site that can be supported by this intersection with this mitigation measure and the other measures identified under Cumulative Year 2025 Background Conditions (Without Project) in place, except for the addition of a fourth northbound through lane on the Hacienda Drive overpass. As indicated above in a previous comment, the installation of a fourth northbound through lane would not be practical or consistent with the downstream lane configurations on Hacienda Drive

176. Pages 17-36 and 17-40. The descriptions for Cumulative Year 2025 plus Scenarios A2 and B are inaccurate. 9-180

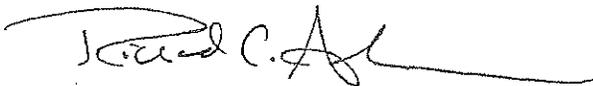
177. Page 17-56. The DEIR fails to analyze on-site parking demand for the full buildout of the East County Government Center site, based on the various Project Scenarios. 9-181

178. In Chapter 17, it is noted that "Even with implementation of Measure 17.4.5a, b, and c, and 17.4.6a, b, and c above, the Project's contribution of traffic to I-580, Dougherty Road and Dublin Blvd. could be a significant and unavoidable effect because funding may not be adequate to provide for implementation of all of the necessary mitigation measures planned for the Tri-Valley." Please clarify which mitigation measures are noted. Please note earlier comments regarding other measures adopted by the City of Dublin for this intersection. 9-182

The impact of the project traffic at the intersection of Dublin Boulevard at Dougherty Road results in an increase in the volume-to-capacity ratio greater than 1 percent. Therefore, the impact is significant, based on the significance criteria listed on page 9-35. On page 17-32, it is noted that "There are no feasible mitigation measures given the physical constraints at this intersection." Please note earlier comments regarding other measures adopted by the City of Dublin for this intersection.

Thank your for your attention to these items, which are extremely important to the City of Dublin. Should you need clarification on any of the comments provided in this letter, please contact Ms. Jeri Ram, Dublin Planning Manager, at 925/833-6610.

Sincerely,



Richard C. Ambrose  
City Manager



Winston H. Hickox  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board San Francisco Bay Region

Internet Address: <http://www.swrcb.ca.gov>  
1515 Clay Street, Suite 1400, Oakland, California 94612  
Phone (510) 622-2300 ~ FAX (510) 622-2460



Gray Davis  
Governor

LETTER 10

Date: FEB 18 2003  
File No. 2198.09 (BKW)

James Sorensen  
Planning Director  
Alameda County  
399 Elmhurst Street, Room 136  
Hayward, CA 94544

**Re: Alameda County Juvenile Justice System Facility and East County Hall of Justice, Draft Environmental Impact Statement and Environmental Impact Report  
SCH Number 2002012080**

Dear Mr. Sorensen:

Regional Water Quality Control Board (Regional Board) staff have reviewed the *Draft Environmental Impact Statement and Environmental Impact Report, Alameda County Juvenile Justice System Facility and East County Hall of Justice (DEIS/DEIR)*. The DEIS/DEIR evaluates the potential environmental impacts that might reasonably be anticipated to result from the proposed action, which includes two distinct projects: the Juvenile Justice Facility and East County Hall of Justice. Regional Board staff have the following comments on the DEIS/DEIR.

#### Comment 1

*Chapter 7, Hydrology and Water Quality, Section 7.1, Affected Environment, Regulatory/Policy Setting, pages 7-1 through 7-2.*

The discussion of stormwater impacts in this section is incomplete. Most of the discussion on page 7-2 is related to minimizing stormwater impacts related to construction of the projects. Although one of the bullets in this discussion refers to the need for post-construction stormwater management measures, the performance standards that should be attained by these measures are not discussed.

10-1

This section of the DEIS/DEIR should be expanded to include a discussion of Alameda County's National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges. Under the terms of the NPDES permit, post-construction best management practices (BMPs) are to meet the maximum extant practicable (MEP) definition of treatment specified in the Clean Water Act (CWA). Alameda County is implementing the current NPDES permit for discharges of stormwater under the *Alameda Countywide Clean Water Program, Stormwater Management Plan (SMP)* (EOA, Inc., February 1997). New Development and Construction Goals are discussed in Section 7 of the SMP. These goals include the following:

*California Environmental Protection Agency*

- Incorporate stormwater quality controls into the planning and permitting of new development/significant redevelopment projects;
- Continue to promote implementation of the *Regional Board Staff Recommendations for New and Redevelopment Controls for Stormwater Programs*.

Table 4 of the *Regional Board Staff Recommendations for New and Redevelopment Controls for Stormwater Programs* states that commercial projects<sup>1</sup> with greater than five acres of directly coupled impervious area are required to implement Tier 3 post-construction stormwater best management practices (BMPs). Tier 3 BMPs are required to be treatment controls that are based on performance goals, including a reduction by 80 percent of the annual total suspended solid loadings expected from the site in its developed condition. Appropriate Tier 3 controls are specified as: wet ponds; constructed wetlands; swales and vegetated filter strips; extended detention basins; and sand filters.

By the time that the projects are constructed, it is anticipated that the Alameda County NDPES permit will have been re-issued. The re-issued NDPES permit for the management of stormwater discharges will include numeric standards for post-construction stormwater BMPs. Treatment BMPs are to be constructed that incorporate, at a minimum, the following hydraulic sizing design criteria to treat stormwater runoff. As appropriate for each criterion, local rainfall data are to be used or appropriately analyzed for the design of the BMPs.

**Volume Hydraulic Design Basis:** Treatment BMPs whose primary mode of action depends on volume capacity, such as detention/retention units or infiltration structures, shall be designed to treat stormwater runoff equal to:

1. the maximized stormwater quality capture volume for the area, based on historical rainfall records, determined using the formula and volume capture coefficients set forth in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (1998)*, pages 175-178 (e.g., approximately the 85<sup>th</sup> percentile 24-hour storm runoff event); or
2. the volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology set forth in Appendix D of the *California Stormwater Best Management Practices Handbook, (1993)*, using local rainfall data.

---

<sup>1</sup> Table 4 of the Staff Recommendations defines commercial projects as all projects which are not residential or are not industrial.

**Flow Hydraulic Design Basis:** Treatment BMPs whose primary mode of action depends on flow capacity, such as swales, sand filters, or wetlands, shall be sized to treat:

1. 10% of the 50-year peak flow rate; or
2. the flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or
3. the flow of runoff resulting from a rain event equal to at least 0.2 inches per hour intensity.

Regional Board staff strongly encourage the use of landscape-based stormwater treatment measures, such as biofilters and vegetated swales, to manage runoff from the project sites. Since landscape-based stormwater treatment measures require that some of the site surface area be set aside for their construction, the proper sizing and placement of these features should be evaluated early in the design process to facilitate incorporation of the features into the site landscaping. Regional Board staff discourage the use of inlet filter devices for stormwater management. Filtration systems require a maintenance program that is adequate to maintain the functional integrity of the systems and to ensure that improperly maintained filtration devices do not themselves become sources of stormwater contaminants or fail to function. Regional Board staff have observed problems with the use of inlet filter inserts, since these devices require high levels of maintenance and are easily clogged by leaves or other commonly occurring debris, rendering them ineffective. Research conducted by the California Department of Transportation has demonstrated that inlet filters can be clogged by a single storm event. The study found that these devices required maintenance before and after storm events as small as 0.1 inch of rain. In addition, trash, debris, and sediment in the catchment had a significant impact on the frequency of maintenance. Therefore, adequate maintenance of inlet filters to provide MEP water quality treatment would be prohibitively expensive and impractically time consuming.

Regional Board staff recommend that the County refer to *Start at the Source*, a design guidance manual for storm water quality protection, for a fuller discussion of the selection of stormwater management practices. This manual provides innovative procedures for designing structures, parking lots, drainage systems, and landscaping to mitigate the impacts of stormwater runoff on receiving waters. This manual may be obtained from most cities' planning departments, or by contacting the San Francisco Estuary Project (510-622-2465).

**Comment 2**

*Chapter 7, Hydrology and Water Quality, Section 7.1, Affected Environment, Regulatory/Policy Setting, page 7-2.*

10-2

The second paragraph under the heading, *Stormwater Pollution Prevention Plan*, states that an NOI must be submitted prior to initiating construction on sites that are 5 acres or larger. Please note that the threshold for submitting an NOI drops to 1 acre of disturbed soil in March of 2003.

**Comment 3**

*Chapter 7, Hydrology and Water Quality, Section 7.2, Environmental Consequences and Mitigation Measures, pages 7-4 through 7-10.*

10-3

This section of the DEIS/DEIR should discuss mitigation of post-construction stormwater impacts under Impacts 7.1 and 7.4. Mitigation measures should be consistent with the requirements of the NDPES permit for stormwater discharges, as discussed in Comment 1, above.

**Comment 4**

*Chapter 8, Biological Resources, Section 8.1, Affected Environment, Regulatory Policy Setting, pages 8-1 through 8-4.*

10-4

The discussion of permits that are issued by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act (CWA), refers to the requirement to obtain certification under CWA Section 401 from the Regional Board for activities that result in discharge to navigable waters. This discussion should be expanded to clarify that CWA Section 401 certification is required for any activities that require a Section 404 permit from the Corps. For example, modification (e.g., re-alignments, culverting, construction of outfalls on the banks, etc.) of stream channels, including seasonal streams, and fill of wetlands are among the activities that require certification from the Regional Board.

In addition, the discussion in Section 8.1 should be revised to explain that activities in areas that are outside of the jurisdiction of the Corps (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark) are regulated by the Regional Board, under the authority of the Porter-Cologne Water Quality Control Act. Activities that lie outside of Corps jurisdiction may require the issuance, or waiver, of waste discharge requirements from the Regional Board.

**Comment 5**

***Chapter 8, Biological Resources, Section 8.1, Affected Environment, Local Physical Setting, Pardee/Swan Site, page 8-12.***

10-5

The first complete paragraph on page 8-12 discusses the wetlands at the northwest corner of the Pardee/Swan Site. Text in this paragraph states that a Consent Decree in 1994 infers that these wetlands are not jurisdictional. Please verify that the Regional Board was a party to this consent decree. Even if the Corps does not consider these wetlands to be jurisdictional under the CWA, they may still be regulated as a water of the State under the Porter-Cologne Water Quality Control Act. Fill placed in these wetlands may require the issuance, or waiver, of waste discharge requirements from the Regional Board.

If you have any questions, please contact me at (510) 622-5680 or by e-mail at [bkw@rb2.swrcb.ca.gov](mailto:bkw@rb2.swrcb.ca.gov).

Sincerely,



Brian Wines  
Water Resources Control Engineer  
South/East Bay Section

cc State Clearinghouse, Attn: Katie Shulte Jounq, P.O. Box 3044, Sacramento, CA  
95812-3044



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

5997 PARKSIDE DRIVE PLEASANTON, CALIFORNIA 94586-5127 PHONE (925) 484-2600 FAX (925) 462-3914

March 10, 2003

LETTER 11

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

Re: Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR),  
Alameda County Juvenile Justice Facility and East County Hall of Justice

Dear Mr. Houghtby:

Zone 7 has reviewed the referenced Draft EIS/EIR and has a number of comments. Within our Livermore-Amador Valley service area, Zone 7 provides wholesale treated water, non-potable water for agriculture and irrigated turf, flood protection, and groundwater and streams management. Our comments below are limited to the two candidate sites located in Dublin, as listed in the Draft EIS/EIR, specifically the East County Government Center site and "Site 15A":

1. Chapter 7, Hydrology and Water Quality

11-1

This chapter does not address drainage issues caused by the creation of new impervious areas at the candidate sites in Dublin. Mitigation for the creation of new impervious areas within the Livermore-Amador Valley is addressed through the collection of Zone 7's Special Drainage Area (SDA) 7-1 drainage fees.

2. Chapter 7, Local Physical Setting – East County Government Center and Site 15A, pages 7-3 and 7-4

11-2

The discussion for these sites indicates flooding issues along Tassajara Creek based on FEMA Flood Insurance Rate Maps. Flooding is stated as being due to "inadequate flow capacity" in the culvert under I-580, which is not true, based on current information. Tassajara Creek was recently improved in 2000, as part of the *Tassajara Creek Restoration Project* by the Alameda County Surplus Property Authority. The creek was designed to contain Zone 7's 100-year design flow of 4,300 cfs and provide a freeboard of at least 1.2 feet. Please consult with the City of Dublin to determine if a FEMA Letter of Map Revision (LOMR) is available.

3. Chapter 7, Impacts 7.4.5 and 7.4.6, East County Government Center and Site 15A, page 7-9

11-3

In the discussions for Impacts 7.4.5 and 7.4.6, it was assumed that post-project drainage from each site would not exceed the capacity of the stormwater infrastructure serving each site. No hydrology studies have been performed yet to support the assessment. A hydrology study needs to be performed to determine the post-construction effects for the proposed site usages. Zone 7 requests that it be able to review and comment on the hydrology study prior to commencement of the project.

4. Chapter 14, Physical Setting – Storm Drainage, page 14-6

11-4

In this paragraph, Castro Valley is mentioned as being within Zone 7 of the Alameda County Flood Control and Water Conservation District. This statement is not correct, Castro Valley is outside of the Zone 7 service area.

5. Chapter 14, East County Government Center – Storm Drainage, page 14-13

11-5

This paragraph mentioned that drainage from the proposed site is to drain through several drainage courses. Not enough information has been provided to determine if the correct drainage course has been selected. Based on Zone 7's *Drainage Boundary Maps* created by Schaaf & Wheeler Consulting Civil Engineers for Zone 7, drainage should be routed to Zone 7's Line G-5. A hydrology study is needed to determine the impacts to Zone 7's facilities. Line G-5 drains to Line G-1 (Chabot Canal), which drains to Line G (Arroyo Mocho), and on to Line B (Arroyo de la Laguna). Zone 7 requests that it be able to review and comment on the hydrology study prior to the commencement of the project.

6. Chapter 14, Site 15A, page 14-32

11-6

In this chapter, there is an inconsistency between the Physical Setting description and Impact 14.5 regarding Site 15A's drainage course. Not enough information has been provided to determine if the correct drainage course has been selected. Based on Zone 7's *Drainage Boundary Maps* created by Schaaf & Wheeler Consulting Civil Engineers for Zone 7, drainage should be routed to Zone 7's Line G-5. A hydrology study is needed to determine the impacts to Zone 7's facilities. Zone 7 requests that it be able to review and comment on the hydrology study prior to commencement of the project.

7. Chapter 14, Mitigation Measure 14.5.5, Timely Completion of Bypass System

11-7

Based on discussion in this chapter, the existing storm drainage system is only designed to carry drainage based on undeveloped land, and would not be able to convey all storm water from the developed site. Under Mitigation Measure 14.5.5, a new storm drain bypass system is proposed to service the new development at the East County Government Center site, however, it is unclear whether the bypass system would be in place for the new development and how it would be used. It is suggested that a detention basin would be an alternative to capture new drainage from the site. Zone 7 requests that it be able to review the drainage study requiring a detention basin prior to commencement of the project. The hydrology study should indicate whether Zone 7 facilities would be impacted by the operation of the proposed detention basin for the proposed project. A mitigation measure should be incorporated into the EIR, should the detention basin be necessary, to ensure that the detention basin is operated post-construction based on the hydrology study performed.

Mr. Michael Houghtby  
State of California Board of Corrections  
March 10, 2003  
Page 3

8. Chapter 14, Utilities, Mitigation Measures 14.1.5B and 14.1.6B, "Recycled Water Use," pages 14-21 and 14-22

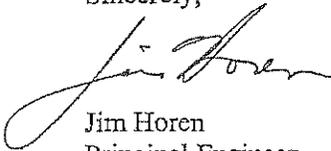
11-8

The Draft EIS/EIR does not assess the potential salt loading impacts over our main groundwater basin. Zone 7 considers all applied water (rainwater is an exception), including both potable water and recycled water, to contribute salt loading to the groundwater basin.

Zone 7's Groundwater Demineralization Project is the recommended project to accomplish Zone 7's Salt Management Program's goal of non-degradation of our main groundwater basin from the long-term buildup of salts. Zone 7 expects to begin design for this project in 2004, with project completion expected by 2006. We request that the NEPA Lead Agency and the CEQA Lead Agency express support for the Groundwater Demineralization Project in the Final EIS/EIR as the appropriate mitigation for any projects proposed on the East County Government Center site or Site 15A. Otherwise, we request the two lead agencies address the mitigation of any salt loading impacts of the project should Zone 7's proposed Groundwater Demineralization Project not be constructed and placed into operation.

We appreciate the opportunity to comment on this document. Please feel free to call me at (925) 484-2600, ext. 400, or Jack Fong at ext. 245, if you have any questions.

Sincerely,



Jim Horen  
Principal Engineer  
Advance Planning Section

JH:JF:arr

cc: Alameda County Board of Supervisors  
James Sorrensen, Alameda County Community Development Agency, Planning Department  
Paul DeLameter, U.S. Department of Justice  
Dave Requa, DSRSD  
Ed Cummings, Zone 7  
John Mahoney, Zone 7  
Dave Lunn, Zone 7  
Joe Seto, Zone 7  
Matt Katen, Zone 7  
Jack Fong, Zone 7



LETTER 12

March 3, 2003

Mr. Michael Houghtby  
 State of California Board of Corrections  
 600 Bercutt Drive  
 Sacramento, CA 95814

RE: Draft EIRS/EIR, Alameda County Juvenile Justice Facility

Dear Mr. Houghtby:

The East Bay Regional Park District has reviewed the subject environmental document and wishes to make the following comments:

As stated in our scoping letter of July 15, 2002, two of the alternative sites are directly adjacent to regional parks. The San Leandro site is located down hill and across Highland Avenue from the Lake Chabot Regional Park. The Pardee-Swan site is adjacent to the Martin Luther King, Jr. Regional Shoreline, which includes more than 100 acres of high-quality restored tidal wetland habitat. We continue to have concerns regarding the project's potential visual, water quality, biological, and construction-related impacts, particularly to the Pardee/Swan site. 12-1

#### SAN LEANDRO SITE

Visual impacts of construction of a new facility on this site *from the park area on the hillsides above the site* were not evaluated as we had requested in our July 15 letter. The document does not appear to contain any reference to the adjacent parkland. We believe that any visual impacts of construction at this location can be successfully mitigated; however we would like to see potential impacts acknowledged, and mitigation measures, including landscape screening of extensive rooftops and surface parking areas, *as seen from hillsides above the site*, included in the Final EIR/EIS. 12-2

#### PARDEE / SWAN SITE

##### Site Plan

The site plan (fig. 3.11) should show the proposed buildings in relation to property lines, in order to provide clearer reference to the buffers alluded to in subsequent sections of the document. The note indicating the direction of Arrowhead Marsh is incorrect. It also appears that the proposed parking structure impinges on the park entry road at the northwest corner of the property. If there is any impact on this newly-paved road, is not addressed in the document. 12-3

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 General Manager



### Land Use and Planning

12-4

The document characterizes the site as being located in an “*industrial area surrounded by large distribution facilities...2-to 3- story office buildings and vacant public recreation and habitat restoration land...*,” and concludes that the project “*would not have a significant negative effect on the area’s character, given its predominantly industrial nature and the large-scale utilitarian design of the existing buildings.*” This description basically disregards the presence of a 738-acre regional shoreline park and an extensive and important tidal and seasonal wetland habitat area directly adjacent to the project. The Park District’s land use plans focus extensively on protecting natural habitat and other resources. It is important that adjacent land uses respect these considerations.

The document also states (p. 1-14) that the project is outside of BCDC jurisdiction. According to Fig. 5.15, the eastern and western edges of the property appear to be within the 100-ft. jurisdictional shoreline band from San Leandro Creek and the Airport Channel, respectively. Comparing aerial photo of the parcel to the scaled site plan in Fig. 3-11 for size, the project would appear to be built nearly to the east and west property lines, and would thus be directly beside the San Leandro Creek Trail, which is an important shoreline public access walkway. Statements about being outside of BCDC jurisdiction should therefore be justified in the FEIR/S.

The final document should also discuss whether the project site, as filled tideland, is subject to the jurisdiction of the Tidelands Trust jurisdiction of the State Lands Commission.

### Visual Impacts

12-5

We disagree with the conclusion (Impact 5.1.4, p. 5-42) that the project would have a less than significant impact on visual quality. Only one photograph (Fig. 5-20, 5b) shows the project site from the park, and that photograph was taken over 1,200 ft. from the proposed building site. The photograph shows the existing UPS facility and office building in the background, each at a distance of over 2,000 ft. Seen from the park, these buildings would be behind the proposed juvenile facility.

The visual impact significance criterion of *substantial degradation in the existing visual character or quality of the site and its surroundings* has no supporting analysis to account for such factors as size of proposed structure, viewing distance, or foreground / background views. The statement that the impact is less-than-significant is thus completely subjective. The Final EIR/BIS should include a simulation of the façade of the proposed structures, which scale at nearly 1,800 ft. in length, east-to-west, including the 4-level parking garage, as viewed from the park site.

The Visual Significance Criterion for *Creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area* is not addressed at all in this section, although lighting concerns are referenced in the Biological Resources section. Therefore, the visual analysis is incomplete in this respect.

In summary, the conclusion of *Less than Significant Visual Impact* is not supported in the document. The final document should include an adequate analysis of visual impacts and potential mitigation methods, taking into account the foregoing comments. We would point out

that the Port of Oakland has reached a previous agreement with the Park District to mitigate visual and other impacts of its planned surface parking lot on the same project site with landscape screening, light shielding and other measures. We suggest that these existing mitigation measures be reviewed for adequacy in the context of the proposed 420-bed juvenile justice facility and parking structure, and evaluated in the final document.

#### Hydrology / Water Quality

The description of proposed Mitigation Measure 7.4.4 (p. 7-8), *Storm Water Pollution Prevention Plan*, is inadequate to enable any evaluation of its effectiveness under NEPA or CEQA (*CEQA Guidelines, 15146, Degree of Specificity, and 15147, Technical Detail*). Impacts and mitigation measures may not be deferred from the EIR/EIS to future reviews. The District is concerned that storm runoff and siltation from construction activities and the finished project not enter adjacent wetlands or the Airport Channel / San Leandro Bay and degrade water quality. Given that the project appears to be built nearly to the property line, the FEIR/S should indicate where storm surcharge will be detained, filtered and discharged.

12-6

#### Biological Resources

Although, as the document states, special-status wildlife species are not likely to occur on the project site, with the possible exception of the Burrowing owl, California clapper rail, black rail and salt-marsh harvest mouse are known to occur at Arrowhead Marsh on the adjacent shoreline park site and the Airport Channel. Off-site effects of the project on adjacent habitat areas are acknowledge as a Potentially Significant Impact (8.4.4). Again, we suggest that mitigation measures 8.4.4 a-c be modified to specify that designs for buffers, landscape screening and lighting shielding be consistent with the intent of previous mitigation agreements between the Port of Oakland and East Bay Regional Park District, but modified according to the size and intensity of the present project, and that these designs be reviewed and approved by the Park District, US Fish & Wildlife Service and CA Department of Fish & Game prior to approval of the project.

12-7

#### Noise

Discussion of Impact 10.3.4 fails to consider wildlife in adjacent park wetlands as a sensitive receptor to noise, and also fails to consider temporary noise and dust impacts of project construction. The Final EIR/EIS should address these issues.

12-8

Thank you for the opportunity to review the subject environmental document. Please send the final document to my attention, and maintain the District on the notice list for any future public hearings. Feel free to call me at (510) 544-2623, or Brad Olson, Environmental Services Manager (544-2622) should you have any questions.

Sincerely,



Brian Wiese  
Interagency Planning

Michael Houghtby

EIR/EIS: Alameda County Juvenile Justice Facility

4

cc: Dan Buford, USFWS  
Janice Gan, CDFG  
Joe LaClair, BCDC  
Jim McGrath, Port of Oakland



ALAMEDA COUNTY  
CONGESTION MANAGEMENT AGENCY

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March 6, 2003

LETTER 13

**AG Transit**  
Director

Patisha Piras

**Alameda County**

Supervisors

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Scott Haggerty

**City of Alameda**

Mayor

Beverly Johnson

**City of Albany**

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**City of Hayward**

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**City of Newark**

Vice Mayor

Luis Freitas

**City of Oakland**

Councilmember

Larry Reid

**City of Piedmont**

Councilmember

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Chairperson

Mayor

Tom Pica

**City of San Leandro**

Mayor

Shella Young

**City of Union City**

Mayor

Mark Green

**Executive Director**

Dennis R. Fay

Mr. Michael Houghtby  
State of California Board of Corrections  
Corrections Planning and Programs Division  
600 Bercut Drive  
Sacramento, CA 95814

**SUBJECT:** Comments on the Draft Environmental Impact Statement/Report for the Juvenile Justice Facility and East County Hall of Justice in Alameda County

Dear Mr. Houghtby:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement/Report for the proposed Alameda County Juvenile Justice Facility. Two distinct projects are proposed: the Juvenile Justice Facility and the East County Hall of Justice. The Juvenile Justice Facility would accommodate 420 to 540 youth in a detention center that could include probation administration and juvenile courts. The East County Hall of Justice would include 13 civil, criminal and traffic courts with all associated support functions. The two projects are being evaluated in one EIR/EIS because although each project could be implemented independently, the projects could also be co-located at the East County Government Center Site in Dublin. Several feasible sites for the Juvenile Justice Facility have been analyzed for two alternatives (420 bed facility and 540 bed facility) including the following: No Action/No Project, the East County Government Center Site, the Pardee and Swan Site, The Glenn Dyer Detention Center, the existing San Leandro Property, and an additional alternative site in Dublin.

13-1

The ACCMA respectfully submits the following comments. Many of the comments were included in our response to both the original and revised NOPs and in email correspondence to the transportation consultants on November 19, 2002 and October 22, 2002 when we were requested to provide comments on the Administrative Draft. They are repeated here, but copies of all correspondence are available upon request. Where possible, page numbers in the DEIR/S are included for reference.

13-2

- Page 9-1, Alameda County Congestion Management Agency Evaluation: Much of the information in this section is incorrect. The County of Alameda adopted Resolution No. R-92-0602 on September 1, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). These guidelines state that if a proposed project generates at least 100 p.m. peak hour trips over existing conditions, the CMP Land Use Analysis Program requires the County to conduct a transportation analysis of the project using the Countywide Transportation Demand Model for Year 2005 and 2025 conditions. The transportation analysis is conducted on the MTS network, which includes both transit and roadways.

13-3

- Page 9-1, Alameda County Congestion Management Agency Evaluation, Page 9-35, Page 9-93, Significance Criteria, second bullet, Page 9-98: The ACCMA does not have a policy for determining a threshold of significance nor does it establish a level or service standard for the Land Use Analysis Program. The level of service standard referred to applies to the LOS monitoring of existing conditions not the Land Use Analysis Program where impacts are identified on the regional MTS roadway and transit network for future conditions. Reference to an ACCMA level of service standard must be deleted throughout the and the impacts re-evaluated and mitigation developed if appropriate. 13-4
- Page 9-91, Impact 9.4: The title of this section should be changed as noted. ~~Meeting the Requirements for the Land Use Analysis Program Exceeding a Level of Service Standard Established by the County Congestion Management Program Agency for Designated Roads or Highways.~~ 13-5
- Impact 9.4: Impacts and mitigation are not identified for the future year 2025 for any of the alternatives as requested in the response to the NOPs and in the emails to the transportation consultants. This must be provided in the FEIR for all roadway and transit networks. The transportation analysis only needs to be provided for the p.m. peak hour for both directions of travel. The MTS roadways and transit systems to be evaluated were provided to the transportation consultant in an email on October 22, 2002. The DEIR addressed some of the MTS roadways, but omitted the following routes: 13-6
  - Existing San Leandro Property: I-238, I-880, SR 238/Mission, Springlake Drive, Embers Way
  - Glenn Dyer Detention Facility: 8<sup>th</sup> Street, Harrison, Webster, 14<sup>th</sup>/International, San Pablo Avenue, Telegraph Avenue, Martin Luther King, Jr. Way, Webster Posey Tubes
  - Pardee/Swan Site: Davis Street
- Page 9-91, Project Benefits/Mitigation Measures Incorporated and Project Impacts: The designated roadway network is the MTS, not CMA-designated roadways. This should be globally changed in all text and tables. 13-7
- Page 9-92, last paragraph and Page 9-108, following the 3<sup>rd</sup> bullet: For CMP purposes the Countywide Model must be used to evaluate impacts of a project on the regional network. It is the most reasonable tool available for estimating future traffic volumes on County roadways and is based on regionally adopted land use and modeling assumptions. Both of these paragraphs implying that projected volumes would be lower in Year 2005 is unsubstantiated and should be deleted from the document. As noted above, the ACCMA does not have a level of service standard and this reference should also be deleted. 13-8
- All tables: For CMP purposes, the V/C ratios cannot be based on 2,350 vehicles per lane unless studies are done to document the capacities on area freeways. Particularly freeways like I-880 and I-238 that carry a substantial amount of truck traffic and have higher than average accident rates should be using a more conservative 2000 vehicles per lane per hour. At a minimum, the lower range of 2,200 vehicles per lane per hour stated in the 2000 Highway Capacity Manual could be used. Using the highest and untested capacity of 2,350 13-9

Mr. Michael Houghtby  
March 6, 2003  
Page 3

vehicles per hour per lane could result in overly optimistic results. For CMP purposes, the freeway impacts should be reanalyzed with lower capacity assumptions.

- Page 101, Study Segments: The list in the text should include I-680, south of I-580 as 13-10 presented in the tables for this alternative.

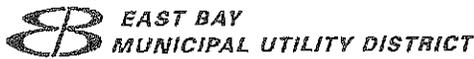
Once again, thank you for the opportunity to comment on this DEIR. Please do not hesitate to contact me at 510/836-2560 ext. 13 if you require additional information.

Sincerely,



Beth Walukas  
Senior Transportation Planner

cc: James Sorensen, Planning Director, Alameda County  
file: CMP - Environmental Review Opinions - Responses - 2003



LETTER 14

March 10, 2003

Mr. Michael Houghtby  
State of California Board of Corrections  
Corrections Planning and Programs Divisions  
600 Bercut Drive  
Sacramento, CA 95814

Dear Mr. Houghtby:

Re: Draft Environmental Impact Statement/Draft Environmental Report –  
Juvenile Justice Facility and East County Hall of Justice, Alameda County

East Bay Municipal Utility District (EBMUD) appreciates this opportunity to review the Draft Environmental Impact Statement and Draft Environmental Impact Report (EIS/EIR) for the Juvenile Justice Facility and East County Hall of Justice. EBMUD has the following comments.

**COMMENTS**

Please note that only the existing San Leandro property site, the Glen Dyer Detention Facility site, and the Pardee/Swan site are located within EBMUD's water service area. Both the East County Government site and Site 15A are located outside EBMUD's water service area. Also only the Glenn Dyer Detention Facility and Pardee/Swan sites are within EBMUD's wastewater and recycled water service area. The existing San Leandro property site, the East County Government site, and site 15A are all outside EBMUD's Sanitary Service District. 14-1

Page 12-3, under the Section entitled Regulatory Setting, please insert the following to the end of this section: 14-2

**East Bay Municipal Utility District Policy:** The East Bay Municipal Utility District (EBMUD) will not install pipeline in contaminated soil that must be handled as a hazardous waste, or may adversely impact the pipeline or other construction material, or may be hazardous to the health and safety of EBMUD personnel wearing Level D personal protective equipment. EBMUD will require a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified soil and/or water contaminants. EBMUD will not design the installation of pipelines until such time as remediation plans are received and reviewed and will not install pipelines until remediation has been carried out."

Page 14-4, last paragraph, first and second sentences, please replace with - "Water service to the existing Juvenile Hall site and the surrounding City of San Leandro is provided by the 14-3

Mr. Michael Houghtby  
March 10, 2003  
Page 2

East Bay Municipal Utility District (EBMUD), a publicly owned utility. EBMUD is responsible for service connections and water delivery to parts of Alameda and Contra Costa Counties."

Page 14-7, the section entitled Glenn Dyer Detention Facility, please add the following paragraph entitled "Recycled Water" and add the following paragraph under this heading: "EBMUD's Policy 73 requires that customers use nonpotable water for nondomestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife to offset demand on EBMUD's limited potable water supply. The City of Oakland has adopted a dual plumbing ordinance that requires the installation of dual plumbing systems for the use of recycled water in development projects that are located within the service area boundary of a recycled water project. The Glenn Dyer Detention Center Facility site is located within the service area boundary of Phase 1A of EBMUD's East Bayshore Recycled Water Project. Recycled water delivery is anticipated for the Spring of 2005."

14-4

Page 14-7, replace the section entitled "Potable Water Supply" with the following: "The East Bay Municipal Utility District (EBMUD) serves all of Oakland with potable and recycled water. The source of EBMUD's potable water supply is currently the Mokelumne River and local runoff. EBMUD's total service area customer demand in year 2000 was 230 mgd, and when adjusted for conservation and the use of recycled water, net customer demand was estimated at 216 mgd. EBMUD projects that the demand forecast for 2020 of 277 mgd can be reduced to 229 mgd with successful water recycling and conservation programs. This projection assumes no occurrence of a drought and a population increase in EBMUD's service of approximately 1.27 million to 1.42 million (EBMUD 2000)."

14-5

Page 14-8, first paragraph, please replace the entire paragraph with the following: "EBMUD has prepared an Urban Water Management Plan (EBMUD 2000) that indicates that with aggressive conservation and recycling, EBMUD can meet its obligation to serve its current and future customers in normal rainfall years through year 2020. However, in multiple years of drought, even with aggressive conservation and recycling coupled with 25 percent rationing throughout the service area, EBMUD predicts a shortfall of about 62.5 mgd. In 1970, EBMUD signed a contract with the US Bureau of Reclamation (USBR) for a supplemental supply of American River water from the Central Valley Project (CVP). EBMUD's entitlement to water from the American River was challenged and for the last 30 years, EBMUD has pursued this supplemental supply. In 2000, an agreement was reached between USBR, EBMUD and Sacramento parties to develop a joint water supply. In 2002, EBMUD and the County of Sacramento (in association with the City of Sacramento and with support from USBR) formed the Freeport Regional Water Authority (FRWA). The FRWA will be releasing a draft Environmental Impact Report / Environmental Impact Statement (Draft EIR/Draft EIS) in Spring of 2003 for public review. Complete construction of facilities needed to divert water is expected to occur in 2008 (EBMUD, 2000 and www.ebmud.com)."

14-6

Mr. Michael Houghtby  
March 10, 2003  
Page 3

Page 14-8, second paragraph, rename the "Reclaimed Water" paragraph to "Recycled Water" and replace that paragraph with the following: "EBMUD's Policy 73 requires that customers use nonpotable water for nondomestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife to offset demand on EBMUD's limited potable water supply. The Port of Oakland and the City of Oakland have adopted dual plumbing ordinances that require the installation of dual plumbing systems for the use of recycled water in development projects that are located within the service area boundary of a recycled water project. The Pardee/Swan site is located within the service area boundary of EBMUD San Leandro Recycled Water Project. Recycled water delivery to this site is anticipated by the year 2015."

14-7

Page 14-17, last paragraph, first and second sentence, please replace with the following: "Each of the alternatives described below (except "No Action/No Project") would increase the demand for water supplies, but both EBMUD and DSRSD have demonstrated that this additional demand is less than significant and can be met given the respective agencies' water conservation measures, and recycled water programs (where appropriate). The infrastructure required to implement these water conservation measures and recycled water pipelines (where appropriate) would be a required improvement for any new facility and would be part of the overall project costs."

14-8

Page 14-18, Section 14.1.2, fourth bullet, the exterior irrigation water demand for the San Leandro and Oakland projects has been overestimated. The 3,125 gallons per day (gpd)/acre used in the estimate may be appropriate for the Dublin/San Ramon area but is not appropriate for the cooler San Leandro/Oakland area. The target water use for new projects is 80 percent of evapotranspiration (ET<sub>o</sub>), and the ET<sub>o</sub> for San Leandro/Oakland is about 36 inches, approximately 29 inches at 80 percent equal to 2,150 gpd/acre. This is the upper limit that should be used to estimate exterior irrigation water demand in the San Leandro/Oakland areas. The upper limit water use for the existing San Leandro Property is about 17,200 gpd. The applicant should be encouraged to design the project to require even less than this upper limit

14-9

Page 14-18 and page 14-20 please replace Mitigation Measure 14.1.2A and 14.1.4A with the following: "The Juvenile Justice Facility should be designed to incorporate water conservation strategies. In addition to state and federally mandated water efficient plumbing standards, EBMUD encourages the use of water efficient appliances (e.g. horizontal-axis clothes washers) and other new technology to further water conservation practices. These practices may include multiple pass or re-circulating cooling systems and separate metering of significant cooling, process, or other water uses in proposed facility. Pressure-reducing valves to maintain a maximum of 50 pounds per square inch (psi) water pressure and drinking fountains with self-closing valves. Kitchen facilities should include high efficiency commercial tray dishwashers, low flow pre-rinse spray nozzles, air-cooled ice machines and connectionless counter top steamers. On the exterior, drought-tolerant, native or Mediterranean plants should be used for landscaping, lawn and turf areas should be minimized and efficient irrigation systems (i.e., drip systems) installed to minimize both over

14-10

Mr. Michael Houghtby  
March 10, 2003  
Page 4

spray and evaporation. EBMUD recommends the use of new ET based self-adjusting irrigation timers for automatic irrigation systems and the use of drip irrigation for irrigating planting areas."

Page 14-18, third paragraph, first sentence, please replace with the following: "EBMUD projects that the total water demand throughout its service area is expected to grow by approximately 34 million gallons per day by the year 2020."

14-11

Page 14-19, Section 14.1.3, please add the following recycled water mitigation measure: "EBMUD recommends the installation of dual plumbing at the Glenn Dyer Detention Center site for landscape irrigation to offset the demand of EBMUD's limited potable water supply." Alameda County should determine the resulting level of significance.

14-12

Page 14-20, Section 14.1.4, please replace Mitigation Measure 14.1.4B with the following: "EBMUD recommends the installation of dual plumbing at the Pardee/Swan site for toilet flushing and landscape irrigation to offset the demand of EBMUD's limited potable water supply."

14-13

Page 14-22, Section 14.1.6, third paragraph, sixth sentence, please replace this sentence with the following: "Additionally, demand for potable water would be reduced in the DSRSD service area."

14-14

Page 14-23, Section 14.2.2, please add the following to the end of the paragraph: "If additional water service is required, which may include a main extension at the applicant's expense, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the cost and conditions for providing water service to the property."

14-15

Page 14-23, Section 14.2.4, second sentence, please note that the existing 8-inch water main may need to be replaced, but delete any reference to a water main size. These water main sizes noted in this section are large and not yet known. The project sponsor should contact EBMUD's New Business Office and request a water estimate to determine the project needs, costs and conditions for providing water service to the property.

14-16

Page 14-26, Sections 14.3.3 and 14.3.4, please add the following after the second sentence in each paragraph: Although EBMUD has the available capacity to treat the additional dry weather flows, the developer for this project needs to confirm with the City of Oakland Public Works Department that there is available capacity within the subbasin flow allocation and that it has not been allocated to other developments. The projected peak wet weather wastewater flows from this project need to be determined to assess the available capacity within the subbasin and confirmation included in the EIR. The City of Oakland Public Works Department has confirmed that there is available wastewater capacity within Subbasin (*insert subbasin number here*) reserved for this project."

14-17

Mr. Michael Houghtby  
March 10, 2003  
Page 5

Page 14-28, Section 14.4.3, please include the same mitigation measures as in Section 14.4.4 14-18  
for this section.

If you have any questions or comments concerning this response, please contact  
Marie A. Valmores, Senior Civil Engineer at (510) 287-1084.

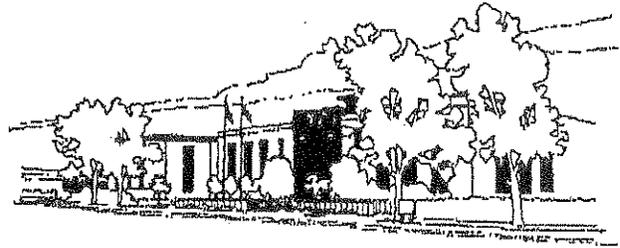
Sincerely,



WILLIAM R. KIRKPATRICK  
Manager of Water Distribution Planning Division

WRK:OAH:sb  
sb03\_072.doc

City of San Leandro  
Civic Center, 835 E. 14th Street  
San Leandro, California 94577



March, 10, 2003

LETTER 15

Michael Houghtby, Field Representative  
State of California Board of Corrections  
600 Berout Drive  
Sacramento, CA 95814

*Sent via facsimile  
(916) 327-3317*

Re: Alameda County Juvenile Justice Facility and East County Hall of Justice  
Draft EIR/EIS

Dear Mr. Houghtby:

Thank you for allowing the City of San Leandro the opportunity to comment on the above-referenced document. Although the existing facility is not located within the city limits, it is within our Sphere of Influence. As such, any proposed modifications to this facility could have ramifications for the City of San Leandro.

15-1

The City's Engineering & Transportation Department has reviewed the relevant sections of the EIR/EIS and they agree with the report's conclusion that the scenarios indicated for the San Leandro facility would not have any significant impacts on roadways and at intersections in the City.

15-2

The Alameda County Fire Department (which has administrative offices at our City Hall) did ask that I include comments with this letter, although I believe they may be submitting their own separate comments as well (which would also include comments on project alternatives outside of San Leandro). ACFD's comment is as follows:

15-3

The EIR/EIS indicates that for the San Leandro alternative, there will be a less than significant impact on emergency services (i.e., response times would not increase), but there is no data to support this conclusion as the document does so for the Dublin alternative. The report does address that there will be an increase in the demand for emergency services, but concludes that it will not be significant. Due to the proposal that would almost double the size of the detention center, and includes construction of additional buildings to the site, ACFD personnel believe that not enough data has been provided in the EIR/EIS to therefore conclude that this alternative would not have a significant impact on emergency services. More statistics, such as number of calls expected, response times, distance from station, etc., are needed in order to make the conclusion made in the EIR/EIS.

Stella Young, Mayor

City Council:

Orval "OR" Badger;  
Glenda Nardone;

Bob Cloze;  
Tony Santos;

Sufeno G. Grant;  
Bill Stephens

If you have any questions regarding ACFD's comments, please contact Fire Marshal Theresa Johnson directly at 510/618-3477 or at [theresa.johnson@acgov.org](mailto:theresa.johnson@acgov.org).

Please forward to the City a copy of the Response to Comments/Final EIR/EIS when it is completed.

Best regards,

*Debbie Pollart (dps)*

Debbie Pollart, Planning Manager  
Planning Services Division  
Community Development Department

c: Theresa Johnson  
Roh-Lin Chen

City of San Leandro  
Civic Center, 835 E. 14th Street  
San Leandro, California 94577



Office of the City Manager 510-577-3351  
FAX 510-577-3340

LETTER 16

March 10, 2003

Mr. Michael Houghtby, Field Representative  
State of California Board of Corrections  
Corrections Planning and Programs Division  
600 Bercut Drive  
Sacramento, CA 95814

*Sent via facsimile*

**Re: Alameda County Juvenile Justice Facility and East County Hall of Justice Draft  
EIS/EIR (Additional Comments)**

Dear Mr. Houghtby:

I am providing on behalf of the City of San Leandro these additional comments regarding the Draft EIS/EIR for the Juvenile Justice Facility. My comments are prompted by an apparent last minute change of plans that significantly increases the likelihood that the County will select the San Leandro site for the new Juvenile Justice Facility.

16-1

As identified in the Draft EIS/EIR under Section 6 (page 6-5), the existing site in the hills above San Leandro is subject to Significant and Unavoidable risks of both fault rupture and ground shaking. The Hayward Fault bisects the property. Additionally, the site is subject to a Significant and Unavoidable risk of landslides. The EIS/EIR goes on to state that each of these three environmental risks are "Potentially Significant," but Mitigable for the San Leandro property (essentially the same site deemed problematic under the No Action/No Project alternative). While one would expect that new buildings designed to withstand earthquake ruptures and ground shaking would be safer than the existing buildings, it is obvious that there would be significant additional cost required to make these County buildings capable of standing up to a significant seismic event. Even given that life safety features could be incorporated into the building's designs, the County and the State are likely in the future to be faced with the costs of rebuilding, repairing, or even relocating the facility due to seismic damage.

16-2

Michael Houghtby  
State of California Board of Corrections  
March 10, 2003  
Page 2

Added to the seismic risks described above are equally serious risks of ground movement due to unstable soils and the hillside location (see Page 6-9). The City of San Leandro has had its own unfortunate experience with problems resulting from earth movement during the El Nino storms of 1998. Several houses were lost as a result of the slide and the City paid over \$1 million to stabilize the hillside to protect additional homes both above and below the slide.

Does it make sense to invest hundreds of millions of dollars in a new facility that is known to be in an area subject to serious seismic damage? This would be as foolish as building a new facility in a known flood hazard area.

While the concerns expressed above have emphasized cost, there is an environmental justice question that may be even more compelling. What explanation would the County provide to the parents and relatives of incarcerated juveniles injured in an earthquake. Would it suffice to say that certain residents in other parts of the County found it unacceptable to have a juvenile justice facility as their neighbor, so the only remaining site was one known to be unsafe? It is one thing for a single family homeowner to decide that his or her family can take the risk of living in a single story home near an active earthquake fault. It is entirely another for the County to force hundreds of juveniles to live in an area everyone knows has great risks of significant damage.

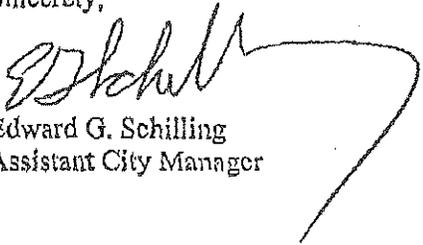
16-3

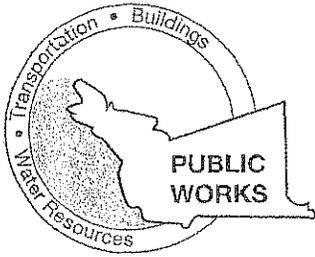
If the County persists in consideration of the San Leandro site as the primary alternative, we insist that there should be more public disclosure and public review of the proposal. Until Friday, March 7 the City Council, staff and our residents all understood that the San Leandro site was not the preferred alternative. With the recent change in scope and the reported leaning towards the San Leandro site, it is only right and fair that everyone have a chance to comment on this proposed project location. The EIS/EIR has identified as the environmentally preferred site the Pardee/Swan Way site.

16-4

Thank you for your consideration of these comments.

Sincerely,

  
Edward G. Schilling  
Assistant City Manager



COUNTY OF ALAMEDA  
**PUBLIC WORKS AGENCY**  
DEVELOPMENT SERVICES DEPARTMENT  
951 Turner Court, Room 100  
Hayward, CA 94545-2698  
(510) 670-6601  
FAX (510) 670-5269

LETTER 17

March 7, 2003

Michael Houghtby  
Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

Dear Mr. Houghtby:

Re: Draft Environmental Impact Statement/Environmental Impact Report  
Alameda County Juvenile Justice Facility and East County Hall of Justice

We have reviewed your submittal of the Draft Environmental Impact Statement/Environmental Impact Report for the Alameda County Juvenile Justice Facility and East County Hall of Justice project. At this time we have no comments regarding this document.

17-1

We appreciate the opportunity to comment on this document. If you have questions regarding this, please contact me at (510) 670-5259.

Very truly yours,

Donna Rolle, P.E.  
Development Services



Superior Court  
State of California

LETTER 18

CHAMBERS OF THE PRESIDING JUDGE  
HARRY R. SHEPPARD

COUNTY OF ALAMEDA

COURT HOUSE  
1225 FALLON STREET  
OAKLAND, CALIFORNIA 94612  
(510) 272-6040  
FAX (510) 271-5130

March 10, 2003

Michael Houghtby, Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, California, 95314

Dear Mr. Houghtby,

On behalf of the Superior Court of California, County of Alameda, we submit the following comments on the draft Environmental Impact Statement and Environmental Impact Report (EIS/EIR) for the proposed Juvenile Justice Facility and East County Hall of Justice. With the qualifications discussed below, the Court is strongly supportive of constructing both facilities at the earliest possible time.

Juvenile Justice Facility

The need for a new Juvenile Justice Facility has been well documented and publicly discussed and debated for years. Whereas, there remains disagreement over the most suitable location and the appropriate size, it is generally accepted that a new facility is desperately needed. The existing Juvenile Hall does not meet the Board of Corrections' guidelines for detention facilities, nor does it meet the needs of the County. 18-1

A new Juvenile Justice Facility would also provide relief for our Juvenile Court functions. For years we have endured an almost intolerable situation: Courtrooms and support space are spread haphazardly among four separate facilities; the space available is insufficient and not suitable for court proceedings and related functions. These deficiencies have made it virtually impossible to consistently render competent and timely services.

Construction of the Juvenile Justice Facility will satisfactorily address the above deficiencies, permit the consolidation of judicial and support functions in one location, and the achievement of the primary objectives of the Juvenile Court as specified on Page 2-2 and 2-3 of the EIS/EIR:

- Provide a high standard, but family-friendly, juvenile courts environment for court clients and staff;

- Help ensure the delivery of prompt and efficient services to clients, witnesses and victims;
- Create a secure environment for court clients and staff that also honors the confidentiality of the proceedings;
- Provide space and facilities to create a normative environment for siblings and parents;
- Provide a courts facility that can accommodate future changes in growth and technology advances.
- Provide a facility that reflects a high priority on families and judicial case processing;
- Provide an environment that encourages commitment for all juvenile-related agencies to work cooperatively for system-wide improvements;
- Create a climate that will enhance morale and attract even more committed and qualified practitioners and;
- Convey a serious and official image that encourages proper juvenile court decorum and respect for the proceedings (Rosser, 1998a).

The draft report details the pros and cons of each alternative location. Assuming that the Board will take appropriate remedial action to address the shortcomings of each potential site, the court is supportive of new construction at either location.

For several reasons, the Court cannot support the alternative involving the conversion of the existing Glenn Dyer Detention facility from an adult jail into a juvenile detention facility:

- The objectives of an adult facility are not consistent with those for juveniles<sup>1</sup>.
- The facility will not accommodate the program space requirements; and
- This alternative would not include the juvenile courtrooms and support space.

We are, therefore, opposed to this alternative and recommend that the Board select from one of the other alternatives.

#### East County Hall of Justice

As with the Juvenile Justice Facility, the primary consideration expressed over the East County Hall of Justice pertains to location. There appears to be a general consensus over the need for a new facility. 18-2

Upon its completion, the Court will vacate leased space in Pleasanton, which has five courtrooms, and have eight additional courtrooms for expansion, courtwide calendar reorganization, and possibly vacate other leased or inadequate facilities.

---

<sup>1</sup> Assure community protection; enhance rehabilitative efforts; reflect professional standards; provide ready access for juveniles, their families and professionals working within the juvenile justice system; meet all national standards and local state requirement.

Alameda County EIR/EIS Response  
Mr. Michael Houghthy  
March 10, 2003  
Page 3

Whereas either of the sites evaluated in the EIS/EIR is acceptable to the Court, we are concerned with the increased costs associated with construction on site 15A, particularly in these times of limited resources. The expense of constructing an 850 space parking structure would increase project costs. To the extent that such an increase would not result in a reduction in the scope of the project, or the number of courtrooms available upon occupancy, either site is acceptable. Otherwise, we recommend the site nearest the Santa Rita Jail.

As to the concern expressed over the distance of either site from the BART Station, we think this is a minor consideration. The sites are approximately one mile apart and, therefore, concerns over accessibility are virtually the same for either. We suspect that some form of public transportation will be required for either of the Dublin locations. Again, when the increased expenses of building parking structure adjacent to site 15A are factored in, the one nearest to the jail seems more practical.

We appreciate the opportunity to provide input and remain available to answer questions and/or provide additional information.

Sincerely,



Harry R. Sheppard, Presiding Judge  
Superior Court of California, County of Alameda

HRS:cw

cc: Brenda Harbin-Forte, Presiding Judge Juvenile Court  
Gail Steele, Chairman, Board of Supervisors  
Arthur Sims, Executive Officer, Superior Court  
Susan Muranishi, County Administrator  
Aki Nakao, Director General Services Agency  
Wayne Tucker, Acting Chief Probation Officer

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LETTER 19

Alice Lai-Bitker, SUPERVISOR, THIRD DISTRICT

ALAMEDA COUNTY BOARD OF SUPERVISORS.

COMMITTEES:

Health, Chair  
Social Services  
Unincorporated Services

March 10, 2003

Mr. Michael Houghtby, Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

Dear Mr. Houghtby:

It is my understanding that today is the last day to submit comments/questions regarding the Draft EIR/EIS for the Proposed Alameda County Juvenile Justice Facility and the East County Government Center. Due to the importance of this issue for me, my constituents and the youth of our County, I want to ensure that the following questions are carefully answered in the final report. All of these questions are in reference to the existing San Leandro Juvenile Hall site.

- 1). What is the additional cost for constructing an earthquake "safe" Juvenile Hall? 19-1
- 2). In the event of an emergency, will the Juvenile Hall be constructed in a way to provide the safest condition for staff as well as juveniles? 19-2
- 3). What security precautions and systems will be included in the construction phase to address the neighboring communities? 19-3
- 4). Will the Juvenile Hall be constructed in a way that would protect the staff and juveniles from a landslide? 19-4
- 5). What is the crime impact of the current Juvenile Hall upon the Fairmont Terrace, Hillcrest Knolls, Ashland and San Leandro communities? 19-5
- 6). By virtue of their close proximity to the current Juvenile Hall are property values diminished in the Fairmont Terrace, Hillcrest Knolls, Ashland and San Leandro communities? 19-6

I appreciate your time and focus on these questions and look forward to working with the State Board of Corrections on constructing a new Juvenile Hall for the safety of our youth. If I can be of further assistance to you, please fee free to contact me at (510) 272-6693.

Sincerely,

ALICE LAI-BITKER  
Supervisor, Third District



THE LEAGUE OF WOMEN VOTERS  
 BERKELEY ■ ALBANY ■ EMERYVILLE  
 1414 University Ave., Suite D ■ Berkeley CA 94702  
 Phone: (510) 843-8824 ■ Fax: (510) 843-8828  
 Email: lwvbac@pacbell.net

LETTER 20

March 10, 2003

Mr. Michael Houghtby  
 Field Representative  
 State of California Board of Corrections  
 600-Bercut Drive  
 Sacramento, California 95814

Dear Mr. Houghtby:

Re: Draft EIS/EIR, Alameda County Juvenile Justice Facility and East County  
 Hall of Justice

We note that in Chapter 9, Transportation, pp. 32-35, dealing with the East  
 County Site, it is unclear whether there is any bus connection from BART to the Site on  
 weekdays outside of commute hours, or on weekends. We hope that the final report is  
 specific on what services will be available for the families that want to visit their children  
 in the new facility.

20-1

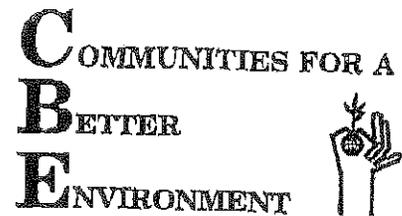
Sincerely,

Lois Brubeck, Co-chair  
 Juvenile Justice Committee  
 Alameda County Leagues of Women Voters

Via Fax and Mail

March 10, 2003

Michael Houghtby  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814  
Fax: 916-445-5796



LETTER 21

Dear Mr. Houghtby, the California Board of Corrections, and the County of Alameda:

Communities for a Better Environment (CBE) hereby comments on the Draft Environmental Impact Report and Environmental Impact Statement ("EIR/EIS") for the proposed Juvenile Justice Facility and East County Hall of Justice in Alameda County ("project"). CBE is a nonprofit environmental justice organization with offices in Oakland. CBE has thousands of members living in the Bay Area and Alameda County, including many youth members. CBE supports Books Not Bars, the Ella Baker Center for Human Rights, and Youth Force and their efforts to have the County spend funds on alternatives to incarceration programs.

**Consider Alternatives for a Smaller Facility with Fewer Beds**

CBE urges the County to consider alternative sites and sizes for the juvenile hall facility. CBE requests that alternatives including 330 beds, 350, and 375, and other configurations with less than 420 beds be analyzed. By analyzing a smaller facility, other alternative locations may be feasible. NEPA requires a very rigorous analysis of alternatives.

21-1

**Investigate and Mitigate Possible Radioactive Contamination**

A recent newspaper story in the February 21, 2003 Oakland Tribune by Donna Horowitz, Youths Oppose Juvenile Hall in Dublin, reported that 20-year-old newspaper articles retrieved from the Livermore Library history room showing the site may be tainted by the radioactive remains of pigs, cows, other animals and plants. One experiment dispersed low-level radioactive materials on the ground and buildings to simulate nuclear fallout, according to one of the articles. According to the newspaper article, after the meeting, Scott Gregory, the consultant whose firm prepared the environmental analysis, noted that his report disclosed that possibly hazardous substances exist on the site, but he said "I personally never heard of radioactive cows." CBE requests that the County investigate whether there is radioactive contamination at the Dublin site. CBE also requests that soil sampling be done at the site to determine if there is any hazardous substances are present. All of this testing must be done prior to the certification of the EIR/EIS and approval of the project.

21-2

This new information necessitates the preparation and re-circulation of a new Draft EIR/EIS.

5610 Pacific Blvd., Suite 203 • Huntington Park, CA. 90255 • (323) 826-9771  
In Northern California: 1611 Telegraph Avenue, Suite 450 • Oakland, CA 94612 • (510) 302-0430

CBE Comments on Juvenile Justice Facility  
March 10, 2003  
Page 2 of 7

### CBE Opposes the Dublin Alternative

21-3

The proposed Dublin site has the highest number of significant and unavoidable impacts than any other project location. In Chapter 17, the EIR has 43 pages addressing the impacts and mitigations in Dublin. In contrast, the EIR has just 5 pages addressing the impacts and mitigations for the San Leandro and at the Pardee/Swan site, and only 4 pages addressing the impacts and mitigations at the Glenn Dyer site.

CBE is concerned that the Dublin location will contribute to the significant and cumulative impacts of traffic, noise pollution and air quality. Dublin's distance from the urban core of Alameda County will cause significant environmental impacts. First, because 88% of detainees originate from areas other than Dublin area, getting to Dublin will place a burden on youth and families who must go to the new facility due to transportation costs. The increased traffic and vehicle trips that will be used by these families will increase air pollution and traffic. Employees who work at the facility will also have to commute and many would like have to travel far distances to the facility. Has the County prepared a transportation plan to help mitigate the air quality impacts from all of these vehicle trips?

### Traffic

21-4

The EIR/EIS acknowledges that traffic and transportation impacts are significant under the Dublin Alternative. "Local transit service from BART to the site is provided only during peak commute and limited afternoon hours during the weekdays, and does not operate on the weekends. Based on the current pattern of arrests and home addresses for the detainees, a majority of detainee's family members would have to travel a greater distance to participate in the detention and visitation processes if the Project was located in Dublin compared to the existing site or any of the other alternatives being considered in the EIR/EIS. The weighted average travel distance to the site is approximately 23.9 miles, which is approximately twice the average distance to the other alternative sites. Therefore, the East County Government Center Site alternative could have environmental justice impacts related to accessibility, including the time and cost of traveling longer distances in an area that is not as proximate to the majority of detainees nor as well served by transit as the more urban location being considered in the EIR/EIS."

There is no direct access from the North (Camp Parks and Santa Rita), which could be problematic in case of an emergency. The Dublin site would require extensive road work and 8 roads would need to be modified, including two with Level of Service (LOS) of "F" - Failing. The EIR states that "jammed conditions with excessive delays and long back ups to be expected during peak hours." CBE is concerned about traffic impacts on the following intersections and areas: 1) Dublin Blvd/Arnold Rd; 2) Hacienda Drive/Central Parkway; 3) Hacienda Drive/Gleason Drive; 4) Tassajara Road/Central Pkwy; 5) Tassajara Road/ Dublin Blvd (LOS F); 6); Tassajara Road/I-580 Westbound Off-ramp; 7) Santa Rita Road/I-580 Eastbound Off-ramp/Pimlico Drive; 8) Dougherty Road/Dublin Blvd (LOS F). What will this roadwork do to the traffic in the area as the modifications are being conducted? What are the air quality and traffic impacts to the community? The EIR only states that transit services modifications will be

CBE Comments on Juvenile Justice Facility  
March 10, 2003  
Page 3 of 7

"considered." The purpose of an EIR is to consider such modifications to mitigate the significant traffic impacts. Moreover, Page 17-17 of the EIR/EIS indicates that "Funding may not be adequate to provide for implementation of all the necessary mitigation measures planned for the Tri-Valley." Such deferral and delay of mitigation measures violates CEQA.

In *Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296 (1988), the court held that an agency must identify and analyze mitigation measures in the CEQA document so that the public and governmental decision-makers can review and comment on the measures. See also *Gentry v. City of Murrietta* (1995) 36 Cal.App.4th 1359, 1396 (requiring applicant to comply with recommendations in report that had yet to be performed violated CEQA; *Quail Botanical Gardens Foundation, Inc. v. City Encinitas* (1994) 29 Cal.App.4th 1597, 1605, fn. 4. ("City cannot rely on post approval mitigation measures adopted during the subsequent design review process. . . . there cannot be meaningful scrutiny of a [CEQA document] when the mitigation measures are not set forth at the time of project approval.") CEQA Guidelines §15043 requires the City to make a "fully informed and publicly disclosed decision that" there is no way to lessen or avoid the significant effect. By deferring traffic mitigation, the County will violate CEQA and these cases.

#### Chapter 6 - Geology, Soils and Seismicity

21-5

History indicates that military use of the land in Dublin has unforeseen impacts to the proposed project. As stated in Chapter 6 page 6-17 and Chapter 15-22, it is unknown at this time if excavation to remove former foundations, utilities, other underground structures, raw materials, lead paint remnants, or hazard waste materials will be needed. Removal of contaminants could have adverse effects on the residents of the neighborhood and puts children and the elderly at a higher risk of getting sick from exposure.

The proposed mitigation for the Dublin site is to implement a Soil Handling/Management Plan (SMP) which will include a contingency plan for unexpected conditions. What are the risks associated with a potential violation of this SMP if not properly followed? What are the costs associated with this SMP and have they been properly accounted for under the Dublin site alternative.

#### Chapter 8 - Biological Resources - Plant and Animal Species

21-6

Dublin has the most extensive significant impact to plant and animal species than any other development alternative. The site is a foraging habitat for burrowing owl, white-tailed kite, northern harrier, other raptors and loggerhead shrike. Construction on the site would also result in the reduction in habitat suitable for Congdon's tarplant. The EIR/EIS must fully consider and mitigate impacts to these animals and plants.

#### Chapter 10 - Noise

21-7

The EIR/EIS indicates that gunfire from the Sheriff's Shooting Range is "distant", audible, but not measurable even over traffic. A recent study done by Sheriff's Department refutes this statement and indicates that significant noise is created by the shooting range. The EIR/EIS

CBE Comments on Juvenile Justice Facility  
March 10, 2003  
Page 4 of 7

states that traffic noise levels at the Dublin site would have a significant and unavoidable impact to the residential neighborhood. The project would increase traffic noise levels above existing and baseline conditions. When combined with the Firing Range, Camp Parks, and traffic, the cumulative effects of the project to the surrounding area would be significant and must be mitigated.

#### Chapter 12 – Public Health and Safety

21-8

The Dublin site has the most extensive number of hazardous materials at any proposed location. Sites in the vicinity of the Dublin project have real or potential environmental issues related to the release of hazardous materials. Potential release of hazardous materials is extremely close to Dougherty Elementary and identified as dangerous to construction workers. Environmental clean up of the Dublin site will be costly and time consuming. Is funding available for hazardous waste clean up? The EIR/EIS references a report by Subsurface Consultants dated Jan 8 which lists several "possible" areas of concern such as underground utility pipes that may be lined with Asbestos. The site has been a storm detention basin for 20 years and "may" contain heavy metals. The site "may" contain chemicals from the fire training center. Additional should be conducted to find out with certainty what we are dealing with here, especially before we potentially unleash asbestos into the air – with homes and a school nearby.

As discussed above, deferring analysis and mitigation violates CEQA. See *Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296 (1988); *Gentry v. City of Murrietta* (1995) 36 Cal.App.4th 1359, 1396; *Quail Botanical Gardens Foundation, Inc. v. City Encinitas* (1994) 29 Cal.App.4th 1597, 1605, fn. 4; CEQA Guidelines §15043.

#### School Impacts

21-9

The EIR states no impact of hazard related to the handling of Hazardous materials within ¼ mile of an existing or proposed school – because it states that no school is within ¼ mile. It appears from figure 12.6 on page 12-15 that the determining measurements are taken from the middle of the site outward. The endpoint of the ¼ mile mark is thus within 1 block of Dougherty Elementary School. A proper measurement should be taken from the edge of the site – since work will occur on the entire site. The impacts to Dougherty Elementary should be evaluated and mitigated.

#### Air Quality Impacts

21-10

CBE believes that the air quality impacts from annual emissions of Ozone pollution for a 420 bed facility in Dublin is 17.4 tons (page 11-26) is unacceptable. In contrast, the annual emissions for the same size facility in San Leandro is 10.1 tons – annually – 11-20. Choosing Dublin represents an increase of 7.3 tons of emissions annually into our environment. It is noted that the Dublin/Livermore areas have exceeded Federal Standards in the past few years (11-9). The Dublin site will also expose people to Toxic Air Contaminants, primarily Benzene and MTBE caused by motor vehicles traveling to Dublin.

CBE Comments on Juvenile Justice Facility  
March 10, 2003  
Page 5 of 7

Air quality tests in the EIR/EIS were conducted at sites in Livermore, not Dublin. The proposed site in Dublin is right next to Camp Parks, the County Public Works complex, an extremely busy Firing Range, a bomb detonation facility, a fire training facility and several prisons. Air modeling and test must be taken at the actual Dublin site in order to get an accurate understanding of the true impacts of the proposed project.

#### The Dublin Site is Inconsistent with the Dublin General Plan

21-11

The General Plan is the "constitution for all future development within the city or county" to which any local decision affecting land use must conform. *Citizens of Goleta Valley v. Supervisors of the County of Santa Barbara*, 52 Cal.3d 553, 570 (1990) (citation omitted). The heart of the State Planning and Zoning Law is the requirement of consistency among planning and development decisions. *Santa Ana v. City of Garden Grove*, 100 Cal.App.3d 521, 531-32 (1979).

The proposed project is inconsistent with the City of Dublin General Plan and the Eastern Dublin Specific Plan (EDSP), which encourages employment-generating uses, which provide a wide range of job types. How does relocating facilities and their employees generate employment within the City? A project that is inconsistent with the General Plan may not be approved. *de Bottari v. City of Norco*, 171 Cal.App.3d 1204 (1985); Gov. Code §§ 66473.5 and 66474.

#### The EIR/EIS Must Be Translated Into Spanish.

21-12

The EIR/EIS fundamentally fails to serve its primary function as a public information document because it has not been translated into Spanish. Numerous residents of Alameda County speak only Spanish. These persons will be impacted either directly by the proposed project, or by hazardous wastes from the proposed project. CEQA grants these communities a right to review the impacts of the project in their own language.

An EIR is first and foremost a public information document. The DEIR should "facilitate both public input and the decisionmaking process." *Russian Hill Improvement Assoc. v. Board of Permit Appeals*, 44 Cal.App.3d 158, 168 (1975). The courts have repeatedly affirmed the importance of public input in the CEQA process as a means to "test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom." *Sutter Sensible Planning, Inc. v. Board of Supervisors*, 122 Cal.App.3d 813, 822 (1981). "Public participation assists the agency in weighing mitigation measures and alternatives to a proposed project." *Concerned Citizens of Costa Mesa v. 32nd Dist. Agric. Assn.*, 42 Cal.3d 929, 938 (1986).

Many federal agencies have implemented the public participation language of NEPA by fully embracing Spanish-speaking people in the environmental review and decision-making process. Federal agencies have translated EISs, wherever a substantial part of the population speaks Spanish. For example, the U.S. Department of Housing and Urban Development prepared draft EISs in both Spanish and English for housing projects to be built in Dorado and Bayamon, Puerto Rico. (45 Fed.Reg. 79583 (December 1, 1980). A Spanish version of a Fishery

CBE Comments on Juvenile Justice Facility  
March 10, 2003  
Page 6 of 7

Management Plan for the Shallow-Water Reef Fish Fishery of Puerto Rico was made available for public comment. (50 Fed.Reg. 19559 (May 9, 1985). In 1980, the U.S. Department of Energy published both Spanish and English versions of a 90-page summary of a Final EIS on a demonstration radioactive waste storage facility considered for siting in New Mexico. (45 Fed.Reg. 70540-41 (October 24, 1980). In *In re: EcoElectrica, L.P.*, 1997 PSD LEXIS 2 (1997), PSD Appeal Nos. 96-8 and 96-13, fn. 16, the U. S. EPA appeals board noted that notice of the preliminary determination on this permit, of the opportunity to comment, and of the public hearing to be held were all published in a Spanish-language newspaper, and that the public hearing itself was conducted primarily in Spanish. The Department of justice must comply with the Executive Order on Environmental Justice.

When the language of the document excludes a substantial portion of the public from the CEQA and NEPA review and comment process, the fundamental goal of the statute is defeated. In this case, substantial portions of the affected population which are Spanish-speaking have been excluded from the public review and comment process, in violation of the underlying spirit of CEQA. The EIR/EIS must therefore be translated into Spanish and be recirculated for review and comment by all affected persons.

#### Failure to Consult with US EPA

21-13

CEQA §21153 requires that prior to completing an environmental impact report, the lead agency shall consult with, and obtain comments any public agency that has jurisdiction by law with respect to the project. CEQA Guidelines §15086(a)(3), which implements CEQA §21153, requires lead agencies to consult with federal agencies. US EPA is a federal agency. The Draft EIR/EIS does not list the US EPA as an agency consulted by the City. The County has thus ignored its legal obligation under CEQA as a lead agency to consult with US EPA prior to completing an EIR.

#### A Supplemental Draft EIR/EIS Must Be Prepared and Re-circulated

21-14

Based on the inadequacies discussed above, the draft EIR/EIS cannot form the basis of a final EIR. CEQA requires preparation and recirculation of a supplemental draft "[w]hen significant new information is added to an environmental impact report" after public review and comment on the earlier draft EIR. Public Resources Code §21092.1. The opportunity for meaningful public review of significant new information is essential "to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom." *Sutter Sensible Planning, Inc. v. Sutter County Board of Supervisors*, 122 Cal.App.3d 813, 822 (1981); *City of San Jose v. Great Oaks Water Co.*, 192 Cal.App.3d 1005, 1017 (1987). An agency cannot simply release a draft report "that hedges on important environmental issues while deferring a more detailed analysis to the final [EIR] that is insulated from public review." *Mountain Lion Coalition v. Calif. Fish & Game Comm'n*, 214 Cal.App.3d 1043, 1052 (1989).

In order to respond to these comments and other that CBE is informed will be submitted, substantial new information will have to be obtained to adequately assess the proposed project's environmental impacts, and to identify effective mitigation and alternatives capable of alleviating the project's significant impacts. CEQA requires that the public have a meaningful opportunity

CBE Comments on Juvenile Justice Facility  
March 10, 2003  
Page 7 of 7

to review and comment upon this significant new information in the form of a re-circulated supplemental draft EIR/EIS.

Notice to CBE

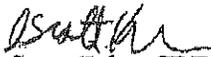
21-15

Please include CBE on your list of interested persons for this project. CBE requests notice of all public hearings, all CEQA notices, and a copy of the final EIR and Notice of Determination. Please send all such notices and information to:

Suma Peesapati  
CBE  
1611 Telegraph Avenue, Suite 450  
Oakland, CA 94612

We request a written response to our comments. Should you have any questions, please contact us.

Sincerely,



Scott Kuhn, CBE Legal Director  
Suma Peesapati, CBE Staff Attorney  
A.J. Napolis, CBE Northern California Director

Cc: Alameda County Board of Supervisors  
Books Not Bars  
Ella Baker Center  
Youth Force Coalition  
Friends of Dublin

# ReedSmith CrosbyHeafey

Patricia E. Curtin ■ 510.466.6819 ■ pcurtin@reedsmith.com

March 10, 2003

LETTER 22

VIA FACSIMILE AND U.S. MAIL

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

Re: Comments on the County's Draft EIS/EIR for the  
Juvenile Justice Facility and East County Hall of  
Justice ("Draft EIR")  
File No. 347374.00320

Dear Mr. Houghtby:

This firm represents Sybase, Inc. with respect to the above-referenced Draft EIR. As you may know, Sybase's offices are located at One Sybase Drive, on the site directly adjacent to the proposed Alternative Site 15A identified in the Draft EIR for the East County Hall of Justice. Sybase opposes the placement of the East County Hall of Justice ("Hall of Justice") on Site 15A. Our comments with respect to Site 15A are set forth below.

### Executive Summary

22-1

While NEPA does not require a discussion relating to mitigation measures be contained in an EIS. Section 15123(b)(1) of the CEQA Guidelines requires that the Executive Summary identify proposed mitigation measures for each significant effect a project may have. (See Section 15221(b) of the Guidelines.) As a result, the Draft EIR should be revised to include mitigation measures in the Executive Summary.

### Growth Inducement

22-2

On page S-21, the Draft EIR states that "[d]evelopment at the sites evaluated would be consistent with overall land use plans for the areas." We disagree. Currently, Site 15A has a land use designation of High Density Residential; such a designation does not allow for public uses. This issue is further discussed below under our comments relating to Land Use Planning (Chapter 4 of the Draft EIR). This section on growth inducement should be revised to reflect the correct land use designation.

LONDON  
NEW YORK  
LOS ANGELES  
SAN FRANCISCO  
WASHINGTON, D.C.  
PHILADELPHIA  
PITTSBURGH  
OAKLAND  
PRINCETON  
FALLS CHURCH  
WILMINGTON  
NEWARK  
COVENTRY, U.K.  
CENTURY CITY  
RICHMOND  
HARRISBURG  
LEESBURG  
WESTLAKE VILLAGE

Reed Smith Crosby Heafey LLP  
1999 Harrison Street  
Suite 2400  
Oakland, CA 94612-3572  
510.768.2000  
Fax 510.273.8632

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
March 10, 2003  
Page 2

ReedSmith  
CrosbyHeafey LLP

## Chapter 2: Purpose and Need

### 2.4 Funding Sources and Construction Costs

22-3

On Page 2-11, the Draft EIR notes that the cost of developing the new Hall of Justice on Site 15A would be approximately \$95,000,000. Would such a cost include development fees imposed by the City of Dublin and/or the Dublin San Ramon Services District (Zone 7)? How is an alternative that would cost approximately \$15,000,000 more than another alternative considered economically feasible, especially taking the state of the economy and fiscal woes of the County and State?

## Chapter 3: Proposed Action and Alternatives

### 3.1 Proposed Action

22-4

The Draft EIR does not contain a "proposed project" for the Hall of Justice (or the Juvenile Justice Facility.) There are only two alternative sites proposed for the Hall of Justice: the East County Governmental Property and Site 15A. The Draft EIR states that the sites are being considered equally. This Section 3.1 appears to violate CEQA Guideline 15126.6 relating to the consideration and discussion of alternatives. CEQA requires a proposed project be defined and analyzed in a DRAFT EIR; CEQA also requires that alternatives to a proposed project be identified and analyzed with respect to their capability of reducing any impacts the proposed project might have. Subsection (a) provides in pertinent part that:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.

The different locations for the Hall of Justice are indeed alternative to one another; however, they are not "alternatives" in the CEQA sense because they are not being compared to a "proposed project." This fact makes it extremely difficult to see how a reasonable range of true alternatives have been considered. For instance, how has the Draft EIR identified ways to mitigate or avoid the significant effects of the project when no project has been defined? Moreover, the alternatives proposed here are not adequately analyzed with respect to the feasibility and impacts of either alternative, especially given the failure to include that the County's final acceptance of Site 15A is contingent on Dublin's approval of the uses proposed.

The details of the alternative sites discussed on page 3-23 are also unclear. For instance, neither alternative discusses how many parking spaces will be provided although it is noted that approximately 850 parking spaces will be needed. Further, while Figures 3.20 and 3.22 are referenced, there is no indication of what the height or elevations of the proposed Hall of Justice will be. This information should be included in this section.

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
March 10, 2003  
Page 3

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### 3.2 *Alternative Sites Considered and Rejected*

22-5

This section discusses only those alternatives reviewed for the Juvenile Justice Facility and only very briefly mentions the Hall of Justice facility by noting that "the Eastern Dublin Specific Plan allocates up to 965,000 square feet to the County government lands north of Gleason Drive between Arnold Road and Tassajara Creek." (Draft EIR, p. 3-32.)

The Draft EIR goes on to note that "in response to the criticism that the County had not sufficiently considered other sites, the County issued a new Request for Proposals for sites." (*Id.*) It is unclear whether the reference to "sites" means sites for the Juvenile Justice Facility, sites for the Hall of Justice, or sites for both facilities. The Draft EIR should be revised to make clear what "site" is being referenced.

## Chapter 4: Land Use and Planning

### 4.1 *Affected Environment*

22-6

In the analysis of Site 15A on page 4-9, the Draft EIR states that the Santa Rita land holdings (including Site 15A) were annexed "for the purpose of facilitating public and private development." While this may be true, Site 15A itself is not zoned or designated for public use at the present time.

This fact should either be made clear in this section by referencing the Annexation Agreement of 1993 between the County, the County's Surplus Authority and the City ("Agreement"), or incorporating information into this section to make clear that if Site 15A is to be developed by the County for a public use, the City would need to consider and approve a General Plan amendment from High Density Residential to Public/Semi-Public and rezone the site to permit public service or institutional uses.

22-7

Site 15A is said to be 12.5 acres in various parts of the Draft EIR, but is said to be 11.5 acres on page 4-9. This inconsistency should be corrected.

22-8

Figure 4.12 should be revised to show that Site 15B (the Sybase site) currently has a land use designation of Campus Office, not High Density Residential like Site 15A.

22-9

On page 4-35, the analysis of the Agreement and its affects on the proposed alternative Site 15A is incomplete. Based on our reading of the Agreement, the County must comply with the City's General Plan and Zoning Code. The City would have to amend its General Plan designation of Site 15A to Public/Semi-Public in order for the Hall of Justice use to be consistent with the General Plan. We understand the County has submitted an application to amend the General Plan designation from High Density Residential to Campus Office instead of Public/Semi-Public. Given the East County Governmental Site is already designated as Public/Semi-Public, it seems more appropriately suited for the proposed Hall of Justice; this issue, however, should be fully analyzed by the Draft EIR.

22-10

Finally, with respect to the zoning analysis, the last statement of this paragraph seems to conflict with the Agreement. The Draft EIR says that even if the use of Site 15A were found inconsistent with the current land use designation, the inconsistency would not prevent implementation of the Site 15A

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
March 10, 2003  
Page 4

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alternative. Please explain the distinction between this statement and the provisions of the Agreement wherein it is required that the County "shall comply" with the City's zoning and General Plan and, if necessary, revise this sentence to be consistent with the terms of the Annexation Agreement of 1993.

#### 4.2 *Environmental Consequences and Mitigation Measures*

22-11

##### *Impact 4.3.6 Site 15A – Conflict With Applicable Land Use Plans And Policies Adopted To Avoid Or Mitigate An Environmental Affect*

The Draft EIR concludes that there would be no impact if the Hall of Justice were placed on Site 15A if the City amends its General Plan to designate the site Office Campus instead of High Density Residential. First, the Hall of Justice would be a governmental or public use. As such, it would not be consistent with the Office Campus designation. Second, the Draft EIR states that even if the designation were inconsistent, such inconsistency would not result in significant environmental effects on the environment. This statement is conclusory and not supported by any evidence. We believe there is evidence that such inconsistency would result in a significant environmental effect in that there would be more extensive traffic to the site if it were used as a public building than if it were an office building.

In addition, we understand that Site 15A is included as a project area within the Eastern Dublin Specific Plan ("Specific Plan"). A change in the land use designation for the site would alter the planning scheme under the Specific Plan. As a result, any such impacts should be evaluated in the Draft EIR. We further understand that under that Specific Plan there are various mitigation measures that were adopted by the City to reduce environmental impacts that would occur from development in the area. The mitigation measures outlined in the Specific Plan should be incorporated into this Draft EIR if the City of Dublin is to rely on the Draft EIR in approving the proposed use on Site 15A.

22-12

##### *Impact 4.5 Risk of Increased Criminal Activities in Vicinity of Proposed Facilities*

On page 4-54 of the Draft EIR states that the hall of Justice would be developed with "state-of-the-art security systems, and would be staffed by personnel who are trained and equipped to address security at the [facility]." The Draft EIR also states that "the presence of security personnel in the vicinity of the [facility] would enhance the overall level of patrols and general security within the [ ] area." This is insufficient to quell the concerns of neighboring offices and businesses.

From the above-cited conclusory statements, it is difficult to ascertain whether security will be satisfactory because there is no evidence of how many patrol units will be securing the area, what hours of the day those units will be available, and what type of units will be patrolling the area.

22-13

On page 4-56, the preparers of the Draft EIR dismiss community members' concerns relating to the potential increase of criminal activity related to the new Hall of Justice as "beyond the scope of [the] environmental review." Please explain this statement. We believe the increase in criminal activity would have an environmental impact insofar as such activity could cause the area to become blighted due to an increase in loitering, litter, and traffic and those impacts should be discussed here. In addition, the extent to which any increase in public services would be required (e.g., police, fire) should be discussed here.

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
March 10, 2003  
Page 5

ReedSmith  
CrosbyHeafey<sub>LLP</sub>

## Chapter 5: Visual Quality/Aesthetics

### *Impact 5.1.6 Site 15A – Substantial Degradation In The Existing Visual Character Or Quality Of The Site And Its Surroundings*

22-14

On page 5-43, The Draft EIR concludes that there would be a less than significant impact if the three to four story Hall of Justice were placed on Site 15A. It further concludes that the type, height and mass of the building would not be out of character with nearby buildings, including Sybase's building. What about the structure's compatibility with other surrounding properties? Without specifics on the elevation and layout of the Hall of Justice, this issue cannot be ascertained for certain.

### *Impact 5.2.6 Site 15A – Substantial Adverse Effect On A Scenic Vista Or Substantial Damage To Scenic Resources*

22-15

On page 5-44, the Draft EIR states that there will be no impact on scenic vistas or scenic resources if the Hall of Justice is constructed on Site 15A. This is simply not the case. Site 15A is currently vacant. Construction of a large, four-story building on Site 15A would significantly affect scenic views of the mountains and other areas from various vantage points of the Sybase property including many offices. Such an impact should be contemplated in this analysis.

### *Impact 5.3.6 Site 15A – Creation Of New Source Of Substantial Light Or Glare, Which Would Adversely Affect Day Or Nighttime Views In The Area*

22-16

On page 5-45, the Draft EIR concludes this impact will be potentially significant but mitigatable. The Draft EIR does not state the source of light or glare that may occur from Site 15A. The mitigation measure provided states that the County shall consider potential light and glare impacts in the design-build process and include measures to reduce impacts. This mitigation measure is vague and as such affords no certainty that any light or glare will be mitigated.

## Chapter 9: Transportation

### *9.1 Affected Environment – Project Scenarios*

22-17

This section does not contain any discussion of the impacts which would occur should Site 15A be developed with office or residential uses. Without such a discussion, the true impacts of the Hall of Justice project cannot be considered.

### *9.2 Environmental Consequences and Mitigation Measures*

22-18

#### *Impact 9.1.6 Site 15A – Increased Traffic in Excess of Local Roadway and/or Intersection Capacity*

On page 9-54, the Draft EIR indicates there would be significant and unavoidable traffic impacts at the intersection of Dougherty Road at Dublin Boulevard. It is noted that, "[t]hese impacts would occur with or without the Project, but the Project's traffic would be a significant impact that requires proportionate

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
March 10, 2003  
Page 6

ReedSmith  
CrosbyHeafey LLP

contribution toward mitigation." Please explain this statement (i.e., how an unavoidable impact is mitigatable).

Presumably, there will be bicycle and pedestrian traffic due to the Hall of Justice project. Please provide an analysis of how these factors will impact the levels of service in intersections studied.

## Chapter 10: Noise

### 10.1 Affected Environment

22-19

Site 15A is situated within the City of Dublin's jurisdiction. As a result, this Draft EIR needs to contemplate any local ordinances or policies relating to noise. (Guidelines § 15125(d).) This section does not provide such a discussion. It is, therefore, impossible to ascertain whether the noise that would be generated by the Hall of Justice would have a significant impact.

#### Impact 10.1.6 Site 15A – Noise and Land Use Compatibility

22-20

It is unclear how the measure provided will mitigate the noise impacts on surrounding office and park uses. Please explain.

#### Impact 10.3.6 Site 15A – Construction Noise

22-21

The Draft EIR (on page 10-33) concludes that "there are no sensitive noise receivers in the vicinity of Site 15A" and therefore, no significant adverse impacts would occur. This statement fails to take into account the surrounding office and park uses. Please clarify.

## Chapter 17: Growth Inducement and Cumulative Impacts

### 17.1 Growth-Inducing Impacts

22-22

The Draft EIR (on page 17-1) provides that "[t]he development of these Projects at any of the sites evaluated in this EIS/EIR would be consistent with overall land use plans for the areas, in terms of density and intensity of use." As noted in our comments on Chapter 4, this statement is incorrect with respect to Site 15A. Development of the Hall of Justice on Site 15A is neither consistent with the existing High Density Residential nor the proposed Campus Office land use designations of the General Plan and East Dublin Specific Plan. This should be corrected.

### 17.2 Cumulative Impacts

#### Cumulative Development Concept

22-23

This section fails to contemplate the cumulative effect of a non-governmental use on Site 15A (e.g., traffic impacts of the construction of housing or office buildings). These impacts should be analyzed under Chapter 9.

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
March 10, 2003  
Page 7

ReedSmith  
CrosbyHeafey LLP

**Scoping Meeting Under Section 21083.9**

22-24

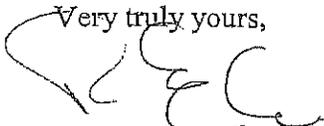
Pursuant to Public Resources Code section 21083.9(a)(2), a lead agency must call at least one scoping meeting if the project it is considering will have a statewide, regional or areawide significance. Construction of the Hall of Justice project is clearly a project that will have a regional and areawide impact. It is unclear from the Draft EIR whether one or more scoping meetings were noticed and held. If not, we believe the Draft EIR must be recirculated after such scoping meeting is held and comments obtained at that meeting are incorporated into the Draft EIR.

**Request for Notice**

22-25

Please include this office on your mailing list for notices of any scoping meetings, recirculation, issuance of the Final EIR, or public meetings and hearings on the Draft/Final EIR.

Very truly yours,



Patricia E. Curtin

PEC/smz

cc: Daniel R. Carl, VP & General Counsel, Sybase, Inc.  
James Sorensen, Planning Director, Alameda County

# HILLCREST KNOLLS ASSOCIATION



www.HillcrestKnolls.org

Mr. Michael Houghtby, Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

Monday, March 10, 2003

LETTER 23

916-445-5796

Re: Alameda County Juvenile Facility

Dear Sir:

23-1

Our association was just informed this afternoon that today was the deadline for public comments re: the new location of the Juvenile facility in Alameda County.

The residents opinions are based on assertions that the current facility in San Leandro is being replaced, there is a high risk facility in Dublin, CA (Specific location undisclosed), there is a high risk facility in Hayward, CA (Camp Sweeney) and both these facilities will continue to house the highest risk juvenile offenders.

As with any group we had a variety of opinions and comments: We had one resident very strongly in favor of the current location, many residents who would prefer the facility be located in Dublin near the other related facilities (Adult Jail, Administrative, etc) and a few strong proponents for moving it to Dublin.

Most residents did not feel they had any chance of influencing the decision at this late date and therefore felt they should not choose this a battle to fight.

Some comments in favor of the current location were the relative convenience for families from Oakland to visit via Bart to Bus connections and the familiarity of the location for those families

The new site is about 16 miles further than the current site for Oakland families, along a well maintained and relatively light traffic 580 FWY. There is also a new bart station at Dublin that provides very good access with a 7 min busride one way and 17 min the other between the jail and bart. (<http://www.lavta.org/schedules/ttfix01.html>) I believe those times are shorter than the Bayfair Bart to Juvenile Hall numbers

Another point that was brought up was that some families will have people to visit at both the adult and juvenile facilities which may make the new Dublin location more appealing for them.

One strong sentiment was that most residents, while they would prefer the facility were elsewhere, did not want to be proponents of Not In My Back Yard. We would certainly like your assurances that the new facilities are properly staffed, not overcrowded, and safe.

Some other comments related to seismic fault line proximity and the concern that the new facilities would create an excuse to move high risk offenders here.

Thank you,  
Eric Snyder  
President, HKA  
For Hillcrest Knolls Residents

510.940.2561

P O Box 3417, San Leandro, CA 94578-0417

February 20, 2003

LETTER 24

Michael Houghtby  
Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

Dear Mr. Houghtby,

I am writing to you to address the significant problems that would arise if the proposed plan of building a new juvenile hall, juvenile court, and adult court in Dublin, CA is implemented.

24-1

In September of 2001, I purchased a new home here in the Dublin Ranch neighborhood. One of the key factors I heavily considered when I made this critical decision was the quality of life that the city can provide in all aspects.

Since moving to Dublin Ranch, there has been a tremendous increase in traffic both on our city streets and on the adjacent Interstate 580. Buildings have been constructed for future businesses, land has been cleared for new housing developments and retail shops and car dealerships have been sprouting everywhere. The area has been developing rapidly and I have witnessed fellow residents and local business owners become increasingly pleased with the quality of life here.

How would building the new courthouses and juvenile hall in Dublin affect this? First of all, the city streets and freeways would be overcrowded to an amount that would be inconvenient and intolerable. An increase in traffic would mean a jump in the level of harmful vehicle emissions. Environmental degradation as a result of this would contradict the Alameda County Environmental Health Services' mission to "protect the health, safety, and well-being of the public through promotion of environmental quality." Building these facilities would impose a negative image towards Dublin, drastically affect the performance of surrounding businesses and potentially detract from the value of surrounding homes—and this is clearly unacceptable.

Mr. Houghtby, it sincerely disturbs me to think that such a proposed plan would even exist. Please place yourself in my position and consider all of the significant opposing factors that I have discussed in this letter, and that I am sure you will have read from other concerned residents when it comes time to make a decision. Considering these factors along with others—such as the convenient distance the families of these children would be allowed if an alternate site like Pardee Drive in Oakland were chosen—it would seem to be obvious that choosing Dublin as the new location would be a poor decision.

24-2

Understand that this letter has barely touched the surface of the issue, and that there are many other factors to consider—such as the possibility of imposing the community to potential escapees, the high cost of having to clean up military toxics buried beneath the proposed site and the many other environmental impacts that have not been mentioned here.

24-3

Thank you for your time and I hope that my expressed concern has strengthened your position to decide against building these facilities in Dublin.

Sincerely,



Wilfredo G. Adajar  
5350 West Chesterfield Circle  
Dublin, CA 94568  
(925) 875-1020

<sup>1</sup> <http://www.acgov.org/health/environmental/envirom.shtml>

MARK AND NANCY ANGEL  
5309 ASTERWOOD DRIVE  
DUBLIN, CA 94568

LETTER 25

FEBRUARY 23, 2003

MR. MICHAEL HOUGHTBY  
FIELD REPRESENTATIVE  
STATE OF CALIFORNIA BOARD OF CORRECTIONS  
600 BERKUT DRIVE  
SACRAMENTO, CA 95814

SUBJECT: PROPOSED ALAMEDA COUNTY JUVENILE JUSTICE FACILITY AND EAST COUNT HALL OF JUSTICE

25-1

WE ARE SENDING THIS LETTER TO YOU TO CALL TO YOUR ATTENTION THE KEY ISSUES REGARDING THIS PROPOSAL. WE HOPE THAT YOU WILL AGREE THAT THE PROPOSED LOCATION FOR THE ABOVE FACILITIES SHOULD NOT BE IN THE DUBLIN AREA.

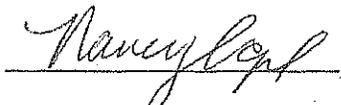
HERE ARE A FEW OF THE KEY POINTS THAT WE WOULD LIKE TO EMPHASIZE. IT IS IMPORTANT TO NOTE THAT AS EVIDENCED BY THE PUBLIC HEARING HELD AT DUBLIN CITY HALL ON FEBRUARY 19, 2003, THE MAJORITY OF THE VERBAL COMMENTS (90% OF THE SPEAKERS) VOICED THESE SAME CONCERNS. THOSE INDIVIDUALS REPRESENTED CITY GOVERNMENT (MAYOR & LAW ENFORCEMENT), BUSINESS LEADERS (SYBASE), AND CITIZENS OF DUBLIN (INCLUDING BOARD MEMBERS FROM MAJOR HOME OWNERS ASSOCIATIONS).

- THE FACILITIES' PROJECTED VISITORS ARE EXPECTED TO EXCEED 2000+ DAILY. 25-2
- THERE WILL BE EXCESSIVE OZONE THAT WILL IMPACT THE AIR QUALITY. 25-3
- WILDLIFE WILL POTENTIALLY BE NEGATIVELY IMPACTED INCLUDING ENDANGERED FOX. OTHER SPECIES INCLUDE DEER, OWL, TURKEY, AND RACCOON POPULATIONS. 25-4
- SINCE AIR QUALITY WILL BE COMPROMISED THOSE WITH ASTHMA WILL SUFFER. MY FAMILY RESIDES WITHIN 2 BLOCKS OF BOTH SITES. 25-5
- WE FEAR FOR OUR SAFETY DUE TO UNDESIRABLE ELEMENTS THAT WILL COME WITHIN 200 YARDS OF OUR HOUSE 25-6
- THE NOISE IMPACT WILL BE A SIGNIFICANT FACTOR. 25-7
- THERE ARE AT LEAST 7 EARTHQUAKE FAULT LINES THAT MAKE THESE LOCATIONS UNDESIRABLE. 25-8
- DUE TO PROXIMITY TO CAMP PARKS THERE IS A POTENTIAL FOR SIGNIFICANT BURIED HAZARDS INCLUDING ASBESTOS. 25-9
- THIS WILL PRESENT AN ECONOMIC HARDSHIP FOR CONSTITUENTS SINCE THE MEAN DISTANCE IS SIGNIFICANTLY GREATER THAN OTHER OPTIONS. 25-10
- THE FACILITY SHOULD BE AS CLOSE TO THE CENTER OF THE POPULATION TO ACHIEVE REHABILITATION OBJECTIVES. THE FACILITIES ARE GEOGRAPHICALLY ISOLATED. 25-11
- THE PROPOSAL IS INCONGRUENT WITH THE NEIGHBORHOOD ONLY 2 BLOCKS AWAY. 25-12
- SUMMER GLEN AND DUBLIN RANCH HOME OWNERS ARE AGAINST THIS PROJECT. 25-13
- EMERGENCY RESPONSE WILL BE COMPROMISED SINCE GOVERNMENT INFRASTRUCTURE DOESN'T SUPPORT THIS. 25-14
- WE WILL CONTRIBUTE TO FUNDING A LAWSUIT AGAINST THE COUNTY SHOULD THIS PROPOSAL BE APPROVED. 25-15
- THESE FACILITIES WOULD REPRESENT A 10% INCREASE TO DUBLIN POPULATION. 25-16
- OUR PROPERTY VALUE WILL BE NEGATIVELY IMPACTED. 25-17

THE ATTACHED PROPOSAL WOULD COST SIGNIFICANTLY LESS AND BE THE SMART ALTERNATIVE SERVING EVERYONE'S NEEDS.

WE EMPLORE YOU NOT TO BUILD THESE FACILITIES IN DUBLIN.

MARK ANGEL 

NANCY ANGEL 

PER: [http://www.votehealth.net/articles/close\\_city\\_jail.html](http://www.votehealth.net/articles/close_city_jail.html)

## Sheriff wants to close city jail

Facility may be offered for juvenile hall

By Donna Horowitz, STAFF WRITER, The Oakland Tribune

Wednesday, May 08, 2002 - 3:07:31 AM MST

Sheriff Charles Plummer said Tuesday he's closing the Glenn E. Dyer Detention Facility (North County jail) in Oakland, paving the way for officials to consider relocating the juvenile hall there.

Plummer made the surprise announcement, which caught county supervisors and the county administrator off guard, at a budget hearing.

Supervisor Nate Miley, who opposes moving the hall from San Leandro to county-owned land in Dublin, was so excited by the sheriff's announcement that he rushed from the meeting to tell his aide about it, and asked him to immediately call county General Services Agency Director Aki Nakao.

"It's already built," DeVries said of the possibility of using the six-story adult jail at 550 Sixth St. to house juvenile delinquents. "We'd save millions and millions of dollars. It keeps kids who are overwhelmingly from Oakland in Oakland. It's close to public transit and near the juvenile courts."

Oakland City Manager Robert Bobb reacted with dismay to the idea, saying "to put it in a high-rise facility is about as insensitive and inhumane as I can think of."

He added: "I would lead the protest against that idea personally. I can't imagine the Oakland City Council endorsing such a weird recommendation."

He previously said Oakland provides its fair share of social services and didn't want the juvenile hall.

His comments angered Supervisor Gail Steele who pointed out that Chicago houses its juvenile delinquents in a high-rise building -- a program that is touted as one of the best in the country for providing programs to help kids who get in trouble with the law.

"Maybe he'd like to spend a night at 150th Street (the current juvenile hall)," Steele said. "We are not creating a boarding school here. This is a short-term detention facility."

She said she's frustrated with resistance by Oakland and other cities in the county to housing the juvenile hall, saying "I'm getting tired of everybody not wanting our kids. These are our kids and we need to take care of them as close to home as we can."

But she said if the facility can't provide the correct care, she wouldn't support it.

The size and placement of the hall have drawn the ire of youth activists as well as Dublin residents who believe the county should not move the facility so far from where most of the kids who use it live.

Undersheriff Curtis Watson, who was part of the sheriff's entourage at the afternoon budget meeting, said Plummer plans to close the north county jail on July 1 and transfer the 500 or so inmates there to the Santa Rita jail in Dublin.

He said Plummer plans to close the jail in order to help make up an \$8.3 million budget deficit for next fiscal year, which begins July 1.

The Glenn Dyer jail, built in 1984, has enough space to house 750 people in single and double cells, Watson said.

This would be large enough for the juvenile hall. The county plans to expand its current, 299-bed juvenile hall to 420 beds with an infrastructure for 540 beds.

Santa Rita jail, which had a population of 3,120 inmates Tuesday, can hold 3,800 inmates, so it also would have space for the north county inmates, Watson said.

The sheriff's department would have to notify the U.S. Marshal's Service of the planned closing because the department contracts with the agency to house 240 federal inmates at a time.

Although supervisors were interested in the idea, they pointed out there are many issues yet to be resolved before juveniles could be put in the Oakland jail, including whether it meets state standards for housing youths.

It's also unclear whether the county could use the \$33.1 million state grant for the Dublin facility to remodel the adult jail.

Susan King, a representative of the state Board of Corrections, which awarded the grant to the county, said she didn't know if the money could be applied to any upgrading of the building, saying "we'd have to have a lot more information."

Four of five supervisors said they wanted more information before they'd commit to the idea. Supervisor Keith Carson declined to return two calls seeking comment.

"I'm just very curious what would be the specifications for juveniles versus adults for exercise," Steele said. "Maybe one of the floors can be outfitted to be a gym for the kids."

The facility currently contains an exercise yard on the roof.

"Apparently the building is in good condition," Steele said. "The first step is to find out the standards. The second step is to what the cost is to bring it up to code for kids. Then I think we have to see if it works."

Supervisor Alice Lai-Bitker asked similar questions, but also wanted to know if there'd be adequate space for classrooms. Kids in juvenile hall attend school.

"I certainly think this is something we could and should look at," Supervisor Scott Haggerty said.

But he believes the county should continue proceeding with its plans to build on the Dublin site while it explores the new possibility.

Van Jones, director of Books Not Bars, one of the groups opposing expanding the hall and moving it to Dublin, called the idea a "very important development and very exciting. I think this is the break in the clouds we've all been waiting for that will let the elected officials do the right thing."

David Haubert of Friends of Dublin, a citizens group opposing a big hall in their area, concurred, saying "my initial reaction is it looks like we have a stroke of luck on our hands."

To Bobb's comments about the county being insensitive to consider the idea, he responded: "To condemn people to long commutes is sensitive?"

Dear Mr. Houghtly or To Mom if May Concern,

26-1

It has come to my attention that Dublin's answer to our growing population of high school students is to expand existing land use on West Dublin High School. Please be advised that I disagree with this decision for sound reasons.

1. Traffic is already congested!
2. Increase in population will build tension among students.
3. Building new buildings and upgrading West Dublin land will only help the future growth of west Dublin and you are underestimating growth on the east side.
4. When you realize the need for a new high school it will cost the city a higher price!

Please understand that as a east Dublin resident you may interpret my interest as selfish, but after 4 years my son would have moved on to college. I am concerned about this community! Voices on behalf of expansion on the west side is overpowering at present time and a need to save money seems in favor of your plans. However, you are being penny wise and pound foolish, violence, and a disregard for the happiness of residents in the future is being disregarded. With interest in a juvenile hall which means foulness to the business owners, pretentious apartment housing and an over crowded West Dublin is leading to trouble and fire hazards.

I advise using the park as part of the  
new schools field. Double story buildings  
and a commitment to 4 year plan  
be met to start a new school.

P.S. Resident at 5492 Linden St.  
Sublin for 3 years!

Yellow Citizen  
Laurita Bergner

Mike and Debbie Betts  
5512 Applegate Way  
Dublin, CA 94568

LETTER 27

February, 24, 2003

Michael Houghtby, Field Representative  
State Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

Dear Mr. Houghtby,

We wish to express our **STRONG OPPOSITION** to the proposed Juvenile Jail and the East County Hall of Justice for the Dublin area.. 27-1

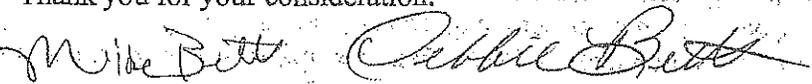
In addition to the findings in the EIR, building these facilities would pose an economic, social and financial drain on Dublin's already struggling reputation to attract and retain residents. Our property values already suffer from the negative impacts created by the Santa Rita Jail, Camp Parks and the officer training facility, which creates substantial noise. Potential buyers for the East Dublin area always have concerns and opposition to these facilities. We unfortunately also suffer from schools that lag behind our immediate competing neighborhoods of San Ramon, Livermore and Pleasanton.

Adding this juvenile facility to an area already affected by negative influences will only worsen our neighborhoods desirability and property values. As a homeowner in the Dublin Ranch development, we are extremely concerned about the negative impact these facilities would create on our homes, our development, and our potential to sustain a strong economic and socially desirable city which would in turn effect the financial base of the residents and the tax structure Dublin current enjoys.

Considering the supporting facts that these facilities will not be serving the immediate area of Dublin, instead it supports the residents of Oakland, and neighborhoods east of Castro Valley, it only makes sense to provide the appropriate facilities to those requiring them within their own neighborhoods. As supported by the attendees at the meeting in Oakland, they too do not want the facilities in Dublin as it would not serve their immediate needs.

We are encouraging you to make the right decision, and build the facilities in the Oakland area, **NOT IN DUBLIN.**

Thank you for your consideration.

  
Mike and Debbie Betts

March 1, 2003

David Cheng  
5818 Newfields Ln  
Dublin, CA 94568

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
600 Bercut Dr.  
Sacramento, CA 95814

LETTER 28

Dear Mr. Michael Houghtby:

I want to express my strong opposition on building a juvenile detention center and court facilities on Gleason Ave in Dublin. This is too close to the schools and parks in our neighborhood.

28-1

Sincerely yours,

A handwritten signature in cursive script, appearing to read "David Cheng". The signature is fluid and somewhat stylized, with a large loop at the end.

David Cheng

March 7, 2003

Mr. Michael Houghtby  
Field Representative,  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

LETTER 29

Mr, Houghtby,

My name is Tom Cignarella and I reside at 5047 Winterbrook Ave, Dublin CA 94568. Following is my written comments in regards to the environmental impact statement and environmental impact report for the purposed juvenile detention facility.

Below are all the areas that I wish to content in the EIR report; I understand that all of these issues will need to be addressed before a final EIR report can be completed.

1. In the report there are seismic studies that were done. As I am sure you are aware there has been recent activity in the area surrounding the Dublin site. This has happened on a previously unknown fault line. Without fully studying this new activity the initial report cannot be deemed as complete with regards to seismic stability of the Dublin site. 29-1
  2. I do not see where the initial report addresses the potential impact on local medical services. How will hospitals, doctors, ambulances etc be affected by this facility? Without this being fully evaluated again the report cannot be complete with regards to the Dublin site. 29-2
  3. In the report there is no disaster contingency planned, what would happen if there were a catastrophic event in the area of the jail. Without this type of planning and it's impact on the area the report cannot be complete with regards to the Dublin site. 29-3
  4. Due to the fact that there are many unknown hazardous materials known to be on the Dublin site I do not believe that the report fully addresses to cost of these cleanups and the impact on the residents close to the Dublin site. 29-4
  5. I have major concerns about chapter 10 the deals with sound impacts of the area. Part of the report was to do a sound study of the Dublin location. I have proof that the sound study done in the Dublin area is FALSE. A sound study was commissioned by the Sheriff's department to measure the sound impact to the residents that live close to the firing range. The findings of this report, which was done much more recently then yours is very different. I also do not believe that the sound study done of the Dublin area is complete, it does not take into account the bomb disposal facility, the driver training course, the public works facility that are also in close proximity to the Dublin site. 29-5
- Page 10-4 is states that federal laws has identified 55db as the level requisite to protect the public health and welfare with an adequate margin of safety.

- Page 10-5 states that the JDF facility is regulated in Title 15 and Title 24 of the California code of regulations. Title 24 part 1, Division VII section 13-201 sets forth the following minimum design standards for acoustics  
 "Dayroom areas shall not exceed 65db, sleeping areas not to exceed 35db.

I have a sound study here that was created this past June 2002 by an acoustical consulting firm. This sound study was done to measure the acoustics of the Alameda County firing range that is within close proximity to the proposed Dublin location. It should be noted that this data is much more relevant then the data you collected in 2001 over just 2 days! This sound study was done over many more days and was coordinated with the range when it would be at its peak usage.

This sound study that was done is in direct contrast to the findings in your report, The report I have here states that noise levels ROUTINELY reach 65-70db in areas further away from the range then your study.

- Was your study coordinated with the range?
- Did it take into account atmospheric conditions that can lessen noise at certain times?

Again, This entire section I believe to be completely incomplete and not accurate.

I also do not see MANY other noise considerations being taken into account in your study:

1. Camp parks firing range
2. Automotive training facility
3. Bomb disposal facility, including siren that warns of upcoming explosions

Also the sound study was done with berm in place, this is going away as part of the plan for the Dublin site. How is that measured?

List of other items in order:

10-4 last paragraph, "Although not directly applicable to the JDF..." Why not?  
 10-11 Sound data is old and incomplete

6. I do not see in the EIR any mention of the endangered fox that is known to be in this area. 29-6
7. It has recently come up that there may be radioactive animal carcasses buried on or near this site, that have been then for many years and put there by the Army. How will this impact local residents, schools nearby etc. How will the safety of the people that live within hundreds of feet of this site be protected. 29-7
8. A significant area that I do not think is fully addressed is the police force impacts on the area. It is stated that this will be on minimal impact, I do not see how this is possible. If this were to happen there would be 100's if not 1000's of cars and 29-8

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people coming from the Oakland area to the Dublin area. How can this not affect the local shopping centers, security services etc.

9. Impact 11.3.5 does not mention that there is an elementary school site very nearby. 29-9
10. It was noted in earlier meetings that the county does not have the budget to pay for all of the landscaping that the project plan calls for. How do the environmental impacts change without the being there? Noise, pollution etc. 29-10

Lily Feng and Manuel Costa  
5729 Idlewood St  
Dublin, CA 94568

Mr. Michael Houghtby  
Field Representative, State of CA Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

LETTER 30

Thursday, February 20, 2003

Dear Mr. Houghtby,

We are writing to you to **STRONGLY IMPLORE YOU AGAINST** building a juvenile justice facility in the city of Dublin, CA. As new residents to Dublin, one of the things that struck us the most about it was the sense of peace, quiet, and comfort we feel here. We believe these enjoyments will be in jeopardy if a new facility is constructed.

30-1

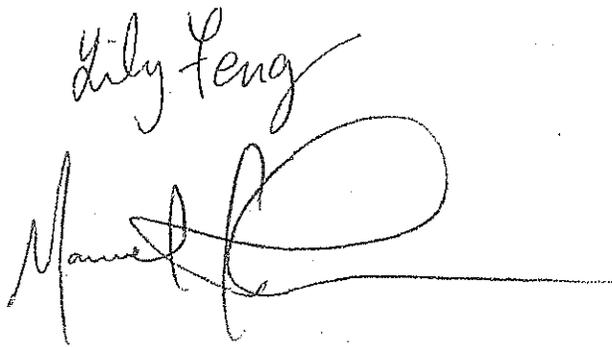
Certainly, there will be an increase in vehicular traffic in the residential areas to accommodate the staff of the justice facility, as well as visitors, family, etc. In addition, the center is being proposed to be built immediately alongside residential property – certainly not logical from a zoning perspective. Further, the risk of breakouts or loitering would just about destroy our sense of comfort here.

We respectfully recommend that the existing San Leandro facility be refurbished and expanded. Given that the need for such facilities has been diminishing in the East Bay, it may be the most viable solution. This would leave Dublin free for building something it needs even more – a hospital facility.

Given that Dublin already accommodates the Santa Rita jail, as well as a police firing range, we feel our city already participates in its civic responsibility to foster police and judicial services. Also, given the fact that the EIR report distributed to Dublin homeowners concludes that the San Leandro site is the environmentally superior choice, we hope you come to this conclusion as well.

We thank you for taking the time to consider our opinion.

Lily Feng and Manuel Costa

Handwritten signatures of Lily Feng and Manuel Costa. Lily Feng's signature is in cursive and is positioned above Manuel Costa's signature, which is also in cursive and features a large, stylized loop.

Cecilia M. Gutierrez  
3590 Churchill Court  
Pleasanton CA 94588-3413

February 12, 2003

LETTER 31

Michael Houghtby, Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento CA 95814

Dear Mr. Houghtby,

I am unable to attend the meetings in person to discuss moving the juvenile justice facility and east county hall of justice to Dublin, but I have very strong feelings against it. I don't believe I will be directly affected by such a move, as I don't live anywhere near the proposed location and I have no children or grandchildren to be concerned about. But I am a taxpayer and hope to receive the greatest benefit from whatever location is decided upon. My concern lies more with the purpose of the facilities we are discussing. All the statistics I've seen regarding juvenile offenders in Alameda County indicates that the greatest number reside in the Oakland and east bay communities. If our goal is to rehabilitate these kids and strengthen the family unit, wouldn't it be better to have the facility that houses the offenders close enough for the families to visit and lend their support? From an economic standpoint, families of upper-income offenders in the tri-valley would incur a lesser burden going to Oakland to support their children than those in the lower income areas of the county. Let's not burden them any more than is necessary. Making those distraught parents, who may not have private transportation, travel to Dublin only increases the likelihood that they won't come and compounds the problems even further.

31-1

A further fiscal impact will be the cost of the officers spending more time in transport and less on the street. With the crime statistics cited just this morning in the paper and the fiscal problems looming for the state, I think we need to make the most of our officers time. Travel to Dublin to a facility that could be 20 miles closer doesn't make sense to me.

31-2

Thank you for the opportunity to provide input to this important issue.

  
Cecilia Gutierrez

March 7, 2003

LETTER 32

Mr. Richard Houghtby, Field Representative  
California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

Re: Comments on Juvenile Justice Facility and East County Hall of Justice  
Draft EIS/EIR, Alameda County California

Mr. Houghtby,

My name is David Haubert and I live at 4886 Redwood Ave., Dublin, CA, 94568. I am extremely concerned about the proposed project to relocate the current Alameda County Juvenile Hall and associated Probation Department facilities, and concentrating them in Dublin. I have reviewed the Draft EIS/EIR and while I find it very useful in some areas I am concerned that is not fully complete and, in fact, lacking in several areas. Specifically, I feel that a complete review must address the following:

- Air quality tests were conducted at sites in Livermore. However, the proposed site in Dublin is right next to Camp Parks, the County Public Works complex, an extremely busy Firing Range, a bomb detonation facility, a fire training facility and several prisons. Measurements MUST be taken at the Dublin site in order to get an accurate understanding of the effects of this facility on the area. Please re-test in Dublin.
- It is noted that the Dublin/Livermore areas have exceeded Federal Standards for air quality in the past few years (11-9). What the EIR doesn't mention is that the Federal government came very close to taking away valuable transportation funding as a result of our poor air. In fact, the incremental pollution as a result will increase over time as people spend more and more hours on freeways that are becoming increasingly congested. Please address the increase in pollution over time and its impacts on exceeding Federal and State levels and the financial impacts associated with the likelihood of losing funding.
- The Public Health and Safety section provides discussion of impacts and mitigation but does not provide a clear sense of a comparison of the significance of each of the impacts. What's missing here is a statement of which site poses the least (or greatest) risk to public health and safety. This makes analysis very difficult. Please provide a side by side comparison of the magnitude and severity of effects and the costs to mitigate them.

- The proposed mitigation for the Dublin site is to implement a Soil Handling/Management Plan (SMP) which will include a contingency plan for unexpected conditions. What are the risks associated with a potential violation of this SMP if not properly followed? What are the costs associated with this SMP and have they been properly accounted for under the Dublin site alternative. 32-4
  
- The EIR states no impact of hazard related to the handling of Hazardous Materials within ¼ mile of an existing or proposed school – because it states that no school is within ¼ mile. It appears from figure 12.6 on page 12-15 that the determining measurements are taken from the middle of the site outward. The endpoint of the ¼ mile mark is thus within 1 block of Dougherty Elementary – which, by the way, is conveniently omitted from the picture. A proper measurement should be taken from the edge of the site – since work will occur on the entire site – to the edge of Dougherty Elementary. This would put it within the ¼ mile benchmark and these risks should be evaluated before proceeding. 32-5
  
- Police Services are expected to increase due to increased vehicular, pedestrian and bicycle traffic and due to people who work or conduct business at the JDF. How much will this increase cost the taxpayers of Dublin? 32-6
  
- Police services are undoubtedly going to rise for local police agencies such as Oakland PD and all other North County PD's. In addition to accounting for their increased pollution please provide a cost estimate with full detail that each local agency is expected to incur. This should include increased transportation as well as lost field time as policemen will be on the freeways instead of on the streets. 32-7
  
- I have a concern over the impact to Dublin's crime rate. The only mention that I could find on this is one sentence that states "facilities like this one typically do not increase the crime rate". Where's the data? Did you look at any specific examples of new facilities. Exactly how do you arrive at this conclusion? Please provide an overview of the current crime rate near the San Leandro facility and compare it to Dublin before concluding that crime will not go up in Dublin as a result of this. 32-8
  
- Explain why recent studies indicate the average population in detention is decreasing, but the EIR states that the population is expected to increase. Include recent findings in the Final EIR. Explain how alternative methods of detention are reducing the average population. Please provide a comparison of how other counties have been able to reduce detainee population. 32-9

- The EIR mentions the need for "ancillary services". Please define and describe the impacts of these on Dublin. 32-10
- Please explain the effects of travel distance on the expected increase of "Failure to Appear" violations. 32-11
- Please explain the effects on families who can't afford to travel to Dublin. 32-12
- Please explain the effects on both detainees and their families of potentially fewer family visits due to travel distance and cost. 32-13
- Transportation subsidies have been contemplated. However, the EIR does not address the needs or costs. What would the long-term costs of the project be when subsidies and mitigations to roadways, etc are incurred? 32-14
- The current noise conditions exceed the levels as stated in the EIR. More recent and accurate data exists. Please provide a more accurate assessment of the noise levels and its impact on the proposed facilities. Please provide specific examples and costs associated with noise mitigation. 32-15
- Please provide specific detail around the parking needs of both the Juvenile Justice facility and the East County Courts project. Please compare projected activity with the level of activity currently experienced at other facilities. Specifically, please compare to the existing San Leandro, Pleasanton, Oakland and Hayward facilities to the proposed project. 32-16
- Please describe the difference in traffic impacts of Site 15A vs the Hacienda site as the Hacienda site is landlocked to the north and east and had limited access. 32-17
- The EIR notes that the Dublin site is accessible to transit service. Please measure the distance to BART and explain why people would chose to use BART when they would need to walk this long distance. People who walk from Santa Rita to BART currently have limited options and are forced to walk. People who need to get tot he facility from Oakland will likely drive. 32-18
- The EIR concludes that it is unlikely that property values in the surrounding area would not decrease. However, the EIR states, "potentially long-term, statistically valid decreases in property values related to the siting of correctional facilities have occurred. Please provide back-up and detail around how this conclusion was derived. How comparable are the study communities to Dublin? 32-19
- The EIR acknowledges that the "new development can change the character of an area by disrupting the visual and aesthetic features that establish the identity and value of an urban area for its existing residents, merchants and 32-20

other users. Specifically, the EIR should address the proposed Superior Court complex and its impact on the immediate neighborhoods. It should be noted that the general plan in Dublin calls for lower (2 story) buildings in areas further from the freeway. The proposed court facility is planned to be taller than this and these impacts should be included in the EIR.

- The is one option not discussed in the EIR. That is, should the Juvenile Justice facility be located in a non-Dublin site, what would the impacts be on the proposed Superior Court complex. For example, would this allow for a different configuration for the Superior Court complex if there was no Juvenile Justice facility next to it. Could the impact of the Superior Court be reduced in this event. Could it, for example, be lowered in height because of the increased acreage? 32-21
- Recently, San Ramon and Dublin experienced earthquakes and "swarms" and a cross fault was found in San Ramon within approximately 10 miles of proposed Dublin site. Please address the recent seismic activity and conduct further study to fully examine the seismic activity surrounding the proposed Dublin site. 32-22
- What is the expected cost of mitigating the extensive roadwork needed in Dublin? 32-23
- Please provide a detailed breakout of the estimated construction costs of each proposal. 32-24
- The EIR states that police, fire and maintenance services will all be significantly impacted due to the increased traffic and visitors to the Juvenile Justice Facility. What are the costs to the County and/or Dublin for this increase. 32-25
- Regarding transportation callHow were the costs of round-tips determined and do they include multiple types of transit services such as both bus and BART rides. 32-26
- The EIR indicates that the County of Alameda should complete a formal transportation plan to address the economic and social effects of inconvenient access and increased costs related to traveling to the site. Are funds available for such study? Shouldn't the study be done as part of the Draft EIR in order to provide a true and accurate study of the impacts associated with this project? 32-27
- The EIR states that "many employees would be drawn primarily from the existing labor supply serving these County functions and limited new housing would be required to serve new employees." Please provide an analysis of the travel and, therefore, traffic related impacts due to commuting employees. 32-28

Will they need to travel further or shorter distances from the current site. If they need to move as a result of the site change will they be compensated properly and what will be the increased cost.

In conclusion, I feel that the Draft EIR must address these issues fully and completely in order to complete the EIS/EIR process. Thank you and please do not hesitate to contact me should you have any questions pertaining to this letter.

Sincerely,



David Haubert  
(925) 895-6640  
4886 Redwood Ave.  
Dublin, CA 94568

March 5, 2003

Mr. Michael Houghtby, Field Representative  
 California Board of Corrections  
 600 Bercut Drive  
 Sacramento, CA 95814

LETTER 33

Re: Comments on Juvenile Justice Facility and East County Hall of Justice Draft  
 EIS/EIR, Alameda County California

Mr. Houghtby,

My name is Kasie Hildenbrand and I reside at 4603 Westwood Court, Dublin, CA, 94568. The following are my comments regarding the Juvenile Justice Facility and East County Hall of Justice Draft EIS/EIR. As I have reviewed the document, I have found that the document is at times, vague, understated and missing potentially significant information. Please address the following in the final EIS/EIR.

#### Executive Summary

- Please identify proposed mitigation measures for significant and unavoidable impacts. 33-1
- Page S-14: Explain why 11.1 is considered significant/unavoidable and why 11.2 is less than significant when located in close proximity to a school and residential neighborhood. 33-2
- Page S-21: When discussing air pollution, what studies were conducted to determine the air pollution created during the project and it's on-going use (traffic, etc). 33-3
- Page S-21: Vaguely describes the controversy surrounding the project for the past 2+ years. Hundreds of comments have been made to the County and Board of Corrections concerning the distance between the majority of users of the proposed facility which create a social and economic injustice for 88% of those who use the facility (In my attachment with articles 1985 BOS rejected use of Camp Parks land due to radioactive experiments and due to the extreme distance and lack of public transportation to site.) 33-4

#### Introduction (Chapter 1)

- Page 1 -2: What type and to what extent of public outreach will be conducted to inform the public about potential environmental effects due to the project? 33-5

#### Purpose and Need (Chapter 2)

- Page 2-2: Explain how Alameda County will meet project objectives when distance prohibits meeting majority of stated goals. 33-6

- Page 2-2: What assurances are in place or planned for to assure community protection? 33-7
- Page 2-2: How will Dublin site enhance rehabilitative efforts when distance from urban core is so extreme? 33-8
- Page 2-2: How does the Dublin site provide ready access for juveniles and their families? 33-9
  - EIR Chapter 16, Page 16-13 states that the development of the East County Government Center...could have some adverse effects to the extent that access to the area is inconvenient”.
- Page 2-2: How would the Juvenile Courts be considered “family-friendly” when so far from majority of users? 33-10
- Page 2-2: Explain how those in the urban core will obtain promptness of services. 33-11
- Page 2-2: What are “ancillary services” and where would they need to be located? 33-12
- Page 2-2: Please explain how a “normative environment” is created for siblings and parents when proposed Dublin Juvenile Justice Facility across the street and visible to Santa Rita Jail? 33-13
- Page 2-3: Explain how the Dublin site reflects a high priority on families. 33-14
- Page 2-3: Explain why recent studies indicate the average population in detention is decreasing, but the EIR states that the population is expected to increase. 33-15
  - Include recent findings in the Final EIR
  - Explain how alternative methods of detention are reducing the average population.
- Page 2-10: Transportation subsidies for families and juveniles are not addressed in the project cost. What would the subsidies cost be? 33-16
  - Environmental clean up costs also not addressed in project costs – what could these potentially be?
  - What would the long-term costs of the project be when subsidies and mitigations to roadways, etc are incurred?

#### Proposed Action and Alternatives (Chapter 3)

- Page 3-19: Indicates the existing berm will be removed. It currently screens the residential and commercial from the Santa Rita Jail, Federal Correctional Institute, Firearms Training Facility, Heavy Equipment Maintenance building, Sheriff's Office of Emergency Services, CA highway Patrol, Animal Control Services and “other similar uses” 33-17
  - Page 3-19 goes on to state that the frontage along Gleason Drive (the street dividing the residential and commercial community) would be developed with a landscaped berm that would partially conceal...housing units and recreation areas.
    - Removal of the berm will directly expose the surrounding community to the above mentioned facilities.
    - Explain how this will not negatively impact the residential homes and businesses directly across the street from the proposed Dublin site.

- Impact 5.15 finds that a “less than significant visual impact” but is not obviously supported by the EIR.
- Page 3-19: Does not clearly indicate how many parking spaces are required for the complete build out of the Juvenile Justice Facility. The EIR states that parking “could” be provided at Santa Rita and surface parking lots “may” be developed. 33-18
  - The EIR should indicate the exact number of parking spaces needed for the project.
  - The EIR should explain how parking at the commercial site across from Gleason Drive will not be impacted by potential overflow at the proposed Juvenile Justice Site.

#### Land Use and Planning (Chapter 4)

- Page 4-7: What is the exact distance to commercial retail, office development, residential and schools to the proposed site? 33-19
- Page 4-9: What are “recognized certain local land use principles in the Dublin area”? 33-20
  - What land use principles does the County typically follow?
- Page 4-29/30: Explain in better detail Dublin’s role and responsibility under the 1993 Annexation Agreement. 33-21
  - As mentioned in the Executive Summary, numerous site studies were conducted in the 1990’s. Was Dublin ever identified prior to the 1993 Annexation Agreement?
    - The EIR should include ALL site selection studies prior to the release of the Draft EIR.
- Page 4-31: How was potential employment growth capacity established? 33-22
  - It is unclear how the projections were obtained.
- Page 4-33: The Eastern Dublin Specific Plan includes land use goals that states: 1. 33-23 Provide a diversity of housing opportunities that meets the social, economic and physical needs of future residents. 2. Create a well-defined hierarchy of neighborhood, community and regional commercial areas, that serves the shopping, entertainment and service need of Dublin and the surrounding area. 3. To provide a stable and economically sound employment base for the City of Dublin.
  - More completely explain how the Juvenile Justice Facility will benefit Dublin and the Tri-Valley when 88% of users come from outside of the Livermore – Amador Valley.
  - More completely explain how the Juvenile Justice Facility will serve the surrounding area and Dublin in general.
  - Page 4-44: States that the relocation of the Juvenile Justice Facility to Dublin will not serve as an economic stimulus for the area.
    - Explain of this meets the above number 3 goal - To provide a stable and economically sound employment base for the City of Dublin

- Page 4-34: The Consistency Analysis states that the Juvenile Justice Facility is “for all County residents”. 33-24
  - Explain why a facility should be located so far from the urban core and it’s predominant users.
- Page 4-34: Dublin is indicated as being accessible from major roadways and transit service.
  - What measures are in place to provide better access to the proposed site? 33-25
  - Where would funding come from for improved access and subsidies to families using the facility?
  - Explain how Livermore Amador Valley Transportation Authority will increase services in Dublin, add or change routes?
    - The EIR only states that transit services modifications will be “considered”.
- Page 4-37: EIR must 1. Evaluate how change in land use will effect the surrounding land uses and those within the projects area of environmental impact and 2. Evaluate consistency of the project with and its impact on the existing land use and zoning regulation for the area. 33-26
  - Explain how the proposed project would not negatively impact endangered and protected plant and animal species in the area.
  - Explain how the ongoing noise pollution would impact the residential, commercial and proposed Juvenile Justice Facility
    - Recent study by the Alameda County Sheriffs Department found that noise levels from the shooting range were well above acceptable levels for residential neighborhoods.
      - What would be the impact to the Juvenile Justice Facility as it is in closer proximity to the Shooting Range?
  - Explain how air pollution would be mitigated due to increased traffic.
- Page 4-39: Indicates that the East County Government Center would not physically divide a community. 33-27
  - Lack of accessible transportation and distance to the facility will in fact divide the County “community”.
- Page 4-42: The EIR concludes that it is unlikely that property values in the surrounding area would not decrease. However, the EIR states, “potentially long-term, statistically valid decreases in property values related to the siting of correctional facilities have occurred.” 33-28
  - The EIR supposes that property values would not decrease due the Juvenile Justice Facility but does not show substantial support for the findings.
  - Studies presented in the EIR appear not to be of comparable value to the proposed Dublin site.
    - Details of the studies would allow for better understanding of the property value impacts and should be included.
  - Page 4-44: Property value impacts occur in three instances: 1. Immediately adjacent to or across from facilities in the absence of buffers or screening, 2. In direct line of vision of facilities and 3. During the initial period of uncertainty prior to development of facility.

- The proposed facility is directly across the street from residential and commercial developments.
  - The proposed development would remove the berm, which screens the residential and commercial developments from Santa Rita Jail, Federal Correctional Institute, and other County facilities. Removal of the berm would directly expose the residential and commercial development to the Juvenile Justice Facility and Santa Rita Jail.
  - The EIR does not address the significant impact of placing all County correctional and judicial facilities in one central location on the surrounding community.
  - The EIR fails to address how property values would not decrease, as the described instances of decreased property values established by the Federal Office of Justice Programs are definite impacts to the Dublin community.
  - Page 4-44: The Federal Office of Justice Programs considers a heavy concentration of correctional institutions that are directly visible to residential and commercial as a negative impact.
- Page 4-45: Abrams Study notes that a high-income area in Arizona did show evidence of a negative effect from a relocated and adjacent prison, especially those in the direct line of vision of the prison 33-29
    - Dublin is more common to the Arizona community than the other study communities.
      - Can a true comparison be made to Dublin and the other study communities.
    - Many studies were not able to isolate prison siting among other variables; therefore, it is unclear whether or not “no impacts” to location of such facility exist. It appears that the subject has not been fully studied.
  - Page 4-56: Potential change in the current level of criminal activity in the area surrounding the East County Government Center is beyond the scope of the EIR. 33-30 However, the EIR indicates the Dublin Police Services will be impacted due to increased traffic to the area.
    - How was this finding made?
    - Why can't the scope of the EIR include impact of increased criminal impact?
      - The County Sheriffs Department tracks calls and activity at the current facility. Could this information be evaluated and used to project increased criminal activity?

#### Visual Quality/Aesthetics (Chapter 5)

- The EIR acknowledges that the “new development can change the character of an area by disrupting the visual and aesthetic features that establish the identity and value of an urban area for its existing residents, merchants and other users. Loss of such identity and value may discourage new investment, continued residency or business activity, or other activities that attract visitors to the area.” 33-31

- Pictures in Chapter 5 of the East County Government Center do not adequately portray the proximity to the commercial and residential neighborhoods. The site appears to remote and far removed from the community when in reality it is simply across the street.
- Dublin would require the most mitigation of all projects in order to build a new facility to limit impacts.
  - To build in Dublin would require that Juvenile Justice Facility be oriented away from the existing jail and toward the community; therefore, further exposing the surrounding area to the facility.
- Page 5-42: Notes that a berm would be constructed to screen the Juvenile Justice Facility from uses to the South. 33-32
  - Exactly how high would this berm be and would it completely screen the facility?
  - Again, removal of the berm will expose the community to the Juvenile Justice Facility as well as the Santa Rita Jail and Federal Correctional Institute.
- Page 5-45: It is unclear as to whether or not measures will be taken to reduce light and glare impacts. The EIR only indicates that the County "shall consider" measures to shield and reduce impacts. 33-33
  - The County said it would mitigate impact of noise generated by the Sheriffs Shooting range and to date that has not been done.
  - Lighting and glare will further create a significant and negative to the residential neighborhood directly across the street from the facility.

#### Geology, Soils and Seismicity (Chapter 6)

- Figure 6.1: Dublin is located near a significant amount of faults: Mount Diablo Fault (3/4 mile) Green Valley and Concord Fault, Pleasanton Fault, Calaveras Fault (2.5 miles), Greenville Fault (9 miles), Hayward Fault (10 miles) and San Andreas Fault (28.5 miles) 33-34
  - 4 fault lines are considered major fault lines.
  - EIR appears to indicate that the Dublin site is not a great risk for damage due to an earthquake.
    - The EIR should clarify risks associated with an earthquake due to proximity to identified fault lines near the proposed Dublin site
- During the drafting of the EIR, San Ramon and Dublin experienced earthquakes and "swarms" (Attachment included to this letter from the California Integrated Seismic Network website with information on the Dublin "Swarm"). 33-35
  - A cross fault was found in San Ramon within approximately 10 miles pf proposed Dublin site.
    - The Final EIR should address the recent seismic activity and a study should be conducted to further examine the seismic activity surrounding the proposed Dublin site.
- The EIR does not adequately address the Site History of the East County Government Center nor does it fully explore potential hazardous materials. 33-36

- The EIR briefly describes the military uses and structures but it is not clear what "military uses" means.
- The EIR should disclose the proximity to a CERCLIS site – a site listed by the US EPA under the federal Superfund program, which lists contaminated properties.
  - The Federal Correctional Institute is listed as a CERCLIS site and is directly across the street from the proposed Dublin Juvenile Justice Facility.
- Federal Licenses were issued from 1959 – 1980 to the US Naval Radiological Defense Laboratory, Stanford Research Institute and UC Berkeley to conduct radiation tests on plants, animals and structures. (See Newspaper Article Attachment)
  - This information should be included in the site history.
- Page 6-17: The EIR describes structures, including a Boiler Room, as having been located in the area proposed for the Juvenile Justice Facility.
  - 1945 Naval Tadcen Map of Camp Shoemaker places Building 305, the Boiler Room, on the Juvenile Justice Site. A newspaper article from the Tri-Valley News dated April 12, 1981, reports the University of California conducted radioactive testing in the particular building.
  - Numerous studies have been conducted in the area to determine potential hazardous material clean up. (See Environmental Site Surveys Attachment and pictures)
  - According to the studies and newspaper articles hazardous materials such as, but not limited to, chlorinated solvents (PCE/TCE), irradiate animal carcasses, petroleum constituents, asbestos, underground storage tanks, leaking underground storage tanks, radon could be found and require environmental clean up at an additional cost to the Juvenile Justice Facility project.
    - Why doesn't the EIR include recent environmental studies conducted in the surrounding area of the proposed Dublin Site?
      - Studies could indicate what might be found on the proposed Dublin site
    - The EIR should fully explore the site history and discuss the radioactive testing done throughout the former Camp Parks land.
    - Is funding available for potential hazardous waste clean up?
    - What type of delays could be caused if hazardous waste clean up was necessary?
    - How would hazardous waste clean up impact the residential and commercial areas surrounding the proposed Dublin site?
  - It appears that the EIR has not adequately studied the site and surrounding area for potential hazardous waste materials and residuals.

### Hydrology and Water Quality (Chapter 7)

- Page 7-3: The EIR indicates there is a potential wetland on the Juvenile Justice Site. 33-37
  - The U.S. Department of Interior, National Wetlands Inventory Map of Dublin, CA Quadrangle produced in 1987 identified a wetland on the proposed site and described it as palustrine with an unconsolidated bottom and semi-permanently flooded.
  - What would the environmental impacts be should this site be determined by the Corps of Engineers as a wetland?
- Page 7-4: States the site as used for surface runoff. 33-38
  - It is unclear how this would be mitigated to prevent disruptions to the surrounding neighborhoods should the Juvenile Justice Facility be built.

### Biological Resources (Chapter 8)

- Dublin has the most extensive significant impact to plant and animal species than any other development alternative. 33-39
  - The site is a foraging habitat for burrowing owl, white-tailed kite, northern harrier, other raptors and loggerhead shrike.
    - Build out of the site would further eliminate precious habitats.
  - Page 8-14: Congdon's Tarplant will be further diminished and is not a thriving species as it once was in the local area.
  - Page 8-16: The California Tiger Salamander could potentially be found in the two ponds as identified in site maps of the EIR.
  - Studies of the site were from 1999 and should have been more recent as wildlife may have established habitats on the site.
- Page 8-36: Due to outdated studies used in the EIR the section "Loss of Wildlife Habitat" does not sufficiently analyze the potential impacts of wildlife habitat. 33-40

### Transportation (Chapter 9)

- The EIR indicates Dublin will have the most extensive roadwork necessary to build the Juvenile Justice Facility. 33-41
  - Roadwork to be conducted to mitigate increased traffic to area would be substantial.
    - Is funding in place to conduct the road improvements?
    - What would be done for Dougherty Road/Dublin Blvd to mitigate the significant and unavoidable impact caused by the increased traffic to the Dublin Juvenile Justice Facility site?
- Page 9-87: It is unclear how many parking spaces would be needed to meet project needs. 33-42
- Page 9-91: In order to mitigate to a less than significant impact LAVTA "will consider" expanding route coverage and hours to accommodate increased ridership". 33-43

- LAVTA is not required to expand its services; therefore, the finding is inadequate. There is no evidence in the EIR that LAVTA or BART would make transportation changes in order to mitigate this to a less than significant level.
- Page 9-91: How would new LAVTA routes and/or improvements be funded? 33-44
  - What type of access would there be between LAVTA services and BART services?

#### Noise (Chapter 10)

- Page 10-11: The EIR fails to note the proximity to the Sheriff's Shooting Range and Camp Parks Weapons Range. 33-45
  - The studies in the EIR were conducted in August 2001 over two 24-hour periods. The findings concluded "distant gunfire from the County Sheriff's Shooting Range was audible but not measurable at this location". The EIR also states measurements were taken at the corner of Idlewood Court and Winterbrook and that "gunshots were more audible but not measurable over the noise from traffic on Gleason."
  - In late 2002, the Alameda County's Sheriff's Department conducted an acoustic study and found potentially significant noise impacts to the adjacent residential areas south of Gleason Drive.
    - The impacts would therefore, be significant to the proposed Juvenile Justice Facility.
    - The recent study should be included in the EIR as it has relevant and more recent data.
- Page 10-27: Traffic noise levels at the proposed Dublin site would have significant and unavoidable impact to the residential neighborhood. 33-46
  - Traffic noise levels would increase above existing and baseline conditions
  - Combined with the Firing Range, Camp Parks, and traffic, the cumulative effects to the surrounding area would be significant.

#### Air Quality (Chapter 11)

- Pages 11-25/11-28: Does the analysis account for diesel emissions from the new buses needed for access to the proposed Dublin site? 33-47
  - Impacts from increased services should be studied.

#### Public Health and Safety (Chapter 12)

- Pages 12-13/14: Does not fully disclose the type of "military uses" of the East County Government Center. 33-48
  - As previously stated the Boiler Room had been used by the University of California for radioactive testing.
  - Recent site studies should have been included to determine the type of hazardous waste that may be found on the site.

- Page 12-13: Itemizes the most extensive number of hazardous materials at any site. 33-49
- Figure 12.6 Indicates that sites in the vicinity of the Dublin project have real or potential environmental issues related to the release of hazardous materials. 33-50
  - Potential release of hazardous materials is extremely close to Dougherty Elementary.
  - Page 12-22: Potentially significant impact to construction workers.
    - What measure would be taken to provide safe removal of hazardous materials?
- Page 12-25: The EIR indicates “No Impact” in regards to impairment/interference with emergency response/evacuation plan. 33-51
  - Adding the Juvenile Justice Facility will significantly impact the City of Dublin emergency resources.
  - In the event of a catastrophic emergency, the City of Dublin could only provide limited support services.
    - No hospital located in Dublin
    - Small police force
    - Small fire fighting services

#### Public Services (Chapter 13)

- Page 13-18: Indirect effects on public services is identified as less than significant but does not provide evidence of this finding. 33-52
  - Police, fire and maintenance services will all be significantly impacted due to the increased traffic and visitors to the Juvenile Justice Facility.
- Page 13-22: Police impacts are identified as less than significant though increased services would be necessary. 33-53
  - Previously the EIR stated that determining increased level of criminal activity and its impacts was out of scope, yet in this chapter increased police services are stated as needed due to “increased vehicular, pedestrian and bicycle traffic traveling along roadways leading to and from the East County Government Center, and people who work or conduct business at the East County Government Center frequenting nearby shops and restaurants.
    - This statement implies an increased level of criminal activity; therefore, a significant impact to Dublin Police Services.
    - How was the need for increased police services for the City of Dublin determined?
    - Were comparisons made to current criminal activity surrounding the existing facility in San Leandro?
    - What are the financial impacts to the City of Dublin for increased police services?

#### Historical/Archaeological Resources (Chapter 15)

- Page 15-22: Background information lacking as to what types of “military uses” took place on the land. Radioactive testing should be addressed. 33-54

## Environmental Justice (Chapter 16)

- Page 16-2: CEQA Guidelines, Section 15064 states “Economic and social effects of a physical change may be used to determine that the physical change causes adverse economic or social effects on the environment. If the physical change causes adverse economic or social effects on the people, those adverse effects may be used as a factor in determining whether physical change is significant”. 33-55
  - Extreme distance from the urban core and 88% of the juveniles will have significant social and economic impacts. The EIR continually understates these impacts.
  - The EIR has narrowly focused mostly on the detention aspect and has not clearly addressed other services required by juvenile.
    - How will those on probation be expected to get to probation appointments?
    - Will the expanded transit service (under consideration) be provided and subsidized for those attending to court and probation appointments?
    - Would transit services be available to accommodate riders during peak and off-peak hours?
    - Will services be efficient and timely for those who will be required to take time off of work in order to travel to Dublin?
- Page 16-8: Indicates that at present time and in the future the majority of juveniles using the site will come from the urban core. 33-56
  - It appears that this site will not likely ever be easily or efficiently accessible.
- Page 16-13: States that “the development of the East County Government Center could have some adverse effects, to the extent that access to the area is inconvenient”. 33-57
  - The word “inconvenient” appears to grossly understate the accessibility to the proposed Dublin site.
- Page 16-14: The EIR indicates that the site’s location could present some transportation difficulties for families and others associated with the detainees at the Juvenile Justice Site. 33-58
  - Paragraph 3 states that local transit service from BART to the site is provided only during peak commute and limited afternoon hours during the weekdays, and does not operate on the weekends.
  - Paragraph 3 states that travel distance to the East County Government Center approximately twice the distance to other alternatives being considered.
  - Due to limited service to the site and presumably a return trip significant costs such as lost work, school, and family would likely occur.
  - What would be the on-going costs of those who would need to return for probation?
  - Would those on probation be eligible for transportation subsidies?

- Page 16-14: It is not clear if the preliminary analysis of transportation impacts studied travel during peak commute hours. 33-59
  - How were the costs of round-tips determined and do they include multiple types of transit services such as both bus and BART rides.
  - The EIR does not address gas and vehicle maintenance costs associated with trips of approximately 23.9 miles
- Page 16-14: The EIR states it will work with LAVTA to expand transit availability, consider transit subsidies for parents visiting children or attending court hearings at the Juvenile Justice Facility, consider the introduction of dedicated transit service between north/central county locations to the East County Government Center to coincide with visiting hours, develop financing mechanisms for supporting expanded transit service and/or transit subsidies; and contract with a local transportation planner to develop a comprehensive approach to transportation impacts. 33-60
  - Choosing the words “will work with” and “consider” imply that modifications may not be accomplished to help facilitate accessibility to the proposed Dublin site.
  - Where would the funding come from for such transportation projects?
    - Do funds exist now and if not how would they be generated?
  - Would the County pay fees to the City of Dublin for maintenance of City streets due to the increase of public transit to the area?
- Page 16-15: Mitigation Measure 16.1.5 indicates that the County of Alameda should complete a formal transportation plan to address the economic and social effects of inconvenient access and increased costs related to traveling to the site 33-61
  - Are funds available for such study?
  - EIR seems to suggest that a study be conducted, not that a study “will” be conducted.

#### Growth-Inducing and Cumulative Impacts (Chapter 17)

- Page 17-1: The EIR appears to lack supporting data for the following statement: “Many employees would be drawn primarily from the existing labor supply serving these County functions and limited new housing would be required to serve new employees.” 33-62
  - What analysis has been conducted that would indicate, “limited new housing would be required”?
  - Would the average wage of an employee of County facilitate relocation to the Livermore-Amador Valley?
- Page 17-2: “Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the probable effects of past projects, the effects of other current projects, and the effects of probably future projects”. 33-63
  - The EIR does not appear to consider the substantial development and growth that has taken place over the recent years, currently and what is planned for the future.

- Is there any data on the cumulative impacts incurred by the Juvenile Justice Facility to past, current and future development in East Dublin?
- From reading the EIR I have found impacts such as, but not limited to, increased traffic congestion and air pollution, anticipation of an increase in crime, possibility of lower property values, noise pollution above acceptable levels within a residential area, site history indicates a potential for hazardous waste clean up, not providing an economic stimulus nor new jobs to the City of Dublin, overloading a community with social and judicial services beyond what it is capable of handling, creates a negative image, loss of foraging habitats, potential loss of plant species and wetlands, insufficient parking on the site, proximity to weapons firing range negatively impacting detainees, and proximity to two adult prison potentially having a negative psychological impact to detainees, those on probation and families.
- Significant and extensive mitigation would be necessary in order to address traffic and pollution at the proposed Dublin site. 33-64
  - Page 17-16: States "Development of the East County Government Center site...under any of the six scenarios evaluated would contribute traffic to roadway segments expected to experience unacceptable levels of service (LOS F) in 2025. Project related contributions to unacceptable levels of congestion on these roadway segments could be regarded as cumulatively considerable
    - "Could be" appears to understate the traffic congestion caused by the Juvenile Justice Facility
  - Page 17-17: "Funding may not be adequate to provide for implementation of all the necessary mitigation measures planned for the Tri-Valley".
    - This statement appears to indicate that all necessary mitigation may not be accomplished.
    - Should mitigation not be accomplished, what would the impacts be to the immediate neighborhood, the City of Dublin and the surrounding area?
- Page 17-57: Construction-related air pollution could be regarded as cumulatively considerable. 33-65
  - How would the construction-related pollution impact the local school children, residential neighborhood and local businesses?
  - What measures would be taken to prevent exposure of the construction-related pollution?
- Page 17-57: Noise levels created by the Juvenile Justice Facility is considered "a significant cumulative impact as the project substantially contributes to the future cumulative noise level". 33-66
  - What are the impacts to the residential neighborhood due to excessive levels of noise?

Thank you in advance for addressing these items. I have included attachments with a list of Environmental Site Surveys, newspaper articles, maps, web sites and pictures referred

to in my letter. Please do not hesitate to contact me should you have any questions pertaining to this letter.

Sincerely,

A handwritten signature in cursive script that reads "Kasie Hildenbrand". The signature is fluid and elegant, with a large loop at the end of the last name.

Kasie Hildenbrand  
4603 Westwood Court  
Dublin, CA 94568  
(925) 828-3436  
[Kasie@friendsofdublin.org](mailto:Kasie@friendsofdublin.org)

**Environmental Site Surveys on Former Camp Parks Land:**

1. January 22, 1999 – Asbestos Containing Debris and Pipe Removal Project prepared by Professional Services Industries, Inc.
2. June 19, 1998 – Results of Soil and Groundwater Investigations and Screening Human Health Risk Assessment for Properties Located at Hacienda Drive and Dublin Blvd prepared by Erler and Kalinoski, Inc.
3. April 30, 1998 – Subsurface Investigation Report, Santa Rita Property – Parcel 15, Dublin, CA prepared by Versar, Inc.
4. September 22, 1997 – Phase I Environmental Site Assessment and Preliminary Wetlands/Endangered Species Information Review Report, Creekside Business Park III, Dublin, CA prepared by Kleinfelder, Inc.
5. April 1996 – Test of Fill Soil, Hacienda Drive, Dublin, CA prepared by Anderson Consulting Group
6. February 3, 1994 – 40 – Acre Surplus Parcel Preliminary Assessment Screening, Parks Reserve Forces Training Area, Dublin, CA prepared by Woodward-Clyde Federal Services
7. January 11, 1994 – Phase I Environmental Site Assessment, County of Alameda, Santa Rita Property, prepared by Versar, Inc.
8. September 1991 – 47 Acre Surplus Property Parcel at Parks Reserve Forces Training Area, Dublin, CA, Preliminary Assessment Screening prepared by Environmental Science Associates, Inc.
9. February 24, 2000 – GeoTechnical Investigation Report prepared by Kleinfelder, Inc.
10. March 6, 2000 – Due Diligence Report prepared by McCutchen, Doyle, Brown and Enersen
11. March 7, 2000 – Magnetic Investigation prepared by J.R. Associates
12. May 18, 2000 – Request for UST Site Closure prepared by General Services Agency
13. June 26, 2000 – Letter from the Alameda County Health County Health Care Services regarding UST Closure Report
14. July 21, 2000 – Steam Pipe Investigation prepared by J.R. Associates
15. August 16, 2000 – Construction Activity Risk Management Plan Proposed Sybase, Inc. Headquarters Development Project, Parcel 15, Santa Rita Property, Dublin, CA prepared by Erler and Kalinowski, Inc.

The Following documents are listed as referenced on pages 4-5 of the Erler and Kalinowski, Inc., March 6, 2000 Phase I-II report:

1. October 18, 1999 – Groundwater Monitoring Plan for Santa Rita Property prepared by Versar, Inc.
2. June 21, 1999 – Investigation of Residual Volatile Organic Compounds, Santa Rita Property prepared by Versar, Inc.
3. September 18, 1999 – Results of Geophysical Survey at Santa Rita Property, Parcel 15 prepared by Versar, Inc.

## Newspaper Articles, Maps, and Web Sites Related to Environmental Impacts on Former Camp Parks Land

### Maps

1. US Naval Tadcen, Camp Shoemaker, June 30, 1945 (Locates building 305 on Juvenile Hall Site)

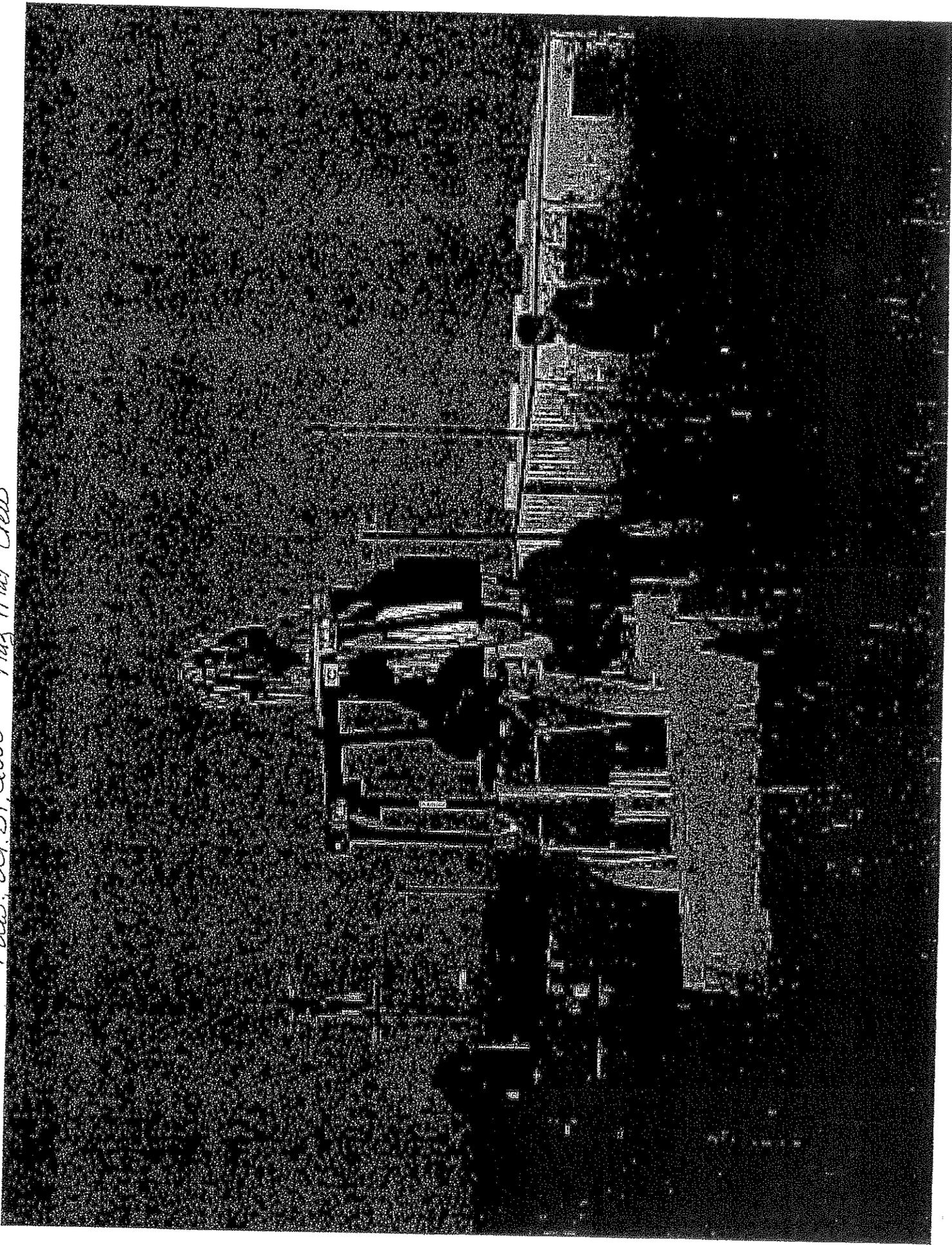
### Articles

1. Tri-Valley News, Sunday, April 12, 1981 (**Discusses Building 305 as used for radioactive testing**)
2. Tribune, August 6, 1980, U.S. tests radiation near Pleasanton
3. Valley Times, July 22, 1980, Camp Parks Animal Farm – He cared for test victims
4. Valley Times, August 7, 1980, Dispute over what those animal N-test results mean
5. Valley Times, April 24, 1985, Alameda kills plan for barracks shelter (**radioactive testing and “not easily accessible to public transportation that would probably be needed by those staying at the facility”. Federal licenses in effect 1959 – 1980 for the US Naval Radiological Defense Laboratory, Stanford Research Institute and UC-Berkeley to conduct radiation tests on plants, animals and structures**)
6. Tri-Valley Herald, November 7, 1984, Camp Parks housing hits snag
7. Valley Times, August 21, 1980, Camp Parks history of nuclear experiments

### Web Site

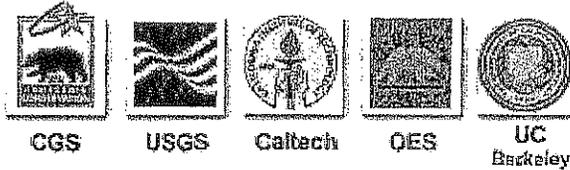
1. California Integrated Seismic Network – [www.cisn.org](http://www.cisn.org) (Information regarding fault lines, San Ramon Quake and Swarms, Dublin Quake and Swarms)

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MAY 11 1947 CREW





*California Integrated Seismic Network*



**Northern California Management Center  
Dublin Swarm**

[Details](#) | [Ground motions](#) | [Maps](#) | [Waveforms](#) | [Related links](#)

[Home](#)

[Earthquake Info](#)

[News & Updates](#)

[Products & Services](#)

**Details**

Information from the CISN	
<b>Date &amp; Time (Local):</b>	2003/02/02 10:22:58 (PST)
<b>Date &amp; Time (UTC):</b>	2003/02/02 18:22:58 (UTC)
<b>Location:</b>	4 km (3 miles) N of Dublin, CA 37.7400 -121.9370
<b>Depth (km):</b>	16.5
<b>M<sub>L</sub>:</b>	4.2

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*February 2, 14:00 PST:* Happy Groundhog Day! The residents of the Dublin-San Ramon area awakened to a small sequence of earthquakes this morning. This earthquake sequence is located within the Calavears fault zone and immediately to the south of the November 2002 swarm. Preliminary locations reveal a trend paral to the Calaveras fault. In contrast, the November sequence showed a trend that wa oriented perpendicular to the Calaveras and northeast of the fault. The current sequence locates less than a mile to the east of the Calaveras fault. Given the uncertainty in hypocenter locations, it suggests that the quakes are occurring on th Calaveras. The various focal mechanisms, which reveal the fault orientation and sense of motion on the fault are also consistent with this interpretation. However, 1 computed fault planes dip slightly to the southwest, rather than the northeast as would be expected for locations that are northeast of the fault. At present, we belie the discrepancy can be accounted for by computed uncertainties in earthquake locations and mechanisms.

As of this time, the largest event in this sequence is an M4.2 which occurred at 10:2 local time. Like the events in November, this sequence shows the characteristics o swarm - it includes an M3.6 at 8:22, M3.0 at 08:45, M4.2 at 10:22, M4.0 at 10:47, and M3.5 at 11:02. Past swarms of earthquakes in this vicinity have persisted for weeks. During the last 30 years the maximum magnitudes of other swarms in the

LETTER 34

March 10, 2003

Mr. Michael Houghtby, Field Representative  
Board of Corrections

Re: County Juvenile Hall Site

Dear Mr. Houghtby:

I strongly oppose any development of a corrections facility in San Leandro. Supervisor Scott Haggerty did not seek, solicit nor gathered any input from our community. His lack of forethought or disclosure is a disgrace to our community. His inconsideration for the residents and community of San Leandro displays a lack of forethought. He does not represent my views. Again, I oppose any development of a corrections facility in San Leandro.

Jolene Huey

34-1

Michael Houghtby,  
 Field Representative,  
 State Board of Corrections  
 600 Bercut Drive  
 Sacramento, CA 95814

Dated:03/07/2003

Dear Sir,

35-1

We are residents of Dublin Ranch, Dublin. We are very distressed to learn that there will be a new **JAIL**, making **DUBLIN**, a **CITY OF JAILS**.

Dublin has 2 **JAILS** already. We don't need a 'third' **JAIL**. There are cities out there that have no jails as part of their community service; they can be considerate enough to take at least one of our existing **JAILS**.

We do not want the existing **JAILS**; we most certainly **DO NOT** want any additional jails.

You cannot guarantee us protection from a breach of security in the **JAILS** resulting from:

35-2

- A terrorist attack
- A natural disaster-such as an earthquake
- A planned internal disturbance originating from the inmates.

When the above circumstances occur, whom are you going to attend to first? The civilians who are injured and at risk or the happy-go-lucky inmate escapees. You do not have enough standing security force to be deployed at that moment in time. You cannot foresee these things.

Our children are small, young, naive, trusting, loving, helpful, playful gentle souls with stars in their eyes and believing and seeing only the best in each and everyone, and now you are forcing us to make - our 2 yr olds and 3 yr olds and 4 yr old even our 7 yr olds- aware of people who are classified as inmates and the reasons for them being so and helping our babies understand their capabilities and their dark accomplishments and actually tell our babies how to protect themselves in their closest neighborhoods. What kind of an outlook are you forcing us to give our children?

We intend to send our children to Dougherty School. How do you expect us to do that? It would be unjust and cruel on our part as parents to educate our precious angels in schools that fall within a 3-mile radius of such famous **JAILS**. It is insane, inhuman, frightening and extremely unsuitable.

When we moved into the neighborhood we were aware of the existing **JAIL**. We came to terms with that. Now you want us to go a step further and are forcing us to put up with:

- Machinegun fire every evening as part of a - 'training process'- we assume.
- A third **JAIL**
- Relatives, past inmates walking up and down Hacienda Drive and Arnold Drive, Dublin. to visit the **JAILS** and the justice departments

Who is to stop them from entering our non-gated community residential areas, our

parks, driving down through our neighborhoods, or from roving eyes of past offenders on our children playing in the yards? Can you guarantee us that past offenders who have served their sentences will not revert to their past ways. No, you cannot guarantee us that.

35-3

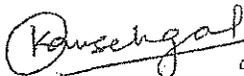
Real Estate will surely drop in this Dublin residential area. There is no need of optimism in that field, as of today's market, the real estate prices are falling. Homes stay on sale for months. You cannot guarantee us that once this city becomes home to so many **JAILS** that the real Estate will not be affected. Of course it will be affected - towards the negative side. Apprehension and insecurities will grow. Not many will take the risk of buying homes here and building families. Thanks to the many **JAILS** in the neighborhood, right up the school street, so close to the beautiful parks and sports areas. This is not a joke, nor should this be taken lightly.

We **DO NOT** want any more **JAILS**. Take the 2 **JAILS** we already have and move them far away towards the north or the south of northern California. There is so much empty land available. Why do you have to house them in our Backyard!!! Why?? Please help us. Please do not allow **JAILS** to flourish as our neighbors.

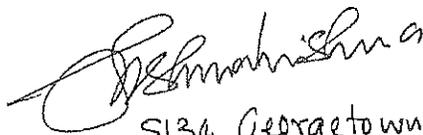
Thank you,

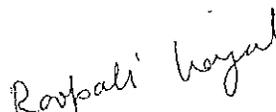
Sincerely,

  
Kausar and Samir Ismail  
5110 Georgetwon Circle.  
Dublin, CA 94568

  
03/07/03  
Anil and Kanchan Sehgal  
3971 Campton Court  
Dublin, CA 94568

  
ANISHA and Sameer Goyal  
5124 Georgetown Circle  
Dublin, CA 94568

  
5134 Georgetown Circle  
Dublin, Ca 94568

  
~~ANISHA and~~  
MANOJ AND ROOPALI GOYAL  
5528 SPRINGVALE DR.  
DUBLIN, CA 94568

John Kaplan  
364 Dowling Boulevard  
San Leandro, CA 94577  
510.553.1737

LETTER 36

March 10, 2003

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

Dear Mr. Houghtby:

I am requesting that any decisions related to a new juvenile facility currently being considered in Alameda County be delayed and that the public comment portion of the Draft EIR/EIS be extended due to "last minute" changes that now include building the facility in San Leandro rather than in Dublin which had been the initial plan.

36-1

At this point, without appropriate time to review the "new" status of the Draft EIR/EIS, I believe that building the facility within San Leandro, which is already burdened with supporting both the county jail and medical facility, will negatively impact traffic, public transportation, quality of life, and other future plans the county may have for the land.

Sincerely,



John Kaplan

March 5, 2003  
Lucinda Leung  
5678 Bellevue Circle  
Dublin, CA 94568

Mr. Michael Houghtby, Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

LETTER 37

Re: No Super Jail

Dear Mr. Michael Houghtby,

37-1

This letter is in response to the proposal of the construction of a maximum 540 bed juvenile detention center and court facilities at the East Government property on Gleason Avenue. My family and I are strongly against this proposal. We feel this will not serve in the best interest of the community nor will it be a safe and comfortable environment for the children of our schools or the residents. Please make an effort to make our voices heard to the County Board of Supervisors. Thank you for your support.

Sincerely,



Lucinda Leung

March 2, 2003

FROM: CHIA LIU  
P. O. BOX 72403  
OAKLAND, CA. 94612

LETTER 38

TO: MICHAEL HOUGHTBY  
FIELD REPRESENTATIVE  
STATE OF CALIFORNIA BOARD OF CORRECTIONS  
600 BERGUT DRIVE  
SACRAMENTO, CA. 95814

TO WHOM IT MAY CONCERN:

WE ARE VERY CONCERNED ABOUT THIS PROJECT OF ALAMEDA COUNTY  
JUVENILE JUSTICE FACILITY AND EAST COUNTY HALL OF JUSTICE.

38-1

WE WOULD VERY MUCH APPRECIATE IF YOU CAN RECONSIDER IT  
BECAUST BOTH RESIDENTS OF OAKLAND AND DUBLIN DON'T SUPPORT  
IT .

SINCERELY YOURS,

Chia Liu

Shola & Lara Oderinde  
5579 Bellevue Circle  
Dublin, CA 94568

March 7, 2003

LETTER 39

Mr. Michael Houghtby  
Field Representative,  
State Of California Board of Corrections,  
600 Bercut Drive  
Sacramento, CA 95814

Dear Mr. Houghtby,

**RE: OUR POSITION TO SUPER JAIL IS "NO TO SUPER JAIL IN DUBLIN"**

39-1

This is to inform you that the proposed location for construction of the Juvenile detention center and a court facilities at the East Government property on Gleason Blvd in Dublin CA. That property is not considered to be in the best interest of the community; the families; all the family public parks use within the area and it is not conducive or consistent for residential living.

This letter is to inform you of the position of my household against such a facility within Block Doughtey Elementary Schools and next-door and cross the street to many residential homes.

I will strongly recommend that you and the County Board of Supervisor should reconsider your preposition and the proposed use the East Government property on Gleason Blvd in Dublin CA and consider a nonresidential areas within the county that would be more appropriate location for such a facility instead Gleason Blvd.

Yours sincerely,



Shola Oderinde

From,

Ram and Nitya Ramakrishnan,  
5037 Colebrook Ct,  
Dublin, CA 94568.

LETTER 40

To,

Mr Michael Houghtby,  
Field Representative,  
State of California Board of Corrections,  
600 Bercut Drive,  
Sacramento, CA 95814.

Subject : Juvenile Hall on Gleason Road

Mr Houghtby,

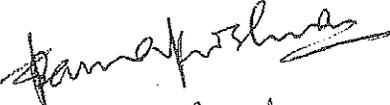
40-1

I am writing this letter to voice my objection to the Alameda County proposal to construct a juvenile hall facility in Dublin on Gleason Road. I believe that this is a bad decision and would ask you to reconsider other options.

The East Dublin area has been developed to be a prime residential neighborhood, and having the juvenile hall in the same area would impact the planning and investment made by the City of Dublin and several businesses. There are also several schools and public parks within a short distance of the proposed facility.

I feel that the juvenile hall facility should be developed in areas in the county closer to where it is needed. That would be a more logical approach.

Thanks,

  
Ram & Nitya  


# FAX TRANSMISSION

LETTER 41

**DALE D. REED**

P.O. Box 1022  
SAN LEANDRO, CA 94577  
PHONE: (510) 638-5040  
FAX: (510) 638-5610

**TO:** Supervisor Alice Lai-Bitker      **DATE:** March 10, 2003  
**FAX NO.:** (510) 268-8004      **PAGES:** (1)  
**SUBJECT:** New Juvenile Hall

## COMMENTS:

Supervisor Lai-Bitker:

I'm responding to a request made by Shawn Wilson on this date to fax my comments to you regarding the subject project.

41-1

If the new juvenile hall is built on the present site, the EIR/EIS needs to positively address how the facility will be constructed so as to not put the expected 350+ juveniles in harms way of our next earthquakes. Also, the EIR/EIS should address security precautions and systems so that residents nearby the facility will not be placed in jeopardy by possible 'escapees.'

If these two items are properly addressed, then I don't have any reservations about building the new facility on the present site.

The most important item, of course, is for the Board of Supervisors to make a final decision on the location during the next few days so that the County does not lose the funds the State has allocated to the Project.

*DDR*  
DDR:trw

6 March 2003

LETTER 42

Mr. Michael Houghtby  
Field Representative  
State of California Board of Corrections  
600 Bercut Drive  
Sacramento, CA 95814

RE: Juvenile Detention Project (EIR) in Dublin

Dear Mr. Houghtby,

42-1

I am a proud homeowner in Dublin Ranch. I recently learned that the County Board of Supervisors is looking into constructing a large detention center on Gleason Drive which is within a stone's throw from Dublin Ranch. The purpose of this letter is to provide you first hand feedback as to the negative, long-term impact this project will have on the city of Dublin.

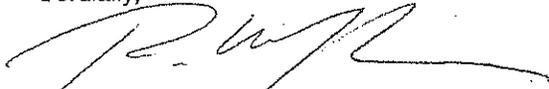
Dublin is the quintessential family community. People relocate to Dublin for the intrinsically warm, suburban, safe lifestyle. I have personally invested over \$550,000 into my home in Dublin because the area offers an environment conducive to starting a family. I am not alone in this feeling as most of my thirty-something friends are doing the same. In fact, it is the *potential* of Dublin that is attracting so many home buyers and high income earners. Our more glitzy neighbors - Danville, Pleasanton, San Ramon - are well established role models that offer insight into what Dublin can be when it fulfills its potential. Potential is the collateral funding all the new construction in Dublin such as new homes (including million dollar homes), golf course, community centers, schools, restaurants, libraries, freeway exits, and downtown area.

Potential is why Dublin is ranked 5<sup>th</sup> in the top 10 most undervalued places to live in the U.S., according to CBS MarketWatch (see the complete story on this website: <http://www.marketwatch.com/news/yhoo/story.asp?guid=%7B73269A61-F45B-400B-A749-F6C10BB2C803%7D&siteid=myyahoo&dist=myyahoo>). This recent article offers undeniable proof that Dublin is on the national map and will subsequently peak the serious interest of companies looking for a fresh and safe environment to grow their businesses.

I sincerely ask you to reconsider this proposal. I understand that this facility must be built and respect the fact that there are very few communities that would accept such a facility in their own backyard. Your job is a challenging one to say the least.

I urge you to consider the immediate potential of Dublin and how even a rumor of this facility could ruin the years of investment many of us have put into Dublin and the surrounding area.

Cordially,



Robbin Velayedam  
5146 Bridgton Court  
Dublin, CA 94568  
925.828.4941

5839 Penwood Ln  
Dublin CA 94568  
March 4, 2003

Mr. Michael Houghtby  
600 Bercut Drive  
Sacramento. CA 95814

LETTER 43

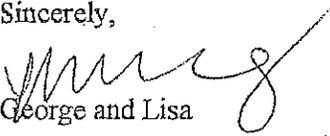
Dear Mr. Houghtby,

We strongly against construct the super jail on Gleason Avenue, because it is too close to our living place and too close to our children.

43-1

Thank you for your concern.

Sincerely,

  
George and Lisa

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ALAMEDA COUNTY BOARD OF SUPERVISORS  
SPECIAL MEETINGS

Wednesday, February 19, 2003  
City of Dublin Council Chambers  
Dublin Civic Center  
100 Civic Plaza  
Dublin, California 94568

MEETING TO RECEIVE ORAL AND WRITTEN COMMENTS ON THE DRAFT  
ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT  
FOR THE ALAMEDA COUNTY JUVENILE JUSTICE FACILITY AND EAST  
COUNTY HALL OF JUSTICE

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
BY STACY L.D. RODRIGUEZ

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CLARK REPORTING  
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1 COUNTY OF ALAMEDA BOARD OF SUPERVISORS  
 2 SPECIAL MEETING  
 3 A P P E A R A N C E S

4 GAIL STEELE, President, District 2  
 5 SCOTT HAGGERTY, District 1  
 6 ALICE LAI-BITKER, District 3  
 7 NATE MILEY, District 4  
 8 KEITH CARSON, Vice-President, District 5  
 9 SUSAN MURANISHI, County Administrator  
 10 RICHARD WINNIE, County Counsel

11 WAYNE TUCKER, Interim Chief Probation Officer  
 12 JAMES SORENSON, Planning Director  
 13 AKI NAKAO, General Services Agency Director  
 14 DONNA LINTON, Assistant County Administrator

15

16 SPEAKERS (IN ORDER):

17 1. David Haubert, Friends of Dublin  
 18 2. Mayor Janet Lockhart, City of Dublin  
 19 3. Tom Cignarella  
 20 4. Audrey Cooper  
 21 5. Arlene and Rick Raffo  
 22 6. Lester Jung  
 23 7. Kim Liebetrau  
 24 8. Dorothy Gordon  
 25 9. Rich Guarienti  
 26 10. Nelson Poon  
 27 11. Vera Sims  
 28 12. Paul Adwar  
 29 13. Ron Allen  
 30 14. Vince, Bordelon, Alameda County Peace Officer  
 31 15. Tony Casadonte  
 32 16. Elpi Abulencia, Executive (Ret.)  
 33 17. David Bewley  
 34 18. Larry Eade, Sybase (Ret. Police Officer)  
 35 19. Elisha Cheung  
 36 20. Rowena Margan, Homeowner  
 37 21. Ebony Richards  
 38 22. Ananth Neddy  
 39 23. Kasie Hildenbrand, Friends of Dublin

40 ON RECORD, BUT DID NOT SPEAK

41 24. Rita Cleary, Homeowner  
 42 25. Chandra Kittusamy, Homeowner  
 43 26. Suresh Selvam, Homeowner  
 44 27. Anil Sehgal, Homeowner  
 45 28. Kanchan Sehgal, Homeowner  
 46 29. Rausar Ismail, Homeowner  
 47 30. Samir Ismail, Homeowner



1 introduce staff to you. Now-- this is Supervisor Lai-Bitker,  
2 and Supervisor Miley, and I would like introduce to you the  
3 City of Dublin, Mayor Janet Lockhart and-- Vice-Mayor,  
4 Claudia McCormick. Tony Oravetz.

5 MR. ORAVETZ: Oravetz.

6 PRESIDENT STEELE: Oravetz; I apologize. And  
7 then, your Councilmen George Zika. I'd like to ask City  
8 Manager Rick Ambrose to introduce himself. I beg your  
9 pardon-- Councilmember Tim Sbranti.

10 MR. AMBROSE: Thank you. Welcome. I am  
11 Richard Ambrose, City Manager of the City of Dublin, and  
12 tonight I have with me our Planning Manager, Ms. Gerri Robb,  
13 and Jerry Haig, our Environmental Planner.

14 PRESIDENT STEELE: Now I'd like to introduce  
15 Susan Muranishi, she is our County Administrator.

16 MS. MURANISHI: Thank you. President Steele,  
17 I would like to introduce the county staff, and I'd like to  
18 introduce the seats from the county that has been working on  
19 this project. Donna Linton, the Assistant County  
20 Administrator, who has a big responsibility on the project,  
21 along with Jim Sorenson, the Planning Director; Aki Nakao,  
22 the General Services Agency Director; Wayne Tucker, the  
23 Interim Chief Probation Office; and Dennis Hand, who has been  
24 working with us as our Probation Consultant.

25

I'd also like to acknowledge in the audience, some

4

1 of the Agency and Department heads that are here this evening  
2 to appear, David Pierce, the Director of the Health Care  
3 Services Agency; Diane Bellas, the Public Defender; Adolf  
4 Martinelli, the Director of the Development Agency; Nancy  
5 O'Malley, the Chief Assistant District Attorney; and Sheila  
6 Mitchell, Chief Probation Officer; and Chet Hewitt, the  
7 Director of the Social Services Agency.

8 With that, I would ask Donna Litman to introduce  
9 the individuals we've been working with the State Board of  
10 Corrections, and the Federal Department of Justice and  
11 programs followed by Mr. Sorenson--

12 MS. LINTON: From the State Board of  
13 Corrections, we have here tonight Michael Hotey who is the  
14 Lead Agent for the Environmental Study Project with the State  
15 Board of Corrections, and Susan King, who's affiliated on the  
16 construction project. Representing the Federal Department of  
17 Justice, Officer of Protective Programs is Ongenin McConnum,  
18 who's a consultant with Environmental firm of--

19 MR. SORENSON: The primary Environmental  
20 Consultant for preparation of the EIR is Lamphier, Gregory &  
21 Associates from Oakland. They're represented here tonight by  
22 Scott Gregory and Steven Buckley. And assisting Lamphier,  
23 Gregory on behalf of the State Board of Corrections and the  
24 Department of Justice's ICF Consulting Representative here  
25 tonight, Allan Somerville.

1                   PRESIDENT STEELE: I'd like to introduce  
2 Supervisor Scott Haggerty who has now joined us.

3                   MR. HAGGERTY: No applause is necessary.

4                   PRESIDENT STEELE: It is now going to be-- no,  
5 now what we're going to do, I guess, is have a-- I want to  
6 mention if anybody does not have a speaker card please get  
7 them turned in to me. This is the time. I need to get as  
8 many as I can. And now, I'd like to ask Scott Gregory to  
9 give a brief description of the Environmental process--

10                  MR. GREGORY: I thank you President Steele,  
11 good evening members of the board. My name is Scott Gregory.  
12 I'm a Principal with the firm of Lamphier, Gregory. I'm here  
13 tonight with Steve Buckley, the Project Manager. We have  
14 been working on this project with a team of additional  
15 subconsultants, as well as the numerous people that have been  
16 mentioned in the introduction here tonight, towards a  
17 preparation of the Draft Environmental Impact Report, and  
18 Environmental Impact Statement, which is the purpose of our  
19 meeting here tonight.

20                  As you had mentioned, the main purpose of this  
21 meeting tonight is to take public comment on the draft  
22 document. I'd like to present a very brief overview of that  
23 environmental document by way of just providing a setting for  
24 the meeting. I'd like to also mention that the document is  
25 both an Environmental Impact Report pursuant to the

1 California Environmental Quality Act. That is a document to  
2 assist the lead agency who would make the decision on the  
3 project either to build or not to build a new Juvenile  
4 Justice Facility, and Hall of Justice. There is also the  
5 NEPA documents under the National Environmental Protection  
6 Act, pursuant to a decision by the federal government to  
7 provide federal funding assistance for construction of the  
8 Juvenile Justice Facility. A decision by the Office of  
9 Justice Program that would be assisted by the State Board of  
10 Corrections.

11           The scope of the environmental document is on the  
12 definition of the project and the alternatives for that  
13 project. And-- is there a reason this is not shooting up  
14 onto the screen? I'll just continue, so we don't have to  
15 wait too long.

16           There are two projects that are really part of--  
17 part of the project evaluated in the Environmental Impact  
18 Report, Impact Statement. The projects consist of the new  
19 Juvenile Justice Facility-- that Juvenile Justice Facility  
20 would consist of the detention center that would accommodate  
21 up to 420, with a potential expansion to 540 users, or 540  
22 beds, over time. It would include Juvenile Justice--  
23 Juvenile courts, five new courts, plus the potential for an  
24 expansion of an additional court, and it would include space  
25 for Probation and Administrative Offices.

1           There's also a second project that's evaluated in  
2 this document. It is a new East County Hall of Justice.  
3 That facility would include 13 courts, and associated support  
4 functions. The document-- the document also looks at  
5 numerous alternatives to each of these facilities, and it's a  
6 bit of mixing of apples and oranges in that many of the sites  
7 can contain only one of the projects that are proposed, the  
8 other sites contain two. The alternatives consist of--  
9 excuse me-- the alternatives consist of number one, the San  
10 Leandro property; which is adjacent to the existing Juvenile  
11 Hall Facility in San Leandro, on unincorporated Alameda  
12 County property. The Glenn Dyer site which is located in  
13 Downtown Oakland; the Pardee Swan site which is on Port of  
14 Oakland-owned property near the Oakland Airport; and the East  
15 County Government Center site, which is county owned property  
16 in the city of Dublin near the Santa Rita Jail. So those are  
17 the four alternatives-- or the four potential alternatives  
18 for the Juvenile Justice Facility.

19           Two other alternative sites have been identified  
20 for the East County Hall of Justice sites. One, the East  
21 County Government site, that I just previously mentioned, and  
22 another site which is known as Site 15A, which is  
23 county-owned property located in the City of Dublin, that is  
24 near the Dublin/Pleasanton BART Station. Each of these  
25 different sites and different projects have been evaluated in

1 this very comprehensive and thick document that we have  
2 prepared with the assistance of our technical subconsultants.  
3 We have evaluated a comprehensive range of environmental  
4 issues, ranging from land use issues, to various  
5 site-specific environmental characteristics, and biological  
6 and hydrological and other site-specific criteria, as well as  
7 regional issues, such as air quality and traffic. My  
8 presentation as I said, is necessarily going to be brief  
9 tonight. I can't get into the details that are discussed in  
10 the depth of this kind of document in a short period of time,  
11 so, I'll focus on key findings and the conclusion of the  
12 draft document.

13 I should mention first of all, that each site  
14 has its own unique environmental issues and constraints.  
15 There are no sites that we looked at for this study that  
16 could result in less than significant impact. Each site has  
17 identified a potentially significant impact associated with  
18 implementation of one or both of the projects. The first  
19 alternative that we looked at, was the no project  
20 alternative. The no project alternative would consist of  
21 building replacements and renovations that would be needed to  
22 address sites and safety and technical issues at the existing  
23 facility. Based on some technical studies it was determined  
24 that the renovations and replacements that would be necessary  
25 at the existing facility would also trigger ADA compliance

1 criteria, and that the amount of renovations and replacements  
2 to address seismic and geotechnical constraints, rendered the  
3 alternative to be cost prohibitive. It would also result in  
4 environmental justice impacts on the juvenile detainees at  
5 that facility related to the exposure to environmental  
6 hazard, overcrowding of this facility, and the potential  
7 seismic dangers associated with the site. As a result, we  
8 studied the several alternatives that were presented in that  
9 overall kind or regional-- regional view. I should mention  
10 that all of the alternatives that we looked at would result  
11 in contributions to cumulative regional traffic congestion,  
12 they would result in contributions to cumulative regional air  
13 quality, and they would also result from those alternatives  
14 that dealt with alternatives to the Juvenile Justice  
15 Facility, would result in the loss of historic resources at  
16 the existing Juvenile Hall site itself. The first  
17 alternative that we explored is-- is the property that's  
18 adjacent to the existing San Leandro Facility. It's on  
19 County-owned property; it's on a hillside location. The  
20 primary impact that would be related to this site pertain to  
21 the seismic and geotechnical issues that are-- that do face  
22 the site. There is a fault line that runs through the middle  
23 of this site, and the seismic constraints are significant.  
24 However, based on a number of very specific studies, it has  
25 been found that the site could be engineered and designed in

1 such a way to mitigate those geotechnical sites. The costs  
2 associated with that mitigation would be expensive. Other  
3 significant and unavoidable potential environmental impacts  
4 that would be-- that would pertain to this site are  
5 construction related impacts on adjacent neighborhoods.

6 The next site that was reviewed for the potential  
7 location of the Juvenile Justice Facility is the Glenn Dyer  
8 site. This is an urban downtown site in the City of Oakland  
9 that has physical limitations primarily in terms of size that  
10 would limit the ability of this site to achieve all of the  
11 project objectives. Mainly, the detention facility could be  
12 built on this site, but the courts and adjacent supportive  
13 services necessary for that facility would not be able to be  
14 accommodated in this location. Environmental impacts  
15 associated with this site include an incapability of outdoor  
16 use of the Juvenile Justice Facility recreation areas, with  
17 the existing noise environment, and construction related  
18 impacts on adjacent land uses. Additionally, the site would  
19 pose an environmental justice impact on future juvenile  
20 detainees related to the exposure of noise from highway--  
21 primarily from highway traffic-related noise at the site.

22 The next alternative that has been explored and  
23 evaluated in the draft document is known as the Pardee Swan  
24 site. It's a flat, curvy, paved site with little resource  
25 values. It's located in an area adjacent to-- near the

1 Oakland International Airport. It's surrounded by industrial  
2 and transportation-related land uses. The primary  
3 environmental constraint to the site is that construction on  
4 the site would result in adverse effects on scenic resources  
5 along the San Leandro Creek. I should mention as I'm going  
6 along-- what I have identified are those significant impacts  
7 that cannot be mitigated. There certainly are other  
8 environmental effects associated with each of these sites  
9 that we did identify mitigation measures that were capable of  
10 reducing those effects to less than significant levels. What  
11 I'm focusing on here tonight are those impacts that could not  
12 be mitigated to less than significant levels.

13           The next site that we have evaluated is the East  
14 County Government Center site. This is a large undeveloped  
15 site, near the Santa Rita Jail, but also near the existing  
16 residential areas in Dublin. The primary inmitigable impacts  
17 that would be associated with construction of this facility  
18 at this site pertain to local traffic capacities on streets,  
19 noise related to that traffic, and construction-related  
20 impacts on adjacent neighborhoods.

21           Those are the four potential alternative sites that  
22 we examined for the location of the Juvenile Justice  
23 Facility. There were two sites that were scored for  
24 construction of the East County Hall of Justice. That would  
25 be the other portion of this site, the East County Government

1 Center. The impact related to the construction of the Hall  
2 of Justice in the location are the same as I just described  
3 for the Juvenile Facility, and then the final site is a site  
4 known as 15A, which is located in the City of Dublin, nearer  
5 to the highway, closer to the BART station. The primary  
6 impacts that were significant and unable to be mitigated that  
7 pertain to this site are related the local traffic capacity  
8 constraints.

9           One of the requirements of the California  
10 Environmental Quality Act and the-- and the National  
11 Environmental National Environmental Policy Act, is the  
12 identification of an environmentally superior alternative, or  
13 the alternative that poses the least environmental  
14 constraints. The conclusions of our environmental document  
15 is that for the Juvenile Justice facility, the Pardee Swan  
16 site, located near the Oakland International Airport, posed  
17 the least environmental constraints to construction, and that  
18 for the East County Hall of Justice facility, Site 15A  
19 located in Dublin-- the site that I just showed you-- was the  
20 environmentally superior alternative-- or the alternative  
21 with the least environmental constraints for the Hall of  
22 Justice.

23           The next step in the process for the environmental  
24 document is number one, the primary purpose of tonight's  
25 meeting, which is to take public comments on the Draft

1 Environmental Document. All of the comments that are  
2 received tonight, both verbally, and all of the comments that  
3 are received by a deadline period in written form, will be  
4 responded to in a final environmental document. And that  
5 final environmental document will then be brought back before  
6 you as the decision-making tool.

7           The environmental document is only one input into  
8 that decision-making process. It-- the environmentally  
9 superior alternative that's identified in the draft, and if  
10 those environmentally superior alternatives continue to be  
11 identified as such in the final document, does not  
12 necessarily indicate a preferred alternative or preclude any  
13 other decisions on the project. Both CEQA and NEPA require  
14 that these environmental issues be waived in balance with  
15 other factors, including economics, technical feasibility,  
16 and social issues. These are all issues that were brought  
17 before you in some form or another, to be weighed as part of  
18 that decision-making process, together with the environmental  
19 issues that are included in our draft document.

20           That's a very quick overview of the document that  
21 we have prepared. If there's comments I would be glad to try  
22 to address those. If they're technical comments on the  
23 document itself, I think that we would prefer to try to take  
24 the time to respond in a thoughtful matter as part of the  
25 final environmental document process, instead of trying to

1 answer quick questions off the top. With that, I thank you  
2 for your time.

3 PRESIDENT STEELE: Thank you. I have-- what  
4 I've decided to do based on the number of cards that I have,  
5 and I assume that I may get more as the evening goes on, is  
6 that everybody will have three minutes-- if-- at 9:00 o'clock  
7 we'll take a time check and see where we are. If there are  
8 too many, then I would shorten it to two minutes. But right  
9 now like to see if we can go through with having three  
10 minutes.

11 I want to just emphasize again that every staff--  
12 and correct me if I'm wrong-- that everybody's comments or  
13 questions that are raised in the process will be answered in  
14 writing in the final environmental, right?

15 ALL BOARD MEMBERS: Correct.

16 PRESIDENT STEELE: So, when the final comes  
17 out, you can look to see whether your thoughts or comments,  
18 or whatever you said was answered to your satisfaction. But  
19 after March 10th you can't get any more comments in. That's  
20 the end. Now, I understand that David Haubert wants to go  
21 first. That's fine. But I want to ask-- was it Vera Sims  
22 that wanted to go last? Who wanted to go last?

23 MS. HILDENBRAND: I did. Kasie Hildenbrand.

24 PRESIDENT STEELE: What's your name?

25 MS. HILDENBRAND: Kasie Hildenbrand.

1                   PRESIDENT STEELE: Okay. In terms of the  
2 first 12, or in terms of the whole evening?

3                   MS. HILDENBRAND: Well, let's see how it goes.  
4 I just-- I actually-- I've read the entire document--

5                   PRESIDENT STEELE: Okay.

6                   MS. HILDENBRAND: And when one reads an 800  
7 page document, there's more to comment on than just in three  
8 minutes. And I would like-- I would ask if I could be  
9 indulged a few more minutes in order to go over what I think  
10 is really important information.

11                  PRESIDENT STEELE: Okay. So, you're Kasie?

12                  MS. HILDENBRAND: Yes.

13                  PRESIDENT STEELE: And so what I'm going to do  
14 is take it out-- your name out-- and that way--

15                  MS. HILDENBRAND: And we can do a time check--

16                  PRESIDENT STEELE: And we can do a time check.  
17 Is that all right with you?

18                  MS. HILDENBRAND: That's perfect. Thank you  
19 very much.

20                  PRESIDENT STEELE: And I would like to start  
21 now, with David Haubert-- and I would also like to have one  
22 of the staff check and see if they're people in the other  
23 room, so I have a sense. Are there some?

24                  CLERK: There are some.

25                  PRESIDENT STEELE: So, you can get a check for

1 me, and-- so that I have a sense that some of these people  
2 are here that might want to speak. Go ahead. I'm sorry.

3 MR. HAUBERT: Thank you President Steele, 44-2  
4 Members of the Board or Supervisors. My name David Haubert.  
5 I live at 4886 Redwood Avenue in Dublin. I'm the co-founder  
6 of the Friends of Dublin.

7 Before I begin, I would like to thank the county  
8 officials who have undoubtedly worked many hours on this  
9 project. Everyone in the County Administrator's Office, the  
10 General Services Agency, the Probation Department, the  
11 Sheriff's Department, the Supervisors and their staff have  
12 all been very courteous and professional so far throughout  
13 this process. Thank you. And I thank you in advance for  
14 your continued professionalism as we work further through  
15 this process, because I suspect that we are far from over.

16 Also, before I-- again, I must say that as a  
17 publicly elected official myself, I understand the need to  
18 hear the concerns of my constituency to listen to all sides  
19 of an issue and to make sound judgment business decisions  
20 that are for the good of all. I would like to make it clear  
21 that I appear before you tonight as a concerned father, a  
22 concerned resident of Dublin, and of Alameda County, and as a  
23 concerned voter. The views that I present here tonight are  
24 my own personal opinions, and do not reflect on any way on  
25 the views of the Dublin School Board, to which I am elected

1 official of the Dublin Unified School District.

2           What I believe you will see tonight is a series of  
3 well-informed and thoughtfully researched opinions regarding  
4 the Draft EIR. The Friends of Dublin has poured over the  
5 hundreds of pages of the document, and will continue to do so  
6 until the March 10th deadline. This is truly a team effort,  
7 and I would especially like to thank the efforts of local  
8 residents Tom Cignarella, Tony Casadonte, Ron Allen, Jerry  
9 and Doris Peck, James Moorhead, Arlene Raffo, who will be  
10 speaking later tonight, as well as some of the other groups  
11 involved: Stop the Superjail, Books not Bars, the Youth  
12 Coalition. I would like to thank local businesses in Dublin  
13 that have united in taking an opposition to the Dublin site:  
14 The Chamber of Commerce, Sybase-- and several other local  
15 businesses; and I would like to thank the Dublin City Council  
16 who have all expressed their concerns. And there is one more  
17 person whose efforts I have to draw special attention to.  
18 For the last 12 months this person has followed the issues,  
19 met with local businesses and city leaders, coordinated  
20 efforts with several other key groups, and since the issue of  
21 the EIR, she has spent countless hours researching this  
22 project and spreading the word. Without her dedication and  
23 hard work, we simply would not be here tonight. So Kasie  
24 would you please stand up so everyone can see you?

25           I will make my comments very brief, and as I said

1 before, I will submit them more completely in writing before  
2 March 10th. I feel that the document is a very good start,  
3 however, much more work needs to be done. I have specific  
4 concerns in the area of air quality as follows:

5           The ongoing annual omissions of ozone pollution for  
6 a 420 bed facility in Dublin is 17.4 tons, page 11.26. The  
7 annual omissions for the same size facility in San Leandro is  
8 10.1 tons, page 1120. An increase of 7.3 tons to the Dublin  
9 site. It is noted that the Dublin/Livermore areas have  
10 exceeded federal standards in the past, what I think needs to  
11 also be mentioned, is that we have been cited by the federal  
12 government, in fact, come close to losing valuable  
13 transportation funds as a result. I don't see how we can  
14 stand for an additional 7.3 tons year after year.

15           Toxic air contaminants, TAC, mainly benzene and  
16 MTBE's caused by motor vehicles, are already twice as high in  
17 Dublin/Livermore than in San Leandro. Adding countless miles  
18 of freeway traffic will only exacerbate this problem. It  
19 should be noted that air quality tests conducted in the  
20 report were sites in Livermore, not in Dublin, with all due  
21 respect to the process here-- may I continue? To the process  
22 here, the proposed site in Dublin is right next to Camp  
23 Parks, the County Public Works Complex, an extremely active  
24 firing range, a bomb detonation, a fire training facility,  
25 and Dublin prison. I believe that measurements must be taken

1 at the Dublin site in order to get an accurate understanding  
2 of the effect of this facility on the area.

3 The specific concerns of public safety are: That  
4 the EIR references a report by Subservices Consultant dated  
5 January 8th, which list several possible areas of concern,  
6 since there are underground facility pipes that may be lined  
7 with asbestos. The site has been a storm detonation basement  
8 for 20 years, and may contain heavy metals. The site may  
9 contain chemicals from the fire training center. I think we  
10 should conduct additional tests to find out with certainty  
11 what we are dealing with here, especially before we  
12 potentially unleash things like asbestos into the air.

13 PRESIDENT STEELE: How much more do you have?

14 MR. HAUBERT: I've got-- I guess I better wrap  
15 it up, huh?

16 PRESIDENT STEELE: I think so. I'm sorry.

17 MR. HAUBERT: I tried to speed read Gail, but  
18 that's as good as I can do.

19 PRESIDENT STEELE: You thanked too many  
20 people.

21 MR. HAUBERT: I'll submit-- I'll submit these  
22 in writing. I think the only thing to end up with in my  
23 conclusion, is that with all the documents-- reading all the  
24 documents, it's clear that we have a viable alternative in  
25 San Leandro, which we didn't realize a few month ago. A lot

44-3

1 more information has become available, such as declining  
2 population rates that we need to take into account; the new  
3 procedures of intake; new changes in the department. I think  
4 that we need to take the time to do this right. Let's not  
5 take the easy road, but rather work with all the  
6 stakeholders. I remain ever confident-- ever hopeful and  
7 confident that the County Administrators, Probation  
8 Department, and various other groups, and ultimately you, the  
9 Board of Supervisors will make the best financial, economic,  
10 and social decision. Thank you very much

11 PRESIDENT STEELE: Thanks. Mayor Janet  
12 Lockhart.

13 MS. LOCKHART: Good evening. My name is Janet 44-4  
14 Lockhart, and I am the Mayor of the City of Dublin. I speak  
15 tonight on behalf of the entire City Counsel, each of whom is  
16 in the audience with me.

17 First, I'd like to welcome you to Dublin. We  
18 appreciate the fact that the County is holding this meeting  
19 in Dublin so that residents and businesses can express views  
20 on the County's proposed plan for a Juvenile Justice Facility  
21 and County Hall of Justice. We thank you for the opportunity  
22 to provide general comments tonight on the environmental  
23 documents for this project. Prior to the end of the public  
24 review period, the City will submit formal comments on the  
25 draft EIS/EIR in written form. Tonight though, I really want

1 to reiterate that the Council is opposed to the proposed  
2 location of the Juvenile Justice Facility in the City of  
3 Dublin. In early 2001, the City Council unanimously adopted  
4 a resolution opposing the location of the proposed Juvenile  
5 Justice Facility in Dublin. We expressed our concerns that  
6 the location would cause significant impact on adjacent  
7 neighborhoods. The resolution also expressed our concern  
8 on-- that the location is unacceptable, because of the  
9 financial and transportation impact due to Dublin's distant  
10 location from the County's population centers, where most of  
11 the youths in county care and their families reside.  
12 Locating this facility in Dublin placed undue burdens on  
13 social services provided to our County residents.

14           The City believes the alternative locations  
15 analyzed in the Draft EIR are environmentally superior to the  
16 proposed Dublin location, and should be seriously considered  
17 by the Board or Supervisors. In fact, your Draft EIR reaches  
18 the same conclusion. The City Council and the citizens of  
19 Dublin would like to know from the County if it does not base  
20 it's decision on the environmentally superior alternative,  
21 what is really the point of this exercise?

22           The City Council is aware that if County chooses--  
23 if the County chooses to move forward with the Dublin  
24 location for the Juvenile Justice Center, the City and  
25 potentially the City Council will review the project under

1 the City Site Development Review Ordinance. The Council's  
2 opposition to the location of the Juvenile Justice Facility  
3 in the City of Dublin will have no bearing on my ability to  
4 act fairly to consider the County's application for a site  
5 development review of the Juvenile Justice Facility, if one  
6 is filed. I know that the same is true for the Vice-Mayor,  
7 and each member of our Council. Our job with site  
8 development review will be to consider site and  
9 building-related issues in light of the general welfare of  
10 our community. By contrast, we strenuously oppose the  
11 location of the Juvenile Justice Facility in Dublin, and are  
12 supporting alternative locations in the County.

13 Again, thank you for providing the opportunity for  
14 the residents and businesses in Dublin to provide their  
15 comments on the EIR. Thank you.

16 PRESIDENT STEELE: Thank you. Tom Cignarella.  
17 Oh yeah -- thank you. The next speaker will be Rita Cleary.

18 MS. CLEARLY: I pass.

19 PRESIDENT STEELE: I was supposed to always  
20 tell who's next so we can move along. I forgot.

21 MR. CIGNARELLA: First, I wanted to thank you  
22 for your time tonight-- the draft put forth in front of us, I  
23 do agree with it, that this is not the right location. I  
24 will present to you in writing, all my opposition to this,  
25 but mostly I want to focus tonight on the noise section.

1           In reading the EIR, I've come to this point that I  
2 wanted to make. On page 10.4, it states the general law has  
3 identified 55 decibels is the level requisite to protect the  
4 public health and welfare for an adequate margin of safety.

5           Page 10.5 states the Juvenile Detention Facility is  
6 regulated by the California Code of Regulations, and that it  
7 states the day room area shall not exceed 55 decibels. The  
8 sleeping areas are not to exceed 35 decibels. I have a sound  
9 study that was done by the Sheriff's Department for the  
10 firing range. It states that the areas around this routinely  
11 exceed 65 to 70 decibels. I believe that the sound study  
12 that you did as part of your draft is incomplete. It was  
13 done over two days. The study we have done was over ten  
14 days. It was coordinated with the range so that they knew  
15 when it would be done. So I ask, was your study coordinated  
16 with the range? Did it take into account atmospheric  
17 conditions that can lessen the noise at certain times? And I  
18 believe there's other incomplete parts or that section. It  
19 doesn't talk at all about taking into account the firing  
20 range that is part of Camp Parks. It's also close to the  
21 automotive training facility that's right next to this, and  
22 also the bomb disposal facility that includes a siren in  
23 warning when bombs are about to be detonated in this area. I  
24 ask if this is the kind of place where you want to have  
25 children that are needed to be rehabilitated, to have them

1 continually exposed to this type of noise?

2           Again, thanks for your time. I will definitely  
3 present all my other questions in writing to you before the  
4 deadline. That's it. Thanks.

5           PRESIDENT STEELE: Thank you. After Rita  
6 Cleary will be Audrey Cooper.

7           MS. CLEARY: Rita Cleary passes at this time.

8           PRESIDENT STEELE: Okay, then. Audrey Cooper  
9 would be next, followed by Arlene Raffo. Sorry.

10           MS. COOPER: My name is Audrey Cooper. I  
11 live at 5289 Gilford Court. I'm a new homeowner in the area.  
12 And before I get into my specific comments on the Draft EIR,  
13 I wanted to share with you a motto I like about government,  
14 which is that you know you're doing a good and smooth job  
15 when nobody comes to your meetings, and that doesn't include  
16 having a flow-over room.

17           If I wasn't young and naive, I would really start  
18 to be paranoid about some of the decisions the County has  
19 made about the uses of land it has in Dublin, as well as some  
20 of its present activities. And with that said, I'd like to  
21 address the ozone precursors and the traffic.

22           I think we should be concerned about the traffic  
23 going through this area, which is uniquely residential, if  
24 you compare it to the other four photographs we saw of the  
25 area. I think it's clear just from that, why it's not a

44-6

1 smart idea to put this in our backyards. With that said, the  
2 ozone precursors the Draft EIR says are mitigatable, which I  
3 think is kind of misleading. The Bay Area Air Quality  
4 Management District, like all other air quality districts in  
5 California, don't require offsets of development per say. So  
6 when you're talking about the number of traffic trips going  
7 to this area, that isn't mitigatable. And even if it was,  
8 where you are going to be buying offsets are not necessarily  
9 in my backyard at my barbeques, they're going to be in  
10 Oakland in industrial areas. So the pollution that's going  
11 to be created in our area, is not going to be mitigated where  
12 it's created.

13 I also wanted to say in general, that I'm scared to  
14 have kids here because of the air pollution problems. We  
15 have an increasing rate of asthma among our kids, and that's  
16 just here where our air is good, it's going across the  
17 Altamont and across the other passes to places where the air  
18 isn't as good. And it's the County and the Bay Area is under  
19 court orders to pay attention to these things. I think it  
20 would behoove all of us to pay a little bit more attention to  
21 it.

22 In closing, I just wanted to say that I think the  
23 proposal to put the Juvenile Detention Center in Dublin is  
24 cruel, not just to the residents of Dublin, but also to the  
25 people it will eventually be serving. And I also wanted the

1 Supervisors to remember something that I think is really  
2 important which is, it's easy to brush these concerns off as  
3 being NIMBYism, but today I was walking my dog and, I used to  
4 think somebody just liked firecrackers in the area, until I  
5 realized it was automatic machine gun fire I was hearing at  
6 10:00 o'clock at night. And I think Dublin does its fair  
7 part of providing unlikeable activities for this County, and  
8 I think we've done enough. Thank you.

9 PRESIDENT STEELE: After Arlene Raffo, I have  
10 Lester Jung.

11 MS. RAFFO: Thank you Board Supervisors for 44-7  
12 your time this evening. I am a resident of Dublin at 4745  
13 Chestnut Court, and I'm speaking on behalf of my husband and  
14 I, and I am also an elected member of the Summerglenn  
15 Homeowner's Association, which is in close proximity to the  
16 areas that we're discussing.

17 The EIR has labeled the distance issue as simply  
18 inconvenient, however, based on the current patterns of  
19 arrest and home addresses for the detainees, a majority of  
20 the detainees' family members would have to travel a greater  
21 distance to participate in the detention and visitation  
22 processes if the project was located here in Dublin, as  
23 compared to the existing sites, or any other of the  
24 alternatives being considered in the ERS/ERI. And we are  
25 looking at an approximate distance of 23.9 miles, which is

1 approximately twice the average distance compared to the  
2 alternate sites.

3 Building a new Juvenile Justice Facility in the  
4 shadow of Santa Rita Jail, and a federal correctional  
5 facility does not create a normal environment. It, however,  
6 creates Dublin, which would now be considered a jail capitol  
7 for those who visit us.

8 Also, I would like to discuss the fact that it has  
9 been proven that eight roads would need to be modified to  
10 accommodate the new facility. Two of which would have a  
11 level surface of "F," which is failing. Those two are  
12 Tassajara Road at Dublin Boulevard, and Dougherty Road at  
13 Dublin Boulevard. Again, main traffic fares that we use  
14 daily.

15 The EIR proves that the building in Dublin is  
16 costly, difficult, socially unjust, and a bad choice for the  
17 County of Alameda. If it is safe and possible to build in  
18 San Leandro, which it is, as the ERA has stated, and clearly  
19 defined-- I don't like this number here-- the ERA stated San  
20 Leandro met a clearly defined and compelling social  
21 objective. The complete buildout of the new Juvenile Justice  
22 Facility, the costs are not as significant as in Dublin, and  
23 the negative impacts in San Leandro are minimal. The choice  
24 should be clear-- building a new Juvenile Justice Facility at  
25 its current location.

1 I am also concerned with the critical habitat and  
2 recovering plan for the San Joaquin Kit fox, which as we all  
3 know, is an endangered species. I would like to know what,  
4 if anything, is going to be taken into consideration with  
5 that particular species, and what thought has been given to  
6 that. I will be also providing written response to all of  
7 you before March 10th, and I do appreciate your time this  
8 evening.

9 PRESIDENT STEELE: Excuse me. Is Rick going  
10 to speak to, or is--

11 MS. RAFFO: No, I'm speaking on his behalf.

12 PRESIDENT STEELE: Okay. Thank you very much.

13 MS. RAFFO: I did have an extra minute so  
14 maybe we can give that to--

15 PRESIDENT STEELE: After Leslie Jung, I have  
16 Kim Liebetrau.

17 MR. JUNG: The name is Lester Jung, and I live 44-8  
18 at 4550 Hawk Way. I appreciate the opportunity to talk to  
19 the County Representative, and also the people from the  
20 Correctional Facility.

21 My main concern in the Dublin site based upon the--  
22 not only the environmental impacts with the socio and  
23 economic reasons-- kind of break down into four reasons-- the  
24 population, case load, work force, and transportation. The  
25 majority of the Alameda County population is less in the

1 Livermore Altamont Valley. Only 11 percent of the population  
2 is in the Tri-Valley area where we are now.

3           The case load. Six Juvenile Courts are presently  
4 in West Alameda. The Juvenile Division of the Superior Court  
5 handles approximately 131,000 cases per year, with 4,114  
6 being in Alameda County. Moving the five Juvenile Courts to  
7 Dublin will put an average of 14 cases per day into the new  
8 Hall of Justice.

9           Work force. For the daily commute, what is the  
10 size of the detention work force coming to Juvenile Hall?  
11 What is the size of the court work force-- judges, staff  
12 lawyers, and probate?

13           Transportation. All transportation to the  
14 Livermore Valley area will be either by car or BART. No bus  
15 lines serve this area from East Bay.

16           Some more specifics and details. Alameda County  
17 has a population of approximately 1.6 million, most of the  
18 population, 89 percent, lives on the other side of Castro  
19 Valley. The majority of the detainees, detention facility  
20 personnel, Hall of Justice workers and attendees will come  
21 from the East Bay Area. The large loner commute and  
22 attendance trip will affect more people-- moved here, than if  
23 kept in the East Bay. An additional problem will present  
24 itself on weekends. Family and friends for detainees will  
25 have a more difficult time visiting.

1                   Case load. Like I said, there are six  
2 juvenile courts, moving them all here would make it  
3 approximately 14 to 15 courtrooms in-- brings the people to  
4 service to this location. I know from standing-- department  
5 of justice. They say approximately 7.9 percent of the case  
6 load is for the juveniles but approximately 31 percent is the  
7 work load. Not all cases are solved in one day.

8                   The other things I'll have to submit in writing,  
9 but I would like to say, if the main reason of the court is  
10 their statement to rehabilitation of minors is a major thrust  
11 of our job. Only the last five or six years they have been  
12 legally able to use the word punishment. Rehabilitation is  
13 still to be gained, and even when we give minors some  
14 therapeutic detention. The point is the rehabilitation is  
15 the main aim, and the reduction is significant, you would not  
16 want to remove them from their support people, family members  
17 and-- and from the East Bay Area.

18                   PRESIDENT STEELE: Thank you. Let's see, I  
19 have Dorothy Gordon.

20                   MS. LIEBETRAU: Hi. My name is Kim Liebetrau. 44-9  
21 I'm a resident with the Summerglens Development. I live at  
22 5534 Aspen Street. Thank you for your time. I apologize,  
23 I'm not completely prepared for public speaking, but I did  
24 want to say something.

25                   Being actually very close to the proposed site, I

1 live-- my backyard is on Gleason-- I am firsthand-- can swear  
2 to some of the issues that some of the others have talked  
3 about around noise and traffic that has grown in the two  
4 years that we've lived at our home.

5           The noise from the current existing facilities are  
6 a lot more significant than EIR discusses. It is something  
7 that was disclosed to us as being part of what we were  
8 purchasing when we bought our house, and we signed that off,  
9 but we did not believe that something as another detention  
10 facility of this size was to be going in, in addition to  
11 Santa Rita Jail. So, we did have some concerns about that.

12           As far as traffic. Traffic has also been  
13 increasing significantly with the new fire station, with  
14 public works that's behind us. Again, this is public  
15 services with the Sheriff's Department and so forth, that is  
16 important for the City, and we accept that, but we believe  
17 that increased traffic due to numbers that look like as high  
18 as 2000 visitors on a weekday that would come through to  
19 these types of facilities is an extremely high number of  
20 individuals coming into our area-- whether that be by BART or  
21 by car.

22           Just on an off note, from the Santa Rita Jail,  
23 there is no connection directly from BART to these locations  
24 out in the neighborhood. We, on a regular basis, see people  
25 walking from BART-- you know, a 1 to 1 1/2 to 2 mile walk for

1 families-- family members going to visit Santa Rita Jail  
2 residents, and I assume the same is probably occurring for  
3 the detention center facility.

4           One of the other environmental factors that's kind  
5 of come up recently, when you talk about the geological  
6 study, is that Dublin did have the big swarm of earthquakes  
7 that came through here, and it is a very real situation for  
8 us. There are seven-- I believe it's seven different fault  
9 lines in the area, and although we have not had a major  
10 quake, we've had a number of these quakes in San Ramon, of  
11 these, five to six miles from our house, with a center of---  
12 of the last swarm that we had a couple of months ago.

13           As far as addressing visual quality and aesthetics.  
14 I think that the San Leandro site presents a less significant  
15 change to the character of the area. It wouldn't look  
16 substantially different than the existing facility, and it  
17 wouldn't necessarily degrade the surrounding area. In fact,  
18 this facility would prove beneficial as opposed to what is  
19 now what is now-- what is now open land area, and I think  
20 would significantly be altered here in Dublin. Thank you  
21 very much for your time.

22           PRESIDENT STEELE: Thank you. After Dorothy  
23 Gordon, I have Rick-- and I'm not doing well-- Guar-ienti? Do  
24 you know who that is?

25           MR. GUARIENTI: Yes.

1 PRESIDENT STEELE: Okay. Sorry. Go ahead?

2 MS. GORDON: Hi. I'm Dorothy Gordon. I live 44-10  
3 in Livermore, and the reason I'm here tonight is that I  
4 volunteered at Juvenile Hall about 20 years ago as an artist,  
5 and that I found myself involved with young people that were  
6 truly beautiful. One of the young men said to me, "Everybody  
7 thinks we're bad up here." Well, when they had the volunteer  
8 dinner, my husband attended, and he says, "You know, I  
9 wouldn't have believed it if I hadn't seen it with my own  
10 eyes." These young people that are incarcerated there are  
11 truly creative, truly-- one was a poet, who wrote me this  
12 beautiful poem for-- drawing his picture-- I drew a hundred  
13 boys there, and as they were released, I gave them their  
14 picture. So, I got to know them fairly well, and when I feel  
15 like-- oh boy, it's going to be in Dublin, I thought, "What a  
16 wonderful opportunity to love. Something to really love our  
17 neighbors as ourselves." I thought, "This is a wonderful  
18 thing." And I didn't think of environmental reports and  
19 that, because I think the environment is truly mental. I  
20 mean, a loving environment, a loving thought is a healing  
21 thought. And I felt that this Valley was capable of bringing  
22 great good to those young men. I just felt so blessed at the  
23 thought of it.

24 And then I thought about-- when I was working on  
25 the mural. I had thought about it, and I painted two of my

1 helpers. A tall young man with real joyous face, and a very  
2 sad one. And I thought, "What have I done? I can't paint  
3 out the one that looks sad. What am I going to do?" And  
4 then I thought of a quote from Dr. Albert Schweitzer. He  
5 said, "We are not on-- alone. Our brothers are here too."  
6 So, then I painted a hand on the shoulder of the one that  
7 looks sad from the happy one, put it on his shoulder as if he  
8 were comforting him.

9           And so, I found that it was a real education-- a  
10 real joy for me to spend time with them, and to see that  
11 they're individuals just like your children, and just like--  
12 you know what I mean? And we've had the opportunity to  
13 absolutely contribute something to society. When we talked  
14 about the Pledge of Allegiance, it says, "One nation under  
15 God." I thought, "Well, what does that mean? What does that  
16 mean? Is not God love?" And then I thought, "Why can we not  
17 get over our insolent thinking and reach out to our fellow  
18 man in compassion and mercy?" And really bring that healing  
19 atmosphere, that environmental impact-- you know, where your  
20 worse thing is hatred. And so-- these are my thoughts. Just  
21 about whether it's a proper place for it or not, I just would  
22 like people to know that these people are worthy of loving.  
23 That's my main thought.

24           And then I would like to end it with a quote from  
25 Mary Baker Eddy, Science and Health with Key to the

1 Scriptures. It says, "One infinite God, good, unifies men  
2 and nations; constitutes the brotherhood of man; ends wars;  
3 fulfills the Scripture, 'Love thy neighbor as thyself;'  
4 annihilates pagan and Christian idolatry-- whatever is wrong  
5 in social, civil criminal, political, and religious codes;  
6 equalizes the sexes, annuls the curse on man, and leaves  
7 nothing that can sin, suffer, be punished, or destroyed."  
8 Thank you.

9                   PRESIDENT STEELE: Thank you. After Rick, I  
10 have Nelson Poon. And I would just like to say that Mayor  
11 Young is here, and Councilmember Overbacher. Thank you. Go  
12 head. Wait a minute. After Nelson Poon, we have Vera Sims.  
13 Thank you.

14                   MR. GUARIENTI: I'm Rich Guarienti--

15                   PRESIDENT STEELE: Oh, I'm sorry. Okay.  
16 Thank you.

17                   MR. GUARIENTI: 8279 Rhoda Avenue in Dublin.  
18 And I'm not a neighbor near where the proposed facility in  
19 Dublin is. I live on the west side, and I would like to  
20 speak to you as a County resident, as well as a Dublin  
21 resident.

22                   Back in October 2001, I sent a letter to Susan  
23 Green, and found that she wasn't the one to answer my  
24 questions. But I-- I did propose what some of the issues  
25 were at the time-- the size of the facility, the location

44-11

1 near the neighborhood housing, and the third was the location  
2 remote from the center of the County and the urban area of  
3 greatest use. And I'd like to just to read a short paragraph  
4 addressing that issue, and then I'd like to talk about the  
5 Environmental Impact Statement.

6           One must look at the humanitarian aspects of the  
7 proposed location as well as the economical ones. If there  
8 was only one community hospital or library in this county,  
9 and it was centrally located, but needed to be rebuilt, would  
10 it be in the public's best interest to locate that facility  
11 in Dublin? I have no personal objection to a Juvenile  
12 Justice Facility in Dublin, but I don't think that's the best  
13 use of the County as a whole. Nate Miley and I have talked--  
14 in fact, you heard his proposal at one time of maybe having  
15 two smaller facilities. I think you put county services  
16 where the county services are needed. And so, when you look  
17 at this County, and you look at proposed locations and where  
18 they might go, all of these locations have a significant  
19 impact to-- of some sort or another. But when you were here  
20 a year ago, and you presented this glorious plan, and they  
21 were really nice looking plans. The facility is nicely  
22 designed, but it wasn't us in Dublin here. This is not the  
23 Olympics, and you are not the Site Selection Committee, and  
24 we didn't come to you saying, "Put this in Dublin. Isn't  
25 this great?" You're on the other side having to make the

1 decision of what are the major impacts that are going to  
2 affect us. And I really am going to focus on what is the  
3 impact to the people being served in this County? The  
4 families that need to be close to these people, that need  
5 great access, to be able to rehabilitate them. We're not  
6 putting them out in Folsom Prison in Sacramento, or in San  
7 Quentin where they're far away. We want them close. So I  
8 want county support facilities near where they're going to be  
9 used. And someday, I'm sure there's people from Livermore  
10 and Pleasanton and so forth that say, "Gee, I got a tough  
11 kid, it'll be easy to run over to Dublin." But, that's being  
12 kind of self-serving. And someday we may need one in the  
13 Tri-Valley.

14           So my idea is, look at the San Leandro facility.  
15 It's there, and you can mitigate those activities there. And  
16 I think that's the best location. Thank you for your time.

17           PRESIDENT STEELE: After Nelson Poon is Vera  
18 Sims.

19           MR. POON: Ladies and gentlemen. I really  
20 strongly oppose to build the Superjail. Last years-- or  
21 years ago, there were a group of young people that have speak  
22 up. They don't want the jail. They want to have counseling.  
23 Educate them, so they don't have to be the jail inmates  
24 again.

25           And I'm ashamed of every one of you here, because

1 you have all the young people has beat up and still continues  
2 to go forward with the plan to build the Superjail. Jail  
3 never, never correct a young people. It's only to build the  
4 stronger worse, worser inmate for the future. We have  
5 already lost a strong young people in this generation, and I  
6 don't know why you want to continue this program.

7           The second thing is the EIR report is full of  
8 bullshit. The reason is, that they concerned about facility,  
9 the economic impact of Dublin. If I drive along Highway 880,  
10 I can see there is at least a hundred building among the  
11 industrial area. You can pick-- you can build-- what do they  
12 pick? They pick Dublin. They pick the area where is impact  
13 the people the most. They have not done any mitigation.  
14 What happens, if they have time for such a larger population  
15 of inmates in the Dublin from Oakland, San Leandro, Hayward,  
16 Fremont into Dublin. The chances there's going to be some  
17 escape, that is going to be a mess. Especially, jail is  
18 always have a chance to breakout. No matter if it's a  
19 Superjail or what kind or jail it is. There's always a  
20 chance to break out. And I want to see the mitigation from  
21 the ELI to identify how to solve this problem. And I think  
22 that is most important than anything else. Isn't it? And I  
23 feel what educates young people to-- a crime he went to break  
24 out of the inmates to interrupt this city. And I think all  
25 the council here. You should be look at yourselves. Shame

1 of yourselves to continue on this program.

2 Do you want a Superjail in Dublin?

3 ALL: No.

4 MR. POON: Come on. Come on. I can't hear  
5 you.

6 ALL: No.

7 PRESIDENT STEELE: All right. That's enough.  
8 Vera Sims, and then I have Paul Adwar.

9 MS. SIMS: Good Evening, Honorable 44-13  
10 Boardmembers. I'm speaking to you as a resident of the  
11 unincorporated San Leandro. My name is Vera Sims. I live on  
12 Aurelia Way, which is adjacent to the current Juvenile Hall  
13 Facility. I bought a brand new home there about 12 years  
14 ago. And I want to say, I did have some concerns at first,  
15 but my property has done nothing but-- as has all of the  
16 properties-- increased in value. We have had no problems  
17 with anybody escaping from Juvenile Hall be it in our  
18 neighborhood.

19 As a resident of this unincorporated area, I want  
20 to tell you that the current Juvenile Hall facility is old,  
21 it's unsafe, and it doesn't meet the state standards for  
22 housing our young people.

23 The Earthquake of 1989 did such extensive damage,  
24 many of the buildings are closed and cannot be used. The EIR  
25 on page S-5. It's speaks to the issue of the land at that

1 facility. I'm not an expert by any means, but I do know what  
2 my eyes have seen. In this area, we have lost several homes  
3 to slippage in the winter months. They sat in the street for  
4 over a year. And so, regardless of the EIR statement that  
5 geologically it can be built on the same site, I urge you not  
6 to consider that site. Not to house our youth. We need to  
7 house our youth, the youth of all of Alameda County, in a  
8 safe environment that affords some rehabilitative services.  
9 The Dublin site is here, and it doesn't suffer from the same  
10 EIR impact that the San Leandro facility does.

11 I want to thank you for considering my remarks, and  
12 I too, hope to put more extensive remarks in writing. Thank  
13 you.

14 PRESIDENT STEELE: After Paul Adwar will be  
15 Ron Allen.

16 MR. ADWAR: Good evening. I didn't come here 44-14  
17 with an eloquent speech for tonight. I didn't come here with  
18 statistics and graphs and charts, I come here with a history.  
19 A history of being in a council meeting just like this four  
20 years ago in San Ramon when I lived there, where the people  
21 of the City spoke up and said, "Not in our town. We won't  
22 have a boot camp." Guess what? There is no boot camp in San  
23 Ramon.

24 The people of Dublin are saying, "Don't come here.  
25 Go anywhere else. See if somebody else wants it in their

1 town. Check Lafayette. See if they want it in their town.  
2 Check anywhere else." Nobody's going to want it. You'll  
3 find that out.

4           What you see here tonight is a very small  
5 representation of how the people feel when everybody unites  
6 and comes together in one large group and says, "Go home. Go  
7 away. Find another place. We don't mind if you have one,  
8 don't have it here. This isn't the town for it. The people  
9 don't want-- if the County wants to invest in this town,  
10 invest in the buildings. Some of these buildings are from  
11 1960. You want to put some money into the city? Put some  
12 money into the buildings. Don't put it into putting in a  
13 facility where it's going to put the citizens of this town at  
14 risk."

15           You can't guarantee the same way-- the same  
16 arguments that the County had in San Ramon for saying that  
17 they couldn't guarantee that their facility was impenetrable,  
18 that there would be no escapees. They couldn't give that  
19 guarantee, and that's the same thing that brought them down.

20           If anyone here can guarantee me tonight, that you  
21 guarantee no escapees from this detention facility, then  
22 great, then maybe I'll think about it, but you're not going  
23 to, because you can't.

24           Okay, so-- my comments are is that this is again a  
25 very small representation. I'm-- I'm part-- I was sent here

1 by a group of very-- a very large group of people in this  
2 town that don't want this facility here. The group that I'm  
3 involved with has legal counsel ready-- that is prepared to  
4 tie this case up for years in mitigation. So, I don't know  
5 how much the County has put aside for legal expenses, but the  
6 group that I'm with has money, and we're prepared to take it  
7 as far as necessary to keep this out of our town.

8 So, all I have to say in closing is, think twice,  
9 because we're prepared to go-- I'm prepared to go and this  
10 group is prepared to go as far as it has to keep it out of  
11 our town. Thank you.

12 PRESIDENT STEELE: After Ron Allen, I have  
13 Vince Bordelon.

14 MR. ALLEN: Good evening my fellow residents  
15 and the Board of Supervisors, City Council, everyone here. I  
16 am-- my name is Ron Allen. I live at 5190 Topsham Court here  
17 in Dublin, and I am a very concerned resident and parent.  
18 And I would like to touch on several issues why I oppose this  
19 project in Dublin.

20 First of all, I'll just throw this out. You have a  
21 sign out there. "Future home of East Government Center."  
22 It's been up there for like three years now, and you know--  
23 why don't you say it's a Juvenile Hall? A Juvenile Detention  
24 Center? What are you trying to hide? That's just a very  
25 misleading statement.

44-15

1           And my next item is-- everybody thinks this is a  
2 NIMBY issue. This is not a NIMBY issue. Not in my backyard.  
3 It shouldn't be in anybody's backyard. You shouldn't build a  
4 Juvenile Hall and Juvenile Court and adult court. You  
5 shouldn't build those things in people's neighborhoods--  
6 schools, parks. That's totally incompatible to build this  
7 facility in this neighborhood. Right across the street,  
8 Gleason, you saw on the aerial map-- there's people's homes,  
9 hundreds of homes, right across from this facility. It just  
10 boggles my mind why you would even consider this site. I  
11 don't-- I don't know what to say.

12           Let me go on. I have serious problems with  
13 Juvenile Hall, like I said. But even more-- a lot of people  
14 have touched on, "Well, what if there's detainees that  
15 escape?" That's not my biggest concern. You're going to  
16 build a modern facility-- a very secure facility. What I'm  
17 concerned is the comings and goings of people going to the  
18 probation courts, the juvenile-- the Hall of Justice. Those  
19 people are going to be coming and going, taking BART, walking  
20 through the neighborhoods. It's-- it's just totally  
21 incompatible. I-- I really can't grasp what the logic is  
22 here, why you would build this facility in any residential  
23 area. So, that's the main thing.

24           The other thing I want to ask is, specifically in  
25 your executive summary, you have a matrix that shows all the

1 various impacts, and you say that this will be "no impact to  
2 crime." That is a ridiculous statement, and I'd like to see  
3 the backup for that. That's-- no impact? People loitering,  
4 coming and going. I mean, I don't have-- I'm done.

5 PRESIDENT STEELE: After Vince, I have Tony  
6 Casadonte.

7 MR. BORDELON: President Steele, Board of 44-16  
8 Supervisors, my name is Vince Bordelon, and I'm the President  
9 of the Alameda County Probation Peace Officer Association. I  
10 currently represent 270 group counselors that work at  
11 Juvenile Hall, the San Leandro facility. Currently, the  
12 facility in San Leandro is ran down-- run down. It's old, we  
13 need a new facility. I'm up here to represent the counselors  
14 to say that we do support the Dublin site, and we appreciate  
15 your support, and we do support the Board, and we thank you.  
16 That's it.

17 PRESIDENT STEELE: Thank you. After Tony, I  
18 have Elpi Abul--

19 MR. ABULENCIA: Abulencia.

20 PRESIDENT STEELE: Yeah.

21 MR. CASSADONTE: Madam President, County 44-17  
22 Supervisors, Staff and others. Thank you. My name is Tony  
23 Casadonte. I live at 3324 Oak Bluff Lane in Dublin. I'm the  
24 President of the Dublin Ranch Homeowner's Association. Our  
25 Ranch Association consists of 850 residents in the

1 Tassaraja/Dublin Boulevard quadrant in the newer east Dublin  
2 area.

3           Clearly, from our perspective, this is a very, very  
4 bad idea. It places a number of infrastructure problems and  
5 issues on the community, that from a residential perspective,  
6 I don't think any of us want to have to deal with, or even  
7 have to plan for possible mitigation. We have the proximity  
8 of this is probably, by my best count, I think five either  
9 elementary or junior-- middle schools within probably one--  
10 one mile to a mile and a half. Parks. Major park efforts in  
11 the community of Dublin which would clearly be impacted.

12           So, the other thing I would like to briefly address  
13 is that, one of the things that is not addressed in the  
14 environmental report, clearly is a concern, is that from a  
15 programmatic standpoint, we all know that this Superjail of  
16 approximately 540-bed facility, would not be a stand alone  
17 facility. It would require great changes in the  
18 infrastructure of the surrounding community to be able to  
19 support, both from a medical perspective, counseling  
20 services, other residential treatment services, and with 540  
21 beds, and some of limitations, obviously from a legal  
22 perspective of how long you can keep juveniles incarcerated,  
23 you're going to have to turn this population over very  
24 quickly. And to do that in any efficacious way, you're going  
25 to have to rely and make a major impact to put the community

1 housing into the community where the facility is located.  
2 So, there's other infrastructure issues related to the  
3 environmental impact that I feel, haven't been addressed.

4           Unfortunately, we live in a time of some very  
5 catastrophic contingency thinking. Where you're locating  
6 this facility is isolated. It's isolated in Alameda County.  
7 Should there be a catastrophic event, an earthquake,  
8 terrorist attack next to a military facility, or some other  
9 major event, the County services to support this particular  
10 facility at this location, would be near impossible. There's  
11 no contingency or discussion planning at all, in the  
12 environmental impact report, and how the services support  
13 this facility under such contingency circumstances. So, it  
14 is my belief that there is a major gap in terms of what is  
15 being proposed, and what is being planned for.

16           In conclusion, it clearly-- from our perspective,  
17 from a resident perspective, it does not-- it is not  
18 consistent with a residential area in which this is. So,  
19 it's our position that we would not be in favor of such a  
20 facility in Dublin. Thank you.

21           PRESIDENT STEELE: Elpi? Did I say your name  
22 right? I'm sorry. I would like to say right now, that I am  
23 now down to the last three. So, could I please encourage  
24 anybody who wants a card to please get it in, because we are  
25 moving along here. Thank you. Sorry to mispronounce your

1 name.

2 MR. ALBULENCIA: Madam President, Members of  
3 the Board. My name is Elpi Albulencia, and I live in  
4 Summerglen. I'm a Board-- Dublin citizen, and I'm a community  
5 involved person.

44-18

6 I guess my strongest credential in speaking before  
7 you is that I was once a former executive with the  
8 engineering construction and environmental companies in the  
9 Bay Area, including Bechtel. And, I have had the opportunity  
10 to read Environmental Impact Report statements. On-- and two  
11 things that stand out in my mind as of this moment, that  
12 there is no such thing as perfection in environmental reports  
13 and statements.

14 And secondly, I think of the methodology employed  
15 in reaching a certain, particular conclusion with regards to  
16 factors or aspects of the areas involved. I look at this  
17 matrix that are here. They're good. They are well detailed,  
18 but, as I said, some methodologies are questionable. For  
19 example, if I may say that since Dublin is a growing city, is  
20 the factor a social consideration? The communities? Are the  
21 residents comfortable with what the County will do if they  
22 build the Superjail? How will it impact their children? How  
23 will it impact their mobility as a community inhabitant? In  
24 other words, enhancement of the quality of life? It's-- I  
25 have not-- to be honest, I have not read this paper. I just

1 came in. But one thing that strikes me, the Mission  
2 Statement that you have, and it stands out very-- you won't  
3 even print in small print it says the Board of Supervisors of  
4 Alameda County through the mitigation excellence and  
5 diversity of its employees is committed to serve the needs of  
6 the community and to enhance the quality of life. Dublin is a  
7 member city of the Alameda County.

8           Secondly, I'm also concerned about the business  
9 sector of the city. We even encourage for other business to  
10 come in.

11           PRESIDENT STEELE: Can you wrap it up, please?

12           MR. ABULENCIA: All well and good. But, I  
13 will not speak long because time's up. But I submit a  
14 written statement to the Board, and I would say that these  
15 considerations-- the qualitative concentration, the business  
16 considerations are foremost in my mind. Thank you for giving  
17 me this opportunity.

18           PRESIDENT STEELE: Thank you. After David  
19 Bewley, I have L. Eade.

20           MR. BEWLEY: Good evening Madam President, and  
21 members of the Alameda County Board or Supervisors. I want  
22 to thank you for letting me speak here tonight. My name is  
23 David Bewley, and I live on up in the west Dublin area, the  
24 west Dublin hills on 11166 Brittany Lane in Dublin. And I'm  
25 here tonight to comment on the Draft Environmental Impact

1 Statement, and the Environmental Impact Report here, for the  
2 Alameda County Juvenile Justice Facility, and East County  
3 Hall of Justice.

4           Much has already been said here, and I noted in  
5 your comments that you prefer that we not try to go over the  
6 same ground that has been gone over before. I will try to  
7 bring then, therefore just my personal opinion on the  
8 decision-making process that I hope that you will undertake,  
9 and I think that would be in the best interest of all of us  
10 here.

11           In my opinion, the facts here of course, is who is  
12 being served? And I think the primary purpose of what you're  
13 serving here in the Juvenile Justice Facility are for the  
14 residents of County of Alameda. And it's the-- it's the  
15 children really-- it's the juveniles that are being served,  
16 and the families that are going through these problems with  
17 their children, and in this unfortunate state where they need  
18 this institutionalization, and the help that they can get  
19 from this institutionalization.

20           So, we look at the facts of who's being served.  
21 The root cause, therefore, of this problem as I understand  
22 it, and I read it in the Environmental Impact Report, was  
23 first of all there's a problem with existing structure. And  
24 it's detailed in various areas including an earthquake fault  
25 page, and of course size and number of rooms. Well, I would

1 like to bring to mind you, that the Environmental Impact  
2 Report I think, probably needs to be looked at again, and  
3 clearly refined. There are earthquake faults here also.  
4 Some we found just recently, as a matter of fact, during the  
5 past couple of weeks, and that-- that too, should be  
6 mentioned. So, that is not, I think, necessarily a  
7 decisionally important factor in that particular case that  
8 would make the area here the Dublin primary.

9           In looking at your Environmental Impact Report, I  
10 also noticed that there was a need for expansion up to  
11 potentially, a 540 room-- a 540 bed facility. I would just  
12 like to bring up the fact that as Will Rogers says, "I only  
13 know what I read in the newspapers." And today, I read in  
14 the newspaper from the Tri-Valley Herald, they indicated that  
15 the use here of the facility has actually declined. And I  
16 think that's very important in the decision-making process.  
17 But what you'll have here is how it's going to be done. And  
18 what is in the best interest of everybody here. Right now it  
19 says that the capacity may be the big question, "Does the  
20 County really need to build a 420-bed with a possible  
21 extension to 540, when the 299-bed capacity was exceeded only  
22 five times in 2001, and never reached it in 2002, and dropped  
23 to 238 in December.

24           So, what are we doing? Why are we here? Why do we  
25 have an Impact Report? We are meeting here tonight as part

1 of your responsibility as representatives to all of us here  
2 as members of the County of Alameda-- and I'll try to make  
3 this quick-- as members of the County or Alameda, to try to  
4 make a decision based on the facts presented before you as to  
5 what's best for everybody. Everybody of course, is all the  
6 citizens of the County of Alameda.

7           There are two factors here, that I think should be  
8 looked at. First of all, your administrative needs, and then  
9 the social needs. The social needs, I think, should be the  
10 driving force of the decision-making process, and should be  
11 given the greatest weight. That would be for the children,  
12 and the people that are being served, and for the families  
13 being served.

14           Secondary, and of lesser weight, would be the  
15 administrative needs. That is needs you need to solve, and  
16 it's not-- not as important in your decision-making process.  
17 The administrative needs, of course, would be the needs of  
18 the County itself, and the personnel that are actually  
19 working there. Do they need to come to Dublin, and is it in  
20 their best interest? And if the answer is "yes," that's  
21 perfectly reasonable. But is it in the best interest of  
22 who's being served? And that I think-- and I think is the  
23 root cause and the primary focus of what the decision-making  
24 process should be.

25           That leads us then into balancing. What do you

1 balance? You balance your decision-- I submit-- in favor of  
2 the residents of Alameda County and those being served  
3 primarily and that has the greatest weight.

4           Secondarily, you look at your administrative needs.  
5 Those are valid, but they are secondary, and they should not  
6 be given equal weight. And in this particular document that  
7 I read, it is my impression that the administrative points  
8 were given equal weight. And I don't believe that is  
9 appropriate that they should be given equal weight. Who's  
10 being served? The entire County. And where it? It's  
11 geographically isolated. It's not relevant. I'll be done in  
12 one second. My apologies. It's geographically isolated.  
13 We're near the border of San Joaquin County, Alameda County  
14 stretches from Fremont all the way to Berkeley. It should be  
15 focused where the County gets the best use, and the  
16 population being served gets the best use, and therefore,  
17 should be more central. And you have an alternative. And  
18 that's the Glenn Dyer facility, I submit. You'll save \$10  
19 million that you can put into something else, like libraries  
20 and kids, whatever the--

21           And in conclusion, I believe that the Draft EIR  
22 really-- if you look at it-- if you look at the table S1  
23 pages 9 through 19, really show that Dublin is not the  
24 preferred site, and Environmental Draft Report also speaks to  
25 that nature. Thank you, very much.

1                   PRESIDENT STEELE: L. Eade from Sybase. Thank  
2 you. The next person will be Elisha Cheung.

3                   MS. EADE: Hi. It's tough to be Solomon,  
4 isn't it? I wouldn't want to be in your shoes, but, you  
5 know, there's a lot of honor being in your shoes.

44-20

6                   The last gentlemen hit the nail on the head. I'm a  
7 former Oakland Police Lieutenant, 26 years, and I would hate  
8 to be sitting in East Bay Chief of Police, with the fiscal  
9 cutbacks, and wondering how they're going to transport people  
10 over here, getting officers caught in cars, and sitting on  
11 the freeway-- and what's-- how many FTA's do we have now?  
12 Failure to Appear in Juvenile Court? And then when you put  
13 it all the way out here with transportation, social economic  
14 problems, what is the rate of show up going to be?

15                   I believe Oakland-- I was born and raised there,  
16 every opportunity I had there. The kids there need a chance.  
17 They need a system that works. They need a system that is  
18 successful, so does everybody in Alameda County. I really  
19 think you ought to weigh the human interest first.

20                   Now, I want to talk to you from a Sybase  
21 perspective. I didn't know about that that little plot 15A,  
22 and neither did anybody that I work with, but I was  
23 Lieutenant Commander during the Loma Preita Earthquake. I  
24 want to ask you a question-- and one gentleman briefly hit  
25 on it. Three correctional facilities in a small area, and a

1 devastating impact. How are you going to respond? How are  
2 you going to render medical aid, and how are you going to  
3 ensure the safety of your citizens? I think that you need to  
4 look at all of it, and I think-- and I'm sorry, I got sent  
5 here tonight. I didn't get to see the report, but believe me  
6 after I leave here, I will do it, and put this in writing.  
7 But, I would hate to have to respond to three correctional  
8 facilities in a major earthquake in one geographic location.  
9 And that's going to be tough as city government is going to  
10 have to decide where they're going to deploy their resources.  
11 So, I think that's a major issue that wasn't discussed.

12           Parking. We're already having problems with  
13 parking. We've got a large development coming in right on  
14 Dublin. The areas that you look at, I didn't see anything  
15 mentioned about parking. We've got IKEA coming in, now you  
16 have a juvenile detention facility. That's one thing, but  
17 courts are another. I mean, I've spent 27 years going in and  
18 out of courts, there's a lot of traffic that's affiliated  
19 with it, a lot of parking in and out. It's totally different  
20 than a detention facility where you house somebody and then  
21 you have visitors, and it's more controlled, and it's your  
22 service people that come in for court. So, putting them  
23 together in a small geographic area is really going to change  
24 the complexion and the impact on the community.

25           So, those are the issues I wanted from a merchant

1 standpoint, from an ex-cop, and with the fiscal cutbacks, the  
2 chiefs of police are going to have to face the  
3 transportation. And then those citizens are paying for those  
4 police services, and can't get them, because those officers  
5 are tied out here.

6 And one other thing. If the courts get backed up  
7 there and are too full, are these courts going to be opened  
8 up to alleviate some of the caseload, so that those officers  
9 from the other side won't have to come out here. Then that  
10 further depletes other cities of that. So, you have a tough  
11 job. I appreciate it. I'm representing my company, Sybase.  
12 We weren't prepared to have this correctional facility right  
13 next door, and so we're in support of our city council in  
14 Dublin. Thank you.

15 PRESIDENT STEELE: After Elisha Cheung, I have  
16 Rowena Margan. Is Elisha here?

17 MR. CHEUNG: I'm Elisha Cheung.

18 PRESIDENT STEELE: I apologize.

19 MR. CHEUNG: I live on South Dublin Ranch  
20 Drive. 5378 South Dublin Ranch Drive in Dublin, and I'm a  
21 Pastor of a church in Dublin.

22 I was a volunteer worker in the city jail, and I  
23 have been witnessing those people for two years. And I love  
24 those people in the Santa Rita Jail. They look normal. They  
25 are lovable. However, I personally, and my church people

44-21

1 oppose to moving the detention center to Dublin.

2 Dublin is relatively a small city, and Santa Rita  
3 Jail is a big jail. There are two jails. One for women, and  
4 one for males. There are hundreds of people in the jail.  
5 And now we are going to put another detention center next to  
6 it? Are we going to overburden Dublin? I love those people  
7 in the jail, but I love Dublin, too. And I'm afraid that if  
8 we put another detention center there, Dublin will be  
9 overload. And Dublin has taken a part of its share.

10 Two years ago, we were talking about "Digital  
11 Dublin," and now we are talking about "Superjail Dublin."  
12 May God Bless Dublin, and may God give you the wisdom to make  
13 the decision. Thank you.

14 PRESIDENT STEELE: After Rowena Margan, I have  
15 Ebony Richards.

16 MS. MARGAN: Hello, my name is Rowena Margan. 44-22  
17 I live at 3514 Saddlebrook, which is in Dublin Ranch. I  
18 reside with my husband and my two small children, ages three  
19 and six.

20 Am I wrong in thinking that the 540 facility would  
21 be the largest the America? Am I wrong? I think I read that  
22 on a website.

23 I'm really here from a motive point of view. I  
24 have two small children, as I spoke about, and I'm looking  
25 forward to the few years time when they can ride their bikes

1 in Emerald Glen Park, when they can go to the new Downtown of  
2 Dublin, which is being built currently adjacent to the 580.  
3 At the moment I transport them in my car, twice a day, along  
4 Gleason Road to Dougherty School. And, as another speaker  
5 mentioned, I do see many visitors walking-- sometimes sitting  
6 on the roadside to and from BART, and to the Santa Rita Jail,  
7 and-- they don't look like Dublin residents, and if the  
8 population of the people coming in and out is going to be  
9 approximately 2000 per day, as somebody mentioned, that's  
10 almost an increase of 10 percent in a population of Dublin  
11 which is 30-something thousand. 2000 people along that area,  
12 many of whom will be on foot from BART, using the parks-- of  
13 course, I don't object to people using parks, but if I had  
14 wanted to be with people who currently reside in San Leandro,  
15 and whose relatives are incarcerated, I would have moved to  
16 San Leandro, or Hayward, or Fremont. As it was, I wanted a  
17 nice, quiet suburban neighborhood, which is why in May of  
18 2000 we bought in Dublin Ranch, and I would like to keep it  
19 the way that it was when I bought it, and the way I  
20 envisioned my children and their peers growing up. And I  
21 don't want to be afraid of them going out when they're older.

22 I'm also sitting next to a past member of the  
23 School Board in Dublin, who told me that he voted to put  
24 Dougherty School where it is now, less than the mile from the  
25 proposed facility, and if the Juvenile Detention Center had

1 been situated where it is proposed, he would never have voted  
2 to put the school where it is now. Although we can't change  
3 what's past, I feel that it will have an impact possibly, on  
4 the children going to the schools probably-- as I mentioned  
5 five schools in the area. So, I'm just here for my own  
6 motive. I'm sorry I don't have any facts to give you, but I  
7 know many of my other families in area feel the same way.

8 PRESIDENT STEELE: Thank you. After Ebony  
9 Richards is Ananth Neddy.

10 MS. RICHARDS: Hi. I'm a resident of Dublin. 44-23  
11 I've been a resident of Dublin since I was four, and I do not  
12 have any incarcerated family. I was not coming here to speak  
13 tonight, but after hearing everybody, I was pretty moved  
14 because I think that a lot of people are speaking from fear,  
15 and that fear is unwarranted. I think that they fear what  
16 they do not know. And I bet many of them would never walk  
17 down the street in Oakland and feel safe. But, I think that  
18 if you integrate the city by bringing the Juvenile Detention  
19 Center here-- I mean, I'm not up on all the facts obviously,  
20 what's to define what a person of Dublin should look like?  
21 You can't simply look at somebody and say, "Oh that person's  
22 from Dublin, or they don't belong here." If they bring in  
23 other family members of theirs, regardless of how they get  
24 there, maybe they'll think differently, like maybe they'll  
25 appreciate it, maybe they'll be moved to assimilate it--

1 assimilate into our society, and bring something positive  
2 into our community. Maybe we can bring something positive to  
3 their lives.

4           If you have the Juvenile Detention Center in San  
5 Leandro where it is-- if you just rebuild it-- repair it -- I  
6 don't see that as doing any good, because in essence, you're  
7 simply releasing the children back on the streets from which  
8 they came, from which they were troubled, back into the same  
9 community. But if they are released in Dublin, that's not to  
10 say that they're just going to run to the nearest liquor  
11 store and rob it. I mean, you just got out of jail, you  
12 obviously must be thinking a little better of yourself than  
13 that. Maybe they'll see a different way of life. They'll  
14 walk out, they'll see the parks, they'll see the kids playing,  
15 they'll remember their childhood. Maybe it would connect  
16 with them that there's something good that they can do with  
17 their life, and that there is a better place, and a better  
18 way of life. Thanks.

19           PRESIDENT STEELE: Thank you. And the last  
20 card that I have before I was going to ask our last speaker,  
21 Kasie to come up, is Ananth Neddy. So, if there's anybody  
22 else-- I think I will have you come Kasie, and if somebody  
23 comes up after you-- you've gotten the gist of what most of  
24 it is, I think.

25           MR. NEDDY: Thank you for giving me this time.

44-24

1 My name is Ananth Neddy. I am a resident of east Dublin,  
2 4496 Sparrow Court. I've been living there since the  
3 beginning of the development of east Dublin since '97, in  
4 that neighborhood and moved there.

5 I want to bring in three or four points here, most  
6 of them previous speakers have already touched. One of these  
7 is earthquake impact. And I don't know when the EIR was  
8 prepared, but all of us know right now the Calaveras Fault is  
9 becoming active. So, if that was taken into consideration in  
10 EIR report, and that does have an impact similar to San  
11 Leandro, if they are considering the earthquake as one of the  
12 impacts.

13 Then the other one, somebody else mentioned. The  
14 Alameda County has 1.6 million population. Dublin is 30,000.  
15 Dublin already shares its fair share of the prisons and Camp  
16 Parks, and since we have two prisons already, this would be  
17 the third one, and that's an unfair share to be taken by  
18 Dublin, compared to the population size.

19 And then the other one, also mentioned by somebody,  
20 is keeping the facilities where they are mostly required. If  
21 you keep it in under the part of the-- San Joaquin County  
22 versus Alameda County, it means people have to travel 25 to  
23 30 miles to do the things-- they end up taking BART or-- or--  
24 or-- highways to come over. I don't know how many of you  
25 have seen the 580 traffic. In the morning, and in the

1 evening. You can-- you can judge yourself.

2           The other one is-- I don't know if the social  
3 economics in back of the EIR is under (UNINTELLIGIBLE)  
4 Definitely there is a social impact, because Dublin, a lot  
5 of-- in Dublin especially a lot of people are moving there  
6 because they want to get away from of these crowded places,  
7 and they want to get into more of the urban timeline.

8           And then also, a lot of the land around the BART  
9 station originally was meant for the "Digital Dublin." A lot  
10 of the high-tech companies are moving to Tri-Valley area  
11 because they want to lose the congestion on the highways  
12 going into the Silicon Valley. Now, because especially the  
13 Site 15A, I don't know where that site is. It's close to the  
14 BART station and that's more of our justice system than the  
15 high-tech symptom.

16           I think that's all I wanted to say. Thank you.

17           PRESIDENT STEELE: Thank you very much. Kasie  
18 Hildenbrand. As she's coming up, I just want to remind  
19 people that again, March 10th at 5:00 is the last day to  
20 submit your comments, and I just learned that e-mail comments  
21 will not be acceptable. So, it's either-- it has to be in  
22 writing.

23           MS. HILDENBRAND: Before my time starts, I  
24 will ask that you would please indulge me extra minutes to go  
25 over my findings. I did actually read the entire document,

44-25

1 and I did prepare notes, hoping that I would be able to speak  
2 on every chapter, but I've actually cut back on some of the  
3 chapters. And now that we have come to the end of those who  
4 want to speak -- at least for this moment -- I would ask if  
5 these people who are here that would potentially like to  
6 speak, if they would mind allowing me the time to go through  
7 this--

8 PRESIDENT STEELE: Let me ask you something.  
9 How much time do you feel you need?

10 MS. HILDENBRAND: 10-15 minutes, tops.

11 AUDIENCE MEMBER: Give it to her.

12 MS. HILDENBRAND: How long?

13 PRESIDENT STEELE: I'm going to give you 10  
14 minutes.

15 MS. HILDENBRAND: Okay. I appreciate it.

16 PRESIDENT STEELE: I have no more cards, and  
17 we're doing fine. And we had 'til 10:00. So, I feel we can  
18 do that.

19 MS. HILDENBRAND: We're going to end at 9:00.  
20 So, I think that would be great. Okay.

21 In the executive summary, I'd like to point out  
22 that the-- Dublin has the highest number of significant and  
23 unavoidable impacts than any other project. In Chapter 2, in  
24 your-- where you state your project objectives. I can list  
25 off all of your project objectives and how you're not meeting

1 them, simply by placing the facility in the distance that you  
2 are doing so.

3           The-- the Dublin-- for enhancing rehabilitative  
4 efforts, Dublin is distant from the urban core where 88  
5 percent of the detainees originate from, prohibits  
6 enhancement of rehabilitations processes, it puts a burden on  
7 the families, and prohibits the family's participation in  
8 constructive rehabilitation. It also doesn't-- it doesn't  
9 account for where money is going to come forth for  
10 transporting the families and the detainees to and from the  
11 facility.

12           The EIR in Chapter 16, page 1513, states that the  
13 development of the East County Government Center could have  
14 some adverse effects on the detainees to the extent that the  
15 access to the area is inconvenient. Providing ready-access,  
16 obviously it's not readily accessible.

17           Fostering conveniences. There was some people here  
18 suggesting what-- what about the other services that might  
19 need to come to Dublin? We don't already have them here,  
20 that could sustain the influx of the detainees. And as  
21 pointed out by Sybase, should we have a catastrophe here, we  
22 do not have a hospital in Dublin, and we do not have doctor  
23 facilities in Dublin. We go outside of our city in order to  
24 meet those needs.

25           To help ensure the delivery of prompt and efficient

1 services. Again, distance prohibits that.

2 In Chapter 2, your funding sources and construction  
3 costs. San Leandro is \$172,887,779, which would include all  
4 project features. The detention area, the support services,  
5 the juvenile court, and the administrative offices. In  
6 Dublin you save \$157,871-- well, anyways-- not much. But at  
7 the time of budget deficit, it's something. And we also have  
8 long term costs for Dublin that will far exceed the building  
9 operation costs for a new facility in San Leandro, due to  
10 unforeseen costs. In this EIR it consistently refers to the  
11 fact that there could be hazardous waste material clean up in  
12 the site. We do not know what is under the site, where once  
13 military did radioactive testing. We don't know what's under  
14 there. We don't know if asbestos is under there. We simply  
15 do not know. So there is-- there is costs that are  
16 unforeseen at this Dublin site that you cannot, in this EIR,  
17 address.

18 Proposed actions and alternatives in the-- the San  
19 Leandro property. The EIR states the County can safely  
20 construct a new Juvenile Detention Facility in the San  
21 Leandro area.

22 Employee and visitor access to the site, would be  
23 via the main access road, just a continuation of the existing  
24 road. No new changes to the surrounding roadways would be  
25 necessary, and it would have no new adverse effects to the

1 neighborhood. The Dublin property however, takes in-- its  
2 already talked about how we take our fair share. We have the  
3 Santa Rita Rehabilitation Center, the Firearms Training  
4 Facility, Heavy Equipment Maintenance Facility, Emergency  
5 Services, Highway Patrol, Camp Parks Federal Correctional  
6 Institute, and now what we want to do is add a juvenile  
7 detention facility in a little center of Dublin, making  
8 Dublin a jail capitol. Per capita we do our fair share. We  
9 also don't have the ability to handle all of the social  
10 services that would be needed in order to meet the needs of  
11 this detention facility. These children deserve the best,  
12 and no one's here saying that they don't. But what we need  
13 to do is to be able to best provide for them. And Dublin  
14 just simply cannot handle that.

15           The distance from the proposed facility to the  
16 residents and the business is only one street. The existing  
17 berm to reduce the visibility to Santa Rita will be removed  
18 in order to provide access to the facility. We were told the  
19 berm would stay. The berm is going to slowly come up, so  
20 that there is increased visibility. But that's an impact to  
21 community. We are definitely going to see this site. It is  
22 across one street. Society will be looking at this building.  
23 The folks off of Gleason will be looking at this building.

24           Extensive roadwork was already talked about, and  
25 how the level of service on the two of them are going to be

1 "F" at failing. The transit service-- it's questionable  
2 whether or not LAFTA will increase services to Dublin. The  
3 EIR only states that transit service modifications will be  
4 considered. San Leandro already has access. We have to  
5 consider access.

6 The number of visitors to the Juvenile Detention  
7 Facility. It could be as high as 2000, on roads that aren't  
8 built to handle that. The new-- a new facility in San  
9 Leandro is consistent with its current land uses. The EIR  
10 states on page 4-12, that, "San Leandro would be a clearly  
11 defined and compelling social objective." It sounds to me  
12 that San Leandro is a pretty good alternative. If-- if you  
13 can't build in Oakland, why not build in San Leandro? We  
14 knew that Santa Rita was there when we moved in, but it's not  
15 simply right on the next street over. The people in San  
16 Leandro bought homes knowing that their facility was near  
17 them, but they're not looking directly into it.

18 The Dublin facility would be the closest distance  
19 to any residential neighborhood in any of the proposed  
20 projects. It's less than a mile to commercial retail and  
21 office development. The Eastern Dublin Specific Plan Land  
22 Use Policy encourages employment generating uses. The EIR  
23 states on page 4-44, that the relocation of the Juvenile  
24 Justice Facility in Dublin will not serve a significant  
25 economic stimulus for the area. It does not even meet the

1 goals under Eastern Dublin Specific Plan, in that it states  
2 that, "The land should service the needs of Dublin, and the  
3 surrounding area." Well, only 12 percent is what needs to be  
4 serviced here in Dublin. Not 88 percent.

5 The EIR states on page 4-34, the Juvenile Detention  
6 Facility is for all County residents, and that's what we need  
7 to remember. It would have the following impact. It would  
8 be on the environment with the San Joaquin Kit fox and their  
9 habitats.

10 Significant unavoidable effects to the area,  
11 including increased changes to the visual character,  
12 construction, ongoing noise, and air pollution. We have  
13 already talked about the noise levels with the shooting  
14 range.

15 It says there's a minimal risk of escape. I'm not  
16 going to really get into that. I really believe that  
17 state-of-the-art facilities really reduce that impact, but it  
18 says that it can exist, and there is someone who said that,  
19 "I don't believe that an EIR can state it with a guarantee."  
20 And the EIR does not give a guarantee that.

21 The Abrams Study shows that property values did  
22 decrease in Arizona, when the state prison complex was  
23 relocated, so that the relocation of the jail cannot be  
24 dismissed when talking about lower property values. Not  
25 saying that they're going to go down, but it can't be

1 dismissed as a reason why people choose not to move into the  
2 area. The EIR suggests that the area has not suffered due to  
3 Santa Rita Jail. I'd like to say that it is farther from  
4 the commercial and residential developments than the proposed  
5 facility. It is not visible, nor immediately across the  
6 street, and it does not include probation offices or courts.  
7 Therefore reducing the impact to the community. They're  
8 leaving, and hopefully they're not coming back. But they're  
9 not coming back to meet their probation officers, or to go to  
10 court, or to any of the other types of facilities, which is  
11 exactly what's going to happen with the Juvenile Justice  
12 Facility. So, once we've transported them back and forth to  
13 the facility, now what do we do with them when they need to  
14 come back for visiting their probation officers? Is that  
15 taken into consideration?

16 The EIR acknowledges that the new development can  
17 change the character of an area by disrupting the visual and  
18 aesthetics quality. The picture in Chapter 5 does not do  
19 justice to how close that facility is going to be to the  
20 businesses and the residents.

21 According to the EIR, as Arlene stated, the San  
22 Leandro sites presents a less than significant change in  
23 character to the area. It would not look substantially  
24 different than the existing facility, and would not  
25 substantially degrade the area.

1           As my time's coming up, I just want to say because  
2 you were so generous in giving me extra time. The cumulative  
3 impacts are significant. One they talk about-- there's an  
4 anticipation in increasing crime. They say that we're going  
5 to have to increase the Dublin police force at the cost of  
6 the city, and then add to the cost of the taxpayers. There's  
7 a possibility of lower property values. Noise pollution  
8 above acceptable levels within a residential area are  
9 considered substantial by the EIR, 1757. Possible release of  
10 hazardous materials in the air. Construction-related  
11 pollution is identified in the EIR as considerable, and  
12 again, we do not know what's under that ground. It is also  
13 seismically-- there's a possible change of having a major  
14 seismic activity in this area as well. Site history  
15 indicates that there's a potential for finding these  
16 materials, and again, they're unforeseen costs and a  
17 potential danger to the neighborhoods.

18           I personally have witnessed HAZMAT teams out there,  
19 as one of the first residents in Dublin-- East Dublin, and I  
20 personally have witnessed HAZMAT teams out there cleaning up  
21 the area where Dougherty Elementary is now at. And I-- we  
22 watched them rope it off, and probably removing asbestos, or  
23 something like that. I can't say what it was-- we did  
24 personally witness it. I'm going to finish right now.

25           Another cumulative impact is not providing an

1 economic stimulus, nor new jobs the city. Overloading a  
2 community with social and judicial services beyond what is  
3 reasonable for the size of the City of Dublin, it creates a  
4 negative image, a jail capitol. It increases levels of  
5 traffic-- unacceptable levels.

6 And in Chapter 17, the EIR has 43 pages addressing  
7 the impact and mitigations in Dublin. It has five addressing  
8 the impact and mitigations in San Leandro. It has five  
9 addressing the impact and mitigations in the Pardee and Swan  
10 site, and it has four addressing the Glenn Dyer site. I  
11 think that speaks enough.

12 And I just want to say, I really thank you for the  
13 opportunity to speak, for giving me this extra time. I'm  
14 speaking on behalf of all the Dublin residents who haven't  
15 had the opportunity to read the EIR, and really truly  
16 understand that not only is the Pardee Swan site superior,  
17 but San Leandro is just as feasible to build at. Thank you.

18 PRESIDENT STEELE: Thank you very much.  
19 Supervisor Miley would like to make sure that you understand  
20 again, that it's March 10th at 5:00 to comment--

21 MR. MILEY: Well, you understand-- we're  
22 meeting tonight, we're meeting in Oakland. We're not making  
23 any decisions tonight or tomorrow. This will come back to  
24 the whole Board of Supervisors. What date is that?

25 PRESIDENT STEELE: May.

1                   MR. MILEY: May? Some time in April or May,  
2 the Board will be making a decision. So-- you know-- I  
3 definitely hear what you're saying, and I think people  
4 understand my position, because I've been pretty clear on it.  
5 So, I think you've made some compelling arguments.

6                   PRESIDENT STEELE: Would any of my other  
7 colleagues like to say anything? No? All right. I want to  
8 say-- I just want for the record-- I got seven cards of  
9 people who were also against the site but chose not to speak,  
10 and those cards will be entered into the record. I think you  
11 have been an extremely courteous audience to everybody,  
12 including people who spoke-- the few people who didn't agree  
13 with you, and I-- it was a pleasure to be here. And again,  
14 if any of you want to come Oakland tomorrow, to hear what the  
15 Oakland residents have to say, you're more than welcome to  
16 come. And the final decision will be, of course, in May.  
17 This is not one of the easiest things facing this Board.  
18 Thank you again. Meeting adjourned.

19                   (MEETING ADJOURNED AT 8:58 P.M.)

20                   ---oOo---

21  
22  
23

LETTER 45

ENVIRONMENTAL IMPACT REPORT  
PUBLIC HEARING  
BEFORE THE ALAMEDA COUNTY BOARD OF SUPERVISORS

FEBRUARY 20, 2003

7:00 p.m.

---oOo---

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
BY: JUDY LARRABEE, REPORTER

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CLARK REPORTING  
2161 SHATTUCK AVENUE, SUITE 201  
BERKELEY, CA 94704  
510 486-0700

1 PROCEEDINGS

2 ---oOo---

45-1

3 PRESIDENT STEELE: I'd like to welcome  
4 everybody here tonight. My colleagues here, Supervisor  
5 Alice Lai-Bitker, Supervisor Keith Carson. Supervisor  
6 Nate Miley is here, but he'll be just a few minutes  
7 late.

8 I want to introduce Susan Muranishi, who will  
9 introduce the county staff.

10 MS. MURANISHI: Thank you, President Steele. I  
11 want to introduce first the county team that has been  
12 working on this project, starting with Donna Litton, the  
13 Assistant County Administrator who assisted the lead  
14 person on this project; Aki Nakao, the Director of the  
15 General Services Agency; Bud Sorensen, the Planning  
16 Director; Wayne Tucker, the Interim Chief Probation  
17 Officer, as well as Dennis Handis, who has been working  
18 with us as a probation consultant.

19 Also in the audience this evening is Diane Bellis,  
20 the Public Defender, Assistant Sheriff Maginnis and  
21 Walter Jackson, Assistant District Attorney in the  
22 Juvenile Division.

23 I'm going to ask Donna Litton to introduce  
24 representatives from the State Board of Corrections and  
25 the Federal Department of Justice, and then ask Bud

1 Sorensen to introduce the environmental consultants.

2 MS. LITTON: Here from the state Board of  
3 Corrections we have Michael Holsey, who is the State  
4 Lead Environmental Consultant. And we have Susan King,  
5 the Field Representative for construction projects.  
6 Representing the Federal Department Of Justice in the  
7 Office of Justice Programs is Angena Mapani. She's with  
8 the environmental consulting firm of Lewis Bersher and  
9 Associates.

10 MR. SORENSEN: The primary environmental  
11 consultant for preparation of the EIS/EIR is  
12 Lamphier-Gregory and Associates. They're represented  
13 here tonight by Scott Gregory. Assisting  
14 Lamphier-Gregory on behalf of the State Board of  
15 Corrections and the Department of Justice is ICF  
16 Consulting, and they're represented here tonight by  
17 Allan Somerville.

18 PRESIDENT STEELE: This is the second of two  
19 meetings on the Environmental impact Report. All of  
20 your comments -- everything that you say tonight -- will  
21 be answered in final Environmental Impact Report. They  
22 do not accept E-mails, so if you have anything you want  
23 to be reflected in that report, you must put it in  
24 writing. All of this will be answered, and then there  
25 will be another hearing. The final hearing will be

CLARK REPORTING 510 486-0700

1 probably in May, and that's when the Environmental  
2 Impact Report will be accepted, and a decision on the  
3 location will be decided at that time by the Board.

4 I have here an address and I think you might have it  
5 in the back. The place to send your comments is on the  
6 agenda, the address, in case anyone wants to write  
7 additional comments for the EIR.

8 What we're going to do tonight -- and I think we'll  
9 be able to do it just fine -- is that everybody will  
10 have three minutes to make their comments. And I think  
11 last night we were able to give everybody three minutes.  
12 The meeting was scheduled to go to 10:00 if we needed  
13 to, and I think we will be able to accommodate  
14 everybody. Supervisor Nate Miley has just joined us.

15 I want to be sure that if you haven't filled out a  
16 speaker card, and you want to speak, please do that.  
17 And I will just take them in the order as I have them.  
18 So our first speaker is Marion Sims.

19 Can I ask you to wait a minute? I forgot. Would  
20 you like to give the presentation? I apologize.

21 MR. GREGOORY: Thank you President Steele and  
22 members of the Board. Good evening. My name is Scott  
23 Gregory. I'm a principal with the environmental  
24 consulting firm of Lamphier-Gregory. We're the prime  
25 consultant for preparation of the Environmental Impact

## CLARK REPORTING 510 486-0700

1 Report, Environmental Impact Statement. We work  
2 together with a team of technical subconsultants for  
3 preparation of this document.

4 The book serves two purposes. It is a CEQA document  
5 for purposes of Alameda County as a lead agency to make  
6 decisions on the project, and it is also a NEPA or a  
7 National Environmental Protection Act document, pursuant  
8 to a decision by the Federal Government to provide  
9 funding assistance for the Juvenile Justice Facility  
10 portion of the project.

11 The scope of the environmental document focuses on  
12 essentially two different projects and a number of  
13 potential alternative sites for those projects. The  
14 first portion of the project is a construction of the  
15 new Juvenile Justice Facility. That facility would  
16 include a Detention Center that could potentially  
17 accommodate up to 420 youths with the expansion  
18 potential up to 540 youth. It would also include five  
19 juvenile courts with a potential for expansion of an  
20 additional court. And it would also contain probation  
21 and administration offices.

22 The Second project that is analyzed in the  
23 Environmental Impact Report is a construction of the new  
24 East County Hall of Justice. It would be a new court  
25 facility in the East County. It would provide a total

## CLARK REPORTING 510 486-0700

1 of 13 courts and associated support functions that would  
2 be together with that.

3 The environmental document evaluates and assesses a  
4 total of seven potential alternative sites for these  
5 facilities. The first alternative that's required under  
6 both NEPA and CEQA requirements is a No Action  
7 alternative, or a decision not to do anything other than  
8 what is in place currently today. The juvenile hall  
9 would stay where it is in San Leandro; East County  
10 courts would continue to occupy spaces in Pleasanton  
11 locations.

12 The four alternatives locations for the Juvenile  
13 Justice Facility include: 1) the San Leandro property,  
14 which is property immediately adjacent to the existing  
15 San Leandro juvenile facility in unincorporated Alameda  
16 County; the Glen Dyer site, which is North County jail  
17 located in downtown Oakland; the Pardee/Swan site which  
18 is a Port of Oakland owned property off Hegenberger Road  
19 near Oakland Airport; and the fourth potential site is  
20 the property known as the East Country Government  
21 Center, which is county-owned property in the city of  
22 Dublin near Santa Rita jail.

23 Two alternatives were also explored for locations  
24 for the East County Hall of Justice site. The first of  
25 these locations was adjacent to the Juvenile Justice

## CLARK REPORTING 510 486-0700

1 Facility at the East County Government Center site in  
2 the Dublin property near the Santa Rita jail, and a  
3 second site which is known as Site 15A, is county-owned  
4 property in the city of Dublin near the  
5 Dublin/Pleasanton BART station.

6 The environmental document comprises a  
7 comprehensive assessment of environmental issues  
8 pertaining to the construction of these projects at each  
9 of these different locations. It ranges from land  
10 use-specific environmental assessment to site-specific  
11 issues like biological and hydrological and noise to  
12 regional issues such as air quality and traffic.

13 The overall conclusions of this document are that  
14 there is no such thing as an environmentally clean  
15 alternative or an alternative that would not have any  
16 potential environmental effects. Each alternative would  
17 require numerous mitigation measures to address  
18 potential environmental consequences associated with the  
19 project in that location.

20 The conclusions -- because I'm going to try to keep  
21 my presentation brief -- the conclusions of the  
22 environmental document that I'm going to focus on are  
23 those impacts that would remain significant and  
24 unavoidable even after mitigation to the extent  
25 reasonable and feasible.

## CLARK REPORTING 510 486-0700

1           The No Project Alternative which is, as I mentioned,  
2 one of the required components of both CEQA and NEPA,  
3 would consist of a building replacement and renovation  
4 at the existing facility. A number of very technical  
5 investigations have been conducted and have found that  
6 in order to do the replacement and renovations needed at  
7 this site and to address seismic and geotechnical  
8 issues, as well as outdated and overcrowded facilities,  
9 it would require significant amounts of renovation and  
10 would also trigger new Code compliance, and the  
11 renovations and replacements would be cost prohibitive.

12           Additionally, environmental justice impacts on  
13 juvenile detainees pertaining to exposure to  
14 environmental hazards, overcrowding and seismic danger  
15 would be present.

16           All of the other alternatives that were studied for  
17 potential locations for those facilities would have  
18 similar environmental consequences pertaining to the  
19 contribution to regional traffic congestion;  
20 contribution to cumulative regional air quality impacts.  
21 And those alternatives that looked at alternate sites  
22 for the Juvenile Justice Facility would result in the  
23 loss of historic resources at the existing juvenile  
24 hall.

25           The first alternative to be explored was the

## CLARK REPORTING 510 486-0700

1 potential for building the juvenile hall facility on the  
2 San Leandro property adjacent to the existing to the  
3 juvenile facility. It would be a hillside location. It  
4 is seismically and geotechnically a complicated site and  
5 has an active fault that runs through it, and it is  
6 prone to landslides. The environmental mitigation  
7 associated that would be necessary to be able to  
8 construct a facility on that site would be extensive but  
9 wouldn't necessarily be prohibitive on building a  
10 facility. However, it may restrict the ability to meet  
11 all of the project objectives on that site.

12 Additional potential environmental consequences  
13 relate to construction-related impacts on the adjacent  
14 neighborhood. The next alternative site that we  
15 explored is known as the Glen Dyer facility, or the  
16 North Oakland jail. This is a downtown urban site that  
17 is a relatively small site. Because of that small site,  
18 there are certain physical limitations that would  
19 preclude the ability to achieve all of the project  
20 objectives. At this facility, only the potential for a  
21 new juvenile detention center would be able to be  
22 constructed at this site. The probation and other  
23 facilities associated with the courts could not fit at  
24 the site. Additionally, environmental consequences  
25 associated with this facility would include land use and

## CLARK REPORTING 510 486-0700

1 noise incompatibilities pertaining to traffic noise,  
2 outdoor recreational needs and construction-related  
3 impacts on adjacent land uses.

4 The next alternative site that we have explored is  
5 known as the Pardee/Swan Site. It's a flat, currently  
6 paved site, has very little resource values, and is  
7 located in a relatively nonsensitive industrial and  
8 transportation-related area near the Oakland Airport.  
9 The property is owned by the Port of Oakland. There is  
10 currently not an agreement with regards to acquisition  
11 of this property.

12 In order to construct a new facility at this site --  
13 because the current site is used as a parking lot for  
14 temporary airport parking, there would be a need to  
15 construct a new garage facility along with any  
16 facilities associated with Juvenile Justice Facility.  
17 Environment impacts that could not be mitigated include  
18 adverse effects on scenic resources along the San  
19 Leandro Creek.

20 And finally, the other alternative that was explored  
21 for the Juvenile Justice Facility is known as the East  
22 County Government Center site. This is a large,  
23 undeveloped site that is owned by the county. It is  
24 near the Santa Rita Jail. It is also near existing  
25 residential areas. Environmental impacts that could not

## CLARK REPORTING 510 486-0700

1 be mitigated through reasonable and feasible measures  
2 include local traffic capacity constraints; noise  
3 related to that traffic, and construction-related  
4 impacts on adjacent residential neighborhoods.

5 For the Hall of Justice Project, which is the other  
6 component to this, the first alternative explored use of  
7 the remaining portion of this East County Government  
8 Center Site for that facility as well. It would have  
9 similar environmental consequences pertaining to local  
10 traffic capacity, noise and construction.

11 The final alternative site that was explored for the  
12 East County Hall of Justice, known as Site 15A, is an  
13 additional site owned by the county near the BART and  
14 the freeway. Unavoidable significant impacts related to  
15 traffic capacity would be faced with this potential  
16 alternative.

17 One of the requirements of both CEQA and NEPA is the  
18 identification of what is known as the  
19 environmentally-superior alternative. When we weighed  
20 each of the potential environmental consequences  
21 associated with each of the alternatives, we found the  
22 two alternatives that had the least environmental  
23 constraints, or the least environmental consequences,  
24 were for the Juvenile Justice Facility, the Pardee/Swan  
25 Site off of Hegenberger Road near the airport, and for

## CLARK REPORTING 510 486-0700

1 the East County Hall of Justice, the property known as  
2 Site 15A near I580 in Dublin.

3 The next steps in the process for the majority of  
4 this evening's meeting is take public comments on the  
5 Draft Environmental Document. All of the documents that  
6 are received in tonight's meeting as well as all of the  
7 comments that are received in writing during the public  
8 review period will be responded to in the final  
9 Environmental Impact Report. That final Environmental  
10 Impact Report will then be brought back to this Board  
11 for use in your decision-making process.

12 The environmentally-superior alternative -- that is,  
13 if the environmentally-superior alternatives that are  
14 identified in this draft continue to be those identified  
15 in the final, that decision does not necessarily  
16 indicate a preferred alternative. The function of CEQA  
17 and NEPA is to provide environmental information which  
18 is then to be weighed and balanced with other factors  
19 such as economics, the costs associated with the  
20 construction requirements, technical feasibility,  
21 including the ability to acquire properties, the ability  
22 of each or any of the alternatives to fully meet the  
23 objectives, as well as numerous social issues. Those  
24 are all factors that will be brought before this Board  
25 and be included in your decisions and deliberations on

CLARK REPORTING 510 486-0700

1 the project.

2 That concludes my presentation. Thank you very much  
3 for your time.

4 PRESIDENT STEELE: Thank you. Now we'll hold  
5 the public hearing. I have managed to already lose the  
6 first speaker's card. So could come up and introduce  
7 yourself please. The next person will be Samantha  
8 Liapes. I will always give the person coming up  
9 afterwards to know.

10 MR. SIMS: Good evening, Madame President and 45-2  
11 members of the Board of Supervisors. My name is Marion  
12 Sims. I'm a member of the Alameda County Juvenile  
13 Justice Delinquency Prevention Commission. And I am  
14 here on behalf of our Chairman Marvin Smith, who is ill  
15 this evening. And he asked me to stand in for him and  
16 to read a letter that was sent to Past President Scott  
17 Haggerty. The letter is the following. It's dated  
18 June 17th, 2002.

19 "Honorable Scott Haggerty, President  
20 Alameda County Board of supervisors

21 Dear Mr. Haggerty:

22 On June 12, 2002, at its regular meeting, the  
23 Alameda County Justice Delinquency Prevention  
24 Commission voted to inform you of our position in  
25 support of the Dublin site for the new Juvenile

## CLARK REPORTING 510 486-0700

1 Hall Facility and strongly urge you and the Board  
2 Of Supervisors to immediately move forward with  
3 Your decision of December 2000 and your  
4 recommendation of July 20th, 2001.

5 "We are greatly concerned about the  
6 continued extent to which the inhabitants of the  
7 current facility are subject to unsafe conditions.  
8 Furthermore, we are very mindful of the  
9 possibility to which state funding would be  
10 jeopardized by further delay. As you well know,  
11 millions of dollars, thousands of staff hours,  
12 Over 11 years have already been invested in this  
13 effort. To further prolong this matter by  
14 studying other potential sites at this point in  
15 The process shows an extreme lack of commitment to  
16 the children of our county."

17 Since this letter was written, four sites have been  
18 identified that would be suitable for a new juvenile  
19 facility. Mr. Smith, our Chairman, wants me to convey  
20 to the Board of Supervisors that the Juvenile Justice  
21 Commission is open to an alternative site that would be  
22 in the best interest of the health, safety, and  
23 educational welfare of the youth that are presently  
24 incarcerated at Juvenile Hall on Fairmont Avenue. I  
25 know in your infinite wisdom that you, the members of

CLARK REPORTING 510 486-0700

1 the Board of supervisors, will make the best possible  
2 decision that would be in the best interest of all of  
3 Alameda County youth, and I appreciate you're allowing  
4 me to speak this evening. At this time, I'd like to  
5 introduce two of my colleagues, Dr. Barbara Cannon and  
6 Carlos McClain.

7 PRESIDENT STEELE: Welcome. Thank you. The  
8 next speaker is Samantha Liapes, and she will be  
9 following by Olis Simmons.

10 MS. LIAPES: I'm Samantha Liapes. I'm going to  
11 give my time to Mike Molina. He has a card.

12 PRESIDENT STEELE: Go ahead.

13 MR. MOLINA: Can I get a ride to Dublin? For 45-3  
14 real. My little brother has a court date at 8:00 in the  
15 morning. My dad has a job interview. He can't make it,  
16 and my mom is working. Somebody has to go speak for  
17 him. I've got to get all the way out to Dublin. Can I  
18 get a ride from one of ya'll? You can't do that for me?  
19 I know the traffic's bad and everything. Maybe I could  
20 just hop in one of your official big rides and get out  
21 there to Dublin. Is that cool? Can I get a ride? No?  
22 Ya'll can't do that for me?

23 Well, what you all can do is not build this jail in  
24 Dublin. We're here representing a few different  
25 organizations: Books Not Bars, Let's Get Free, Youth

## CLARK REPORTING 510 486-0700

1 Force Coalition. And we've been here before. We've  
2 been here saying the same thing. We've been telling you  
3 for a long time now Alameda County does not need a super  
4 jail for young people. We've been telling you it's too  
5 big. The county already has one of the largest juvenile  
6 jails in the country. And the county shouldn't be  
7 planning an expansion. It should be figuring out how to  
8 reduce the size of this hall.

9 The plan to build a 540-bed facility -- and that's  
10 what it is. That's the plan. This 420 bed expanded to  
11 540 is based upon flawed research, and a  
12 wrongly-predicted increase in juvenile hall population.  
13 The facility right now is not even operating at  
14 capacity. So how can you justify building a much larger  
15 facility?

16 We've also been telling you that it's too far.  
17 Putting this facility out in Dublin, along with the  
18 courts and the probation officers, is going to be a  
19 ridiculous burden on young people and on families.  
20 People have to go and check in with their probation  
21 officers on a constant basis. If they have to go out to  
22 Dublin to do this, people are going to be missing their  
23 reports. People are going to be issued warrants, and  
24 people are going to be arrested for the burden of having  
25 to get out to a facility, a massive condensed facility

CLARK REPORTING 510 486-0700

1 including courts and probation officers.

2 We've also been telling you that this is waste of  
3 the precious county resources. Right now we're in a  
4 crisis, a state-wide crisis in budget, and we need to  
5 spend money -- if we're going to spend money on finding  
6 out how to reduce the size of these halls, let's bring  
7 the JDAI in here, the Juvenile Detention Alternatives  
8 Initiative, a free program to come and look at the whole  
9 system and figure out a way that we can turn to  
10 alternatives and really help our young people develop  
11 and not just lock them away and warehouse them somewhere  
12 far away where you can forget about them and try to feel  
13 comfortable wherever you are.

14 The EIR, the report that was issued, says Dublin is  
15 the worst place. It's too far. It's going to be an  
16 increased burden on the people who live out in Dublin.  
17 It's going to be a serious burden on the people who have  
18 to go out to Dublin to go to court dates and see their  
19 probation officers.

20 To sum up, let me say this. There are three things  
21 that we want: We want you to not build this jail in  
22 Dublin. It's too far away. We also want you to accept  
23 the free Juvenile Detention Alternative Initiative which  
24 will come in and look at the whole system. It's like a  
25 free consultant. Any business would love this, to come

CLARK REPORTING 510 486-0700

1 in and show you how to do it more efficiently and better  
2 for everyone. We want you to accept the Juvenile  
3 Detention Initiative. And we also want you to hire a  
4 probation chief that prioritizes alternatives to  
5 incarceration.

6 It's time that we start realizing that our young  
7 people, no matter what problems they are going through,  
8 no matter what they're dealing with, need to be  
9 supported and helped to deal with those problems. We  
10 can't just lock them away and warehouse them away. With  
11 that, I'd just like to say thank you for letting me  
12 speak. And if I can't get a ride to Dublin, please  
13 don't build this jail in Dublin. It's going to hurt our  
14 communities. It's going to hurt the community of  
15 Dublin. It's going to hurt everyone involved. Don't do  
16 this.

17 PRESIDENT STEELE: Thank you. After Olis  
18 Simmons we have Tory Becker.

45-4

19 MS. SIMMONS: Good evening Madame President and  
20 our supervisors and actually everyone that's here  
21 tonight. My name is Olis Simmons. I serve as the  
22 coordinator of Youth Services for Alameda County Health  
23 Services Agency. And I am actually here tonight to talk  
24 not only on behalf of the people I am in relationship  
25 with, but to talk on behalf of young people who will be

CLARK REPORTING 510 486-0700

1 in this facility.

2 In my capacity -- I'm actually in partnership with a  
3 diverse range of young people -- some of the young  
4 people that are here tonight are people that I'm in  
5 relationship with as a result of the work that I do. So  
6 I'm not speaking on their behalf, but I'm certainly  
7 speaking from the experience that I've gained from  
8 working with them.

9 Tonight I'd actually like to make three points. As  
10 a public servant, I know how hard it is to build  
11 anything or plan anything, and how much work it takes.  
12 And I hope that these three points will help us move  
13 towards decisions that will create a win/win for  
14 everyone.

15 First, I think that everybody that's involved in  
16 this issue -- in this very hotly-debated public issue --  
17 agrees that an alternative to the current juvenile hall  
18 is a must, that we must build a facility that makes it  
19 possible for our young people to be in a safe and  
20 appropriate facility. With this agreement in place, I  
21 think that really the question becomes where do we build  
22 it and how do we built it?

23 That brings me to bring my second point. Alameda  
24 County is incredibly fortunate to be in receipt of a  
25 grant to build a new juvenile hall. It's something that

CLARK REPORTING 510 486-0700

1 the county has been struggling with for many years. And  
2 I want to make sure that, as we think about where and we  
3 think about how, that we don't put in jeopardy the  
4 funding that we have. Because in fact, as the fiscal  
5 constraints in the city and the county and the state and  
6 the nation continue to put burdens on us, making sure  
7 that we move in a way that is quickly -- assures that we  
8 will now put these funds in jeopardy. And in fact,  
9 without the kind of support that we are enjoying around  
10 funding, it's difficult to believe that we would be able  
11 to do this alone.

12 And then finally, I think that we need to certainly  
13 explore all of the options on the table, alternatives to  
14 detention among them. We also need to really think  
15 about where we build a facility that is safe and that is  
16 accessible. And we need to really think about how this  
17 opportunity, this public debate, that has brought more  
18 people into the county to speak their minds than almost  
19 any issue in the last decade, how we use it as an  
20 opportunity to build a coalition between the public  
21 system and youth force. And all of those young people  
22 who come out and feel very strongly about this issue, so  
23 that the young people can be informed about the  
24 constraints and the opportunities in the public system,  
25 and the public system can understand what the

CLARK REPORTING 510 486-0700

1 opportunities are that young people bring to the table.  
2 So with that, I encourage us to move expeditiously and  
3 to be able to use this opportunity to build bridges and  
4 partnerships.

5 PRESIDENT STEELE: After Tory Becker, I have  
6 Emil Dupont.

7 MS. BECKER: Hi. I'm here tonight from Vote 45-5  
8 Health who you know of, an organization that defends  
9 Alameda County Medical Center and also LaGay Queer  
10 Insurrection. We feel that in this time of increased  
11 state financial crisis that the priorities of Alameda  
12 county have to be looked at very carefully. The Medical  
13 Center is again talking about closing Fairmont Hospital,  
14 closing the Skilled Nursing Facility.

15 We really come here with one message tonight: We  
16 want hospital beds, not jail beds. We want alternatives  
17 to incarcerations. We want a small juvenile hall near  
18 Oakland.

19 PRESIDENT STEELE: After Emil Dupont, we have  
20 Arytey Welbeck.

21 MR. DUPONT: Hi. How are you doing today? My 45-6  
22 name is Emil, and I'm here once again today to talk to  
23 you, the government, who is supposed to represent us as  
24 taxpayers and citizens.

25 I'm a young person. I live in Oakland. I am here

## CLARK REPORTING 510 486-0700

1 to tell you building this super juvenile hall for the  
2 Bay Area's youth is a wrong step to make, and is a  
3 insult to the young people of Oakland, and it hurts the  
4 young people of Oakland. It's a direct attack on youth  
5 of Oakland and on youth in general.

6 We are under attack in many different ways. We do  
7 not need to be attacked by the government. We need the  
8 government to be on our side. We need the government to  
9 be able to bring in alternative measures and to be  
10 helping hands to young people rather than a burden. We  
11 feel that bringing in the juvenile hall will lock up  
12 more young people and give police and the law  
13 enforcement the go-ahead to put more young people in  
14 juvenile hall.

15 We want a lowered bed count. And by doing that, we  
16 can work together with the JDAI program to come up with  
17 solutions and to reduce and to help the young people of  
18 Oakland would who have problems. I know that everyone  
19 is well aware of the problems that young people face  
20 today. You know, it's not a secret. We are dying by  
21 the truckloads. We're dying every single day. Every  
22 day you hear about another person dying in the news.  
23 It's scary, and it's real.

24 The government is making it that much worse. This  
25 is what we need to put an end to and to stop. We're

CLARK REPORTING 510 486-0700

1 asking for your help. We're pleading for your help.  
2 We're begging and we're praying for you to make the  
3 right decision and to really know how serious your  
4 decision is and how it affects young people and people's  
5 lives.

6 These are people's lives. Everybody who is at  
7 juvenile hall, life is being wasted. We have so much  
8 potential in our community, and it's just gone to waste.  
9 It's on you to make the decision whether you want to  
10 kill us or do you want to save us. We're going to save  
11 ourselves, regardless though.

12 PRESIDENT STEELE: Thank you. Arytey Welbeck  
13 followed by Nicole Lee.

14 MR. WELBEC: Hello. My name is Arytey Welbeck 45-7  
15 and I was going to speak about the distance between  
16 Oakland and Dublin. On a good day, it's at least a 30  
17 minute drive without traffic to Dublin, to the site. If  
18 you're a youngster on probation and you have an  
19 8:00 o'clock appointment to see your probation officer  
20 and you live in Oakland, it would be really difficult  
21 for you to make that appointment because of distance,  
22 BART fare, BART running on time. You have to catch a  
23 bus to get down to the site in Dublin.

24 It's just really difficult even sometimes for people  
25 that live in Oakland to get their probation dates.

CLARK REPORTING 510 486-0700

1 Dublin is just putting that much more pressure on a  
2 person just to say, "It's so far. I'm already five  
3 minutes late. There is no point in me getting up and  
4 going to probation." That also adds a warrant to you,  
5 and it just makes it that much more easier for people to  
6 be locked up for no reason, for just missing a court  
7 date.

8 One of my other points was that court dates and  
9 probation dates are also very important for you to stay  
10 outside, to stay free. That is putting some parameters  
11 for being on probation, to make your court date, if you  
12 have one, and make your probation dates. The distance  
13 would put that much more of a burden on a person who has  
14 to be there at a certain time to actually be there.  
15 Plus traffic, if you catch like after-work traffic or  
16 before-work traffic, then it's really awfully difficult  
17 to get to the site.

18 I just wants to say, me, myself, I've gone through  
19 trouble with the law and making probation dates isn't  
20 really easy when you're trying to hold a job. I don't  
21 have kids, but I feel for people who do have kids  
22 because they have other obligations. Probation is  
23 important, but sometimes you just can't do it every day,  
24 or every court date that you have to see. Some of your  
25 probation officers might be lenient; some won't. If

CLARK REPORTING 510 486-0700

1 they're not, it's up to them what they want to do with  
2 you. Your only excuse is, "I woke up late." That's not  
3 a real good excuse.

4 As far as the distance, I would like to see it be  
5 closer to home. It would be better for the families.  
6 It would be better for the people involved. It would  
7 cost less money. It would be a good thing to see the  
8 County of Alabama to move the site closer to Oakland  
9 where the problems are originating from. Dublin is just  
10 too far out. Thank you.

11 PRESIDENT STEELE: Thank you. Nicole Lee and  
12 then following that is David Kahn.

45-8

13 MS. LEE: Good evening. My name is Nicole Lee.  
14 I'm the Director of Let's Get Free, which is a young  
15 people's organization based in Oakland. I'm also a West  
16 Oakland resident. I'm here today to talk about the EIR  
17 and respond to some of the stuff around the super jail.

18 As you can see tonight, this is an issue that's  
19 really important to young people in Alameda County, so  
20 important that a lot of our young folks came out and  
21 took time out of their Thursday evening to come down  
22 here and be here as long as, however it takes, when they  
23 have school, work, other obligations. Because we're  
24 really talking about people's lives here.

25 One of the concerns that we'd like to see is that we

## CLARK REPORTING 510 486-0700

1 understand the county's under a budget crisis, as is the  
2 whole county. And we think that if the county would  
3 seriously consider and take a look at some of these  
4 alternatives, Juvenile Detention Alternatives  
5 Initiatives, JDAI, is a way that the county can actually  
6 save money, and also a way that the county could begin  
7 to look at long-term effective ways to deal with the  
8 problems of youth incarceration. Instead of locking  
9 kids up, we can be investing in long-term solutions to  
10 actually help rehabilitate kids and get them back into  
11 living productive, healthy futures.

12 The other thing we wanted to address tonight is that  
13 we've been here for years coming to you, addressing some  
14 of our concerns around building the hall all the way out  
15 in Dublin. As I think a lot of the folks testified, if  
16 you've ever driven out there, in a car where there's no  
17 traffic, it takes about a half an hour. So imagine  
18 during traffic, imagine if you don't have a car, how  
19 someone would get out there to be able to support their  
20 young person if their child has a court appearance and  
21 they need to advocate for them, they won't be able to  
22 get out there; the difficulty of people missing their  
23 probation because they don't have transportation.

24 It's something that we've been raising for years,  
25 and now your own Environmental Impact Report raises that

CLARK REPORTING 510 486-0700

1 as well. And that's just confirming the things that the  
2 community has been saying time in and time out. We  
3 think you need to take a real serious look at what your  
4 own study says. It's really a set up to fail for young  
5 people. A set up to failure. It's a trap. So if  
6 you're already in the system and you want to make good,  
7 it seems like we're putting up all these obstacles so  
8 that young people can't even make the commitments that  
9 they have to make in terms of meeting with their  
10 probation officers or making court appearances. And  
11 then they'll get further trapped into the system.

12 So I think that we need to set young people up to  
13 succeed in this county and not set young people up to  
14 fail. It's really a message I think the county is  
15 sending about, that we're willing to invest in long-term  
16 strategies to help young people, and not put young  
17 people in situations where they're set up to fail.  
18 Because the truth is there is a solution and we can't  
19 keep looking at our future and our young folks as the  
20 problem when they're actually the solution.

21 PRESIDENT STEELE: After David Kahn I have  
22 Khadine Bennett.

23 MR. KAHN: Good evening. My name is David  
24 Kahn. I live in Oakland on 15th Street over by San  
25 Antonio Park. I'm also the lead organizer with Let's

45-9

CLARK REPORTING 510 486-0700

1 Get Free. We're a youth violence prevention and  
2 community building program.

3 I want to say it seems like there are a few things  
4 that are pretty obvious at this point. The first is  
5 that a lot of people's sons and daughters, a lot of  
6 people's brothers and sisters are in trouble, are in  
7 dangerous, difficult situations. And there needs to be  
8 a response to that.

9 The second thing is that JDAI has a long and  
10 established track record of success, success both with  
11 the young people and with local governments. Helping  
12 young people stay out of detention; helping young people  
13 reduce the time that they are locked up; helping people  
14 after they have been locked up, stay out of jail, stay  
15 out of getting into the cycle of incarceration.

16 They also have been extremely cost effective. It's  
17 much better financially for this county to have people  
18 report to day-reporting centers, to have people on home  
19 restriction, to have people with ankle bracelets. It  
20 makes a lot more sense money wise than it does to have  
21 people locked up.

22 Another thing that I really think is indisputable at  
23 this point is that Dublin is really not a practical  
24 place; it's really not an accessible place; it's really  
25 a harmful location for the juvenile hall.

CLARK REPORTING 510 486-0700

1           We've been saying this for years. As long the Super  
2 Jail has been a plan that's been in motion, we've been  
3 saying it's too far. We know that from our experience  
4 talking to young people day in and day out on the  
5 streets.

6           Now your own study is saying exactly the same thing.  
7 Dublin is too far away. It's not accessible to the  
8 population that's mostly from Oakland that's going to be  
9 out there. Like people before me have said, that's  
10 going to cause a lot of problems for people not being  
11 able to make their court dates, not being able to follow  
12 the program. Whatever little bit of rehabilitative  
13 program there still is in the juvenile system, it's  
14 going to make it much harder for the young people to  
15 follow that.

16           So the question to me is not should it be in Dublin  
17 or should it not be? No. It shouldn't be in Dublin.  
18 Should you use JDAI, or no? Yes. It's worked before.  
19 It's saved money. It's helped young people. Right?

20           So the question is: What are you going to do to  
21 help out people's sons and daughters? What are you  
22 going to do to support communities? What are you going  
23 to do to make Oakland a safer, healthier place for young  
24 people?

25           I think it's pretty clear that there are some steps

CLARK REPORTING 510 486-0700

1 you can take. You can find a site other than Dublin and  
2 build this hall closer. Build it where it's accessible  
3 to the population that's going to be using it. You can  
4 implement JDAI. It's not going to cost anything. It's  
5 going to save us money. And obviously right now that's  
6 a major issue and a major problem. You can hire a  
7 probation chief who is interested in alternatives, who  
8 is interested in leading us in a direction where fewer  
9 and fewer young people have to get caught in the cycle,  
10 have to lose their valuable childhood caught up in  
11 juvenile hall.

12 So I ask you just to show us that you're for us,  
13 that you're for the community, that you want to do  
14 what's clear and what's going to help us and take those  
15 steps. Thank you.

16 PRESIDENT STEELE: After Khadine Bennett is  
17 Rocio Nieves.

18 MS. BENNETT: My name is Khadine Bennett. I'm  
19 the director of the Youth Force Coalition. First I want  
20 to say the hall should not be in Dublin. We've been  
21 saying that for the last 21 months. Before the EIR came  
22 out, we told you that it was too far; it was  
23 inaccessible to youth who have to make court appearances  
24 and see their probation officers, and we've said it's  
25 inaccessible for families who want to support their

45-10

## CLARK REPORTING 510 486-0700

1 youth.

2 The hurdles to get there are increased if you  
3 consider young people who have to go from Oakland to  
4 Dublin with no access to a car or even less access to  
5 money to take the BART or the bus to get there.

6 With Prop 21, Measure FF, and the new anti-loitering  
7 ordinance, youth are being targeted at every turn. And  
8 now the country wants to add to that by considering  
9 putting youth in a Super Jail in Dublin where they would  
10 face increased targeting and racism.

11 Not moving the hall to Dublin is about  
12 inaccessibility. It's not about the right of people to  
13 fear youth. There have been folks who have said that  
14 they don't want the hall in Dublin because they fear for  
15 their safety if youth escape from the hall or commit  
16 crimes in Dublin. This misjudged racist statement  
17 further buys into the idea of young people, primarily  
18 working class and poor young people of color, as super  
19 predators hungrily waiting to stalk the suburbs.

20 This problematic view of young people who are  
21 already targeted by the unjust justice system would  
22 further push them into a criminal lens which could then  
23 lead to increased racial profiling and lead to more  
24 youth who will be targeted -- and not just by the police  
25 -- but by the folks in Dublin who are scared of urban

CLARK REPORTING 510 486-0700

1 youth and their community.

2 The solution to this is to not build the hall in  
3 Dublin. If you're committed to youth, like all of you  
4 at different times have told us you are, then you must  
5 find alternatives, alternatives to incarceration and  
6 alternatives to Dublin.

7 I'd like to give the rest of my time to Rocio.

45-11

8 MS. NIEVES: Hi. My name is Rocio Nieves. I'm  
9 coming here representing as a family member, as a  
10 parent, as a community member, as a community organizer.  
11 I currently work in Oakland. I live in San Leandro.  
12 And I think it's pretty obvious what we're all saying  
13 here. It should not be in Dublin. It should be really  
14 close to the families that are being affected by the  
15 juvenile hall.

16 And I think something really clearly that we have to  
17 think about is we keep saying, "The young people are in  
18 danger; the young people shouldn't be on the fault  
19 line." What's happening to them right now? As we  
20 speak, they are on that fault line. Why aren't we  
21 thinking about them right now? How come we're not  
22 implementing the JDAI right now? There's hundreds of  
23 young people right now, not only in Alameda County, but  
24 across the state and the country who are in juvenile  
25 halls that should not be in there.

## CLARK REPORTING 510 486-0700

1           There's something that we came up with today that --  
2       it's kind of funny but it's really true. And I think  
3       people should really, really look at this really closely  
4       and really think about the families that are being  
5       impacted by the juvenile hall. We don't know how  
6       many -- by the dozens or millions -- of moms and dads  
7       and parents who go to sleep every night crying because  
8       they're not with their family members.

9           If I can share this with you: The cost of expanding  
10      Alameda County's Juvenile Hall, \$172 million. The cost  
11      of a bed in a secured detention facility, \$54,750 a  
12      year. The cost to create and run a military-style boot  
13      camp for the first year, \$6 million. The look on a  
14      mom's face after having her son sentenced to an  
15      alternative program in his neighborhood: Priceless.

16           And I think that's what we really have to think  
17      about. We really have to think about the parents. We  
18      have to think about their family members. We have to  
19      think about the education system. Why aren't we looking  
20      at how we can transfer this money into education? How  
21      come we can't really look at what impact this is not  
22      only bringing to our money crisis, but what is this  
23      looking like for their brothers and their sisters?  
24      They're growing up with locked-up family members. Not  
25      only young people, but adults too.

## CLARK REPORTING 510 486-0700

1           So really looking at JDAI. If the money issue is  
2 something that we really want to look at, really looking  
3 at, they're going to come in and pay it for the first  
4 three years. Why didn't we jump on board on that as  
5 soon as they said that? They came here -- they don't  
6 want to come until you all agree. We would really like  
7 you to all agree on the JDAI. It's really great. I  
8 don't know of anyone who would disagree with me with  
9 saying it's not, it doesn't work. It's really great.

10           And seriously, Dublin is way too far. I don't know  
11 if any of you have family members who are locked up. I  
12 have a family member locked up in San Francisco and  
13 going there is a hassle. So imagine going to Dublin at  
14 9:00 in the morning. I couldn't make it. I don't have  
15 the time. I don't have the money to take a day off of  
16 work to go all the way to Dublin. I don't know if  
17 anyone here does. But I really think that we really  
18 need to think about not only time-wise, not only  
19 money-wise, but the impact that this is having on our  
20 families. Thank you.

21           PRESIDENT STEELE: Thank you. The next speaker  
22 is Maris Arnold followed by Todd Davies.

23           MS. ARNOLD: Good evening. My name is Maris 45-12  
24 Arnold. I'm just a concerned citizen from Berkeley,  
25 concerned about the future that the three of you who are

## CLARK REPORTING 510 486-0700

1 in favor of this Super Jail are trying to -- the future  
2 you're trying to create for our children. The  
3 impression that an ordinary citizen such as myself gets  
4 from reading the history of the Super Jail proposal is  
5 that it is completely irrational and illogical.

6 For example, the 540 bed capacity was determined by  
7 the architectural firm who got the contract to build.  
8 That's like asking J. R. Reynolds how many cigarettes to  
9 smoke per day? When this fact was brought to your  
10 attention, a 420-bed capacity was arbitrarily chosen,  
11 cheering only medical marijuana advocates because of the  
12 publicity for 420.

13 At any given time, two thirds, or 67 percent of  
14 detainees, are in because of nonviolent offenses. That  
15 is what makes for an overcrowded jail. Nonviolent  
16 offenders should not be in there.

17 The Center for Juvenile Justice, a nationally-known  
18 authority based in Oakland, has statistics showing that  
19 there is no need now or in the future for a 400 bed  
20 capacity facility. Given the horrendous California  
21 state budget crisis and the cuts to social services, to  
22 continue to push for an oversized capacity is not only  
23 wasteful, it's really cruel.

24 Therefore, I urge you please to downsize and put the  
25 \$10 million overrun into proven alternative programs.

CLARK REPORTING 510 486-0700

1 And please, not in Dublin. Something closer to Oakland.

2 Thank you.

3 PRESIDENT STEELE: After Todd Davies I have  
4 Miarri Glass.

5 MR. DAVIES: Good evening, Supervisors. I am 45-13  
6 Tddd Davies. I come to you as someone from outside  
7 Alameda County who has spent a lot of time in these  
8 chambers during meetings on this issue, and in Dublin  
9 during the environmental review process. I've taken a  
10 great interest in this issue.

11 I am a lecturer in the Symbolics Systems Program at  
12 Stanford University, which is known as a very expensive  
13 place to go to college, but in fact, is cheaper than the  
14 cost of keeping a kid in a juvenile detention facility.  
15 I have a Ph.D in psychology and have spent four years as  
16 a resident fellow in a dormitory at Stanford.

17 I have a lot of experience working with young  
18 people, helping them with their problems, including some  
19 under age. And I've seen in the very privileged  
20 atmosphere of Stanford many young people of all races  
21 and backgrounds who have serious problems, and who get  
22 into problems that would, I am sure, land them in  
23 juvenile hall if they were poor kids in Alameda County,  
24 or in Santa Clara County for that matter. But in most  
25 of those cases, someone, sometimes with my help, has

CLARK REPORTING 510 486-0700

1     intervened, and in general, the problems get resolved.  
2     The parents of those kids, to the extent they're  
3     involved, definitely prefer the alternatives that we  
4     come up with in those cases to incarceration in every  
5     instance.

6             So I feel a personal obligation to speak out when  
7     the same opportunities are denied -- the same or  
8     similarly effective or at least superior  
9     opportunities -- are denied the kids who don't have the  
10    privilege of being a student at the university where I  
11    teach.

12            I've also been inspired by the Books not Bars  
13    campaign -- and really personally moved by it. I think  
14    it has great importance for building consciousness  
15    around California toward alternatives to incarceration,  
16    which I think is the wave of the future. I really hope  
17    that as public servants you will see this as an  
18    opportunity to be a part of the change that Books not  
19    Bars and this really grassroots movement encompassing  
20    people from within Alameda County and outside and a lot  
21    of youth have brought to you.

22            So representing people from San Francisco County  
23    where I live, from Santa Clara County where I work, and  
24    from California where I've lived for my entire adult  
25    life, I really hope that you will support the Juvenile

CLARK REPORTING 510 486-0700

1 Detention Alternatives Initiative, hire a probation  
2 chief who favors alternatives and not build the new jail  
3 in Dublin.

4 PRESIDENT STEELE: Thank you. After Miarri  
5 Glass I have May Saepanh.

45-14

6 MS. GLASS: I'm a 17 year old Oakland resident.  
7 I wanted to speak up here because personally I have a  
8 lot of friends who are on probation; a lot of friends  
9 who live with their grandmothers and their grandfathers  
10 or just by themselves. One person in particular, 14  
11 years old. He's on probation. His grandmother is 80  
12 years old. He goes to his court dates which is really  
13 difficult. His grandmother still works. She doesn't  
14 drive on the freeway. So the thing is, it takes her, I  
15 don't even know how long it takes her to get to Dublin,  
16 for her to have to get to Dublin. But this is not the  
17 way. He would have no possible way to get there. He  
18 can't really afford to get on the BART and the bus, and  
19 his grandmother probably wouldn't even let him.

20 So I'm asking, don't put this Super Jail in Dublin.  
21 It's not right. If you have a conscience, if you care  
22 about the people of Oakland and the people of the Bay  
23 Area, you will do something to make sure that even if  
24 they are already in the system, that they are treated  
25 fairly and they have a right to take care of their

CLARK REPORTING 510 486-0700

1 business, and take care of it in a way that's convenient  
2 for them. That's it. Thank you.

3 PRESIDENT STEELE: Thank you. After May  
4 Saephanh I have Justin Bojorquez. 45-15

5 MS. SAEPHANH: Hello. My name is May Saephanh.  
6 I'm 18 years old. I live in East Oakland. Basically I  
7 just want to echo what everybody said. I'm not even  
8 going to waste 10 seconds. I just want to tell you that  
9 Dublin is just too far.

10 PRESIDENT STEELE: After Justin, I have David  
11 Haubert.

12 MR. BOJORQUEZ: First off, I'm obviously 45-16  
13 opposed to having the site in Dublin. Your own report  
14 kind of says that it wouldn't be that efficient to have  
15 it in Dublin anyway. But I'm really up here to speak to  
16 you guys about JDAI, which as you guys hopefully already  
17 know is the Juvenile Detention Alternative Initiative.

18 If you actually listen to the title, it's an  
19 alternative initiative to juvenile detention. So it's  
20 not a cop out. It's not, "I get to go free on the  
21 streets instead of going to juvi." A lot of times,  
22 people I know who go to juvi, they know more about being  
23 criminals after they come out of juvi than before they  
24 went in. Like if you go in for a petty crime, you'll  
25 meet some hard cats out there in juvi, and you'll learn

CLARK REPORTING 510 486-0700

1 a couple of the tricks of the trade.

2 I don't want cats learning tricks of the trade. I  
3 want less criminals. The Alternative Initiative, this  
4 saves money. For all of us, even for me, I don't know  
5 how I could pass that up. It's actually free for the  
6 County, because the initiative, as people have already  
7 said -- I'm probably just echoing everything they've  
8 said -- it's going to reduce the size of the hall; it's  
9 cost effective and it's better for youth.

10 Because being in the hall is not that tight.  
11 Especially if it was built in Dublin. It's really close  
12 to Santa Rita. I know, in all the movies, when there's  
13 a father and son looking out on the window, they're  
14 like, "Son, you know, one day all this will be yours."  
15 I know if I was in jail, if I was in juvi, and I looked  
16 out the bars and I was like, "Damn. There's Santa Rita.  
17 One day that's going to be where I am." It's not that  
18 comforting. You know what I'm saying? You all see what  
19 I'm saying.

20 First off, if it was built in Dublin and JDAI was  
21 implemented, that would be better. But it would be even  
22 more better, it would be the best thing, if it was built  
23 in East Oakland, and if we implemented JDAI, which has  
24 been proven to be effective and all that stuff.

25 So hopefully you all don't see me there. And

CLARK REPORTING 510 486-0700

1 hopefully, it's going to be here. Implement JDAI  
2 please.

3 PRESIDENT STEELE: Thank you. After David  
4 Haubert, I have Kasie Hildenbrand.

5 MR. HAUBERT: Thank you. Good evening, Board 45-17  
6 of Supervisors, Madame President Steele. My name is  
7 David Haubert. I live in Dublin. This is the second  
8 evening in a row that I've appeared before you.

9 Before I begin though, for the record, very  
10 important, tonight took me 49 minutes, not 30, to come  
11 from Dublin. There was a little bit of traffic and the  
12 last time it was an hour and a half to come here. So  
13 everybody should know. If you can make it in 30  
14 minutes, I'd like to know how you can do that. I can't.

15 It's obvious this is a very emotionally-charged  
16 topic. Everybody has opinions one way or the other. I  
17 respect the work and the efforts that the county staff  
18 has put into this already. Countless hours. I don't  
19 know how many dollars spent. I feel for the effects  
20 that a dilapidated juvenile facility has had on our  
21 youth for the last 10 years, as we've known this  
22 facility needs to be rebuilt and has been needed to be  
23 rebuilt for quite some time.

24 And we all must emphasize that we do need to  
25 rebuild. We need to build the right facility, and we

## CLARK REPORTING 510 486-0700

1 need to built it in the right way. And I beg the  
2 indulgence of all the residents of Alameda County as we  
3 spend a little extra time making sure that we do this  
4 right.

5 I think that we have a lot of work still to do on  
6 the environment impacts of the project. I think we have  
7 a lot of work to do to understand the best practices of  
8 juvenile justice as we've talked about earlier today;  
9 Alternatives to detention; alternatives to the practices  
10 that we currently have in place. It was reported in the  
11 paper recently that some meaningful changes have been  
12 made that have reduced the population. So it begs the  
13 question as to whether we need a facility as big as the  
14 projections originally stated.

15 This is a decision that will last with us for the  
16 next 50 years. That's 50 years of additional pollution,  
17 traffic, and travel burdens on all the residents of  
18 Alameda County.

19 I echo the comments made earlier. There is a need  
20 to rebuild the facility. You need to build it closer to  
21 where its truly needed, and you need to build it  
22 smaller.

23 I think the facts are clear that Dublin is not the  
24 right site. Furthermore I'd like to point out that the  
25 main reason that has been cited to not build in San

## CLARK REPORTING 510 486-0700

1 Leandro before, which is the earthquake concerns, have  
2 been minimized. As it states in the EIR on Page 6-28,  
3 "Through the use of site design and fault avoidance, the  
4 potentially significant impact of a fault rupture are  
5 now less than significant."

6 The benefits to placing the facility in San Leandro  
7 or Oakland are numerous: already lower levels of  
8 pollution than the valley currently experiences. We  
9 know that we almost lost valuable traffic funding last  
10 year because the air in the valley is already dirty. We  
11 run the risk of going over those levels.

12 And in conclusion I'd like to say I know that it's  
13 not easy. We must take the time to make a well-informed  
14 decision. I remain ever hopeful and confident that the  
15 county administrators, the probation department, the  
16 various social activists groups and ultimately you the  
17 Board of Supervisors will make the very best financial,  
18 economic, and social decision. Thank you.

19 PRESIDENT STEELE: After Kasie we have Sarah  
20 Jarmon.

21 MS. HILDENBRAND: Todd, thank you last night 45-18  
22 for giving me extra time earlier. I didn't get a chance  
23 to say that.

24 I'm going to talk about the public health and safety  
25 issue. I went over a lot of different points last

## CLARK REPORTING 510 486-0700

1 night. And as you can see here, these are all documents  
2 regarded to hazardous waste material cleanup in the Camp  
3 Parks Area, and the Juvenile Justice facility site is on  
4 former Camp Parks Area.

5 Page 12-13 itemizes the most extensive number of  
6 hazardous materials at any site, and that's in Dublin.  
7 It indicates, "A site in the vicinity of the Dublin  
8 projects has real or potential environmental issues  
9 related to the release of hazardous materials."

10 The Livermore Library has tons of old news articles  
11 -- I have some here tonight -- in the historical section  
12 that talk about radioactive experiments that occurred at  
13 the Camp Parks facility, and the fact that they buried  
14 eradiated animals, and some as big as cows, in unknown  
15 or undocumented areas throughout Camp Parks property.  
16 That alone ought to make the Board of Supervisors think  
17 twice about housing juveniles at this site.

18 The documents I have brought with me all address  
19 hazardous materials found on former parcels of Camp  
20 Parks. These are public documents all related to the  
21 hazardous materials. Some hazardous materials that  
22 could be found are asbestos, PCBs and radon.

23 Also areas on the Camp Parks land have been  
24 identified as having leaking underground storage tanks.  
25 There is an article that I found at the Livermore

## CLARK REPORTING 510 486-0700

1 library that talks about a "Camp structure, Building  
2 305, was used for many years by the University of  
3 California for tests on how plants absorb low-level  
4 radioactive materials."

5 I have a document here that shows part of this Camp  
6 Park Site and Building 305 is smack dab in the middle of  
7 your Juvenile Justice site in Dublin. Exposing youth to  
8 the potential residual radioactivity would not be  
9 politically correct in anyone's estimation.

10 The Dublin site, which was formally part of Camp  
11 Parks, could be a potential money pit. And in fact,  
12 Camp Parks in general has been identified by the USEPA  
13 and listed under the Comprehensive Environmental  
14 Response Compensation and Liability act of 1980, or also  
15 known as a CERCLA site. This is a list of sites  
16 developed and maintained by the USEPA which lists  
17 contaminated properties under the Super Fund program.  
18 Chlorinated solvents, irradiated animal carcasses,  
19 petroleum constituents and asbestos are only a few of  
20 the subsurface contaminants that the county would have  
21 to pay to clean up.

22 Chapter 15 of the EIR reiterates that hazardous  
23 waste materials, buried foundations, pipes, etc, could  
24 be found on the Dublin site, and begs the question, is  
25 funding available to clean up? And if so, can

CLARK REPORTING 510 486-0700

1 construction be completed on time, given potentially  
2 costly delays? Thank you.

3 PRESIDENT STEELE: After Sarah Jarmon, this  
4 name looks like Tiffic. And then I have only one more  
5 card. So if anybody wants to speak, they need to get  
6 their card in right now.

7 MS. JARMON: My name is Sarah Jarmon, and I  
8 work with Critical Resistance and I'm a resident of  
9 Oakland. After skimming through the EIR, it's clear  
10 that all the potential construction sites have their own  
11 environmental impacts which can be considered  
12 significant. But exploring the No Project option, while  
13 creating alternatives at the same time, would not affect  
14 the environment adversely.

15 I am very much in favor of creating truly healthy  
16 environments for youth and truly safe communities for  
17 all of us here. And as long as we continue to construct  
18 new bigger facilities to cage more and more youth, true  
19 alternatives are not even going to be considered because  
20 we're not going to have the money to fund these sorts of  
21 alternatives. I really urge you to consider not  
22 building this project at all and looking at the  
23 alternatives to incarceration.

24 PRESIDENT STEELE: After Tiffic is Ari  
25 Wohlfeiler.

45-19

CLARK REPORTING 510 486-0700

45-20

1           TIFFIC: I'm here representing The Varsity  
2 Works, Let's Get Free and my friends. Right now, you  
3 know, I play football, right? We talked about putting  
4 this in Dublin before. It was awhile ago. I can't  
5 remember. We was all talking about how if you do that,  
6 how our parents would feel.

7           Right now, a lot of parents are going through a lot  
8 of stress because their kids are being killed. It's  
9 like people don't care about them. They get killed, and  
10 that's it. They still talking about putting them in  
11 jail, spending their money.

12           I went to McClimers. I just found out that one of  
13 my best teachers, Mr. Roach, was fired because they  
14 couldn't pay him. He was an inspiration. He made  
15 people who was in trouble come to his class so they  
16 could do good and get a scholarship. Now that's not  
17 happening anymore. Why? Because people are taking  
18 money out of our school.

19           I don't know if you have kids that grew up in  
20 Oakland, but for me, I'm saying people who try to do  
21 stuff like this, really doesn't care. They do it for  
22 themselves. And they don't really realize who they are  
23 hurting, and who it is affecting. You feel me?

24           Putting it in Dublin is doing way too much. You're  
25 out of pocket for that. Dublin's way too far. Like cuz

## CLARK REPORTING 510 486-0700

1 over here said, it takes him sometimes an hour and a  
2 half. What if your thing is at 8:00 o'clock and you  
3 live in West Oakland? You got to get on the freeway and  
4 get on traffic and wait. And then what happens if there  
5 is an accident? They can't even get to the persons in  
6 the juvenile.

7 When they're in juvenile, and say they go to  
8 juvenile for two years. They won't see their ma. They  
9 won't see nobody for two years. Why? Because they  
10 can't get up there. And so they just sitting there in  
11 juvenile thinking that that's cold that they built this  
12 jail out here and I can't even see my family for two  
13 years. And when they get out, they might not be able to  
14 speak to their family. Why? Because they haven't seen  
15 them for a while, and haven't known what's been going  
16 on.

17 So whenever something comes down, like there's a  
18 fire or something, the people, the youth in there are in  
19 trouble and their parents can't do nothing to go up  
20 there and get them to see if there's okay. Why?  
21 Because it's too far and not everybody got a car. And  
22 the BART is not even close. The buses, every 45  
23 minutes, when they come. It's way too much. You feel  
24 me?

25 That's putting pressure on the youth. That puts too

CLARK REPORTING 510 486-0700

1 much pressure. There's already nothing for us to do but  
2 just stay on the corner and just talk about people or  
3 think of things we could do. But we can't come up with  
4 a way to do them because things we want to do cost too  
5 much money. And the jobs are not good either.

6 So that's all I have to say. If you're going to  
7 build a jail, build it near Oakland, actually not near  
8 it -- in Oakland, accessible by transportation. You can  
9 get there by BART, bus, car, maybe even walk. Ride a  
10 bike or something. Make it accessible like that and  
11 smaller. Not 500. Way smaller. Thank you.

12 PRESIDENT STEELE: After Ari I have Rachel  
13 Jackson.

14 MR. WOHLFEILER: Hi. My name is Ari 45-21  
15 Wohlfeiler. I'm an Oakland resident, and I work for  
16 Moratorium Projects and Critical Resistance.

17 There has been a lot of talk about how the current  
18 facility is on a fault line. I go to UC Berkeley, which  
19 is also on a fault line. Nobody is talking about  
20 building a new campus there.

21 I think it's really sad. The entire state is on a  
22 fault line, and we seem to be most concerned with making  
23 sure our cages stand up instead of other facilities that  
24 actually do beneficial things.

25 The other thing I want to talk about is that there

## CLARK REPORTING 510 486-0700

1 is an assumption here tonight that we need to build the  
2 facility, and it's going be here or it's going to be  
3 there or it's going to be somewhere else, but it has to  
4 be. I want to question that facility, and I have a  
5 quick story to tell.

6 In the early 1970s, the Massachusetts Youth  
7 Authority sent everybody home. They sent every young  
8 person in their custody home to their communities. And  
9 nothing bad happened. There wasn't a huge rise in  
10 crime. The government didn't fall apart. The  
11 communities weren't ripped to pieces. Money was able to  
12 follow these people home and they were able to be used  
13 in productive ways. They were able to solve problems by  
14 addressing them within the community rather taking  
15 trying to build community by taking people out of it.

16 So I think when we think about this youth jail, we  
17 need to know that there doesn't have to be one. We can  
18 solve problems in ways that don't involve cages.

19 So I think that's my main point. I don't support  
20 building the jail in Dublin. I think it is true that  
21 it's too far. But I don't support building it anywhere  
22 else. There's been a lot of talk about making this jail  
23 accessible. Jails aren't accessible. That's what they  
24 do. They are cages. They remove people from the people  
25 who can support them. If we want our young people to be

CLARK REPORTING 510 486-0700

1 educated, if we want them to be comfortable, if we want  
2 them to be close to their families and their friends,  
3 let's send them home where that can actually happen.  
4 Thank you.

5 PRESIDENT STEELE: Thank you. After Rachel  
6 Jackson, I have one more speaker and that's Calvin King 45-22

7 MS. JACKSON: Good evening. It seems like it's  
8 been a little while, but we'll continue to be here. I  
9 was looking at the website the other day for the  
10 Juvenile Justice Facility, and I noticed that there's  
11 this nice headline that said, "Put the needs of youth  
12 first in site selection for new Juvenile Justice  
13 Facility."

14 Well, Dublin is a disaster for Alameda County youth.  
15 Dublin is a disaster. We're here to voice continued  
16 opposition to the Super Jail, and Dublin in particular,  
17 and as we've always said, we want a maximum number of  
18 community-based alternatives, a minimum number of beds  
19 for this facility and in a safe and accessible location.

20 And let's be real here. We all know the reason why  
21 we can't find -- the reason why the county is having so  
22 much trouble getting a location for this facility -- is  
23 because it's too big. If this was a reasonably-sized  
24 facility, there would be more than two or three choices  
25 in the whole damn county.

## CLARK REPORTING 510 486-0700

1           Now just to be clear, I want to also say a few  
2 things because I know that this is also an event in a  
3 meeting where there are a lot of important people in  
4 attendance. I want to be clear that a lot of people  
5 think that we just come to these meetings and just do a  
6 whole lot of yelling or whatever. But I want to really  
7 review what really has occurred over these past couple  
8 of years.

9           First of all, in April of 2001, we went to the Board  
10 of Corrections, to the Executive Steering Committee  
11 meeting and urged the Board of Corrections specifically  
12 to look at the Alabama County situation very carefully  
13 because there's some shady stuff going on here, and  
14 there are going to be major problems and there will be  
15 major public opposition.

16           We went to the Board of Corrections in April of  
17 2001. We then came to you all in May for the first  
18 time, and we urged you to not accept the Board of  
19 Corrections' money for the expansion in particular.  
20 Well, you know, at that time, three of you unfortunately  
21 voted to accept the Board of Corrections money, but  
22 incidentally it didn't really matter because on May 17th  
23 the Board of Corrections decided not to give you the  
24 expansion money anyway.

25           Now then, so we were trying to have a real

CLARK REPORTING 510 486-0700

1 discussion about alternatives to incarceration. How do  
2 we not need a mega facility? How do we not need this?  
3 How do we give young people what they really need?

4 Then we have a national organization that's willing  
5 to fund a study for you. We have national experts who  
6 are willing to do this study. We have access to  
7 experts. We encouraged you to take this opportunity,  
8 and what do you do? Turn it down. And at the 11th  
9 hour, at Friday night, the last moment that the County  
10 Administrator's Office could submit an alternate  
11 proposal, one gets slipped under the door, and we end up  
12 with three votes turning down a free study that would  
13 have actually helped to uncover the truth about what's  
14 really needed in the county.

15 In September we asked for hospital beds, not jail  
16 beds. Turned that down too. Had a moment where you  
17 voted with us Alice, but you know, unfortunately as I  
18 understand, folded with some pressure from the sheriff's  
19 department and criminal justice officials.

20 Finally, we went again to the Board of Corrections.  
21 We had been encouraging you to reopen the site search.  
22 If you look at the website, it says oh, there is this  
23 whole chronology about all the things that have  
24 happened. It magically stops at 2001, as if everything  
25 that we've been doing, all the things that happened in

## CLARK REPORTING 510 486-0700

1 the past years had never occurred.

2 The site search was reopened because we pushed you  
3 all to look at the site. We said Dublin is a disaster,  
4 and Dublin residents went out and took pictures of sites  
5 and suggested places. We're asking again and again, do  
6 your job.

7 In January, we also raised the issue -- because  
8 we've been raising the issue of transportation, we got  
9 the transportation memo which frankly was a joke based  
10 on Yahoo MapQuest. It kind of concluded -- no offense  
11 Steve -- that it was going to cost two dollars more and  
12 take 20 minutes longer to get to Dublin, which we know  
13 is a joke.

14 In May we also brought a proposal during the budget  
15 process asking for funding for alternatives to  
16 incarceration, outlining the ways that that could save  
17 money for the county. Again we were turned down.

18 Finally, we have attended the scoping meetings and  
19 hearings that have occurred before now and will continue  
20 to do so. So I wanted to just say that to say that this  
21 is a process that we have been undertaking. There is  
22 this sort of myth that's being put out there that this  
23 is all about putting the needs of youth first, when the  
24 study of the juvenile justice system that is now under  
25 way, the decrease in the bed number from 540 to 450, the

CLARK REPORTING 510 486-0700

1 study of transportation, the site search, the website,  
2 the PR consultants -- that happened because of young  
3 people getting up here and coming out. That happened  
4 because of a community outcry. That happened because of  
5 what we did, not because the county is looking out for  
6 the needs of young people first.

7 Is 540 beds the needs of young people first? No.  
8 Clearly not. Is turning down assistance from experts  
9 putting the needs of young people first? Clearly not.  
10 Is locating a facility in Dublin putting the needs of  
11 young people first? Clearly not.

12 However, you do have an opportunity in this  
13 situation to do just that. Dublin will create harm,  
14 hardship and a self-fulfilling prophecy. It will  
15 isolate youth from their families and communities. It  
16 will be far from services, probation, public defenders  
17 and other community-based sites, and the court situation  
18 is a disaster.

19 If the courts are located in Dublin, and as many  
20 people have spoken to, young people are going to have a  
21 hard time getting to court. There are going to be  
22 failures to appear. When there are failures to appear,  
23 there's going to be detention. And when there's  
24 detention, this facility -- not only will you fill 420  
25 and then build up to 450, you will probably fill 540 and

CLARK REPORTING 510 486-0700

1 maybe even get up to 600 and overfill this facility the  
2 same way that San Leandro was overfilled.

3 Specifically speaking to the Environmental Impact  
4 Report now. CEQA and NEPA. I know that there are  
5 concerns, specifically there are issues that have to be  
6 addressed about environmental justice and socio-economic  
7 factors. And what we're really stressing to you is that  
8 people matter. Families matter. Communities matter.  
9 And our lives are part of the environment.

10 The issue of getting this facility filled, we know  
11 that this facility is going to be replaced. But almost  
12 every decision that you all -- or at least three of you  
13 have made -- has not only caused great community outcry  
14 and held up this process, but it's moving you closer to  
15 jeopardizing federal funding through the Board of  
16 Corrections, not farther away.

17 This situation now is not only -- back then two  
18 years ago, there was plenty of time to do the kinds of  
19 things that we're talking about. Now the clock really  
20 is ticking and running out. But not only is it raising  
21 that issue, it is also bringing new allies to us and new  
22 opponents to the Super Jail. In addition to everyone  
23 else who is already coming out, we are now inviting --  
24 you all are now inviting environmentalists and  
25 environmental law firms into the mix, and you,

## CLARK REPORTING 510 486-0700

1 continuing with Dublin, may potentially open up a  
2 radioactive can of worms now. Incidentally, the Dublin  
3 Women's Prison is also listed under a Super Fund  
4 website.

5 We have said before, is Alameda County going to be a  
6 national model, or is Alameda County going to be a  
7 national disgrace? Please in this case listen to the  
8 community yet again. Look at what's really happening.  
9 Look at what really the consequences are going to be in  
10 Dublin. Avert this disaster and put the needs of youth  
11 first. Thank you.

12 PRESIDENT STEELE: This is our last speaker.

13 MR. KING: Good evening. My name is Calvin 45-23  
14 King from Save Our Children of tomorrow. I came here  
15 tonight kind of not understanding what the Super Jail  
16 was all about. But I want to pretty much speak from the  
17 heart.

18 There's a movie that I had in mind called Shaushank  
19 Redemption. There was an old man with a bird. When he  
20 was released they sent him to a halfway house. He  
21 really didn't have anything to do, anything to fall back  
22 on, anybody to look up to. He had no passion in his  
23 life.

24 I think about our kids of today. Whenever I was in  
25 trouble in my teenage years, I ran back home to my

## CLARK REPORTING 510 486-0700

1 mother, her door was never closed. What happened to our  
2 passion for our kids? What happened to the inspiration  
3 that encouraged them to move on and go forward to better  
4 things in life? Where did our time go?

5 I know it's hard out there. I know that people have  
6 to make a living to earn a better way for their kids at  
7 home, but we have thousands of kids across America that  
8 need our help, that need our strength, that need our  
9 blessing, that need our will power that's in our heart  
10 to move on to better years. It doesn't matter if you  
11 build this jail because it's going to be me and all  
12 these other people out there are still going to fight to  
13 keep it empty.

14 PRESIDENT STEELE: That was our last speaker.  
15 I would like very much to thank all of you for coming  
16 tonight and for your courteous attention. The next  
17 thing that will happen is you'll have all your questions  
18 or concerns in by March 10th. After that, they will all  
19 be addressed in an Environment Impact Report, and there  
20 will be a hearing, the final decision, sometime in May.

21 MR. CARSON: I would just like to insert into  
22 the record for tonight to make sure that we have the  
23 letter from Tay Yoshitani, Executive Director of the  
24 Port of Oakland that said that they would have written  
25 comments and they'd submitted them prior to March the

CLARK REPORTING 510 486-0700

1 10th.

2 PRESIDENT STEELE: Okay. Thank you very much.

3 Thank you. This meeting is adjourned.

4 (Whereupon, the meeting adjourned at 8:31 p.m.)

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CLARK REPORTING 510 486-0700

## 1 REPORTER'S CERTIFICATE

2

3 I, JUDY L. LARRABEE, a Shorthand Reporter of the  
4 State of California, hereby certify:

5

6 That I am a disinterested person herein;  
7 that the foregoing hearing was reported by me in  
8 shorthand, and thereafter transcribed by means of  
9 computer-aided transcription.

10

11 I further certify that I am not of counsel or  
12 attorney for any of the parties to said hearing, nor  
13 in any way interested in the outcome of said  
14 hearing.

15

16 IN WITNESS WHEREOF, I have thereunto set my hand  
17 On this 12th day of March, 2003.

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Judy L. Larrabee, Shorthand Reporter

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## Amendments to the Draft EIS/EIR

This chapter presents a compilation of each of the changes to the text and graphics of the Draft EIS/EIR deemed necessary and appropriate as a result of the public comments, as noted in individual responses provided in Chapter 2 of this Final EIS/EIR.

*Page S-21, Growth Inducement:*

The proposed Juvenile Justice Facility and East County Hall of Justice projects are intended to address documented needs for improved facilities, and would not induce substantial population growth in the vicinity at any of the alternative sites considered in this EIS/EIR. Development at the sites evaluated would be consistent with overall land use plans for the areas, except at Site 15A. Under the 1993 Annexation Agreement between the County of Alameda and City of Dublin, Site 15A is subject to the City of Dublin's land use policies, which do not currently permit public uses on this site. As discussed later in this report, the County has applied to the City for a general plan amendment that is consistent with the proposed use (see page 4-35).

*Page S-23, Paragraph 1:*

Controversy expressed during the initial planning activity and scoping process for the projects focused on the selection of an appropriate size for the Juvenile Justice Facility, and appropriate location for both the Juvenile Justice Facility and the East County Hall of Justice. Concerns also were raised regarding whether the alternatives would be able to meet the primary project objectives.

*Page 1-11, Paragraph 3:*

Upon completion of the Final EIS/EIR, the County BOS will review and certify the EIS/EIR under CEQA, and OJP/BJA will circulate approve the Final EIS/EIR under NEPA and provide notice in the Federal Register that the Final EIS/EIR is available, as discussed above. The Final EIS/EIR will include an identification of a preferred alternative, based on the opinion of the

departments within the County of Alameda that are responsible for preparation of the architectural programs and environmental analysis for the projects.

After the Final EIS/EIR is certified and adopted by the County BOS and circulated by the OJP/BJA and a plan to monitor and implement the mitigation measures has been adopted, the County BOS ~~will~~ is expected to select one of the assessed alternatives for implementation. This selection will be based on the environmental analysis in the Final EIS/EIR and the environmental findings, as well as on the program and budget constraints at the time the decision is made of certification and adoption.

After an alternative is selected for implementation, more detailed decision-making regarding the projects' design and construction can occur. The Interim Final Rule issued by OJP/BJA regarding compliance with NEPA states that grantees (BOC) and subgrantees (County of Alameda) may not start construction before the completion of the environmental analysis process, nor may they make further decisions or commitments of resources that would have an affect on the environment or limit the choice of reasonable alternative sites. Therefore, the County has been limited in its ability to complete design concepts for the various alternatives being considered. Sufficient information has been generated to facilitate the environmental analysis, but final design and specifications cannot be generated until the environmental analysis is complete.

This EIS/EIR provides information about the various sites that were carried forward for analysis, which will be used by the decision-makers in determining an appropriate course of action. Other factors that may influence those decisions include such things as total cost, whether program objectives are fully met, ability to implement the alternative in a timely manner, and others. The selection will be formalized by OJP/BJA preparing and issuing a ROD prior to any implementing action occurring, and by the County BOS through preparing Findings, a Statement of Overriding Consideration, and issuing a Notice of Determination.

*Page 3-18, Figure 3.11:*

Modifications to this figure include:

1. Property lines have been added to show the building site in relationship to the site,
2. The Arrowhead Marsh note is revised to more accurately indicate the direction of the marsh.
3. The building site is more accurately represented to indicate that no impacts to the park entry road would be anticipated.

*Page 3-33, Paragraph 2:*

As per the RFP, this Proposed Action requires a minimum of 20-acre clear site located in Alameda County. To ensure accessibility to a wide range of people, the site must be located

within one and a half miles of an existing BART station and must be easily accessible to other transportation routes, including bus service and access to freeways. The slope of the terrain cannot exceed five percent. The site must not be located within the Alquist-Priolo study zones or on any other known earthquake fault. The soils must be of substantial bearing value and not subject to liquefaction or ground failure. The site must be free of hazardous materials. The results of the review's team assessment are given in **Table 3.5**. In addition to these physical factors, the RFP stated that the County's final acceptance of the site is contingent upon the local government's approval of the proposed facility and the community's acceptance of it.

*Page 4-7, Paragraph 1:*

The East County Government Center site is located in an area undergoing rapid change, with large-scale business park, retail and residential development occurring during the past five years (see **Figure 4.4**).

- Single-family and multi-family residential development has occurred to the east and southeast, and industrial/business park uses are located to the southwest.
- Commercial retail and office development is located about 1 mile south near the I-580 freeway.
- The U.S. Army's ~~Camp~~ Parks Reserve Forces Training Area (RFTA) and a federal correctional institution are located to the immediate west and northwest.
- The County owns approximately 335 acres of land to the north and east, on which exist the Santa Rita Rehabilitation Center (County Jail) and related Sheriff's Office uses and large tracts of vacant land.

Also to the north beyond the County Jail, the U.S. Air Force operates a microwave station, the Dublin-San Ramon Services District operates water storage reservoir tanks, ~~East Bay Regional Park District owns the Tassajara Creek Regional Park~~ Parks RFTA controls approximately 500 acres of former public park land, and private land owners control open hillside and flatland grazing, agricultural and rural residential land.

*Page 4-9, Paragraph 2:*

Property north and east of Site 15A was recently sold by the County and developed with private office complexes, including Microdental and Sybase. Other property in the vicinity is vacant and is still owned by the County of Alameda. To the south is property known as Site 16A and 16B. To the southwest is a 91-acre site known as the Dublin Transit Center. The EIR for the Transit Center Project was approved by the City of Dublin in November of 2002, and this site is planned for development of approximately 1,500 high-density apartments, 2 million square feet of office space, 70,000 square feet of office space, and a neighborhood park. The planned neighborhood park site is located on a site known as Site "F", immediately west of Site 15A on the westerly

~~side of Arnold Road, and immediately west of Site 15A is property known as Site F.~~ The U.S. Army's Parks Reserve Forces Training Area is located further west and northwest of the Site 15A and Site F, across Arnold Road.

*Page 4-18, Paragraph 6:*

The Glenn Dyer Detention Center site is located in an area zoned C-40 (Community Thoroughfare Commercial Zone), and is adjacent to Jefferson Square Park, an area zoned for open space and designated as a landmark. Within the C-40 zoning district, "extensive impact civic activities" are permitted if the Planning Commission approves a conditional use permit. The Project would qualify as a Major Conditional Use Permit due to the size of the site and proposed additional building square footage, and the type of proposed use. See **Figure 4.9** for zoning designations at the site and vicinity.

*Page 4-29, Figure 4.12:*

This figure is revised to indicate the current General Plan land use designation on the adjacent Sybase property is Campus Office, and not High Density Residential. Additionally, the source of the map is amended to indicate "Based on Proposed EDSP and GP Amendment.

*Page 4-30, second paragraph immediately preceding the heading "Land Use Designations":*

Part 8 of the May 4, 1993 Annexation Agreement states:

8. Land Use Approvals- SANTA RITA PROPERTY

Notwithstanding any rights which it may possess as a California county, COUNTY and AUTHORITY agree as follows with respect to the SANTA RITA PROPERTY:

a) Any development or use of the property shall comply with all CITY rules, regulations, resolutions, ordinances or other enactments relating to land use, including but not limited to CITY'S general plan, any applicable specific plan, Municipal Code, Zoning Ordinance, Building Code, Mechanical Code and Housing Code.

b) CITY, COUNTY and/or AUTHORITY may, but need not, enter into a development agreement of the sort authorized by Government Code 65864 et. seq. prior to any development of the property."

Part 9 of the May 4, 1993 Annexation Agreement states:

9. Land Use Approvals- COUNTY GOVERNMENT PROPERTY AND COUNTY SHERIFF PROPERTY

“Notwithstanding any rights which it may possess as a California county, COUNTY and AUTHORITY agree as follows with respect to the COUNTY GOVERNMENT PROPERTY and the SHERIFF PROPERTY:

- a) Except as set forth in subsection (d) below, any COUNTY governmental uses proposed for either party shall be reviewed by CITY Planning Commission for conformity with CITY’s General Plan in accordance with Government Code section 65402 and shall be subject to site development review in accordance with CITY’s zoning ordinance. COUNTY shall be the lead agency for CEQA review. CITY and COUNTY will share the costs associated with processing site development review equally.
- b) Any governmental uses proposed for either property, other than County governmental uses, shall be processed in accordance with CITY’s rules, regulations, resolutions, ordinances or other enactments relating to land use, including but not limited to CITY’S general plan, any applicable specific plan, Municipal Code, Zoning Ordinance, Building Code, Mechanical Code and Housing Code. COUNTY and/or AUTHORITY will assure that governmental uses of the property by nay governmental entity other than the County are subject to CITY’s land use rules, regulations, resolutions, ordinances or other enactments by inclusion of a condition to that effect in any deed to, or lease of, such property or other similar mechanism.
- c) If the land use designation of any portion of either property is proposed to be changed or subsequently changed to allow non-governmental use of the property, the provision of section 8 of this Agreement shall be applicable to such property. In such event, CITY will provide municipal services of the type normally provided by CITY to such property, as provided in section 7, and CITY will receive tax revenues derived from or attributable to such property, as provided in section 3(b) and section 4.
- d) No site development review shall be required for any uses of the COUNTY SHERIFF PROPERTY by the Sheriff’s Department as long as the use is within the perimeter of the existing County Jail property or other existing Sheriff Department facilities, such as the existing training facility.
- e) CITY agrees to process any review pursuant to Government Code 65402 and site development review required by section (a) as expeditiously as possible.

Page 4-33:

**General Plan Policies Pertaining to Eastern Dublin:**

*Implementing Policy 3.1.D:* Encourage an efficient and higher intensity use of the flat and gently sloping portions of the planning area as a means of minimizing grading requirements and potential impacts to environmental and aesthetic resources.

*Guiding Policy 5.1.L:* Provide an integrated multi-modal circulation system that provides efficient vehicular circulation while encouraging pedestrian, bicycle, transit and other non-automobile-oriented transportation alternatives.

*Implementing Policy 5.1.M:* Provide continuity with existing streets, include sufficient capacity for projected traffic, and allow convenient access to planned land uses.

*Page 4-34, Last Paragraph:*

Even if they were not specifically allowable under the "A" zoning district, the City of Dublin considers its General Plan to be the EDSP as its primary policy document for this area and, as indicated above, the Juvenile Justice Facility would be consistent with the General Plan. ~~its requirements (and those of the City's general plan).~~

*Page 4-35, fifth paragraph:*

#### **Land Use Designations**

The Eastern Dublin Specific Plan/General Plan designates Site 15A for High-Density Residential uses with an average density of 25 dwelling units per acre. This land use designation would permit up to approximately 300 residential units at this site.

*Consistency Analysis.* Development of Site 15A with a new East County Hall of Justice would not be consistent with the land use designation for this property under the applicable General Plan. The annexation agreement provides that development of Site 15A and surrounding property within the Santa Rita Properties requires development consistent with City of Dublin land use policy and regulations. ~~The County Surplus Authority has requested that the City of Dublin amend the General Plan and EDSP designation from High-Density Residential to a land use designation supporting campus-type office uses. If the General Plan and EDSP amendments are approved, the proposed project would be consistent with the new land use designations.~~

*Page 4-36, Last Paragraph:*

Site 15A is zoned PD by the City of Dublin. When development for areas subject to EDSP is proposed, the City requires a Stage 1 or 2 Planned Development application consistent with the General Plan and EDSP's land use designation. In conjunction with the assessment of the application, the City determines the appropriate zoning for the proposed development. Given that the proposed East County Hall of Justice would be a use that is inconsistent with the site's current General Plan land use designation, an appropriate general plan amendment, and any other development applications required pursuant to Section 8 of the May 4, 1993 Annexation Agreement, would be filed by the County. ~~that consistent with the City's Campus Office land use designation, it is expected that the City would consider the proposed project to be consistent~~

~~with the zoning for the site. However, as discussed above the County is not required to comply with local zoning ordinances or other land use policy when it is implementing governmental projects. Thus, although the development of this site as an institutional use could be found to be inconsistent with the current land use designation, these inconsistencies would not prevent implementation of this alternative.~~

*Page 4-41, first sentence of Impact 4.3.4:*

The County's development of the Project on the Pardee/Swan site is would not be subject to local land use policies, and thus there is would be no impact arising out of conflict with local City of Oakland policies adopted to avoid or mitigate an environmental effect.

*Page 4-57, Mitigation Measure 4.7.1:*

**Mitigation Measure 4.7.1: Parking Replacement.** If sufficient demand for a surface parking lot exists prior to the construction of the parking garage proposed in conjunction with the development of the Juvenile Justice Facility at Pardee/Swan site, then the County should assist ~~consider assisting~~ the Port of Oakland in finding to find alternative parking space and/or compensating the Port of Oakland for loss of the space.

*Page 5-42, Paragraph 2*

LESS THAN SIGNIFICANT. Development of the Pardee/Swan site with a new Juvenile Justice Facility would be visually compatible and consistent with the adjacent United Parcel Service facility and other commercial structures in the adjacent portions of the Oakland Airport Business Park. The Juvenile Justice Facility and parking garage would generally be somewhat taller than the UPS facility, but not as tall as the three-story office building located across from this site at 80 Swan Way. However, this development would represent a major visual shift from the site's current open character. While not visually incompatible with adjoining resource protection and recreation uses nor substantially visually degrading to the site or its surroundings, development of a Juvenile Justice Facility at the site would represent more of a contrast with the appearance of the adjoining open space than does the current undeveloped-site conditions, which include the early phases of development of an airport parking lot with extensive paving, light standards, and perimeter fencing. This contrast would be softened by the provision of landscaping around the perimeter of the site and appropriate light shielding.

*Page 5-42, Paragraph 3:*

Organization of the detention portion of the Alameda County Juvenile Justice Center is predicated on both site and functional relationships that establish much of the internal organization of the complex.

The site has its impact in its relationship to the surrounding community and its context. The County, early on, determined that the facility would be primarily oriented to and accessed from Broder Boulevard. It would be screened from Gleason Drive in order to minimize its visual impact on the adjacent residential and commercial properties south of the site. As a result, the complex would orient its public face toward the intersection of Broder and Arnold Road – the northwest corner of the property. Also, the Detention Center would largely face inward, with windows facing exterior recreation areas, not outward from the facility. These exterior areas would be screened by the buildings themselves, which in turn would be shielded by bermed/landscaped areas running the length of the site along Gleason. The Courts and Administration buildings make up the public face of the Project and would be oriented toward the intersection of Broder and Arnold. Both buildings would be two stories tall, and would screen the detention portion from public view.

The Juvenile Justice Complex is separated from the East County Hall of Justice to the east by a service drive, which would provide access to the central plant related functions. A landscaped berm would completely screen Juvenile Hall from the entrance plaza in front of the East County Hall of Justice at ground level. The commercial buildings located +/-250 feet to the south would be separated from the Juvenile Justice Center by Gleason Boulevard and a landscaped earth berm. The residential community east of Hacienda Drive is located +/-400 feet from the southeast corner of Juvenile Hall, although this corner of the building is completely screened from view by a landscaped berm. The closest visible Juvenile Hall wall and building elements would be at a distance of +/-600 feet.

Architectural Character: The Juvenile Justice Center is designed to express the civic and educational nature of its function, while providing Alameda County with a building asset of enduring and understated beauty. No specific style is pursued in the design beyond expressing the program and climatic influences in a straightforward contemporary manner.

Exterior Finishes: Exterior building materials would be local from California or the western United States. The courts and probation structures would be clad in several shades and textures of sandstone in colors compatible with the Alameda County landscape of grassy hills. The Juvenile Hall structures would be clad in concrete masonry units of colors compatible with the sandstone used on areas most visible by the public.

Relationship to Adjacent Areas: An important consideration in the design is the relationship of building volumes to the existing one and two level neighboring structures. The predominant building mass of the Juvenile Justice Complex is intended to be low enough to be screened from view with landscape. The taller two story courts and probation volumes are located in the western portion of the site most distant from the residential areas.

Landscape Design: The primary intent of the landscape design for the Juvenile Justice Center is mostly the visual screening of non-public building areas such as the housing clusters. This would be accomplished through an undulating berm, which would function as a linear park along Gleason. The landscape design is inspired by the native vegetation of Alameda County, featuring low water need grasses and shrubs. Trees would be used along the surrounding street edges for additional visual screening of building elements not hidden behind earth berms.

*Page 5-44, paragraph 4:*

#### **Impact 5.2.6 Site 15A**

~~NO IMPACT. No scenic vistas or scenic resources would be affected by the construction of a new Hall of Justice at this site. Views in the area from all viewpoints would be significantly changed.~~

LESS THAN SIGNIFICANT IMPACT. The massing of the proposed East County Hall of Justice building located on Site 15A would have a less significant visual impact on the area, as it would be consistent with the overall business park setting and existing buildings, and would not adversely affect the aesthetic setting of the other existing buildings in the area. Changes to the views from adjacent offices would not be significant environmental impacts of this project, as it would be consistent with the overall land use plan for the area, and views from individual offices are not protected as scenic vistas under CEQA or NEPA.

*Page 5-45, paragraph 4:*

- **Mitigation Measure 5.3.5: Lighting Design Criteria.** The County shall ~~consider~~ mitigate potential light and glare impacts ~~in~~ during the design-build process, including measures such as shielding, design revisions, or other means of reducing impacts. For example, lighting should, to the extent feasible, be oriented away from residential uses.

*Resulting Level of Significance.* Implementation of this mitigation measure would further lessen the Project's already less than significant impact.

Impact 5.3.6 is revised to read exactly as the same as the mitigation measure above.

*Page 6-21, third paragraph:*

#### **Foundation Support and Settlement**

Borings were drilled from across the crest of the berm along the northern portion of the site. The berm fill extends to depths of about 41 feet and generally consists of stiff to very stiff silty clay.

and medium-dense clayey sands. The borings indicate that the berm fill extends as much as 9 feet below the proposed floor of the Juvenile Justice Facility. Beneath the berm, native soil generally consisting of interbedded stiff to very stiff silty clay, with medium dense to dense clayey sand was encountered, and extended to the maximum depth explored of about 51 ½ feet.

The existing berm fill is not suitable for subgrade support for the proposed Juvenile Justice Facility and would be excavated down to native soil. In some areas, removal of all berm fill will require excavation to extend to below the proposed Juvenile Justice Facility subgrade elevation. All previous improvements including old foundations, underground utilities and other deleterious materials should be removed from the site.

Beneath the near-surface fill materials, the site is underlain by predominantly clayey soils of moderate strength and compressibility. Low-rise buildings with low to moderate column loads can likely be supported on spread footings or a mat foundation bearing on native soil or properly compacted fill. Based on the results of the Geotechnical Baseline Report (Subsurface Consultants, Inc., January 2001) the proposed Juvenile Justice Facility can be supported on deepened spread footing foundations bearing on native soil or on properly compacted fill. We estimate that Long-term total and differential settlement of spread footing foundations constructed on native soil or on properly compacted fill can be limited to less than about 3/4-inch and 1/2-inch, respectively.

~~Taller structures with moderate to high column loads may settle unacceptably if supported on shallow foundations such as spread footings or mats. Consequently, mid-rise buildings will likely need to be supported on deep foundations such as driven piles or drilled piers. Based on the preliminary information, we judge that driven piles will likely be the most economical type of deep foundation system for this site. We estimate that long-term total and differential settlement of a driven pile foundation system can be limited to less than about 1/2-inch and 1/4-inch, respectively.~~

The field exploration was performed to evaluate overall geotechnical conditions at the site and did not include borings or test pits specifically for the purpose of investigating locations where buildings previously existed at the site. It is anticipated that old foundations, basements, abandoned utilities and areas of locally deep backfill may exist in areas planned for development. ~~These materials are generally unsuitable for the support of spread footings, slabs-on-grade, pavements and other planned improvements.~~

Page 6-38:

### **Impact 6.6.5: East County Government Center**

LESS THAN SIGNIFICANT IMPACT. At the East County Government Center site, the Project low-rise buildings with low to moderate column loads can likely be supported on spread footings or a mat foundation bearing on native soil or properly compacted fill with limited long-term differential settlement. ~~Taller structures with moderate to high column loads may settle unacceptably if supported on shallow foundations such as spread footings or mats, but could be~~

~~supported acceptably on deep foundations such as driven piles or drilled piers.~~ Compliance with the geotechnical engineering recommendations for the foundations of structures that may be proposed at this site to address other potential soils constraints (see mitigation Measure 6.7.5) would reduce potential impacts associated with soil instability to a level of *less than significant*.

*Page 7-1, Paragraph 1:*

Waters of the United States (including wetlands) are subject to U.S. Army Corps of Engineers (Corps) jurisdiction under Section 404 of the Federal Clean Water Act (CWA). Section 404 regulates the filling and dredging of U.S. waters. A Section 404 permit would be required for project construction activities involving excavation of, or placement of fill material into, waters of the United States or adjacent wetlands. The Corps, in reviewing Section 404 permit applications, stresses avoidance of impacts, minimization of unavoidable impacts and mitigation of unavoidable impacts. In addition, a Water Quality Certification (or Waiver thereof) pursuant to Section 401 of the CWA is required for Section 404 permit actions. Modification (e.g., realignments, culverting, construction of outfalls on the banks) of stream channels (including seasonal streams), and fill of wetlands are among the activities that require Water Quality Certification under Section 401. This certification would need to be requested from the San Francisco Regional Water Quality Control Board (RWQCB).

*Page 7-2, Paragraph 1:*

As mandated by the 1987 amendments to the Federal Clean Water Act, discharge of stormwater from developed areas is regulated under the National Pollutant Discharge Elimination System (NPDES). In California, the State Water Resources Control Board (SWRCB) administers the NPDES program via the Regional Water Quality Control Boards (Regional Boards). In addition, the State Porter-Cologne Water Quality Act requires the development of Basin Plans for drainage basins within California. The Basin Plans are implemented also through the NPDES program and include activities in areas outside of the jurisdiction of the Corps (e.g. isolated wetlands, vernal pools, or stream banks above ordinary high water mark). Activities in these areas are regulated by the RWQCB and may require the issuance, or waiver, of its waste discharge requirements.

*Page 7-2, Insert to Follow Paragraph 1:*

Under the terms of the County of Alameda's NPDES permit for stormwater discharges, post-construction best management practices (BMPs) must meet the maximum extent practicable (MEP) definition of treatment specified in the Clean Water Act (CWA). The County of Alameda implements its current NPDES permit for discharges under the *Alameda County Countywide Clean Water Program, Stormwater Management Plan (SMP)* (EOA, Inc., February 1997). The County will comply with the NPDES permit and SMP requirements that are in effect when its

submits the Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB) prior to construction.

*Page 7-2, Paragraph 2:*

As of March 2003, Prior prior to initiating construction for sites that are 1 acre ~~5 acres~~ or larger, Project Applicants must submit a Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB) to be covered by the General Construction Activity Stormwater Permit. This requirement also applies to smaller sites that are part of a larger project. The General Permit requires the implementation of a Stormwater Pollution Prevention Plan (SWPPP), which must be prepared before construction begins.

*Page 7-3, Last Paragraph and Page 7-4, Paragraph 1:*

Surface runoff drains into two storm drain systems. The existing storm drain systems have been designed based on this split of runoff. The majority of the site (approximately 35 acres) drains westerly to the existing detention basin located along the western property boundary at Arnold Road. The detention basin drains into triple 36-inch diameter reinforced concrete pipes under Arnold Road, discharging into the Arnold Road channel. The western portion of the site is also drained by an existing line of 24- to 30-inch pipe located within the western section of Gleason Drive, which also discharges into the Arnold Road channel. from the site collects in an existing detention basin. Flow also enters the detention basin via There is also an existing 48-inch diameter reinforced concrete pipe that conveys a portion of the storm water from the Santa Rita Rehabilitation Center along Broder Boulevard. ~~and empties into the detention basin. A flow splitter discharges the remainder of the storm water from the Santa Rita Rehabilitation Center southwesterly via a ditch through the Parks RFTA property. Additionally, an existing 30-inch storm drain line is located within Gleason Drive, which connects to the Arnold Road channel.~~

The Arnold Road channel discharges to a flow splitter near Central Parkway, with a portion of the flows continuing south in a closed pipe to a triple 54-inch culvert under I-580 at Arnold Road. These pipes convey storm flows into Zone 7's Line G-2. The remainder continues through an open channel to a closed pipe through the BART station and under the I-580. This open channel conveys storm flows into the relatively new Line G-5, which then drains into to Line G-2 south of I-580. Line G-2 drains into the Chabot Channel and then to Arroyo Mucho.

~~Drainage from this area then flows southerly along Arnold Road and leaves the area through two drainage courses: Tassajara Creek and a culvert under I 580 about 2,000 feet east of Tassajara Road.~~

The remainder of the site (approximately 5 acres of its easterly portion) drains into a second pipe within the eastern section of Gleason Drive, a 24-inch pipe that drains easterly to Tassajara Creek (designated Line K by Zone 7). Tassajara Creek drains to the Arroyo Mocho, which then drains to the Arroyo de la Laguna. Alameda Creek receives flows from the Arroyo de la Laguna,

and flows in a westerly direction through Niles Canyon until it ultimately discharges to San Francisco Bay.

*Page 7-4, Paragraph 2:*

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps indicate that flooding during a 100-year storm will occur primarily along Tassajara Creek. As a result of recent improvements to Tassajara Creek, the flooded areas would be confined to include an approximately 200-foot width along more than half of the length of Tassajara Creek in the general vicinity of the site, and a wide area just north of where Tassajara Creek flows under I-580, which covers portions of the old Santa Rita jail facilities. ~~The main reason for flooding along Tassajara Creek is inadequate culvert flow capacity where the creek crosses I-580. Currently, Alameda County is studying the flooding problems at these culverts.~~

*Page 7-4, Paragraph 4:*

Similarly to the East County Government Center site, Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps indicate that flooding during a 100-year storm will occur primarily along Tassajara Creek, which is more than 3000 feet east of Site 15A. As a result of recent improvements to Tassajara Creek, the flooded areas would be confined to include an approximately 200-foot width along more than half of the length of Tassajara Creek. ~~The main reason for flooding along Tassajara Creek is inadequate culvert flow capacity where the creek crosses I-580. The main reason for flooding along Tassajara Creek is inadequate culvert flow capacity where the creek crosses I-580. Currently, Alameda County is studying the flooding problems at these culverts.~~

*Page 7-5 – 7-7, Impacts 7.1.2, 7.1.4, 7.1.5 and 7.1.6:*

POTENTIALLY SIGNIFICANT AND MITIGABLE IMPACT. Development of the site as proposed may have both short-term, temporary adverse effects from construction activity and long-term effects on local water quality. ~~would entail~~ The short-term effects from construction activity include ~~that could be expected to have short-term, temporary adverse effects on local water quality, such as from~~ erosion and siltation, illicit disposal of debris and wash water from construction vehicles and equipment. This would represent a potentially significant impact.

*Page 7-9, Impact 7.4.5 (East County Government Center):*

POTENTIALLY SIGNIFICANT AND MITIGABLE IMPACT. Development of the site would entail construction activity that could be expected to have short-term, temporary adverse effects on local water quality, such as from erosion and siltation, illicit disposal of debris and wash

water from construction vehicles and equipment. This would represent a potentially significant impact. Development of the site may also cause the existing pipes on Gleason Road to exceed their designed capacity. This potentially significant impact, and the mitigations for it, is discussed in Impact 14.5.5 (see Chapter 14: Utilities). ~~Although development of the site as proposed would not be expected to exceed the capacity of the stormwater infrastructure serving the site, it~~

*Page 7-10, to follow Impact 7.6: Exposure of People or Structures to Flood Hazards:*

### **Impact 7.7: Seiche in Detention Basins**

#### **Impact 7.7.1: East County Government Center**

LESS THAN SIGNIFICANT IMPACT. Strong seismic activity may create waves in the existing 1.6-acre detention basin on the western side of the East County Government Center site. This may cause the detention basin to overflow onto Arnold Drive or Gleason Drive. The site's isolation from other development and proximity of the detention basin to the existing drainage channel south of the site on Arnold Drive and to the drainage channel that will be built immediately west of the site as part of Alameda County's bypass drainage system will ensure that the impacts of a potential seiche would be less than significant.

*Page 8-1, Paragraph 2*

State and federal regulations have been enacted to provide for the protection and management of sensitive biological resources. State and federal agencies have a lead role in the protection of biological resources under their permit authority set forth in various statutes and regulations. The U.S. Fish and Wildlife Service (USFWS) is responsible for administering the Migratory Bird Treaty Act and the federal Endangered Species Act (ESA) for freshwater and terrestrial species, while the National Marine Fishery Service (NMFS) is responsible implementing the federal ESA for marine species and anadromous fish. The U.S. Army Corps of Engineers (Corps) has primary responsibility for protecting wetlands under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. At the state level, the California Department of Fish and Game (CDFG) is responsible for administration of the California ESA, and for protection of streams, waterbodies and riparian corridors through the Streambed Alteration Agreement process under Section 1601-1606 of the California Fish and Game Code. Certification from the San Francisco Regional Water Quality Control Board is also required when a proposed activity may result in discharge into navigable waters, pursuant to Section 401 of the Clean Water Act and EPA 404(b)(1) Guidelines. As discussed in Chapter 7: Hydrology and Water Quality, activities that require Water Quality Certification under Section 401 include modification (e.g., realignments, culverting, construction of outfalls on the banks) of stream channels (including seasonal streams), and fill of wetlands.

*Page 8-3, Paragraph 4:*

The CDFG, ~~the Corps and the RWQCB~~ ~~and Corps~~ have jurisdiction over modifications to stream channels, riverbanks, lakes and other wetland features. Jurisdiction of the Corps is established through the provisions of Section 404 of the Clean Water Act, which prohibits the discharge of dredged or fill material into "waters" of the United States without a permit, including wetlands and unvegetated "other waters". All three of the identified technical criteria must be met for an area to be identified as a wetland under Corps jurisdiction, unless the area has been modified by human activity. As discussed earlier, activities in wetlands or other waters outside of the jurisdiction of the Corps (e.g. isolated wetlands, vernal pools, or stream banks above ordinary high water mark) may be regulated by the RWQCB under the authority of the Porter-Cologne Water Quality Act and may require the issuance, or waiver, of its waste discharge requirements.

Additionally, modification (e.g., realignments, culverting, construction of outfalls on the banks) of stream channels (including seasonal streams), and fill of wetlands are among the activities that require Water Quality Certification by the RWQCB, pursuant to Section 401 of the Clean Water Act. Jurisdictional authority of the CDFG over wetland areas is established under Section 1601-1606 of the Fish and Game Code, which pertains to activities that would disrupt the natural flow or alter the channel, bed or bank of any lake, river or stream. The Fish and Game Code stipulates that it is "unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake" without notifying the Department, incorporating necessary mitigation, and obtaining a Streambed Alteration agreement. The Wetlands Resources Policy of the CDFG states that the Fish and Game Commission will "strongly discourage development in or conversion of wetlands...unless, at a minimum, project mitigation assures there will be no net loss of either wetland habitat values or acreage." The Department is also responsible for commenting on projects requiring Corps permits under the Fish and Wildlife Coordination Act of 1958.

*Page 8-19, Paragraph 1:*

...These seasonal depressions function largely as grasslands, with no unique values to wildlife although they are used by common species associated with seasonal wetlands such as invertebrates and pacific tree frog.

*Page 8-26, Mitigation Measures 8.1.2a, 8.1.2b, 8.1.4a, 8.1.5a, and 8.1.5b:*

...If avoidance is not feasible, mitigation shall be developed in consultation with the CDFG and shall meet with the approval of the County General Services Agency prior to any construction or grading. The results of the preconstruction survey and any required mitigation monitoring shall be submitted to the CDFG and County General Services Agency.

*Pages 8-32, Mitigation Measures 8.3.2a, Existing San Leandro Property:*

**Mitigation Measures 8.3.2a: Wetland Delineation and Possible Replacement.** The preliminary wetland delineation shall be submitted to the Corps for verification, if this site is selected for the project. If the identified drainages ditches to be filled are not considered jurisdictional then no additional mitigation is considered necessary. If the Corps and/or Regional Water Quality Control Board determines these features are jurisdictional and must be filled, then a mitigation program shall be prepared by a qualified wetland specialist, and shall at minimum provide for no net loss of wetlands. This mitigation program will be required to provide for the creation of replacement habitat with and increase in acreage and value at a secure location to meet the “no net loss” standard. Any mitigation program shall include monitoring and management for a minimum of five years to ensure success of wetlands creation; specify success criteria, maintenance, monitoring requirements, and contingency measures; and define site preparation and revegetation procedures, along with an implementation schedule, and funding sources to ensure long-term management. If required, the detailed mitigation program shall be prepared in consultation with the Corps and/or Regional Water Quality Control Board and meet with the approval of the County General Services Agency Community Development Department prior to any construction on the site.

*Page 8-33, Mitigation Measure 8.3.5, East County Government Center:*

**Mitigation Measure 8.3.5: Wetland Delineation and Possible Replacement.** The preliminary wetland delineation shall be submitted to the Corps for verification, if this site is selected for the project. If the identified wetlands and detention basin are not considered jurisdictional then no additional mitigation is considered necessary. If the Corps and/or Regional Water Quality Control Board determines these features are jurisdictional, then a mitigation program shall be prepared by a qualified wetland specialist, and shall at minimum provide for no net loss of wetlands. This mitigation program will be required to provide for the creation of replacement habitat with and increase in acreage and value at a secure location to meet the “no net loss” standard. Any mitigation program shall include monitoring and management for a minimum of five years to ensure success of wetlands creation; specify success criteria, maintenance, monitoring requirements, and contingency measures; and define site preparation and revegetation procedures, along with an implementation schedule, and funding sources to ensure long-term management. If required, the detailed mitigation program shall be prepared in consultation with the Corps and/or Regional Water Quality Control Board and meet with the approval of the County General Services Agency Community Development Department prior to any construction on the site.

*Page 8-34, Mitigation Measure 8.3.6, Site 15A:*

**Mitigation Measure 8.3.6: Wetland Delineation and Possible Replacement.** The preliminary wetland delineation shall be submitted to the Corps for verification, if this site is selected for the project. If the identified wetlands and drainage ditch are not considered jurisdictional then no

additional mitigation is considered necessary. If the Corps and/or Regional Water Quality Control Board determines these features are jurisdictional, then a mitigation program shall be prepared by a qualified wetland specialist, and shall at minimum provide for no net loss of wetlands. This mitigation program will be required to provide for the creation of replacement habitat with and increase in acreage and value at a secure location to meet the “no net loss” standard. Any mitigation program shall include monitoring and management for a minimum of five years to ensure success of wetlands creation; specify success criteria, maintenance, monitoring requirements, and contingency measures; and define site preparation and revegetation procedures, along with an implementation schedule, and funding sources to ensure long-term management. If required, the detailed mitigation program shall be prepared in consultation with the Corps and/or Regional Water Quality Control Board and meet with the approval of the County General Services Agency Community Development Department prior to any construction on the site.

*Page 8-35, Mitigation Measure 8.4.4a:*

**Mitigation Measure 8.4.4a: Wildlife Habitat Buffer.** ~~As recommended in Mitigation Measure 8.1.4C: Protection of Raptor Foraging Habitat,~~ a 50-foot setback shall be provided along the northern, eastern and western edges of the site to provide a buffer for the surrounding adjacent open space lands. Appropriate native and ornamental shrubs and low-growing tree species shall be planted as landscape screening within 20 feet of the inside edge of this setback to provide screening of new structures, parking and other uses which may interfere with wildlife activity in the adjacent Arrowhead Marsh and regional shoreline of San Leandro Bay. Nighttime lighting shall be designed to minimize any illumination of the adjacent marshland habitat.

*Page 9-1, second paragraph:*

## REGULATORY/POLICY SETTING

### Alameda County Congestion Management Agency-Mandated Evaluation

~~The Alameda County Congestion Management Agency (CMA) requires that local jurisdiction address traffic operating conditions on Metropolitan Transportation System (MTS) roadways for development projects that would generate more than 100 p.m. peak hour vehicle trips. As such, evaluations were made of roadways that are part of the MTS network. Inclusion of the CMA analysis in this document is based on the CMA requirement that the findings of the MTS network evaluation be discussed in a public forum. For simplicity, agencies (including the City of Oakland) typically use the EIR as the forum to present the CMA results.~~

~~The CMA provided the Countywide Transportation Demand Model for 2005 and 2025 to forecast link (roadway segment) volumes on the MTS network. The CMA model used the Association of Bay Area Governments (ABAG) Projections 2000 land use data for years 2005 and 2025. Link volume to capacity ratios were calculated based on model forecasts. The level of~~

~~standard established in the Alameda County CMA Level of Service (LOS) Monitoring Study of existing conditions is LOS E.~~

~~The general policy for Alameda County and the cities of Dublin and San Leandro is to have their intersections operate no worse than LOS D.~~

The County of Alameda adopted resolution No. R-92-0602 on September 1, 1992 establishing guidelines for reviewing impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). These guidelines state that if a proposed project generates at least 100 p.m. peak hour trips over existing conditions, the CMP Land Use Analysis Program requires the County to conduct a transportation analysis of the project using the Countywide Transportation Demand Model for Year 2005 and 2025 conditions. The transportation analysis is conducted on the MTS network, which includes both transit and roadways.

Page 9-23:

- *Scenario A1*, in which a Juvenile Justice Facility with 420 beds and an East County Hall of Justice with 13 courtrooms would be co-located at the East County Government Center site. ~~No development of Site 15A would be developed according to the City of Dublin's Specific Plan and General Plan.~~ Development of the Cisco Systems project is considered representative of future conditions as part of this analysis because it was an approved project for that site.
- *Scenario A2*, in which a Juvenile Justice Facility with 540 beds and an East County Hall of Justice with 13 courtrooms would be co-located at the East County Government Center site. ~~No development of Site 15A would be developed according to the City of Dublin's Specific Plan and General Plan.~~ Development of the Cisco Systems project is considered representative of future conditions as part of this analysis analysis because it was an approved project for that site.
- *Scenario B*, in which a Juvenile Justice Facility would be located elsewhere outside of the area of influence in Dublin, and an East County Hall of Justice with 13 courtrooms would be located on the East County Government Center site. ~~No development of Site 15A would be developed according to the City of Dublin's Specific Plan and General Plan.~~ Development of the Cisco Systems project is considered representative of future conditions as part of this analysis analysis because it was an approved project for that site.
- *Scenario C1*, in which a Juvenile Justice Facility with 420 beds would be located at the East County Government Center site, and an East County Hall of Justice with 13 courtrooms would be located at Site 15A. The East County Government Center site would also accommodate future office development at some future date, consistent with the City of Dublin's Specific Plan and General Plan.

- *Scenario C2*, in which a Juvenile Justice Facility with 540 beds would be located at the East County Government Center site, and an East County Hall of Justice with 13 courtrooms would be located at Site 15A. The East County Government Center site would also accommodate future office development at some future date, consistent with the City of Dublin's Specific Plan and General Plan.
- *Scenario D*, in which a Juvenile Justice Facility would be located elsewhere outside of the area of influence in Dublin, and an East County Hall of Justice with 13 courtrooms would be located at Site 15A. ~~The East County Government Center site is not considered as part of this analysis.~~ The East County Government Center site would also accommodate future office development at some future date, consistent with the City of Dublin's Specific Plan and General Plan.

The analysis of these scenarios includes a comparison to the existing condition and to the baseline condition. The baseline condition is defined as existing conditions plus future traffic from approved ~~and pending projects~~ within the vicinity of the proposed Project.

*Page 9-24, Important Roadways:*

### Important Roadways

Important roadways serving the East County Government Center and Site 15A area include:

....

*Dublin Boulevard* is a major east-west arterial in the City of Dublin. It is a four lane divided road fronted largely by retail and commercial uses west of Dougherty Road. Between Dougherty Road and Tassajara Road, Dublin Boulevard is a six-lane divided arterial fronted primarily by residential, commercial and vacant lands. ~~East of Dougherty Road, Dublin Boulevard is four lanes to Iron Horse Parkway (currently being widened to six lanes), and six lanes from Iron Horse Parkway to Tassajara Road.~~ Dublin Boulevard extends east of Tassajara Road to Keegan Street as a four-lane roadway fronted by new residential development. Average daily volume near Arnold Road is approximately 16,000 vehicles.

*Central Parkway* is a two-lane east-west collector that extends from Arnold Road to Tassajara Road, and will be extended to Keegan Street (east of Tassajara Road) as part of the East Dublin Properties project.

*Hacienda Drive* is an arterial designed to provide access to I-580. North of I-580, Hacienda Drive is a two-to-six-lane arterial running in the north-south direction from Gleason Drive southerly to I-580. It is primarily fronted by commercial, office and residential uses. ~~It is a six-lane divided arterial south of I-580. Currently, hacienda Drive has four lanes north of I-580 to Central Parkway and continues northward to Gleason Drive as a two-lane roadway.~~ Average daily volume near Central Parkway is approximately 9,700 vehicles. South of I-580, Hacienda Drive is a six-lane divided road, a major arterial in the City of Pleasanton.

*Page 9-32, Transit Service:*

Existing transit service in the vicinity of the East County Government Center and Site 15A includes the Livermore-Amador Valley Transit Authority (LAVTA—~~WHEELS~~ ~~Wheels~~) Route 1, ~~Line 1~~, the Humphrey/Santa Rita Rehabilitation Center Shuttle, and the Altamont Commuter Express (ACE) connector. Route 1 ~~Line 1~~ provides service to and from BART via Broder Boulevard, Gleason Drive and Dublin Boulevard on approximately 30-minute headways for approximately three hours during the morning and five hours during evening commute hours on weekdays. On Sundays, WHEELS operates a fixed-schedule van shuttle between the Santa Rita Rehabilitation Center and the Dublin/Pleasanton BART station that runs most of the day. Additionally, on all days of the week, a demand-responsive type of service called DART provides rides for the general public during some of the hours when fixed-route service is unavailable. DART's capacity is limited and is provided as a supplement to regular service. The ACE shuttle runs to and from the train station at the Alameda County Fairgrounds in Pleasanton. The shuttle routes coordinate with the arrival and departure times of the ACE trains. LAVTA Route 12 ~~Line 12~~, connecting the BART station, the Las Positas College and the Livermore Transit Center, also provides service along Dublin Boulevard near Site 15A site. Route 12 provides all-day and evening service on a 15 to 45 minute headway, Monday through Saturday. Site 15A is also served by Route 1.

*Page 9-36, Impact 1: Increased Traffic in Excess of Local Roadway and/or Intersection Capacity.*

The maximum number of weekday trips that the Juvenile Justice Facility (with 540 beds) and would generate is 3,925. Hauling soil off-site to construct the Juvenile Justice Facility would involve the generation of approximately 1,800 total trips (assuming approximately 40 cubic yards of soil can be removed by a truck and trailer per trip), which would be spread over a period of several months. This is less than half the number of trips that the Juvenile Justice Facility itself would generate over the long-term. Delivery trips and employee trips would also add to the daily trips, at a rate similar to that for off-hauling, spread over a period of roughly 18 months. These trips would be less than the total daily trips projected to occur at occupancy of the facility, and therefore are consistent with the traffic analysis conducted for the project.

The daily number of trips generated by the East County Hall of Justice is estimated to be almost 6,000. Similar soil hauling trips would not be necessary, as the conceptual plan provides for a balanced cut and fill on the site. Other delivery, employee and similar trips would be substantially lower than the daily trips of the project once occupied, so are not considered further in the traffic impact analysis.

*Page 9-57:*

**Scenario Description**

Scenario A1 includes the development of a Juvenile Justice Facility with 420 beds and the proposed East County Hall of Justice with 13 courtrooms at the East County Government Center site. Site 15A ~~would not be developed under this scenario~~ would be developed according to the City of Dublin's Specific Plan and General Plan. Development of the Cisco Systems project is considered representative of future conditions as part of this analysis.

*Page 9-61:*

**Alternative Description**

Scenario A2 includes the development of a Juvenile Justice Facility with 540 beds and the proposed East County Hall of Justice with 13 courtrooms at the East County Government Center site. Site 15A ~~would not be developed under this scenario~~ would be developed according to the City of Dublin's Specific Plan and General Plan. Development of the Cisco Systems project is considered representative of future conditions as part of this analysis.

*Page 9-65:*

**Alternative Description**

Scenario B would include development of only the East County Hall of Justice at the East County Government Center site. Site 15A ~~would not be developed in this scenario~~ would be developed according to the City of Dublin's Specific Plan and General Plan. Development of the Cisco Systems project is considered representative of future conditions as part of this analysis. ~~and the~~ The Juvenile Justice Facility would be located elsewhere in the County, beyond the area of influence in Dublin.

*Page 9-66:*

**Alternative Description**

The Scenario C1 is for the proposed Juvenile Justice Facility with 420 beds would be located at the East County Government Center site, and the proposed East County Hall of Justice with 13 courtrooms would be located at Site 15A. Site 15A is bounded by Central Parkway to the north, Arnold Road to the west, Dublin Boulevard to the south and the existing Sybase office development to the east. The East County Government Center site would also accommodate future office development at some future date, consistent with the City of Dublin's Specific Plan and General Plan.

*Page 9-72:*

**Alternative Description**

The Scenario C2 is for the proposed Juvenile Justice Facility with 540 beds would be located at the East County Government Center site, and the proposed East County Hall of Justice would be located at Site 15A. The East County Government Center site would also accommodate future office development at some future date, consistent with the City of Dublin's Specific Plan and General Plan.

*Page 9-76:*

**Alternative Description**

The Scenario D is for the proposed East County Hall of Justice would be located at Site 15A. The proposed Juvenile Justice Facility would be located elsewhere in the County outside of the influence area of Dublin. The effects of the Juvenile Justice Facility would be as described in other sections of this chapter. The East County Government Center site would also accommodate future office development at some future date, consistent with the City of Dublin's Specific Plan and General Plan.

*Page 9-91, fifth paragraph heading:*

IMPACT 9.4: Exceeding Level of Service Standard Meeting the Requirements for the Land Use Analysis Program Established by the County Congestion Management Program for Designated Roads or Highways

*Page 9-96:*

**Mitigation Measure 9.4.2b: TSM/TDM Program.** The County of Alameda should develop and implement a Transportation Systems Management/Transportation Demand Management program for this Project designed to reduce the use of single-occupant vehicles, particularly during peak hour periods. This program should include such strategies as on-site distribution of transit information and passes, provision of shuttle services to and from the BART station, participation in ridesharing services, preferential parking for vanpools and carpools, provision of on-site bicycle parking and employee showers, and potentially flexible or staggered work hours.

*Page 9-101, Impact 9.4.6: Site 15A*

Study segments include:

I-580: East of Tassajara Road and West of Hopyard Road

I-680: South of I-580

Dougherty Road: South of Dublin Boulevard

Dublin Boulevard: East of Dougherty Road

Tassajara Road: South of Dublin Boulevard

*Page 9-108:*

**Mitigation Measure 9.4.5a and 9.4.6a: TSM/TDM Program.** The County of Alameda should implement a Transportation Systems Management/Transportation Demand Management program for this Project designed to reduce the use of single-occupant vehicles, particularly during peak hour periods. This program should include such strategies as on-site distribution of transit information and passes, provision of shuttle services to and from the BART station, participation in ridesharing services, preferential parking for vanpools and carpools, provision of on-site bicycle parking and employee showers, and potentially flexible or staggered work hours.

*Page 10-11, Paragraph 2:*

The East County Government Center site is located in the City of Dublin on the vacant area north of Gleason Drive at Hacienda Drive between Arnold Road and Madigan Avenue. The Santa Rita Rehabilitation Center is located north of the site, ~~Camp~~ Parks RFTA to the west and the California Highway Patrol to the east. Business offices are south of the site between Arnold Road and Hacienda Drive, and single-family homes are south of the site between Hacienda Drive and Tassajara Drive.

Parks RFTA is used for a number of training activities, including small arms firing, artillery bombardment simulations, tactical vehicle operation and military helicopter operations which have the potential to generate noise that may affect the proposed projects. According to the Parks RFTA Environmental Noise Management Program (ENMP), areas within approximately 1,000 feet of the RFTA boundary are potentially subject to helicopter overflight noise. According to the 1995 Woodward Clyde study, *Noise Source Inventory and Noise Abatement Plan for Parks Reserve Forces Training Area, Dublin CA*, "The limited Camp Parks-related helicopter activity was also found to cause minimal cumulative noise effects upon the community (noise levels less than 55 dBA Ldn)". (pg 4-1) Helicopters monitoring freeway

conditions are often more prevalent than military helicopters. In either case, helicopter noise would not impair the function of the Project at the East County Government Center Site.

*Page 10-18, Paragraph 3:*

The Transit Center site Site 15A is located in the City of Dublin on Arnold Road between Dublin Boulevard to the south and Central Parkway to the north. The site lies immediately west of the Sybase Headquarters office complex. Other office buildings lie to the north of the site across Central Parkway. Vacant lands currently lie to the south and west. These areas are planned for development by public and private entities as part of the County of Alameda's Surplus Property Authority's long-term development program, in concert with the City of Dublin's Eastern Dublin Specific Plan. The City recently approved the County's proposed Transit Center project to include a mix of residential, commercial, and public land uses between the Dublin-Pleasanton BART Station and the Parks RFTA, west of Arnold Road. Parks RFTA lies to the northwest. Parks RFTA is used for a number of training activities, including small arms firing, artillery bombardment simulations, tactical vehicle operation and military helicopter operations which have the potential to generate noise that may affect the proposed projects. According to the Parks RFTA Environmental Noise Management Program (ENMP), areas within approximately 1,000 feet of the RFTA boundary are potentially subject to helicopter overflight noise. According to the 1995 Woodward Clyde study, *Noise Source Inventory and Noise Abatement Plan for Parks Reserve Forces Training Area, Dublin CA*, "The limited Camp Parks-related helicopter activity was also found to cause minimal cumulative noise effects upon the community (noise levels less than 55 dBA Ldn)". (pg 4-1) Helicopters monitoring freeway conditions are often more prevalent than military helicopters. In either case, helicopter noise would not impair the function of the Project at Site 15A.

*Page 10-33, fourth paragraph:*

**Impact 10.3.6: Site 15A**

NO IMPACT; LESS THAN SIGNIFICANT IMPACT. There are no existing noise sensitive residential receivers in the vicinity of Site 15A, but offices are located within 500 feet and a future park is planned west of Arnold Drive. Construction activities will result in a temporary increase in the local noise levels of over 60 dB at the offices and any future use of the park site. However, the offices are provided with substantial shielding due to the new construction technology used at the building and are not considered a sensitive receptor for the purpose of this analysis. The planned park is not yet in use, and this would not cause a significant impact upon the transient use of the park and trail facilities because the visitors are present for relatively short periods of time. Construction activities will, therefore, cause a less than significant impact. ~~Therefore, cause no~~ Therefore, this is considered a less-than-significant adverse impacts. Construction of the new East County Hall of Justice is not associated with the demolition of the existing Juvenile Hall or the existing Gale/Shenone Courthouse, so there would be no demolition-related noise impacts.

*Page 11-29, Mitigation Measure 11.3.4*

**Mitigation Measure 11.4.2 11.3.4: Improve Operations of the Intersection of Foothill Boulevard and I-580 Westbound Off-ramp.** Mitigation Measure 9.1.2 (see Chapter 9: Transportation) would apply to this alternative.

*Page 12-3, to follow "Alameda County Airport Land Use Policy Plan" discussion*

**East Bay Municipal Utility District Policy**

The East Bay Municipal Utility District (EBMUD) has a policy regarding working with contaminated material, particularly contaminated soils and water. The policy states that EBMUD staff will not install pipeline in contaminated soil that must be handled as a hazardous waste, or that may adversely impact the pipeline or other construction material, or that may be hazardous to the health and safety of EBMUD personnel wearing Level D personal protective equipment. EBMUD requires a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified soil and/or water contaminants. EBMUD will not design the installation of pipelines until such time as remediation plans are received and reviewed and will not install pipelines until remediation has been carried out.

*Page 12-14 and Page 12-19, Aviation Operations in Site Vicinity:*

The City of Livermore Airport is located more than six miles east of the site, and no private aviation facilities are located in the vicinity. Military helicopters also occasionally fly in the Parks RFTA area.

*Page 12-23, Impact 12.3: All Alternatives:*

NO IMPACT. LESS THAN SIGNIFICANT IMPACT. Under each of the alternatives evaluated, construction and operation of the proposed facilities would not require the handling of significant quantities of hazardous materials. Mitigation Measures 12.1.2, 12.1.4, 12.1.5, and 12.1.6 would reduce the potential impact to less than significant. None of the sites evaluated are The closest part of Dougherty Elementary School is located within one-quarter mile of any existing or proposed school the from the closest part of the East County Government Center site. Site disturbance and construction activity would occur at or beyond this distance from the school site, and would not have any significant impacts after the implementation of the specified mitigation measures.

*Page 13-13, New Paragraph 4:*

The City of Dublin currently levies a fire protection fee for new development to offset the cost of providing new station, equipment and personnel. The fee is meant to reduce the impacts of future development on the City's existing fire facilities. Fees are paid to the City at the time of building permit issuance based on square footage of the respective building(s).

*Page 13-15, Paragraph 2:*

The City park facilities nearest the East County Government Center site are to the east, within approximately one mile. The first is Emerald Glen Park, a 28-acre community park that offers sports facilities, a snack bar, picnic area and a restroom. The second facility is a public access walking and hiking trail along Tassajara Creek. The trail follows the creek from Interstate I-580 north, and although the creek continues, the trail currently ends along the western side of the subdivision north of Gleason Drive. Alameda County Flood Control and Water Conservation District (Zone 7) owns the right-of-way and has entered into an agreement with the City of Dublin permitting public use of the maintenance trail provided the City maintains the trail and assumes financial responsibility for the public's use of the trail. The City has also approved a third facility, a new Neighborhood Park. This new park will be located to the south, on Site F of the Transit Center. There are additional parks and recreation facilities near the East County Government Center site, but these are private facilities for residents of area subdivisions. Additionally, a neighborhood park will be developed on Site F of the recently approved Transit Center, which will be located west of Site 15A.

*Page 13-15, New Paragraph 3:*

Dublin currently charges a public facilities fee for new developments to finance public improvements including, but not limited too, neighborhood and community parks. Fees are imposed on the basis of population created by various development types and paid at the time of building permit issuance. Maintenance of parkland is funded by the City's General Fund.

*Page 13-16, New Paragraph 3:*

Dublin currently charges a public facilities fee for new developments to finance public improvements including, but not limited too, libraries. Fees are imposed on the basis of population created by various development types and paid at the time of building permit issuance.

*Page 14-4, Last Paragraph:*

Water service to the existing Juvenile Hall site and the surrounding City of San Leandro is provided by the East Bay Municipal Utility District (EBMUD), a publicly owned utility. EBMUD is responsible for service connections and water deliver to parts of Alameda and Contra Costa Counties. ~~Water service to the existing Juvenile Hall site and the surrounding City of San Leandro is provided by the East Bay Municipal Utility District (EBMUD), a privately owned utility. EBMUD is responsible for service connections and water delivery to most of Alameda County and much of Contra Costa County. The EBMUD water supply system is more fully described below under the Pardee/Swan Site.~~

*Page 14-6, Paragraph 1:*

The existing Juvenile Hall is located with the unincorporated Castro Valley Planning Area. Castro Valley is within Zone 2 7 of the Alameda County Flood Control and Water Conservation District. The District is responsible for designing all flood control and storm drainage facilities to meet 15-year flood standards. A complete system of storm drainage lines has been constructed throughout the Castro Valley Planning Area to accommodate storm runoff, with adequate capacity to accommodate ultimate development (Alameda County, 1985).

The existing storm drainage system at the site consists of small channels that drain to a large wetland area adjacent to Fairmont Drive. A storm drainage system in Fairmont Drive also discharges into this wetland area. At the lower end of the wetland a 60-inch storm drainpipe conveys runoff downstream into the Zone 2 7 system, eventually draining into the Bay.

*Page 14-7, insert to follow the "Domestic Water Supply" discussion for the Glenn Dyer Detention Facility:*

### **Recycled Water**

To offset demand on EBMUD's limited potable water supply, EBMUD's Policy 73 requires that customers use nonpotable water for nondomestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife. The City of Oakland has adopted a dual plumbing ordinance that requires the installation of dual plumbing systems for use of recycled water in development projects that are located within the service area boundary of a recycled water project. The Glenn Dyer Detention Center Facility site is located within the service area boundary of Phase 1A of EBMUD's East Bayshore Recycled Water Project. Recycled water delivery is anticipated for the Spring of 2005.

*Page 14-7, first paragraph*

### **Domestic Water Supply**

The Glenn Dyer Detention Facility is located in downtown Oakland. The East Bay Municipal Utility District (EBMUD) serves all of Oakland with potable and recycled reclaimed water, as described below for the Pardee/Swan site.

*Page 14-7, Last Paragraph*

### **Potable Water Supply**

The East Bay Municipal Utility District (EBMUD) serves all of Oakland with potable and recycled reclaimed water. The source of EBMUD's potable water supply is currently the Mokelumne River and local runoff. EBMUD's total service area customer demand in year 2000 was 230 mgd, and when adjusted for conservation and the use of recycled reclaimed water, net customer demand was estimated at 216 mgd. EBMUD projects that the demand forecast by 2020 of 277 mgd can be reduced to 229 mgd with successful water recycling and conservation programs. This projection assumes no occurrence of a drought and a population increase in EBMUD's service of approximately 1.27 million to 1.42 million (EMBUD 2000). by year 2020 the net customer demand for potable water will reach 250 mgd assuming that water conservation efforts are successful, that there are no droughts and that the City grows at an average annual rate of 0.4% (EBMUD, 2000).

*Page 14-8, Paragraph 1:*

EBMUD has prepared an *Urban Water Management Plan* (EBMUD 2000) that indicates that with aggressive conservation and recycling reclamation, EBMUD can meet its obligation to serve its current and future customers in normal rainfall years through year 2020. However, in multiple years of drought, even with aggressive conservation and recycling reclamation coupled with 25 percent rationing throughout the service area, EBMUD predicts a shortfall of about 62.5 mgd. ~~in excess of 131 mgd within the next 25 years.~~ In 1970, EBMUD signed a contract with the US Bureau of Reclamation (USBR) for a supplemental supply of American River water from the Central Valley Project (CVP). EBMUD's entitlement to water from the American River was challenged and for ~~For~~ more than 30 years, EBMUD has pursued this supplemental supply. a supplemental source of high quality raw water from the American River. In 2000, an agreement was reached between USBR, EBMUD and Sacramento parties to develop a joint water supply. In 2002, EBMUD and the County of Sacramento (in association with the City of Sacramento and with support from USBR) formed the Freeport Regional Water Authority (FRWA). The FRWA will be releasing a Draft EIS/EIR in Spring 2003 for public review. Complete construction of facilities needed to divert water is expected to occur in 2008 (EBMUD 2000 and www.ebmud.com). ~~However, due to long term strong political and environmental opposition to this plan, EBMUD recently entered into an agreement with the County of Sacramento and the~~

~~U.S. Bureau of Reclamation to access the Sacramento River as the source of supplemental EBMUD water supplies (EBMUD, 2001a).~~

*Page 14-8, Paragraph 3:*

### **Recycled Water**

To offset demand on EBMUD's limited potable water supply, EBMUD's Policy 73 requires that customers use nonpotable water for nondomestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife. The Port of Oakland and the City of Oakland have adopted dual plumbing ordinances that requires the installation of dual plumbing systems for use of recycled water in development projects that are located within the service area boundary of a recycled water project. The Pardee/Swan site is located within the service area boundary of EBMUD's San Leandro Recycled Water Project. Recycled water delivery is anticipated for the Spring of 2015.

### **Reclaimed Water**

~~EBMUD projects that, in 2020, customers will use 14 mgd of reclaimed water for landscape irrigation and for some industrial and commercial uses. The supply of EBMUD reclaimed water from its Main Wastewater Treatment Plant in Oakland far exceeds demand. Reclaimed water therefore provides a much more stable source of water, not subject to rationing for landscape irrigation and other potential uses. EBMUD is considering regulations that would require its customers and applicants to use recycled water when such water is of adequate quality and quantity, available at a reasonable cost, not detrimental to public health, and not injurious to plant, fish, or wildlife (EBMUD, 2000).~~

*Page 14-13, Last Paragraph:*

### **Storm Drainage**

The East County Government Center site lies within Zone 7 of the Alameda County Flood Control and Water Conservation District (Zone 7). The existing storm drainage system available to serve the site is maintained and operated by Zone 7. ~~The storm drain system is part of Zone 7's G-5 line. As discussed in Chapter 7: Hydrology and Water Quality, surface runoff drains as follows: Within the vicinity of the site, this system has three components:~~

- Surface runoff from the majority of the site (approximately 35 acres of its western portion) the site collects in an existing detention basin located on site along the west property boundary at Arnold Road. The detention basin drains into triple 36-inch diameter reinforced concrete pipes under Arnold Road, discharging into the Arnold Road channel.
- Additionally, an existing 24- to 30-inch storm drain line is located within the western section of Gleason Drive, which drains into the Arnold Road channel.

- There is also an existing 48-inch-diameter reinforced concrete pipe that conveys a portion of the storm water from the Santa Rita Rehabilitation Center along Broder Boulevard and empties and emptying into the detention basin. This system conveys an estimated peak flow rate of 75 cubic feet per second (cfs) from the existing jail facility to the existing detention basin. The remainder of the storm water from the jail facility drains southwesterly via a drainage ditch onto the Parks RFTA property.

Drainage from the Arnold Road channel discharges to a flow splitter near Central Parkway, with a portion of the flow continuing south in a closed pipe to a triple 54-inch culvert under I-580 at Arnold Road. These pipes convey storm flows into Zone 7's Line G-2. The remainder continues through an open channel to a closed pipe through the BART station and under the I-580. This open channel conveys storm flows into the relatively new Line G-5, which then drains into to Line G-2 south of I-580. Line G-2 drains into the Chabot Channel and then to Arroyo Mucho.

- Surface runoff from the remainder of the site (approximately 5 acres of its eastern portion) discharges into Additionally, a second pipe located within the eastern section of Gleason Drive. This existing 24-inch 30-inch storm drain line is located within Gleason Drive, drains easterly to Tassajara Creek (designated Line K by Zone 7), which connects to the Arnold Road channel.

~~Drainage from this area then flows southerly along Arnold Road and leaves the area through two drainage courses: Tassajara Creek (designated Line K by Zone 7), and via a culvert under I 580 about 2,000 feet east of Tassajara Road (designated Line G 3 by Zone 7). Tassajara Creek drains to the Arroyo Mocho, which then drains to the Arroyo de la Laguna. Alameda Creek receives flows from the Arroyo de la Laguna, and flows in a westerly direction through Niles Canyon until it ultimately discharges to San Francisco Bay.~~

*Page 14-14, Paragraph 1:*

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps indicate that flooding during a 100-year storm will occur primarily along Tassajara Creek. The flooded areas ~~would be confined to~~ include an approximately 200-foot width along more than half of the length of Tassajara Creek in the general vicinity of the site., and a wide area just north of where Tassajara Creek flows under I 580, which covers portions of the old Santa Rita jail facilities. The main reason for flooding along Tassajara Creek is inadequate culvert flow capacity where the creek crosses I 580. Currently, Alameda County is studying the flooding problems at these culverts.

*Page 14-17, Last Paragraph:*

### **Project Benefits/Mitigation Measures Incorporated**

Each of the alternatives described below (except "No Action/No Project") would increase the demand for water supplies, but both EBMUD and DSRSD have demonstrated that this additional

demand is less than significant and can be met given the respective agency's water conservation measures, and recycled water programs (where appropriate). The infrastructure required to implement these water conservation measures and recycled water pipelines (where appropriate) would be a required improvement for any new facility constructed and would be part of the overall Project costs.

*Page 14-18, Impact 14.1.2:*

#### **14.1.2: Existing San Leandro Property**

LESS THAN SIGNIFICANT IMPACT. Construction and operation of a new Juvenile Justice Facility (juvenile detention center and juvenile courthouses) at this site would increase demand for water supply from the EBMUD by approximately 42,200 ~~50,000~~ gallons per day if a 420-bed facility is built and 54,200 ~~62,000~~ if a 540-bed facility is built.

- The increase from 300 beds at the existing Juvenile Hall to 420 beds at the Juvenile Justice Facility would increase potable water demand by approximately 12,000 gallons per day (gpd).<sup>1</sup>
- The increase from 300 beds at the existing Juvenile Hall to 540 beds at the Juvenile Justice Facility would increase potable water demand by approximately 24,000 gallons per day (gpd).
- The additional approximately 85,000 square feet of juvenile courthouse and associated space would generate an increased potable water demand of approximately 13,000 gpd.<sup>2</sup>
- Additionally, the exterior irrigation water demand, assuming approximately 8 acres of irrigated area, is estimated to be approximately 17,200 ~~25,000~~ gallons per day.<sup>3</sup>

EBMUD projects that the total water demand throughout its service area is expected to grow by approximately 34 million gallons per day by the year 2020. The increased demand for water (between 42,200 ~~50,000~~ gpd and 54,200 ~~62,000~~ gpd for a 420-bed to 540-bed facility) under this alternative represents less than approximately 0.2 percent of this overall demand. Given that EBMUD has indicated that with aggressive conservation and recycling reclamation it can meet its obligation to serve its current and future customers in normal rainfall years through year 2020, this alternative project's contribution toward the overall water demand is an insignificant

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<sup>1</sup> Water demand for each bed within the Juvenile Justice Facility is estimated at 100 gallons per bed per day, derived from water demand factors for jail inmates (DSRSD, September 2000, Table 3-4).

<sup>2</sup> Water demand estimates for Juvenile Justice Facility and East County Hall of Justice are estimated at 0.15 gallon per square foot per day.

<sup>3</sup> Exterior irrigation rates assumed at 3,125 gpd/acre is used (DSRD, September 2000, Table 3-4). To account for cooler conditions, 2,150 gpd/acre is used for San Leandro and Oakland sites (EBMUD, March 10, 2003).

the bypass storm system improvement is not completed prior to construction of the East County Government Center, the design capacity of both may be exceeded. ~~an additional 295 cfs would flow into the detention basin through the existing Gleason Drive pipe, exceeding its designed capacity.~~ This would be regarded as a potentially significant environmental impact.

On the approximately 5 acres of the eastern portion of the site that drains easterly, new impervious surfaces could also create runoff that may exceed the design capacity of the existing pipe. The proposed bypass system would not address this potentially significant environmental impact.

**Mitigation Measure 14.5.5: Timely Completion of Bypass System.** Adequate storm drainage capacity for the majority of the site is contingent upon concurrent construction of the County's bypass system. If the bypass system is not completed in time to service the proposed development at the site, additional off-site storm drainage improvements will be required to provide adequate storm drainage improvements per the interim condition. These alternative improvements may include a new detention basin north of the site to detain the 295 cfs of storm water runoff. This temporary detention basin would be located at the mouth of the creek that enters the Santa Rita Rehabilitation Center from the Parks RFTA property to its north.

**Mitigation Measure 14.5.6: Storm Water Pollution Prevention Plan.** Mitigation Measure 7.1.2 (see Chapter 7: Hydrology and Water Quality) would also apply to this alternative. Sufficient drainage is required to ensure the protection of water quality, and the SWPPP may include provisions for swales and small detention ponds that would collect water on-site. These measures would augment the existing drainage and would ensure that sufficient drainage is provided and water quality is protected. Creating small on-site detention ponds would also ensure the "no net loss" standard for wetlands is met (as per Mitigation Measure 8.3.5 in Chapter 8: Biological Resources).

*Resulting Level of Significance:* Timely completion of the bypass system, or alternative interim storm drain system improvements described above, and implementation of the SWPPP, would prevent storm water capacity problems at the site, reducing this impact to a *less than significant* level.

*Page 14-32, Paragraph 2:*

LESS THAN SIGNIFICANT IMPACT. Development of Site 15A with a new East County Hall of Justice facility would increase impervious surfaces from this now vacant site, increasing stormwater runoff. Runoff from this site enters into Zone 7's Line G-2 and G-5 drainage ~~facilities facility~~, and would cause a slight increase in peak flows within these lines Line G-5 during major storms and high flows. Zone 7 has completed a *Special Drainage Area 7-1 Program Update* (Schaaf & Wheeler, 2000), which has considered the increase of peak flood flows in all storm drain channels within its system. Zone 7 is in the process of establishing new fees pursuant to this report to cover the costs of storm drain channel improvements as identified in this report. New development at this site would contribute fees to Zone 7, thereby paying its

fair share of the costs of adequate regional drainage and flood control facilities. Therefore, this impact would be considered less than significant.

*Page 15-32, Paragraph 2:*

The proposed Project does not affect the physical characteristics that convey the significance of the historic districts, nor does the Project materially impact the individual National Register-eligible resources and local landmarks within the Old Oakland Historic District adjacent to the Project site. The historic resources are not directly altered, and the changes to the views to and from the historic resources are less than significant. Changes to the periods in which these resources would be in shadow cast by surrounding buildings, including increased shadow from the addition to the Glenn Dyer Detention Facility, would not affect the resource-defining features. This includes impacts to the Grove-Lafayette Residential API, the St. Mary's Church Complex API, and the City-landmark Jefferson Park. The addition to the Glenn Dyer Detention Facility would be approximately 250 feet from the closest point of the park. The addition would increase the height of the existing building by approximately 12 feet and add an adjacent structure approximately 70 feet wide and 150 feet long, and approximately 25 feet taller than the existing structure. These changes would increase existing shadow lengths cast on the park by about 100 feet (about 5,000 square feet) during the morning in the spring and fall, when the sun is low on the horizon and passes through mid-latitudes. Consistent with the City of Oakland's conclusions on other large projects in the downtown area that cast shadows on public historic parks (see the Oakland City Center Project Draft EIR, January 31, 2000), this would be a less than significant impact.

*Page 16-12, Impact 16.1.3: Glenn Dyer Detention Facility:*

**SIGNIFICANT UNAVOIDABLE IMPACT.** The conversion of the existing Glenn Dyer Detention Facility to house juvenile detainees would not have environmental justice impacts on the surrounding area, but could have significant adverse effects on the detainees that cannot be readily mitigated. Regarding impacts to the surrounding area, although data about the residents in the community around the facility indicates that a disproportionate share of them are of minority or low-income status, the impacts in this area are limited to the specific traffic, noise, air quality, and other physical impacts identified in the Summary Table and throughout this EIS/EIR. These impacts are addressed through mitigation measures that would reduce or avoid the impact in most cases, and are treated similarly to the impacts and mitigation measures that would apply to development at other alternative sites that are not in areas disproportionately represented by minority or low-income persons.

*Page 16-14, Paragraph 3:*

The East County Government Center Site is suited to development as a Juvenile Justice Facility and/or Hall of Justice and would not present any environmental hazards to the detainees.

However, the site's location could present some transportation difficulties for families and others associated with the detainees, probationers, and other users of the Juvenile Justice Facility. Probationers report locally and at a central facility on a varying basis. Court filings, hearings, and other activities at the juvenile courts also would require regular transportation to and from the site. The County's transportation plan would address each of these needs by enhancing bus service from the Dublin BART station throughout the day.

*Page 17-1, Paragraph 4:*

The development of these Projects at any of the sites evaluated in this EIS/EIR would be consistent with overall land use plans for the areas except, as discussed in detail in Chapter 4: Land Use and Planning, for Site 15A. This site is not currently designated for public uses, but is designated for High Density Residential. In ,in terms of density and intensity of use, all the The sites, including Site 15A, are each located in urban areas with adequate infrastructure to serve the demands for services, such as water and wastewater, so no substantial infrastructure improvements would be required which could lead to growth-inducement in neighboring areas.

*Page 17-4, Mitigation Measures (Existing San Leandro Property):*

**Mitigation Measure 17.1.2a ~~17.1.1a~~: Preserve and Enhance Transit Service in San Leandro.** The County of Alameda should coordinate with AC Transit service planners to ensure continued service at sufficient frequency and hours of operation to meet the needs of the Project and to provide a new bus stop at the main entrance to the facility.

**Mitigation Measure 17.1.2b ~~17.1.1b~~: TSM/TDM Program.** The County of Alameda should develop and implement a Transportation Systems Management/Transportation Demand Management program for this Project designed to reduce the use of single-occupant vehicles, particularly during peak hour periods. This program should include such strategies as on-site distribution of transit information and passes, provision of shuttle services to and from the BART station, participation in ridesharing services, preferential parking for vanpools and carpools, and potentially flexible or staggered work hours.

*Page 17-6, Resulting Level of Significance (Existing San Leandro Property):*

*Resulting level of Significance.* Even with implementation of Measure 17.1.2a ~~17.1.2a~~ and 17.1.2b ~~17.1.2b~~, the Project's contribution of traffic to I-580 would be a significant and unavoidable effect.

*Page 17-15, Mitigation Measure and Resulting Level of Significance (Pardee/Swan Site):*

**Mitigation Measure 17.1.4a 17.4.3a: TSM/TDM Program.** The County of Alameda should develop and implement a Transportation Systems Management/Transportation Demand Management program for this Project designed to reduce the use of single-occupant vehicles, particularly during peak hour periods. This program should include such strategies as on-site distribution of transit information and passes, provision of shuttle services to and from the BART station, participation in ridesharing services, preferential parking for vanpools and carpools, and potentially flexible or staggered work hours.

*Resulting level of Significance.* Even with implementation of Measure 17.1.4a 17.4.3a, the Project's contribution of traffic to I-580 would be a significant and unavoidable effect.

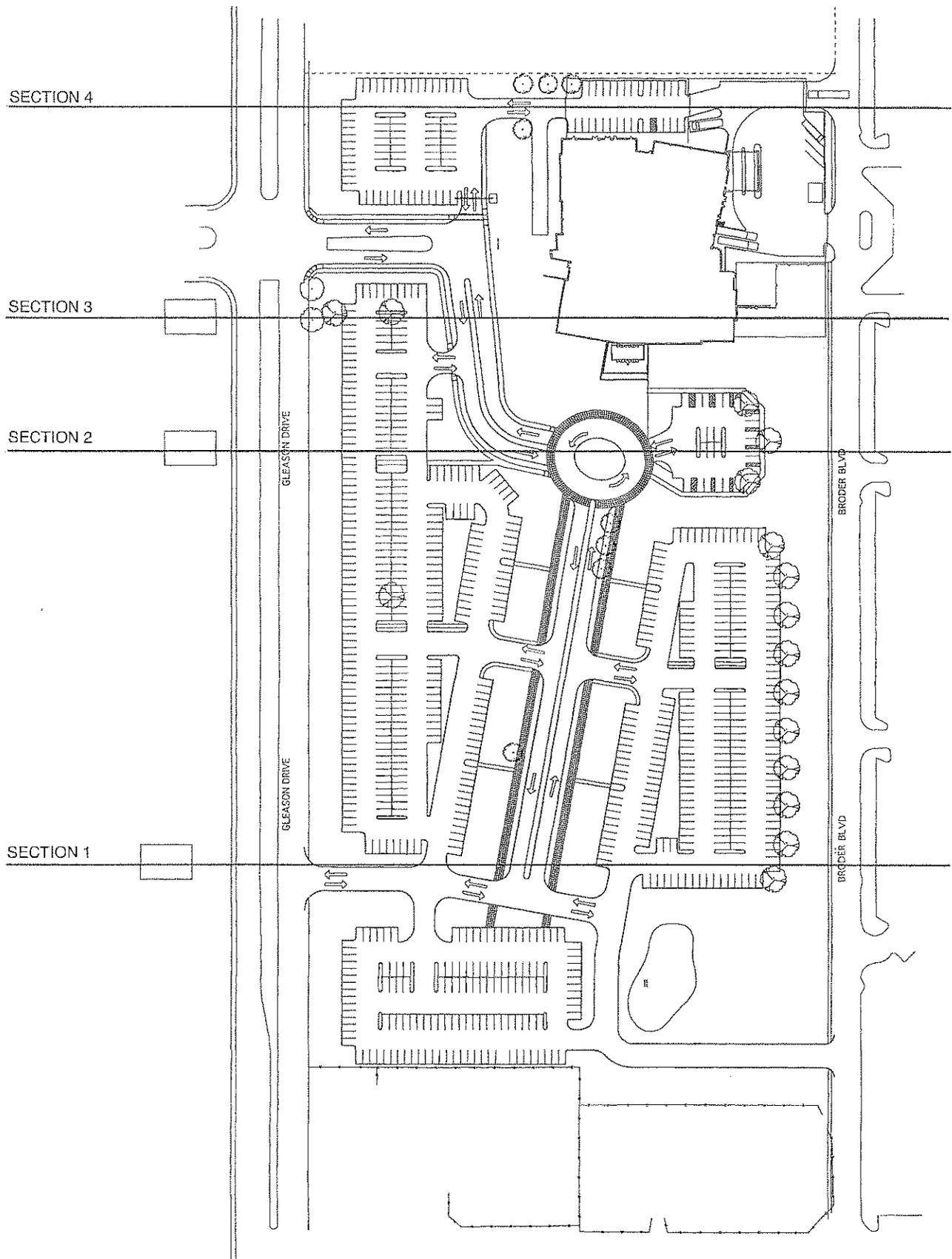
*Page 17-16 to 17-17, Mitigation Measures and Resulting Level of Significance (East County Government Center Site and Site 15A):*

**Mitigation Measure 17.1.5a and 17.1.6a: TSM/TDM Program.** The County of Alameda should implement a Transportation Systems Management/Transportation Demand Management program for this Project designed to reduce the use of single-occupant vehicles, particularly during peak hour periods. This program should include such strategies as on-site distribution of transit information and passes, provision of shuttle services to and from the BART station, participation in ridesharing services, preferential parking for vanpools and carpools, and potentially flexible or staggered work hours.

**Mitigation Measure 17.1.5b and 17.1.6b: Enhanced Transit Program.** The County of Alameda should implement an enhanced transit program designed to improve access to the Project, with particular emphasis on expanding LAVTA route coverage and hours serving the site. Such a program should also consider the potential for participation in funding LAVTA shuttle services to and from the BART station.

**Mitigation Measure 17.1.5c and 17.1.6c: TVTC Fees.** The County of Alameda should contribute a proportionate amount to regional transportation mitigation programs as determined by the current Tri-Valley Transportation Council fee program. Regional improvements that may be implemented through use of these fees may include enhanced rail and feeder bus transit services, construction or upgrading of I-580 and/or I-680 freeways, and/or construction or upgrading of alternative road corridors to relieve demand on the I-580 and I-680 freeways.

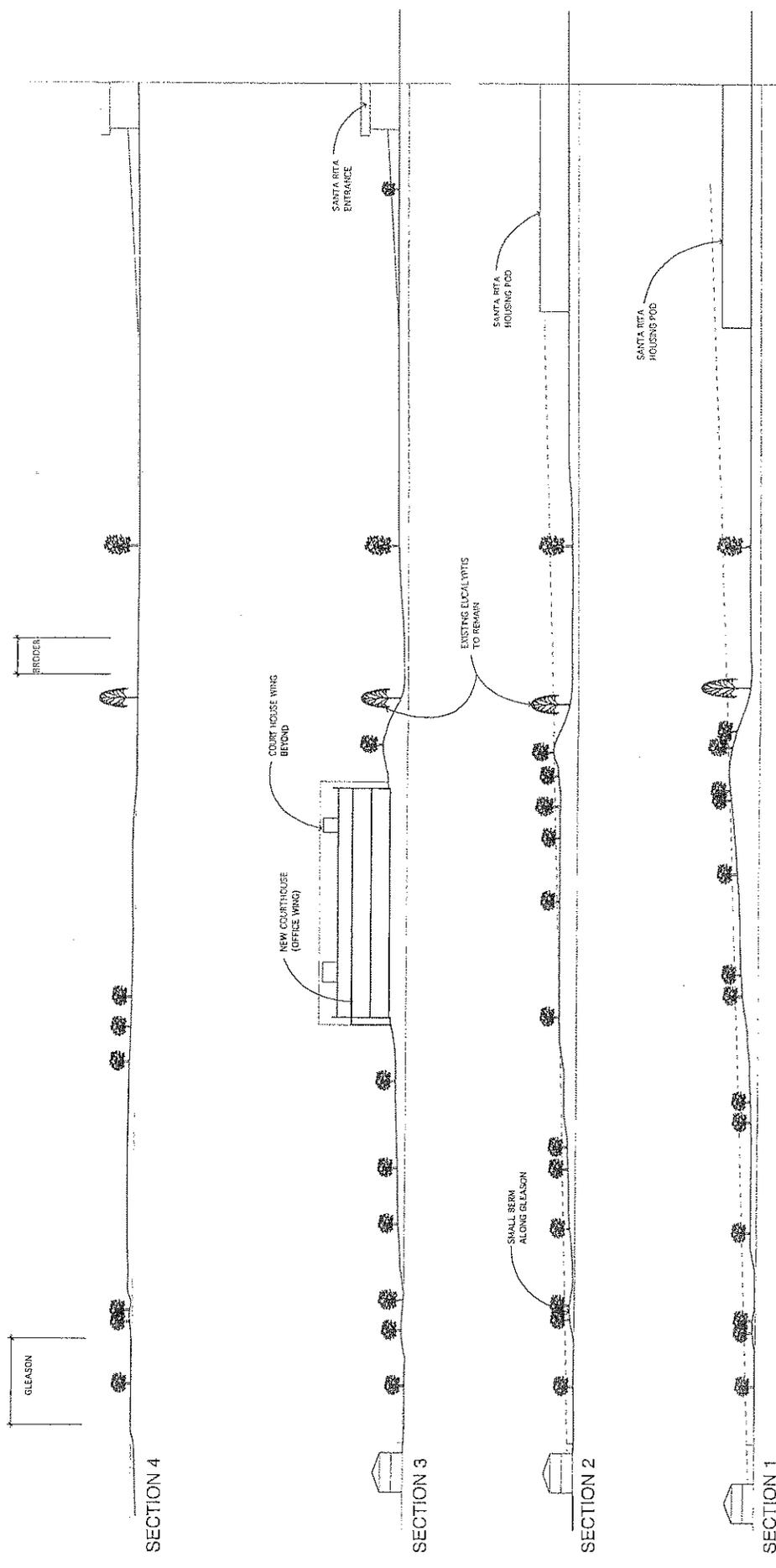
*Resulting level of Significance.* Even with implementation of Measure 17.1.5a, b and c 17.4.5a, b, and c, and 17.1.6a, b and c, 17.4.6a, b and c above, the Project's contribution of traffic to I-580, Dougherty Road and Dublin Blvd. could be a significant and unavoidable effect because funding may not be adequate to provide for implementation of all of the necessary mitigation measures planned for the Tri-Valley.



**Figure 3.19a**  
 East County Government Center Site  
 Site Section Location

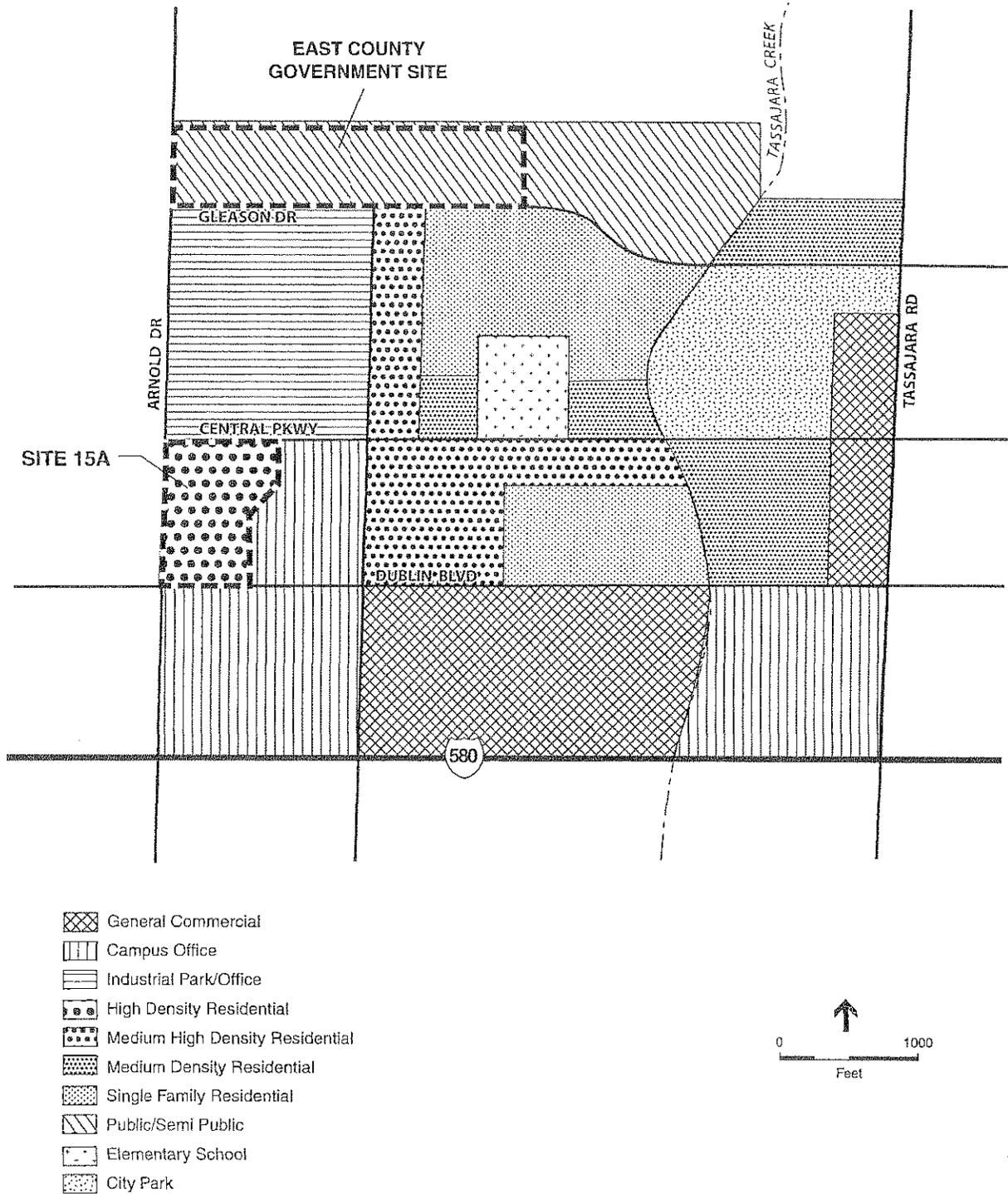


SOURCE: HLM Design, Muller & Caulfield Architects



SOURCE: HLM Design, Muller & Caulfield Architects

**Figure 3.19b**  
 East County Government Center -  
 Site Sections



**Figure 4.12 (revised)**



SOURCE: Base on EDSP & GP Amendment

East County Government Center and Site 15A  
 Eastern Dublin Specific Plan Land Use Map and General Plan Map

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## Report Preparation

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# Summary of Impacts and Mitigation Measures

Juvenile Justice Facility at the Existing San Leandro Site

*Alameda County, California*

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SUMMARY OF IMPACTS AND MITIGATION MEASURES – JUVENILE JUSTICE FACILITY AT SAN LEANDRO SITE

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
<b>GEOLOGY, SOILS AND SEISMICITY</b>	
<p><b>6.1:</b> Risk of Loss, Injury or Death Involving Rupture of a Known Earthquake Fault.</p>	<p><b>6.1.2: Site Design for Fault Avoidance.</b> The development at the site shall be designed to avoid placing any structures for human occupancy in any areas where active faults have been identified, or within any formally identified Alquist-Prilio Special Studies Zone. Areas where active faults have been identified shall be used only for nonhabitable structures or open space. Utilities shall not be built within the geologic setback one or cross the fault zone, unless equipped with flexible pipes that accommodate earth movement without failure and/or automatic shut-off valves or any other safety designs that the utility provider deems necessary.</p>
<p><b>6.2:</b> Risk of Loss, Injury or Death Involving Strong Seismic Ground Shaking.</p>	<p><b>6.2.2: Seismic Design.</b> The Project shall be designed to address the projected seismic shaking hazards present at the site, in conformance with the Uniform Building Code, California Building Code and Board of Corrections design standards for juvenile detention facilities.</p>
<p><b>6.4:</b> Risk of Loss, Injury or Death Involving Landslides.</p>	<p><b>6.4.2: Retaining Walls.</b> Upslope retaining wall systems up to 38 feet high will be required to effectively reduce the risks associated with potential landslides at the Existing San Leandro Property to a level of less than significant.</p>
<p><b>6.5:</b> Soil Erosion.</p>	<p><b>6.5.2: Implementation of a Storm Water Pollution Prevention Program (SWPPP).</b> The SWPPP will need to include stormwater quality BMPs that will reduce runoff of sediment and other pollutants during construction to less than significant levels. Some of the post-construction source control BMPs that could be included in the SWPPP would reduce the generation of pollutants from activities such as lawn maintenance, vehicle use, material storage and waste collection/recycling. In order to be approved by the Regional Water Quality Control Board, the SWPPP will need to demonstrate that implementation will reduce potential soil erosion to a level of less than significant.</p>
<p><b>6.6:</b> Soil Instability.</p>	<p><b>6.6.2: Incorporation of Geotechnical Engineering Recommendation in Foundation Design.</b> Once the potential for differential settlement has been thoroughly assessed and pending the selection of the foundation design, subsequent geotechnical engineering recommendations shall be incorporated in the design of foundations at the Existing San Leandro Property.</p>
<p><b>6.7:</b> Expansive Soils.</p>	<p><b>6.7.2: Limitations on Use of Expansive Soils On Site.</b> The geotechnical engineering recommendations for the conceptual-level study of the site indicated that on-site expansive soils could likely be incorporated into the deeper fills planned west of the proposed Juvenile Justice Facility, although expansive soils should not be used for the construction of fill slopes or as backfill behind walls retaining fill. Should expansive soils remain in building areas after site excavations are complete, these soils shall be removed and replaced with properly compacted, nonexpansive fill.</p>
<b>HYDROLOGY AND WATER QUALITY</b>	
<p><b>7.1:</b> Violation of Water Quality Standards.</p>	<p><b>7.1.2: Storm Water Pollution Prevention Plan.</b> See Mitigation Measure 6.5.2.</p>
<p><b>7.4:</b> Exceed Capacity of Stormwater Infrastructure/Contribute to Polluted Runoff</p>	<p><b>7.4.2: Storm Water Pollution Prevention Plan.</b> See Mitigation Measure 6.5.2.</p>
<b>BIOLOGICAL RESOURCES</b>	
<p><b>8.1:</b> Special-Status Species.</p>	<p><b>8.1.2a: Preconstruction Nesting Surveys.</b> Preconstruction nesting surveys for loggerhead shrike and raptors shall be conducted during the months of April through July prior to any destruction of suitable nesting habitat. The surveys shall be conducted by a qualified biologist no more</p>

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
	<p>than 30 days prior to initiation of grading. If any of these species are found within the construction area after April of the construction year, grading and construction in the area shall either stop or continue only after the nests are protected by an adequate setback approved by a qualified biologist. If avoidance of nests is not feasible, impacts to foraging habitat and kite, shrike and raptor nests shall be minimized by avoiding disturbances to the birds during the nesting season unless a qualified biologist verifies that the birds have either (1) not begun egg-laying and incubation, or (2) that the juveniles from those nests are foraging independently and capable of survival at an earlier date.</p> <p>If avoidance is not feasible, mitigation shall be developed in consultation with the CDFG and shall meet with the approval of the County General Services Agency prior to any construction or grading. The results of the preconstruction survey and any required mitigation monitoring shall be submitted to the CDFG and County General Services Agency.</p>
	<p><b>8.1.2b: Preconstruction Roosting Surveys.</b> Preconstruction roosting surveys for pallid bat and Townsend’s western big-eared bat shall be conducted prior to demolition of buildings on the site. The surveys shall be conducted by a qualified biologist no more than 30 days prior to demolition. If bat roosts are encountered, demolition shall be postponed until bats have been relocated. Roost entrances shall be fitted with one-way doors that allow exits but prevent entrance for a period of several days to encourage bats to relocate. If maternity roosts are found, the structure with the maternity roost shall be avoided and bat relocation efforts postponed until the offspring have fledged.</p> <p>If avoidance is not feasible, mitigation shall be developed in consultation with the CDFG and shall meet with the approval of the County General Services Agency prior to any construction or grading. The results of the preconstruction survey and any required mitigation monitoring shall be submitted to the CDFG and County General Services Agency.</p>
<p><b>8.3: Loss or Modifications to Wetlands.</b></p>	<p><b>8.3.2a: Wetland Delineation and Possible Replacement.</b> The preliminary wetland delineation shall be submitted to the Corps for verification, if this site is selected for the project. If the identified drainages ditches to be filled are not considered jurisdictional then no additional mitigation is considered necessary. If the Corps and/or Regional Water Quality Control Board determines these features are jurisdictional and must be filled, then a mitigation program shall be prepared by a qualified wetland specialist, and shall at minimum provide for no net loss of wetlands. This mitigation program will be required to provide for the creation of replacement habitat with an increase in acreage and value at a secure location to meet the “no net loss” standard. Any mitigation program shall include monitoring and management for a minimum of five years to ensure success of wetlands creation; specify success criteria, maintenance, monitoring requirements, and contingency measures; and define site preparation and revegetation procedures, along with an implementation schedule, and funding sources to ensure long-term management. If required, the detailed mitigation program shall be prepared in consultation with the Corps and/or Regional Water Quality Control Board and meet with the approval of the County General Services Agency prior to any construction on the site.</p>
	<p><b>8.3.2b: Wetland Protection.</b> As recommended in <b>Mitigation Measure 6.5.2</b>, a Stormwater Pollution Prevention Plan shall be prepared and implemented using Best Management Practices to control both construction-related erosion and sedimentation and Project-related nonpoint discharge into waters on the site.</p>
<p><b>8.5: Conflict with Local Policies or Ordinances.</b></p>	<p><b>8.5.2a: Preconstruction Nesting Surveys.</b> See Mitigation Measure 8.1.2a.</p>
	<p><b>8.5.2b: Preconstruction Roosting Surveys.</b> See Mitigation Measure</p>

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
	8.1.2b.
	<b>8.5.2c: Wetland Delineation and Possible Replacement.</b> See Mitigation Measure 8.3.2a.
	<b>8.5.2d: Wetland Protection.</b> See Mitigation Measure 8.3.2b.
<b>TRANSPORTATION</b>	
<b>9.1:</b> Increased Traffic in Excess of Local Roadways and/or Intersection Capacity.	<b>9.1.2: Improve Operations of the Intersection of Foothill Boulevard and I-580 Westbound Off-Ramp.</b> If this alternative is selected, the County should consider signaling the intersection of Foothill Boulevard and I-580 Westbound Off-Ramp. Existing traffic results in Level of Service F in the a.m. and p.m. peak hours, and addition of Project traffic would add to this condition. Alternatively, a two-lane roundabout could be installed at this location to alleviate traffic congestion.
<b>9.3:</b> Increased Demand for Transit Service in Excess of Capacity.	<b>9.3.2: Preserve and Enhance Transit Service in San Leandro.</b> The County of Alameda should coordinate with AC Transit service planners to ensure continued service at sufficient frequency and hours of operation to meet the needs of the Project and to provide a new bus stop at the main entrance to the facility.
<b>9.4:</b> Exceeding the Level of Service Standard Established by the County Congestion Management Agency for Designated Roads or Highways.	<b>9.4.2a: Preserve and Enhance Transit Service in San Leandro.</b> See Mitigation Measure 9.3.2.
	<b>9.4.2b: TSM/TDM Program.</b> The County of Alameda should develop and implement a Transportation Systems Management/Transportation Demand Management program for this Project designed to reduce the use of single-occupant vehicles, particularly during peak hour periods. This program should include such strategies as on-site distribution of transit information and passes, provision of shuttle services to and from the BART station, participation in ridesharing services, preferential parking for vanpools and carpools, and potentially flexible or staggered work hours.
<b>NOISE</b>	
<b>10.3:</b> Construction Noise.	<b>10.3.2: Controls on Construction Equipment and Activity.</b> Project demolition/construction-period noise impacts on nearby residents could be reduced by incorporating the following conditions in construction contracts: <ul style="list-style-type: none"> <li>• <i>Construction Scheduling.</i> Limit noise-generating demolition/construction activities, including truck traffic coming to and from the site for any purpose, to daytime, weekday nonholiday hours (7:00 a.m. to 6:00 p.m.).</li> <li>• <i>Construction Equipment Mufflers and Maintenance.</i> Properly muffle and maintain all construction equipment powered by internal combustion engines.</li> <li>• <i>Idling Prohibitions.</i> Prohibit unnecessary idling of internal combustion engine.</li> <li>• <i>Equipment Location and Shielding.</i> Locate all stationary noise-generating construction equipment such as air compressors as far as practical from existing nearby residences and other noise-sensitive land uses. Acoustically shield such equipment.</li> <li>• <i>Quiet Equipment Selection.</i> Select quiet construction equipment, particularly air compressors, whenever possible. (Fit motorized equipment with proper mufflers in good working order).</li> <li>• <i>Notification.</i> Notify neighbors located within 500 feet of the construction site of the construction schedule, in writing.</li> <li>• <i>Noise Disturbance Coordinator.</i> Designate a “noise disturbance coordinator” who would be responsible for responding to any local</li> </ul>

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
	<p>complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a contact telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. (The Agency should be responsible for designating a noise disturbance coordinator and the individual project sponsor should be responsible for posting the phone number and providing construction schedule notices.)</p>
<p><b>AIR QUALITY</b></p>	
<p><b>11.1: Construction-Related Toxic Air Contaminants.</b></p>	<p><b>11.1.1: Diesel Emissions Control.</b> Construction equipment-generated diesel exhaust is a Toxic Air Contaminant (TAC). It poses a potentially significant impact to nearby receptors. NO<sub>x</sub> from equipment exhaust can reform chemically into fine acid particulates and further contribute to local PM<sub>10</sub> and PM<sub>2.5</sub> levels. Several straightforward control measures are available to minimize TAC emissions while also reducing NO<sub>x</sub> and ROG. First, low-emission fuels can be used. Second, engine tuning and control equipment retrofit will help minimize emissions.</p> <ol style="list-style-type: none"> <li>1. To control TACs and PM<sub>10</sub>, construction contractors should be required to use biodiesel fuel. For equipment with engines built in 1994 or later, use B100 fuel that is 100% biodiesel fuel. B100 reduces TAC emissions by approximately 80% to 90%. In pre-1994 engines, use B-20 fuel (a mixture of 20% biodiesel and 80% fossil diesel fuel). If B20 is used, the fossil diesel component should be ARB low-sulfur fuel (less than 15 ppmw).</li> <li>2. If a certified unit is available for an individual piece of equipment, the contractor should use an oxidation catalyst or catalytic particulate filter on all diesel-powered equipment rated above 50 horsepower. These systems require ARB low-sulfur diesel fuel. Commercial fossil diesel fuel is available with near-zero sulfur levels. Biodiesel is also ARB certified as low-sulfur (near-zero ppmw).</li> <li>3. The contractor should use Purinox additive or equivalent. Depending on equipment, this reduces emissions of both NO<sub>x</sub> and PM<sub>10</sub> by 20% to 40%.</li> <li>4. Where possible, electrical equipment should be used instead of diesel powered (e.g., pumps, compressors).</li> <li>5. The contractor should install temporary electrical service whenever possible to avoid need for independently powered equipment (e.g., compressors).</li> <li>6. Diesel equipment standing idle for more than five minutes should be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on site.</li> </ol> <p>The measures stated above represent best available control measures and would reduce construction emissions by the following:</p> <ul style="list-style-type: none"> <li>• ROG = 5% to 50% (highest with B100 use).</li> <li>• NO<sub>x</sub> = 20% to 40% (varies with tuning, fuel additives).</li> <li>• CO = 5% to 50% (highest with complete B100 use).</li> <li>• PM<sub>10</sub> = 60% to 80% (dust). Exhaust reduction efficiency varies from 10% to 90% depending on fuels and catalysts.</li> <li>• TAC = 50% to 80% (assumes some older equipment not using B100).</li> <li>• SO<sub>2</sub> = 95% (SO<sub>2</sub> often transforms in the atmosphere to PM<sub>2.5</sub> or acidic mist).</li> </ul>
<p><b>11.3: Ozone Precursors (ROG and NO<sub>x</sub> and PM<sub>10</sub>).</b></p>	<p><b>11.3.2a: Reduction of Dust During Construction.</b> Construction dust,</p>

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
	<p>generated by soil disturbances, material hauling, and vehicle exhaust, includes PM<sub>10</sub>. Soil can also be tracked out onto paved roads where it is entrained in the air by passing cars and trucks. Dust emission rates are related to the type and size of the disturbance, meteorological conditions, and soil conditions. Construction activities can cause localized high PM<sub>10</sub> concentrations and worsen regional PM<sub>10</sub> levels. Since most of the possible Project sites will disturb a large area near sensitive receptors, the construction quality impact is considered potentially significant.</p> <p>Due to the many variables that affect construction emissions, quantification of the PM<sub>10</sub> impacts is very difficult. The BAAQMD's recommended approach to construction impacts is to require implementation of effective and comprehensive control measures rather than detailed quantification of the effects. Implementation of feasible controls, outlined below, can effectively reduce construction PM<sub>10</sub> emissions. Construction activities are also subject to BAAQMD Regulations VIII, which requires suppressing dust emissions from all sources of dust generation using water, chemical stabilizers, and/or vegetative ground cover.</p> <p>For large projects, the BAAQMD has identified enhanced control measures that should be implemented beyond the requirements of Regulation VIII. Impacts can be greatly reduced by implementing these fugitive dust control measures. The significance of construction dust air quality impacts is typically determined by the control measures that will be implemented.</p> <p>The implementation of the following measures would reduce the PM<sub>10</sub> impact to a <i>less than significant level</i>:</p> <ol style="list-style-type: none"> <li>1. Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.</li> <li>2. Cover all hauling trucks or maintain at least 2 feet of freeboard. Dust-proof chutes shall be used as appropriate to load debris onto trucks during any demolition.</li> <li>3. Pave, apply water at least twice daily or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas and staging areas.</li> <li>4. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.</li> <li>5. Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas that are inactive for 10 days or more).</li> <li>6. Enclose, cover, water twice daily or apply (nontoxic) soil binders to exposed stockpiles.</li> <li>7. Limit traffic speeds on any unpaved roads to 15 mph.</li> <li>8. Replant vegetation in disturbed areas as quickly as possible.</li> <li>9. Designate an air quality coordinator for the Project. Prominently post a phone number for this person on the job site, and distribute same to all nearby residents and businesses. The coordinator will respond to and remedy any complaints about dust, exhaust or other air quality concerns. A log shall be kept of all complaints and how and when the problem was remedied.</li> </ol>
	<p><b>11.3.2b: Diesel Emissions Control.</b> See Mitigation Measure 11.1.1.</p>
<p><b>11.4: Carbon Monoxide Hotspots.</b></p>	<p><b>11.4.2: Improve Operations of the Intersection of Foothill Boulevard and I-580 Westbound Off-Ramp.</b> See Mitigation Measure 9.1.2.</p>
<p><b>PUBLIC HEALTH AND SAFETY</b></p>	
<p><b>12.1: Hazard Related to Routine Transport, Use or Disposal of Hazardous Materials.</b></p>	<p><b>12.1.2: Safe Removal of Asbestos During Demolition.</b> The California Health and Safety Code requires that employees and contractors working</p>

SUMMARY OF IMPACTS AND MITIGATION MEASURES – JUVENILE JUSTICE FACILITY AT SAN LEANDRO SITE

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
	in buildings constructed before 1979 and known to include asbestos-containing materials are notified of their presence. Demolition of existing buildings on site should be undertaken by contractors equipped and trained in the safe removal of asbestos-containing materials. This would reduce the health risks of asbestos containing materials during demolition to a level of less than significant.
<b>PUBLIC SERVICES</b>	
<b>13.6:</b> Need for Additional Facilities to Provide Adequate Solid Waste Services: Construction.	<b>13.6.2a: Demolition Debris Recycling.</b> Demolition of the existing Juvenile Hall should include a plan to capture as much material as feasible and recycle it for other uses. Concrete and asphalt should be reused as part of the construction of building slabs or parking lots at the new facility. Asbestos disposal and other Class I or II hazardous wastes would be disposed of in accordance with Bay Area Air Quality District and Department of Toxic Substance Control requirements, as appropriate.
<b>13.6:</b> Need for Additional Facilities to Provide Adequate Solid Waste Services: Operations.	<b>13.6.2b: Waste Reduction and Diversion.</b> The Alameda County Probation Department and Superior Court, in cooperation with the County's General Service Agency, should prepare a plan that demonstrates good faith efforts at diverting at least 50 percent of the solid waste generated by the new facility from landfill disposal via waste reduction and recycling.
<b>UTILITIES</b>	
<b>14.1:</b> Availability of Water Supplies to Serve the Project from Existing Entitlements and Resources.	<b>14.1.2a: Water Conservation.</b> The Juvenile Justice Facility should be designed to incorporate water conservation strategies. In addition to state and federally mandated water efficient plumbing standards to install low-flow plumbing throughout the facility, water conservation strategies may include using efficient appliances (e.g., horizontal axis clothes washer); installing multiple pass or recirculating cooling systems; installing separate metering of significant cooling, process, or water uses in the proposed facility; installing pressure-reducing valves to maintain a maximum of 50 pounds per square inch (psi) water pressure; and using drinking fountains with self-closing valves. Kitchen facilities should include high efficiency commercial tray dishwashers, low flow prerinse spray nozzles, air-cooled ice machines and connectionless countertop steamers. On the exterior, drought tolerant, native or Mediterranean plants should be used for landscaping, lawn and turf areas should be minimized and efficient irrigation systems installed to minimize both overspray and evaporation. For planted areas, drip irrigation is appropriate. Self-adjusting, evapotranspiration-based irrigation timers are appropriate for automatic irrigation systems and should be used wherever feasible.
	<b>14.1.2b: Recycled Water Use.</b> Recycled water is not currently available near this site. However, new irrigation systems should be designed so that they can be switched over to recycled water if and when it becomes economically available.
<b>14.3:</b> Need for Additional or Expanded Wastewater Treatment and/or Disposal Facilities to Provide Adequate Service.	<b>14.3.2: Agreement Compliance and Preparation of Analyses.</b> Pursuant to development of new County facilities at this site, Alameda County shall comply with the requirements of the agreement between Oro Loma Sanitary District and Alameda County dated December 19, 2001, Resolution No. 3110. According to this agreement, the County shall, at its cost, provide capacity analysis of the affected sanitary sewer system and provide alternative solutions if capacity deficiencies exist. If upsizing the system is required, the applicant shall construct the required improvements as part of the development.
<b>14.4:</b> Need for Additional or Expanded Wastewater Collection Facilities to Provide Adequate Service.	<b>14.4.2: Special Pipe Design.</b> A flexible sewer pipe connection with shut-off valves should be included in the sewer line design where it crosses the known active fault.

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
<p><b>14.5:</b> Need for Additional Facilities to Provide Adequate Storm Drainage Services.</p>	<p><b>14.5.2: Storm Drainage Design Considerations.</b> The design of the storm drain system should allow for the retention of runoff within the wetland in order to achieve as little change to the current runoff rate as possible. Additionally, energy dissipaters should be installed at the new storm drain outfall into the wetland, similar to the existing outfall system.</p>
<p><b>14.6:</b> Increased Demand for Electrical, Gas and Telecommunication Services.</p>	<p><b>14.6.2a: Special Gas Pipe Design.</b> A flexible gas pipe connection with shut-off valves should be included in the design of the relocated gas line where it crosses the known active fault.</p>
	<p><b>14.6.2b: Energy Conservation.</b> The County of Alameda should consider the potential for fulfilling some portion of its energy needs through the use of on-site solar panels and/or steam energy.</p>
HISTORIC/ARCHAEOLOGICAL RESOURCES	
<p><b>15.1:</b> Disturbance of Previously Undisturbed Archaeological Resources, Paleontological Resources and/or Human Remains.</p>	<p><b>15.1.2: Halt Construction/Assess Significance of Find.</b> Prior to the initiation of ground-disturbing activities (either at the Project site or at the Existing San Leandro Property), the County of Alameda shall inform all supervisory personnel and all contractors whose activities may have subsurface soil impacts of the potential for discovering archaeological resources, paleontological resources and/or human remains and of the procedures to be followed if these previously unrecorded cultural resources are discovered. These procedures shall include:</p> <ul style="list-style-type: none"> <li>▪ halting all ground-disturbing activities within 100 feet of the area where a potential cultural resource has been found;</li> <li>▪ notifying a qualified archaeologist of the discovery; and</li> <li>▪ following a treatment plan prescribed by the appropriate professional if the cultural resource is deemed significant, in accordance with federal or state law.</li> </ul> <p>The County of Alameda shall retain an on-call archaeologist to periodically review any excavation (either associated with construction at the Project site and/or demolition at the Existing San Leandro Property), assess the significance of the potential cultural resource and prescribe a treatment plan for it. The archaeologist will consult with a paleontologist as required. The archaeologist shall report any finds in accordance with current professional protocols, including closure at the end of an on-call contract. The archaeologist shall meet the Professional Qualifications Standards mandated by the Secretary of the Interior and the California Office of Historic Preservation.</p> <p>In the event that any human remains are uncovered at the Project site during construction or at the San Leandro site during demolition, there shall be no further excavation or disturbance of the site or any nearby area until after the Alameda County Coroner has been informed and has determined that no investigation of the cause of death is required, and (if the remains are determined to be of Native American origin) the descendants from the deceased Native American(s) have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.</p>
<p><b>15.2:</b> Loss of Historic Resources Resulting from Demolition of Existing Juvenile Hall.</p>	<p><b>15.2.2: Preservation, Adaptive Reuse, Documentation.</b> The State Historic Office of Preservation (SHPO) shall be consulted regarding the potential demolition of the existing Juvenile Hall complex and SHPO's proposed mitigations, as feasible, shall be adopted. These may include further study to assess the feasibility of either preservation or adaptive reuse.</p> <ul style="list-style-type: none"> <li>▪ A Master Plan consistent with the SHPO requirements should be</li> </ul>

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
	<p>developed to commemorate the site and its significance in regional history.</p> <ul style="list-style-type: none"> <li>▪ Record original Alameda County Juvenile Hall to meet Historic American Building Survey Level II requirements in accordance with the <i>Guidelines for Preparing Written Historical and Descriptive Data for the Historic American Building Survey</i> prepared by the Division of National Register Programs of the Pacific Great Basin Office, National Park Service, Oakland. Proposed recordation program and levels of effort shall be reviewed and approved by NPS prior to initiation.</li> <li>▪ The HABS/HAER documentation and the already completed State Department of Parks and Recreation Primary Record for the historic property shall be submitted by the County to the Bancroft Library, the Oakland History Room of the Oakland Public Library, and the California Historical Society in San Francisco within one (1) calendar year following completion.</li> </ul>
ENVIRONMENTAL JUSTICE	
<p><b>16.1:</b> Environmental Justice – Disproportionate Effect on Low-Income and Minority Populations.</p>	<p><b>16.1.2a: Site Design for Fault Avoidance.</b> The development at the site shall be designed to avoid placing any structures for human occupancy in any areas where active faults have been identified, or within any formally identified Alquist-Priolo Special Studies Zone. Areas where active faults have been identified shall be used only for nonhabitable structures or open space. Utilities shall not be built within the geologic setback zone or cross the fault zone, unless equipped with flexible pipes that accommodate earth movement without failure and/or automatic shut-off valves or any other safety designs that the utility provider deems necessary.</p>
	<p><b>16.1.2b: Seismic Design.</b> The Project shall be designed to address the projected seismic shaking hazards present at the site, in conformance with the Uniform Building Code, California Building Code and Board of Corrections design standards for juvenile detention facilities.</p>
	<p><b>16.1.2c: Retaining Walls.</b> Upslope retaining wall systems up to 38 feet high will be required to effectively reduce the risks associated with potential landslides at the Existing San Leandro Property to a level of less than significant.</p>
GROWTH-INDUCING AND CUMULATIVE IMPACTS	
<p><b>17.1:</b> Cumulative Traffic Impacts to 2025.</p>	<p><b>17.1.2a: Preserve and Enhance Transit Service in San Leandro.</b> See Mitigation Measure 9.3.2.</p>
	<p><b>17.2.1b: TSM/TDM Program.</b> See Mitigation Measure 9.4.2b.</p>

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# Summary of Impacts and Mitigation Measures

East County Hall of Justice  
at the East County Government Center Site  
*Alameda County, California*

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
<b>VISUAL QUALITY/AESTHETICS</b>	
5.3: Creation of a New Source of Substantial Light or Glare, Which Would Adversely Affect Day or Nighttime Views in the Area.	5.3.5: <b>Lighting Design Criteria.</b> The County shall mitigate potential light and glare impacts during the design-build process, and include measures such as shielding, design revisions, or other means of reducing impacts. For example, lighting should, to the extent feasible, be oriented away from residential uses.
<b>GEOLOGY, SOILS AND SEISMICITY</b>	
6.2: Risk of Loss, Injury or Death Involving Strong Seismic Ground Shaking.	6.2.5: <b>Seismic Design.</b> The Project shall be designed to address the projected seismic shaking hazards present at the site, in conformance with the Uniform Building Code, California Building Code and Board of Corrections design standards for juvenile detention facilities.
6.5: Soil Erosion.	6.5.5a: <b>Implementation of a Storm Water Pollution Prevention Program (SWPPP).</b> The SWPPP will need to include stormwater quality BMPs that will reduce runoff of sediment and other pollutants during construction to less than significant levels. Some of the post-construction source control BMPs that could be included in the SWPPP would reduce the generation of pollutants from activities such as lawn maintenance, vehicle use, material storage and waste collection/recycling. In order to be approved by the Regional Water Quality Control Board, the SWPPP will need to demonstrate that implementation will reduce potential soil erosion to a level of less than significant.
	6.5.5b: <b>Slope Design.</b> Permanent cut and fill slopes should be inclined at 3:1 or flatter. Slopes greater than 20 feet in height should be designed to include drainage benches. Drainage benches should be lined, and the water from these drainage benches collected and conveyed to appropriate discharge locations. Exposed cut and fill slopes shall be covered with vegetation or other erosion control methods should be used.
6.7: Expansive Soils.	6.7.5: <b>Deepening Building Footings/Use of Nonexpansive Fill.</b> Preliminary geotechnical engineering recommendations call for the deepening of all building footings and using a layer of nonexpansive fill to support both interior and exterior slabs on grade.
<b>HYDROLOGY AND WATER QUALITY</b>	
7.1: Violation of Water Quality Standards.	7.1.5: <b>Storm Water Pollution Prevention Plan.</b> See Mitigation Measure 6.5.5a.
7.4: Exceed Capacity of Stormwater Infrastructure/Contribute to Polluted Runoff	7.4.5: <b>Storm Water Pollution Prevention Plan.</b> See Mitigation Measure 6.5.5a.
<b>BIOLOGICAL RESOURCES</b>	
8.1: Special-Status Species.	8.1.5a: <b>Preconstruction Nesting Surveys.</b> Preconstruction nesting surveys for loggerhead shrike and raptors shall be conducted during the months of April through July prior to any destruction of suitable nesting habitat. The surveys shall be conducted by a qualified biologist no more than 30 days prior to initiation of grading. If any of these species are found within the construction area after April of the construction year, grading and construction in the area shall either stop or continue only after the nests are protected by an adequate setback approved by a qualified biologist. If avoidance of nests is not feasible, impacts to foraging habitat and kite, shrike and raptor nests shall be minimized by avoiding disturbances to the birds during the nesting season unless a qualified biologist verifies that the birds have either (1) not begun egg-

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
	<p>laying and incubation, or (2) that the juveniles from those nests are foraging independently and capable of survival at an earlier date.</p> <p>If avoidance is not feasible, mitigation shall be developed in consultation with the CDFG and shall meet with the approval of the County General Services Agency prior to any construction or grading. The results of the preconstruction survey and any required mitigation monitoring shall be submitted to the CDFG and County General Services Agency.</p>
	<p><b>8.1.5b: Preconstruction Burrowing Owl Survey.</b> Preconstruction surveys shall be conducted for burrowing owl within 30 days of Project-related ground disturbing activities throughout the year to determine whether any nesting owls are present and to provide for their protection during the active breeding season or passive relocation during the nonbreeding season if nests are encountered. The surveys shall be conducted by a qualified biologist and shall comply with Burrowing Owl Protocol and Mitigation Guidelines. If burrowing owls are found on site, the Mitigation Guidelines generally require the creation of other suitable habitat for burrowing owls nearby, relocating any burrowing owls that are found on site and filling all on-site burrows once they have been vacated.</p> <p>If avoidance is not feasible, mitigation shall be developed in consultation with the CDFG and shall meet with the approval of the County General Services Agency prior to any construction or grading. The results of the preconstruction survey and any required mitigation monitoring shall be submitted to the CDFG and County General Services Agency.</p>
	<p><b>8.1.5c: Congdon's Tarplant Mitigation Program.</b> A detailed off-site mitigation program shall be prepared to address the loss of Congdon's tarplant on the site. The program shall be prepared by a qualified botanist or plant ecologist, and shall at minimum provide for seed collection and reseedling, and creating replacement habitat at secure locations. The program shall include identification of appropriate areas(s), including shallow depressions designed with a suitable hydrologic regime for Congdon's tarplant to be sown with seed collected from the site. Seed shall be collected from the site in early fall prior to initiation of construction activities. This seed collection and re-establishment may be combined with other mitigation plans for the vicinity, such as the mitigation being developed for impacts associated with the Dublin Transit Center. Any mitigation plan shall include monitoring for a minimum of five years to determine success of reseedling and habitat creation.</p> <p>In addition, preservation of another existing occurrence of Congdon's tarplant shall be required if monitoring efforts indicate that the re-establishment efforts have not been successful after five years. The preservation program shall provide for permanent protection of a minimum of 325 plants through land acquisition or use of a conservation easement over an existing population in east Alameda County (minimum 1:1 replacement). Any off-site mitigation lands shall include establishment of a management endowment as necessary to provide for long-term management of the population. The detailed mitigation program shall be developed in conjunction with the Mitigation and Monitoring Plan for this EIS/EIR. The plan shall be prepared in consultation with the CDFG and meet with the approval of the County General Services Agency prior to any construction or seed collection on the site.</p>
<p><b>8.3: Loss or Modifications to Wetlands.</b></p>	<p><b>8.3.5a: Wetland Delineation and Possible Replacement.</b> The preliminary wetland delineation shall be submitted to the Corps for</p>

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
	<p>verification, if this site is selected for the project. If the identified wetlands and detention basin to be filled are not considered jurisdictional then no additional mitigation is considered necessary. If the Corps and/or Regional Water Quality Control Board determines these features are jurisdictional and must be filled, then a mitigation program shall be prepared by a qualified wetland specialist, and shall at minimum provide for no net loss of wetlands. This mitigation program will be required to provide for the creation of replacement habitat with an increase in acreage and value at a secure location to meet the “no net loss” standard. Any mitigation program shall include monitoring and management for a minimum of five years to ensure success of wetlands creation; specify success criteria, maintenance, monitoring requirements, and contingency measures; and define site preparation and revegetation procedures, along with an implementation schedule, and funding sources to ensure long-term management. If required, the detailed mitigation program shall be prepared in consultation with the Corps and/or Regional Water Quality Control Board and meet with the approval of the County General Services Agency prior to any construction on the site.</p>
<p><b>8.5: Conflict with Local Policies or Ordinances.</b></p>	<p><b>8.5.5a: Preconstruction Nesting Surveys.</b> See Mitigation Measure 8.1.5a.</p>
	<p><b>8.5.5b: Preconstruction Burrowing Owl Survey.</b> See Mitigation Measure 8.1.5b.</p>
	<p><b>8.5.5c: Congdon’s Tarplant Mitigation Program.</b> See Mitigation Measure 8.1.5c.</p>
	<p><b>8.5.5d: Wetland Delineation and Possible Replacement.</b> See Mitigation Measure 8.3.5.</p>
<p><b>TRANSPORTATION</b></p>	
<p><b>9.1: Increased Traffic in Excess of Local Roadways and/or Intersection Capacity.</b></p>	<p><b>9.1.5a: Contribute Funds Toward the Implementation of the Scarlett Drive Extension.</b> The intersection of Dougherty Road/Dublin Boulevard is expected to operate unacceptably during both the a.m. and the p.m. peak hours. In order to minimize the Project’s effect on the Dougherty Road/Dublin Boulevard intersection, the County should contribute a fair share of funding toward the implementation of the Scarlett Drive extension, which is a planned improvement that would be jointly funded by the City and numerous development sponsors.</p>
	<p><b>9.1.5b: Modify Configuration of Tassajara Road/Dublin Blvd. Intersection.</b> The Tassajara Road/Dublin Boulevard intersection is expected to operate at LOS E during the p.m. peak hour with baseline traffic and with Project-generated traffic. The County should contribute a fair share of funding toward the conversion of an eastbound through lane to a third right-turn lane (the same mitigation recommended under the baseline scenario).</p>
<p><b>9.4: Exceeding the Level of Service Standard Established by the County Congestion Management Agency for Designated Roads or Highways.</b></p>	<p><b>9.4.5a: TSM/TDM Program.</b> The County of Alameda should develop and implement a Transportation Systems Management/Transportation Demand Management program for this Project designed to reduce the use of single-occupant vehicles, particularly during peak hour periods. This program should include such strategies as on-site distribution of transit information and passes, provision of shuttle services to and from the BART station, participation in ridesharing services, preferential parking for vanpools and carpools, and potentially flexible or staggered work hours.</p>
	<p><b>9.4.5b: Enhanced Transit Program.</b> The County of Alameda should implement an enhanced transit program designed to improve access to the Project, with particular emphasis on expanding LAVTA route</p>

SUMMARY OF IMPACTS AND MITIGATION MEASURES – EAST COUNTY HALL OF JUSTICE AT THE GOVERNMENT CENTER SITE

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
	coverage and hours serving the site. Such a program should also consider the potential for participation in funding LAVTA shuttle services to and from the BART station.
	<b>9.4.5c: TVTC Fees.</b> The County of Alameda should contribute a proportionate amount to regional transportation mitigation programs as determined by the current Tri-Valley Transportation Council fee program. Regional improvements that may be implemented through use of these fees may include enhanced rail and feeder bus transit services, construction or upgrading of I-580 and/or I-680 freeways, and/or construction or upgrading of alternative road corridors to relieve demand on the I-580 and I-680 freeways.
NOISE	
10.2: Vehicular Traffic Noise Increase	<b>10.2.5a: Traffic Noise.</b> In the future, the City and/or County could consider the use of “quiet pavement” options such as Open Grade Asphalt Concrete or Rubberized Asphalt to reduce traffic noise in the area when resurfacing local roadways. This pavement could reduce noise by up to 3 dBA, which would reduce the Project’s traffic noise impact to below 3 dBA and therefore be less than significant.
10.3: Construction Noise.	<p><b>10.3.5: Controls on Construction Equipment and Activity.</b> Project demolition/construction-period noise impacts on nearby residents could be reduced by incorporating the following conditions in construction contracts:</p> <ul style="list-style-type: none"> <li>• <i>Construction Scheduling.</i> Limit noise-generating demolition/construction activities, including truck traffic coming to and from the site for any purpose, to daytime, weekday nonholiday hours (7:00 a.m. to 6:00 p.m.).</li> <li>• <i>Construction Equipment Mufflers and Maintenance.</i> Properly muffle and maintain all construction equipment powered by internal combustion engines.</li> <li>• <i>Idling Prohibitions.</i> Prohibit unnecessary idling of internal combustion engine.</li> <li>• <i>Equipment Location and Shielding.</i> Locate all stationary noise-generating construction equipment such as air compressors as far as practical from existing nearby residences and other noise-sensitive land uses. Acoustically shield such equipment.</li> <li>• <i>Quiet Equipment Selection.</i> Select quiet construction equipment, particularly air compressors, whenever possible. (Fit motorized equipment with proper mufflers in good working order).</li> <li>• <i>Notification.</i> Notify neighbors located within 500 feet of the construction site of the construction schedule, in writing.</li> <li>• <i>Noise Disturbance Coordinator.</i> Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a contact telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. (The Agency should be responsible for designating a noise disturbance coordinator and the individual project sponsor should be responsible for posting the phone number and providing construction schedule notices.)</li> </ul>
AIR QUALITY	
11.1: Construction-Related Toxic Air	<b>11.1.1: Diesel Emissions Control.</b> Construction equipment-generated

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
<p>Contaminants.</p>	<p>diesel exhaust is a Toxic Air Contaminant (TAC). It poses a potentially significant impact to nearby receptors. NO<sub>x</sub> from equipment exhaust can reform chemically into fine acid particulates and further contribute to local PM<sub>10</sub> and PM<sub>2.5</sub> levels. Several straightforward control measures are available to minimize TAC emissions while also reducing NO<sub>x</sub> and ROG. First, low-emission fuels can be used. Second, engine tuning and control equipment retrofit will help minimize emissions.</p> <ul style="list-style-type: none"> <li>▪ To control TACs and PM<sub>10</sub>, construction contractors should be required to use biodiesel fuel. For equipment with engines built in 1994 or later, use B100 fuel that is 100% biodiesel fuel. B100 reduces TAC emissions by approximately 80% to 90%. In pre-1994 engines, use B-20 fuel (a mixture of 20% biodiesel and 80% fossil diesel fuel). If B20 is used, the fossil diesel component should be ARB low-sulfur fuel (less than 15 ppmw).</li> <li>▪ If a certified unit is available for an individual piece of equipment, the contractor should use an oxidation catalyst or catalytic particulate filter on all diesel-powered equipment rated above 50 horsepower. These systems require ARB low-sulfur diesel fuel. Commercial fossil diesel fuel is available with near-zero sulfur levels. Biodiesel is also ARB certified as low-sulfur (near-zero ppmw).</li> <li>▪ The contractor should use Purinox additive or equivalent. Depending on equipment, this reduces emissions of both NO<sub>x</sub> and PM<sub>10</sub> by 20% to 40%.</li> <li>▪ Where possible, electrical equipment should be used instead of diesel powered (e.g., pumps, compressors).</li> <li>▪ The contractor should install temporary electrical service whenever possible to avoid need for independently powered equipment (e.g., compressors).</li> <li>▪ Diesel equipment standing idle for more than five minutes should be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on site.</li> </ul> <p>The measures stated above represent best available control measures and would reduce construction emissions by the following:</p> <ul style="list-style-type: none"> <li>• ROG = 5% to 50% (highest with B100 use).</li> <li>• NO<sub>x</sub> = 20% to 40% (varies with tuning, fuel additives).</li> <li>• CO = 5% to 50% (highest with complete B100 use).</li> <li>• PM<sub>10</sub> = 60% to 80% (dust). Exhaust reduction efficiency varies from 10% to 90% depending on fuels and catalysts.</li> <li>• TAC = 50% to 80% (assumes some older equipment not using B100).</li> <li>• SO<sub>2</sub> = 95% (SO<sub>2</sub> often transforms in the atmosphere to PM<sub>2.5</sub> or acidic mist).</li> </ul>
<p>11.3: Ozone Precursors (ROG and NO<sub>x</sub> and PM<sub>10</sub>).</p>	<p><b>11.3.5a: Reduction of Dust During Construction.</b> Construction dust, generated by soil disturbances, material hauling, and vehicle exhaust, includes PM<sub>10</sub>. Soil can also be tracked out onto paved roads where it is entrained in the air by passing cars and trucks. Dust emission rates are related to the type and size of the disturbance, meteorological conditions, and soil conditions. Construction activities can cause localized high PM<sub>10</sub> concentrations and worsen regional PM<sub>10</sub> levels. Since most of the possible Project sites will disturb a large area near sensitive receptors, the construction quality impact is considered potentially significant.</p> <p>Due to the many variables that affect construction emissions, quantification of the PM<sub>10</sub> impacts is very difficult. The BAAQMD's</p>

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
	<p>recommended approach to construction impacts is to require implementation of effective and comprehensive control measures rather than detailed quantification of the effects. Implementation of feasible controls, outlined below, can effectively reduce construction PM<sub>10</sub> emissions. Construction activities are also subject to BAAQMD Regulations VIII, which requires suppressing dust emissions from all sources of dust generation using water, chemical stabilizers, and/or vegetative ground cover.</p> <p>For large projects, the BAAQMD has identified enhanced control measures that should be implemented beyond the requirements of Regulation VIII. Impacts can be greatly reduced by implementing these fugitive dust control measures. The significance of construction dust air quality impacts is typically determined by the control measures that will be implemented.</p> <p>The implementation of the following measures would reduce the PM<sub>10</sub> impact to a <i>less than significant level</i>:</p> <ul style="list-style-type: none"> <li>▪ Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.</li> <li>▪ Cover all hauling trucks or maintain at least 2 feet of freeboard. Dust-proof chutes shall be used as appropriate to load debris onto trucks during any demolition.</li> <li>▪ Pave, apply water at least twice daily or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas and staging areas.</li> <li>▪ Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.</li> <li>▪ Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas that are inactive for 10 days or more).</li> <li>▪ Enclose, cover, water twice daily or apply (nontoxic) soil binders to exposed stockpiles.</li> <li>▪ Limit traffic speeds on any unpaved roads to 15 mph.</li> <li>▪ Replant vegetation in disturbed areas as quickly as possible.</li> <li>▪ Designate an air quality coordinator for the Project. Prominently post a phone number for this person on the job site, and distribute same to all nearby residents and businesses. The coordinator will respond to and remedy any complaints about dust, exhaust or other air quality concerns. A log shall be kept of all complaints and how and when the problem was remedied.</li> </ul>
	<b>11.3.5b: Diesel Emissions Control. See Mitigation Measure 11.1.1.</b>
<b>PUBLIC HEALTH AND SAFETY</b>	
<b>12.1:</b> Hazard Related to Routine Transport, Use or Disposal of Hazardous Materials.	<b>12.1.5: Preparation and Implementation of a Soil Handling/Management Plan (SMP).</b> Prior to site preparation, Alameda County shall notify their grading and excavation contractor(s) of the potential presence of improvements below the native ground surface, and shall prepare and implement a Soil Handling/Management Plan (SMP). The SMP should address worker notification, dust control, and include a contingency plan for unexpected conditions. Effective implementation of an SMP would reduce the potential impact associated with exposure to soil and/or groundwater contaminants to a level of less than significant.
<b>PUBLIC SERVICES</b>	
<b>13.6:</b> Need for Additional Facilities to Provide Adequate Solid Waste Services: Construction.	<b>13.6.5a: Demolition Debris Recycling.</b> Demolition of the existing Juvenile Hall should include a plan to capture as much material as

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
	feasible and recycle it for other uses. Concrete and asphalt should be reused as part of the construction of building slabs or parking lots at the new facility. Asbestos disposal and other Class I or II hazardous wastes would be disposed of in accordance with Bay Area Air Quality District and Department of Toxic Substance Control requirements, as appropriate.
<p><b>13.6:</b> Need for Additional Facilities to Provide Adequate Solid Waste Services: Operations.</p>	<p><b>13.6.5b: Waste Reduction and Diversion.</b> The Alameda County Probation Department and Superior Court, in cooperation with the County's General Service Agency, should prepare a plan that demonstrates good faith efforts at diverting at least 50 percent of the solid waste generated by the new facility from landfill disposal via waste reduction and recycling.</p>
<p><b>UTILITIES</b></p>	
<p><b>14.1:</b> Availability of Water Supplies to Serve the Project from Existing Entitlements and Resources.</p>	<p><b>14.1.5a: Water Conservation.</b> The Juvenile Justice Facility should be designed to incorporate water conservation strategies. In addition to state and federally mandated water efficient plumbing standards to install low-flow plumbing throughout the facility, water conservation strategies may include using efficient appliances (e.g., horizontal axis clothes washer); installing multiple pass or recirculating cooling systems; installing separate metering of significant cooling, process, or water uses in the proposed facility; installing pressure-reducing valves to maintain a maximum of 50 pounds per square inch (psi) water pressure; and using drinking fountains with self-closing valves. Kitchen facilities should include high efficiency commercial tray dishwashers, low flow prerinse spray nozzles, air-cooled ice machines and connectionless countertop steamers. On the exterior, drought tolerant, native or Mediterranean plants should be used for landscaping, lawn and turf areas should be minimized and efficient irrigation systems installed to minimize both overspray and evaporation. For planted areas, drip irrigation is appropriate. Self-adjusting, evapotranspiration-based irrigation timers are appropriate for automatic irrigation systems and should be used wherever feasible. Additionally, all landscaping at the facility should comply with DSRSD's Water Efficient Landscape Ordinance.</p>
	<p><b>14.1.5b: Recycled Water Use.</b> DSRSD ordinance requires that recycled water be used for all approved customer categories for all new land uses, including the East County Government Center site, within the DSRSD potable water service area. The East County Government Center would be required to install dual water systems and a recycled water distribution system to serve all outdoor irrigation needs of this facility.</p>
<p><b>14.5:</b> Need for Additional Facilities to Provide Adequate Storm Drainage Services.</p>	<p><b>14.5.5: Timely Completion of Bypass System.</b> Adequate storm drainage capacity for the majority of the site is contingent upon concurrent construction of the County's bypass system. If the bypass system is not completed in time to service the proposed development at the site, additional off-site storm drainage improvements will be required to provide adequate storm drainage improvements per the interim condition. These alternative improvements may include a new detention basin north of the site to detain the 295 cfs of storm water runoff. This temporary detention basin would be located at the mouth of the creek that enters the Santa Rita Rehabilitation Center from the Parks RFTA property to its north.</p>
	<p><b>14.5.6: Storm Water Pollution Prevention Plan.</b> Mitigation Measure 6.5.5a would also apply to this alternative. Sufficient drainage is required to ensure the protection of water quality, and the SWPPP may include provisions for swales and small detention ponds that would collect water on-site. These measures would augment the existing drainage and would</p>

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
	ensure that sufficient drainage is provided and water quality is protected. Creating small on-site detention ponds would also ensure the “no net loss” standard for wetlands is met (as per Mitigation Measure 8.3.5).
14.6: Increased Demand for Electrical, Gas and Telecommunication Services.	<b>14.6.5: Energy Conservation.</b> The County of Alameda should consider the potential for fulfilling some portion of its energy needs through the use of on-site solar panels and/or steam energy.
HISTORIC/ARCHAEOLOGICAL RESOURCES	
15.1: Disturbance of Previously Undisturbed Archaeological Resources, Paleontological Resources and/or Human Remains.	<p><b>15.1.2: Halt Construction/Assess Significance of Find.</b> Prior to the initiation of ground-disturbing activities (either at the Project site or at the Existing San Leandro Property), the County of Alameda shall inform all supervisory personnel and all contractors whose activities may have subsurface soil impacts of the potential for discovering archaeological resources, paleontological resources and/or human remains and of the procedures to be followed if these previously unrecorded cultural resources are discovered. These procedures shall include:</p> <ul style="list-style-type: none"> <li>▪ halting all ground-disturbing activities within 100 feet of the area where a potential cultural resource has been found;</li> <li>▪ notifying a qualified archaeologist of the discovery; and</li> <li>▪ following a treatment plan prescribed by the appropriate professional if the cultural resource is deemed significant, in accordance with federal or state law.</li> </ul> <p>The County of Alameda shall retain an on-call archaeologist to periodically review any excavation (either associated with construction at the Project site and/or demolition at the Existing San Leandro Property), assess the significance of the potential cultural resource and prescribe a treatment plan for it. The archaeologist will consult with a paleontologist as required. The archaeologist shall report any finds in accordance with current professional protocols, including closure at the end of an on-call contract. The archaeologist shall meet the Professional Qualifications Standards mandated by the Secretary of the Interior and the California Office of Historic Preservation.</p> <p>In the event that any human remains are uncovered at the Project site during construction or at the San Leandro site during demolition, there shall be no further excavation or disturbance of the site or any nearby area until after the Alameda County Coroner has been informed and has determined that no investigation of the cause of death is required, and (if the remains are determined to be of Native American origin) the descendants from the deceased Native American(s) have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.</p>
ENVIRONMENTAL JUSTICE	
16.1: Environmental Justice – Disproportionate Effect on Low-Income and Minority Populations.	<b>16.1.5: Transit Service Enhancements.</b> The County of Alameda should complete a formal transportation plan that addresses the economic and social effects of inconvenient access and increased costs related to traveling to the site, and should implement feasible and effective measures that improve access to the East County Government Center Site.
GROWTH-INDUCING AND CUMULATIVE IMPACTS	
17.1: Cumulative Traffic Impacts to 2025.	<b>17.1.5a: TSM/TDM Program.</b> See Mitigation Measure 9.4.5a.

ENVIRONMENTAL IMPACT	MITIGATION MEASURES
	17.1.5.b: Enhanced Transit Program. See Mitigation Measure 9.4.5b.
	17.1.5.c: TVTC Fees. See Mitigation Measure 9.4.5c.