

From: Kristine Standley <standley.kristine@gmail.com>
Sent: Monday, June 8, 2020 8:42 AM
To: Chauhan, Nisha, CDA
Cc: Riche, Ted, Castro Valley MAC; Adams, Dolly, Castro Valley MAC; sheila.cunha@asgov.org; Moore, Chuck, Castro Valley MAC; ken.carbopne@acgov.org; Killebrew, Shannon, Castro Valley MAC
Subject: Eden Housing and RUBY STREET

Nisha,

I am opposed to this proposed 4 story abomination in our neighborhood, for 55 years! at 72 units total, the total outlay of cash is amazing to me. Per housing unit over \$100k per unit. We can't afford that. I fear I underestimate total cash outlay and the per unit is actually much larger.

The decades long commitment you are allowing this poorly rated and publically funded DEVELOPER to propose a project out of compliance with the CVGP (no other 4 story buildings in CV) in a biologically sensitive area against our stated wishes is a real assault.

We understand being besieged by poorly performing public agencies, telling us what will be developed in our area. We want community generated responses, not a top down decision.

How could this scenario be allowed to happen?

We fear environmental impact will be severe, we see it already with the climate changes we are encountering. 90% of the trees will be removed to accommodate this horrible development. How does that assist carbon sequestering?

We have requested an area wide plan to consider the future development in our area, we will be impacted by this, **none** of you live in our neighborhood. How dare your agency assume you know best, rejecting our written concerns out of hand. We receive very little in terms of ACO resources here. And have heard nothing to indicate our quality of life, environmental, traffic, housing and parking etc concerns are being addressed, while our tax dollars are being spent.

We need this OPEN SPACE for our health and well being. These are our tax dollars being spent. Not for a 4 story abomination, dedicated for 55 years. Unconscionable.

What does it say about Eden that they would pursue this project against the wishes of the area residents? Why are they so dug in about this location? There must be something really good for them, and not necessarily for any future residents of this fiasco.

What's wrong with the old CV library building? How long has it been used as a storage for the new Library? Really, that's the best use? Absolutely irrational. And we hear we can't even discuss this site as an option.

Kristine Standley

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Subject: FW: Please consider rehabilitating blighted land for Ruby St Apartments

From: Bazar, Chris, CDA <chris.bazar@acgov.org>
Sent: Wednesday, July 15, 2020 6:41 PM
To: Rex and Soo-Rae <soorex2018@gmail.com>
Cc: Lopez, Albert, CDA <Albert.Lopez@acgov.org>
Subject: Re: Please consider rehabilitating blighted land for Ruby St Apartments

Greetings, Ms. Hong. Thank you for your comments on this project. I am copying our Planning Director, Albert Lopez, on this email so he can be sure to include it in the record of comments received on the proposal. I don't personally have any decision-making authority relating to this project, but I encourage you to make your views known directly to the Planning Commission when they hear this matter August 3.

Sincerely,

Chris Bazar

From: Rex and Soo-Rae <soorex2018@gmail.com>
Sent: Tuesday, July 14, 2020 8:08:34 PM
To: Bazar, Chris, CDA <chris.bazar@acgov.org>
Subject: Please consider rehabilitating blighted land for Ruby St Apartments

Dear Director Bazar,

I am a resident of Castro Valley. Many of my fellow neighbors and I sincerely urge you to use the proposed Ruby St. Apartment development as an opportunity to transform the many vacant and blighted lands we have throughout Castro Valley into affordable housing, rather than paving over the last remaining green space we have in Southern Castro Valley, a community that is desperately in need of parks and open space.

Please take a look at some of the many parcels that sit undeveloped and completely useless for both wildlife and people at this link here: <https://www.saverubymeadow.org/alternatives>. There are at least 9 other parcels that would be well suited for development and are not currently home to hundreds of birds, deer, insects, and bat species. And please look at this link here to see what would be destroyed instead <https://www.saverubymeadow.org/gallery>

We truly hope the County takes a holistic view at our community and the land available for development. There is plenty of land for the proposed building that can provide affordable housing, while maintaining parks and natural spaces for residents and animals to enjoy. Once we destroy this habitat, it's gone forever. Please let me know if I can help provide any further information. Thank you.

--
Warmest,

Soo-Rae Hong

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From: L A <lafrmny@yahoo.com>
Sent: Friday, June 5, 2020 11:57 AM
To: Chauhan, Nisha, CDA
Subject: Fw: Ruby & Crescent housing

I am writing in regard to the low-low income housing that is being proposed in Ruby Street in Castro Valley.

I purchased my home 28 years ago on Knox Street. I bought this home due to the beauty of this area, open spaces, lots of wildlife. We are from NY where we there are no open spaces or wildlife. We felt like we hit the jackpot! We see wild turkey and deer on a daily basis. Our neighborhood is quiet and peaceful that is why we all live here.

As you state in your proposal the site is mostly undeveloped and predominantly supports non-native annual grassland with ruderal (weedy) species and trees. Where will all this wildlife go? Not only are people going to be out of sorts so is the wildlife, they will also be displaced. I wake up in the morning to birds singing, deer and turkey walking down my street, what a beautiful thing to see and this makes our day. When our families come in from out of town they are in awe of what we have in our little town. This is why we live in this area.

There are plenty of empty lots in our area that are ready to build on, why would we ruin our open spaces? 72 new homes will bring congestion, noise and pollution to our area. Also building on our beautiful creek will cause pollution to our water ways. We already have a homeless problem in our creeks new low-low income homes will just bring more garbage in our waters.

Castro Valley is mostly single family homes and you are now proposing two, three and four story homes in a beautiful setting, why? Most low-low income housing is not a benefit to home owners already living here, it only brings our home values down. Is this fair to us? It also brings drug attics, violence, parolee's and people who don't care about their community like we do. We are against any building being built on the open space near Ruby and Crescent.

Respectfully,

Steven and Lorraine Abramowitz

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From: cv4wheeler . <cv4wheeler4@gmail.com>
Sent: Saturday, June 6, 2020 5:36 PM
To: Chauhan, Nisha, CDA; Adams, Dolly, Castro Valley MAC; Riche, Ted, Castro Valley MAC; Cunha, Sheila, Castro Valley MAC; Moore, Chuck, Castro Valley MAC; Carbone, Ken, Castro Valley MAC; Killebrew, Shannon, Castro Valley MAC
Subject: History of Ruby Meadow Germane to June 8 CVMAC Meeting

Dear CVMAC Members

As the CVMAC considers the fate of Ruby Meadow I think it is reasonable to look back in history to understand how this location was selected for freeway construction in the first place. I have summarized the history below. The taking of Ruby Meadows was forced on Castro Valley by the City of Hayward in the late 1950's/early 1960's. This was just one example of a variety of aggressive steps Hayward took in that era to advance its agenda at the cost of neighboring communities. Some areas dodged these attacks with legal action, others like Russell City and Castro Valley fell victim.

The sequelae of the 1960 attack on Castro Valley continues to negatively impact the community 60 years later, as the State has unilaterally decided to sacrifice this area once again for a high rise, high density apartment building violating many important environmental impact mitigation principles, again without considering local concerns and priorities. Please consider the history described below when reviewing the issue.

Rick Kelly

18736 Brickell Way, Castro Valley, CA 94546

Cv4wheeler@yahoo.com, 510 925-9790

Ruby Meadow in Historical Context

The antecedents of the current discussion about the fate of beautiful Ruby Meadow in Castro Valley occurred in the late 1950's, with the planning for the "Foothill Freeway" or "Hayward Bypass" Freeway". It is important to understand that the freeway designers *never intended that the freeway disrupt Castro Valley at all*. Indeed, the original planned route for this option of the freeway passed south of the Knox Tract in Castro Valley, bisecting the site of the recently retired old Hayward High School. While this site was geographically in Castro Valley, Hayward had annexed it using the law for annexation of unoccupied territory in 1955.

Hayward leaders successfully pushed the State to reroute the freeway to the north, into Castro Valley, dooming homes in the Knox Tract and Ruby Meadow to 50 years of uncertainty. This is shown clearly in the period highway planning map, a fraction of which is reproduced in Figure 1. This saved the old High School site, which was soon demolished anyway and replaced by the 10 story City Hall. Of course, it was right on the Hayward Fault, and damaged beyond repair in the 1989 Loma Prieta earthquake—it is being demolished as I write this.

Hayward was a ruthless neighbor in the 1950's. Unincorporated surrounding communities had much to fear from their expansion goals. The formation of Union City was in response to their illegal efforts at expansion. Hayward's tried to grab 2400 acres of Washington Township in 1955, known as the "Treeview Annex" but was ultimately stopped in 1957 after several court cases brought by corporate leaders and large landowners. <https://law.justia.com/cases/california/court-of-appeal/2d/150/630.html>

Union City had three large corporate sponsors and several wealthy landowners to support this aggressive defense. Russell City, another community that stood in the way of Hayward's "manifest destiny" had no such influence or financial backing. Poor, largely minority residents stood no chance as the County and Hayward saw to it that their community was

designated for industrial development starting in 1954. The residents were moved out, steered to racially “appropriate” communities and the homes plowed under in the mid 1960’s. Redevelopment, 1960’s style, scorched earth.

These three cases are not isolated events—they were all driven by the bullying and philosophy of expansion at all cost adopted by Hayward in the 1950’s. Union City litigated their way out of the assault, Russell City was wiped from the map and now Castro Valley continues to pay the price, 60 years later. The trajectory of the Ruby Meadow/Freeway case demonstrates almost as much disregard for Castro Valley residents as Russell City residents were afforded. In a better world, Castro Valley too would have well-heeled corporate backers to carry the issue to the courts, but alas, there are only the residents of the Knox Tract and elsewhere in town to remind the County of its history.

Ruby Meadow is special geographically, ecologically and historically. It is designated to be part of the *San Lorenzo Creek Trail*. It should be preserved as a park, not be used for high rise, high density development. The current plan to be forced on the community is like a hand reaching out from an era I had hoped we had banished from Alameda County.



Figure 1: Highway Planning Map for the Foothill Freeway: The original route laid out by the State engineers was the “F” line, shown here in black (blue arrow). It ran almost entirely south of Castro Valley, but bisected the old, no longer used Hayward High School athletic fields (red oval). Hayward leaders succeeded in getting the route pushed north to nearer the F1 line (Green), which now ran through Ruby Meadow (teal oval).

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From: Dave Matheney <davesvdp@gmail.com>
Sent: Monday, June 8, 2020 5:17 PM
To: Adams, Dolly, Castro Valley MAC; Riche, Ted, Castro Valley MAC; Cunha, Sheila, Castro Valley MAC; Carbone, Ken, Castro Valley MAC; Killebrew, Shannon, Castro Valley MAC; Chauhan, Nisha, CDA
Subject: June 8 2020 CVMAC Eden Housing Project at Ruby Meadow.

Hello, I hope to sit in on the webinar today, although my computer skills may be challenged. The purpose of this e-mail is to express my interest in what happens with this now vacant Parcel (Ruby Meadow)

Who am I? David Matheney: white male born in Oakland and living in Castro Valley for the past 30 years. I own my own home, but have no rentals, and no business operations.

Moreover, I have no involvement with Eden Housing and no involvement with Friends of San Lorenzo Creek, with the exception of Bruce King who I have known and respected for a decade. HARD, periodically over the years enjoyed various parks and sports activities. I hope to be a voluntair at Lake Chabot! Semi active in helping the poor though religious affiliation in Oakland and here in Castro Valley. .

I became aware of this meeting due to an editorial and response found in the local paper. I looked at the general plan, and the comments by Friends of San Lorenzo Creek, Since the Foothill freeway/highway was abandoned, there many CalTrans owned properties. I believe that is the case here. What to do? Sell to Eden Housing to develop for low income/senior housing. I don't know of alternatives, other than the proposal to let HARD develop into a community park. That actually might be good alternative.

I am confident the Planning Committee has many experiences with Eden Housing. Today I looked at their IRS Forms (yes multiple related entities) and found Eden Housing has involvement with many housing/living arrangements. What's one more?

One needs only look at Grove Way and Center in Castro Valley to see what Eden Housing can do! Is that what you want? I would never propose high density low income housing that might work its way right down to the Bay! Alas the pictures of what it might be and what actually happens can be misleading. It's not exactly my backyard, but I urge you to consider other options.

I am confident you have already taken the opportunity to look at the big picture, like from the sky (drone) to see how this Parcel ties the land between the Bay and Cull Canyon.

I would not consider rezoning Bay lands for multi unit residential units and I do not see the benefit of high density development at Ruby Meadow.

Perhaps this might be CVMAC opportunity to name something special for Black Lives Matter!. More low income housing may serve to perpetuate the opposite. Be bold.

David Matheney (510) 209-9171

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From: Winifred Thompson <winigerry@gmail.com>
Sent: Saturday, June 6, 2020 5:50 PM
To: Moore, Chuck, Castro Valley MAC; Adams, Dolly, Castro Valley MAC; Carbone, Ken, Planning Commission; Chauhan, Nisha, CDA; Killebrew, Shannon, Castro Valley MAC; Cunha, Sheila, Castro Valley MAC; Riche, Ted, Castro Valley MAC
Subject: NO on Paving Ruby Meadows!

Dear CVMAC

Please vote **NO** on 72 unit, 4 story, apartment complex with large parking lots that will cover sensitive Ruby Meadow on San Lorenzo Creek.

District 4 residents are asking for a cohesive plan that we are allowed to weigh in on.

Ruby Meadow has been in Caltrans/public hands for 50+ years. We all want affordable housing (238 Caltrans parcels are currently available) but development projects and rezoning are happening in a piecemeal manner.

District 4 residents deserve to know what will happen before it is too late to save some of the most incredibly beautiful natural habitat in the bay area.

Thank you,

Winifred and Gerald Thompson
17764 Madison Ave.
Castro Valley, Ca 94546

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From: Soo-Rae Hong <the.soorae@gmail.com>
Sent: Sunday, June 7, 2020 11:57 AM
To: Chauhan, Nisha, CDA
Subject: Please don't pave over Ruby Meadow

To whom it may concern:

As a citizen of Castro Valley/Hayward, I urge you to reconsider the parcel for the apartment building and parking lot planned for Ruby and Crescent between the Japanese Gardens and A Street. It is one of the few untouched natural spaces in Castro Valley and a place where my family walks to daily to watch the wildlife thrive. In the evening, you can hear hundreds of birds singing as this is the one natural safe haven they have in an otherwise concrete jungle.

I appreciate the need for more affordable housing in the area, but please build it on land that is already paved over or at the very least, not a native ecosystem that supports hundreds of species or wildlife and plant life. There are plenty of other land parcels owned by Cal Trans available, including the one on Oak Street which is already blighted. To cut down over 62 old trees to make surface parking, and destroy the sensitive habitat and wildlife corridor there would be a great shame and waste of our natural resources and have a detrimental effect on our community.

You may have already read the article by Bruce King, but here is an excerpt describing Ruby Meadow:

The meadow is unique in the riparian corridors of San Lorenzo, Chabot, and CV Creeks because it's the largest remaining natural site along this reach of our largest creek. This development will destroy extensive sensitive habitat (described as Oak-Riparian Woodland and Wildlife Corridor in the CV General Plan) that is beyond the creek's minimum-top-of-bank areas. For example, 90% of the 97 trees in the development area would be demolished including 37 native trees and 25 heritage trees (diameter >2ft). Western red bats, an uncommon tree-roosting bat and Species of Special Concern, also depends on the extent and configuration of trees.

Thank you for your consideration.

Soo-Rae Hong
21956 Ada St
Castro Valley, CA 94546

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=X=

tsr

**** This email was sent from an external source. If you do not know the sender, do not click on links or attachments. ****

From: John Patrick Kilty <johnpatrick@gmail.com>
Sent: Sunday, June 7, 2020 10:29 PM
To: Adams, Dolly, Castro Valley MAC; Riche, Ted, Castro Valley MAC; Cunha, Sheila, Castro Valley MAC; Moore, Chuck, Castro Valley MAC; Carbone, Ken, Castro Valley MAC; Killebrew, Shannon, Castro Valley MAC
Cc: Henninger, Tona, BOS Dist4; BOS District 4; Chauhan, Nisha, CDA
Subject: Please oppose the Eden Housing development at Ruby Meadow

Dear Castro Valley MAC members,

I would like to urge you to oppose the Eden Housing development at Ruby Meadow.

Ruby Meadow is a historical and natural resource for the Baywood neighborhood in Castro Valley. The development would remove 90 percent of the trees in Ruby Meadow. It would also displace wildlife that use the meadow. I often ride by bicycle past Ruby Meadow and see deer and turkeys roaming around the meadow.

Additionally, the Eden Housing development is too big for the area. The development will contain 72-units, which will bring an exorbitant amount of traffic to the area - easily over 100 cars will be parking at this development. The streets in this area will not be able to handle this excess traffic. Further, this traffic will interfere with the Japanese Garden and the Morrison Theater, which are both within a block of this proposed development.

For these reasons, please oppose this proposal.

Thank you for your continued work in making Castro Valley a great place to live.

Sincerely,

John Patrick Kilty, Esq.
21280 Kahlert Street
Castro Valley, CA 94546

**** This email was sent from an external source. If you do not know the sender, do not click on links or attachments. ****

From: James Mann <regenjim@hotmail.com>
Sent: Friday, June 5, 2020 8:57 PM
To: Chauhan, Nisha, CDA
Subject: Proposed Senior Housing at Ruby Meadow

Dear Ms. Chauhan:

We are writing about the proposed construction of a low-income senior housing complex on the land known as Ruby Meadow. I want to first say that I am not opposed to low-income senior housing. We are both in our 70s and may well be looking for a place in such a center in a very few years.

However, for numerous reasons, Ruby Meadow does not seem to us to be the place to build one. There are other parcels, some nearer to bus stops, also on other 238 CalTrans property, and that would serve the purpose just as well without destroying one of the last riparian bench lands in our vicinity, no doubt with a population of the endangered Alameda whip snake - we have them in our yard, in which we maintain an inviting habitat, and we are a mere .8 mile from Ruby Meadow.

Secondly, this meadow has a wonderful natural beauty and biodiversity. All that would disappear with large scale construction and a large paved parking lot, no matter how carefully planned.

We understand that three of the heritage trees would be preserved, but how does that compare to all the wonderful large trees that are currently there?

We are thinking of the future; both of our community and of humanity as a whole. This area has a dearth of open space and parkland. The benefits of such to the inner development of young people is becoming increasingly clear. Where else in this area can they see and touch stately heritage trees or get to know the native trees of their part of the world? Where else could they witness such a broad range of nature in its seasons and activities?

Ruby Meadow is a jewel for wildlife, one of the last safe havens in the area that wildlife has come to depend on. Its loss would be incalculable, to the wildlife and the young people who would thrill to share space with something so integral to life itself. Could we not have a Ruby Meadow Park instead? The Trust for Public Land Hayward/Castro Valley CA might be happy to help.

Sincerely,

Penny Eilleen Graham and James Mann
2487 Vegas Ave.
Castro Valley, CA 94546

(510) 581-4617

**** This email was sent from an external source. If you do not know the sender, do not click on links or attachments. ****

From: Cara Conley <caraconley@flash.net>
Sent: Thursday, July 23, 2020 3:21 PM
To: Chauhan, Nisha, CDA
Subject: Ruby Hill Development

Hello,

I received a notice in the mail about the above development and the upcoming hearing. I wanted to bring to your attention an issue that I saw with the plans not complying with the C.3 Stormwater Technical Guidance of Alameda County which may cause an additional negative impact to the local community's street parking. The "Preliminary Stormwater Treatment Plan" sheet (C-6.1) dated 11/2019 acknowledges that the site is subject to hydromodification requirements but selects a calculation method (the 4% method) that is inconsistent with the hydromodification requirements of Alameda County. Per the Alameda County C.3 Manual, the engineer is required to run the BAHM program to confirm their bioretention planter sizing is adequate. Prior to your approval, the Civil Engineer should confirm this works with the current site plan. My concern is that this will become an issue later on and a site plan modification will be required that reduces the site parking. As a resident of the area, I am already concerned that street parking will be negatively impacted by this development that proposes only 109 parking stalls for a 128 bedroom apartment complex. A further reduction in parking will cause an even greater negative impact to the existing community. This is not an issue that is easily solved during construction drawing development due to the modeling that the BAHM program runs. It is imperative that this issue is addressed prior to the planning approval of the project.

Could you please confirm the above issue will be addressed at the August 3rd hearing? Let me know if you have any questions.

Thank you,

Cara Conley

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From: Sherman Lewis <sherman.lewisiii@gmail.com> on behalf of Sherman Lewis <sherman@csuhayward.us>
Sent: Saturday, June 6, 2020 5:12 PM
To: Chauhan, Nisha, CDA; Adams, Dolly, Castro Valley MAC; Riche, Ted, Castro Valley MAC; Cunha, Sheila, Castro Valley MAC; Moore, Chuck, Castro Valley MAC; Carbone, Ken, Castro Valley MAC; Killebrew, Shannon, Castro Valley MAC
Subject: Ruby Meadow

I urge the CV MAC to pay attention to fundamental policy issues and reject the proposal rather than debate details that don't matter.

The conflict is between single issue advocates so committed to one thing they are unable to be objective versus planning advocates looking at the big picture. County planning does not plan; it processes applications from developers.

To get more affordable housing we should look at areas close to shopping and transit and not build housing with the excessive economic, environmental and social costs of auto dependency. We should build within an area where affordables should be built, which I did as a member of the BART board, reducing CV BART parking in favor of the historical restoration and adaptation of the Strobridge Victorian and housing for families and seniors. That is what my friend Sara Conner did as President of the Board of Eden Housing.

Now Eden has lost its humanity and acts like a corporation, a wolf in affordable housing clothes.

I speak up because I played a role in killing the Bypass, which was going to kill the meadow, because I advocate for sustainable affordable housing at Bayview Village, because I care about neighbors who have major investment in their homes, and because old woods should not be destroyed to build parking lots.

Eden is pursuing a behind-the-scenes land grab to destroy a neighborhood and an old woods with an out-sized, car dependent project, and is trying to marginalize the people who care the most about the area. I did not fight one kind of destruction to have another kind.

Ruby Meadow has a value that a narrower trail does not have--recreational space, close to a trail head, a gem along the way on the Foothill Trail not otherwise available, close to the theater and Japanese garden.

I hope the CV MAC will say what should be considered: no replacement of old landscape with pavement for parking, build along Ruby consistent with historical lot depths and modest densification, and parking only off Ruby. You should ask the county to find and report to you on sites served by business and transit and what to do to build the right kind of affordables. Tell them clearly you don't want to hear why nothing will work. Have the county help Eden build a sensible project in a sensible place.

I fully support the comments of Bruce King, Ann Maris, and all the folks of the Grove Way Neighborhood Association. Find a better balance of housing and local parks.

--
Sherman Lewis
Professor Emeritus, Cal State Hayward
President, Hayward Area Planning Association
510-538-3692, sherman@csuhayward.us

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From: Vicki <vmlew@yahoo.com>
Sent: Sunday, June 7, 2020 9:39 PM
To: Chauhan, Nisha, CDA
Cc: Adams, Dolly, Castro Valley MAC; Riche, Ted, Castro Valley MAC; Cunha, Sheila, Castro Valley MAC; Moore, Chuck, Castro Valley MAC; Carbone, Ken, Castro Valley MAC; Killebrew, Shannon, Castro Valley MAC
Subject: Ruby Meadow/Eden Housing project

CVMAC members,

As residents of Castro Valley, we urge the CVMAC board to save Ruby Meadow and deny the planned Eden Housing project. While affordable housing is needed, this is not the location to build it. There are other locations where this project would be better suited including two other former Caltrans properties currently known as parcels eight and nine of Hayward's Route 238 Corridor Lands. The area around Ruby Meadow parcel has no sidewalks and is already experiencing traffic concerns. It cannot accommodate the impact of the addition of a 72 unit property.

Ruby Meadow is one of the last possible park locations in the Hayward/ Castro Valley area. It is located adjacent to the Morrison Theater, Japanese Tea Garden and Hayward Senior Center. Ruby Meadow is comprised of heritage oaks and bordered by San Lorenzo creek. It provides a woodland and riparian corridor for many animal species. If this development is approved, this natural parkland is destroyed and this native jewel disappears forever.

We urge the board members to consider the health, history and heritage of Hayward and Castro Valley and to preserve this natural site as a parkland.

Thank you,

Vicki Lewis and Diane Dunn

Sent from my iPad

** This email was sent from an external source. If you do not know the sender, do not click on links or attachments. **

From: RENEE SUTTON <renees123@comcast.net>
Sent: Monday, June 8, 2020 6:06 PM
To: Adams, Dolly, Castro Valley MAC; Riche, Ted, Castro Valley MAC; Cunha, Sheila, Castro Valley MAC; Moore, Chuck, Castro Valley MAC; Chauhan, Nisha, CDA; Carbone, Ken, Castro Valley MAC; Killebrew, Shannon, Castro Valley MAC
Subject: Ruby Meadows
Attachments: CEQA Cultural Resources D 11-25-2019.docx; Historic Cultural Significance 12-1-2019.docx

To the board members and planning department,

Please find attached two documents that speak to the CEQA Cultural Resources and the Historical Significance of Ruby Meadows. Both documents have been submitted before (November meeting and in the December time frame). I stand by the comments and hope that the CVMAC will take these into consideration when voting whether to move this project forward or not.

The community has made their position clear, we would like to keep Ruby Meadow undeveloped and as a natural wildlife area for everyone to enjoy. We still think that there are other options for Eden to build and still hope that they will come to the table to talk about a land swap for another piece of property to develop. We are not against low income housing, as a matter of fact, we support moving forward with low income housing, we just think that Ruby Meadow is not the right piece of property for this to happen.

Thanks for your consideration.

Renee Sutton
Co-Chair, My Eden Voice Parks and Open Space Committee

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11/25/2019

The CEQA Cultural Resources D, on the CEQA checklist as well as N, Tribal Cultural Resources.

The CEQA states several times that “a Registered Professional Archeologist performed a records search at the NWIC, as well as a focused review of pertinent archeological, historical, and environmental publications. The archeologist also conducted pedestrian surveys”; but the document never identifies the archeologist or their credentials. I have to argue that a pedestrian survey is not indicative of what lies beneath nor adequate enough to base these conclusions and if in fact they researched pertinent archeological publications, they would have come to a different conclusion.

The CEQA goes on to state: “This background research determined that there are no recorded archeological resources in the project site. Archeological excavations conducted in 2014, as well as site surveys conducted for the project, did not identify deposits associated with P-01-001795/ CA-ALA-566”.

This is not a true statement. The ALA-566 dig uncovered numerous artifacts: “the presence of a well dated mid-holocene deposit is especially significant due to the rarity of such finds”. A 1997 newspaper article (which is referring to ALA-566 dig) confirms not only sites from 500-600 years old, but also a campsite estimated to be 5000 years old. The newspaper article and the ALA-566 document also refer to, two Native American grave sites being found in the late 1930’s.

In the CEQA, under N, Tribal Cultural Resources, it states that a list of tribes that have requested notification in the projects vicinity, were notified on behalf of the county to the tribes on the list. They also state that no responses were received within the statutory 30 day period of time.

While we don’t doubt that the letters were sent to the Tribes, the letter states, “has determined that the likelihood of the P-01-001795/CA-ALA-566 extending into the Project Site is extremely low”. We contend that this is not accurate. There have been numerous digs in the past in this area. When considering widening A St, it is stated that 3 sites are located within 1 mile of the project site (A St.). The three digs are ALA-58, ALA-60 and ALA-412 (Historic Property Survey

Report HPSR 1989). The Cultural Resources Review (CRR) 2001 document also goes on to indicate, "The majority of the City of Hayward has been designated as within areas of high and moderate sensitivity for archeological resources, but the city has several selected areas designated as *extreme* (Quaternary Research Group 1976). The extreme areas in the city of Hayward are located in the vicinity of A Street, and Winton Street and north and south of Tennyson Road west of Interstate Route I-880."

The ALA-58 dig had at least two burials (CRR page 19). This dig is calculated as ½ mile from ALA-566 dig (30 feet away from the proposed development). There were 2 bodies found at the 1238 A St. dig. These were accessioned in the Phoebe A. Hearst Museum at the University of California. The ALA-60 dig is "one of the oldest archeological sites excavated in the Bay Area, dating from at least the lower Archaic (4630/5530 BC)". This site has been "determined potentially eligible for inclusion National Register Historic Pales in 1981 (USNPS 1989b).

We believe that if the letter was more forth coming regarding past digs, the discovery of several bodies at different locations, the fact that the proposed site falls in Hayward "extreme" area, and the fact that ALA-60 is potentially eligible for inclusion on the NRHP that Planning Department would have received a response and that the response would have been opposed to the development.

Document attached 4.4 (from 2009 Route 238 Bypass Land Use Study) references P-01-001795 states "indicate the presence of one Native American archeological site within the Project area, this P01, a large former settlement that includes burials.

Ruby Meadow is 30 feet away from the ALA-566 dig, the bottom border of the dig was Crescent Ave. The Crescent Avenue driveway location and proposed paved parking lot with 71 spaces, may very well obscure the artifacts from future analysis, as some of them are quite deep and may not be located during construction. We contend that this is not a "might find remains" situation that there is definitely archeological evidence in Ruby Meadow.

The CEQA states "In most cases, archeological sites that are found to be significant (e.g. eligible for listing in the California Register) would qualify as "historical resources" under CEQA". It stands to reason that Ruby Meadow would qualify as both a Cultural Resource as well as a Historical Resource.

As further evidence, The Ohlone were hunter gathers (see attached newspaper article from 1978), "During the harvest seasons, most of the tribe migrated from the main village site and set up camps near the coast for shellfish, by the rivers for salmon, near marshes for ducks and geese, in oak groves for acorns. See next attached article stating: In addition to acorns, the Ohlone gathered and roasted a number of different plant seeds, and ate the nuts of the buckeye tree. The ALA-566 document quotes "riparian vegetation remains in the creek channels and numerous oak, bay, pine and redwood trees are present". Because the Creekside location, with a flat plateau, is a typical landscape where Ohlone performed daily functions like harvesting food, preparing food, health and cleanliness activities, and religious ceremonies it stands to reason that even closer to the creek was also part of their camps during the harvest season, which is the Ruby Meadow area.

The CEQA Conclusion for both D, Cultural Resources and N, Tribal Cultural Resources are listed as less than significant, which we find inadequate and feel that this project deserves a full EIR review. These impacts were not analyzed as significant in the EIR, but they are significant because of site specific conditions including the adjacent ALA-566 site. A valuable Ohlone resource will be obscured or removed, which negates any future value as a teaching resource, or as a local history and cultural resource.

We are not opposed to low income housing, we are not opposed to development in general. We are simply vehemently opposed to developing on Ruby Meadow. We are well aware of the housing crisis that every county in the Bay Area is facing. However, there seem to be other alternatives for Eden Housing nearby (parcel 8 or parcel 9 comes to mind), with low cultural, historical, biological and community impact. We are looking for responsible, considerate growth for the Eden area.

Additionally the Quimby Act does call for a percentage of open space per capita. Castro Valley is deficient in this area. The only park in the southern Castro Valley area is Carlos Bee Park. Saving Ruby Meadow would be another way to satisfy the Quimby Act recommendations.

This is the last open space next to the creek that exists. It seems counter intuitive to take this pristine woodland meadow which currently houses a rich wildlife

habitat as well as a rich cultural history, in the heart of downtown and develop it, when in fact there are alternatives that would not disrupt this area.

Thank you for your consideration.

Renee Sutton, Vice Chair, MEVI Parks and Open Space Committee

We think that Ruby Meadow and the surrounding area should be considered both a historical and cultural resource, not to mention an educational resource for the public. If you consider the Ohlone presence in this area, the importance of the Knox tract and his impact on the Castro Valley area and its growth, the Knox Water Works, the Hayward Steam Laundry, the Pow Wow Tree, and the 1776 Juan Bautista de Anza National Historic Trail this area is rich with cultural aspects and history. Everything is within a half mile of each other and seems to fit the criteria spelled out, below.

The Eden Area General Plan

The Eden Area General Plan under Policies, page 3-53 P2 states, “To the extent possible, the County shall cause no substantial adverse change in the significance of a historical or archeological resource as defined in 15064.5 of the California Environmental Quality Act (Title 14. California Code of Regulations) through its direct or indirect actions.”

Page 3-53 P3 states, “To the extent possible, unique paleontological resources, sites or unique geological features shall not be directly or indirectly destroyed or significantly altered.”

Page 3-53 P4 states, “The County should make the Eden Area a top priority when conducting historic and cultural resources inventories in the county.”

Page 3-53 P5 states, “Potentially significant historic resources may be defined as those resources identified in professionally prepared surveys or where additional evidence suggests that the property or structure may be significant.”

The Castro Valley General Plan

The Castro Valley General Plan, Chapter 2 Vision of Castro Valley 2025, Page 2-6, Number 4 states, “While there are few “historic resources” eligible for listing on the State and Federal registers, there are some resources that can be preserved

or enhanced to retain a connection with the community's historic rural character."

Chapter 3, Community Development Strategy, page 3.9 states, "Maintain the character of the existing neighborhoods when allowing in fill with home additions and secondary units. There is no need for major increases or decreases in allowed density, except in cases where there are significant biological resources on the property."

We feel that there are significant biological resources in Ruby Meadow, as outlined by Bruce King, Friends of San Lorenzo Creek.

Castro Valley General Plan Draft EIR

Chapter 2, Project Description

Castro Valley General Plan Draft EIR, Project Description, Chapter 2 states,

"Preserve the area's defining natural characteristics, embodied in the hills, canyons, creeks, and rural corridors, and views to those natural areas. Update policies to reflect the passage of Measure D, which established an Urban Growth Boundary limiting urban development in most of the rural areas of the county, including the Canyonlands surrounding Castro Valley."

2.3 Proposed General Plan, Key Initiatives, 1, states,

1. Valleys, Creeks, Canyons, and Hillside Preserved

Establish a framework of legal, managerial, and operational protections for the community's natural resources, including the valleys, creeks, canyons, and hillsides, as well as views to those resources. Ensure that there is ongoing stewardship and maintenance.

2.5 Key Policies of the Proposed Plan, Residential Development, states, "Lot sizes shall be consistent with desired character of the area, as established in new General Plan land use classifications. Subdivision plans shall be designed to avoid areas that are environmentally sensitive, or have high fire hazards or steep slopes."

Community Character and Design, states,

This chapter proposes goals and policies that are intended to protect and enhance the elements of Castro Valley's natural and built environment that define the community's visual character.

4. Protect historic sites and structures and other cultural resources that help to maintain the special character and identify of Castro Valley and represent important physical connections to the community's past.

The key policies the Plan proposes to achieve these goals are:

Protect and preserve federal and State-designated historic sites and structures and properties to the maximum extent feasible and **establishing appropriate strategies to protect local cultural resources that do not qualify for designation as historic resources but still reflect Castro Valley's history and traditions.**

Biological Resources, states,

This chapter addresses the protection and enhancement of Castro Valley's significant biological resources, which are concentrated in creek corridors, canyons, and hillside open space areas set aside as part of planned developments. The specific goals are to:

- 1. Protect and enhance native wildlife through conservation and restoration of a continuous network of connected natural habitat.**
- 2. Preserve creek channels and riparian habitat to protect and enhance wildlife corridors, flood protection, and the quality of surface water and groundwater.**
- 3. Maintain, preserve, and enhance trees and vegetation to provide habitat and protect the natural environment.**

To achieve these goals the Plan proposes:

- Design guidelines for property within or adjacent to the proposed Biological Resources Overlay Zone.
- Discouraging loss of riparian woodlands and wetlands by requiring replacement mitigation.

- Encouraging agencies responsible for public infrastructure to design and build projects to protect wildlife corridors, creeks, and regional trails.
- Requiring that open space for new development be designed to achieve multiple objectives including recreation, scenic values, habitat protection, and public safety.

Chapter 3, Settings, Impacts and Mitigation Measures

Chapter 3, Settings, Impacts and Mitigation Measures, Regulatory Setting, Specific Plan for Areas of Environmental Significance (1977), states,

This is a countywide specific plan that creates a Site Development Review process for designated areas of environmental significance. These areas are those throughout the county in riparian areas—where a watercourse forms the environmental focal point—and along the scenic route corridors identified in the County’s Scenic Routes Element. The specific plan is concerned with development guidelines and does not regulate permitted land uses. The County’s upcoming new Resource Conservation, Open Space, and Agriculture (ROSA) elements, described below, will replace this plan.

Action 4.9-10 Rezone properties to residential use on the southerly side of Grove Way east of Center Street, since residential uses already predominate in this area and residential uses can enjoy the visual and open space benefits of the creek to the rear.

3.5 Biological Resources, Sensitive Habitat Areas, states,

All areas supporting native vegetation or providing suitable habitat for special-status species are considered sensitive habitat areas, including oak riparian woodland and naturalized native trees that provide potential nesting habitat for bird species.

Alameda County General Plan - Resources, Open Space, and Agriculture (ROSA) elements, states,

The existing Alameda County Resources Conservation Element (1994) requires the County to locate uses or development that would seriously impact or jeopardize biological resources away from areas with significant biological resource value. The RCE requires the County to prioritize the preservation of lands that should be left substantially undeveloped including riparian habitats, habitat of rare or endangered species, and wetlands supporting concentrations of waterfowl. The RCE also requires the County to encourage the protection and restoration of sensitive and rare habitat types, including native grasslands, riparian woodlands, and oak woodlands, and to designate Sensitive Habitat Areas (SHAs) as a way to protect unique resources from development. The RCE also proposed that all SHAs were to be reclassified to Resource Management district.

Proposed General Plan Policies and Programs that Reduce the Impact,

Policy 7.1-3 Incorporate design features that minimize the impacts of development on bio-logical resources in any development planned on or adjacent to high and moderate priority areas designated on the Figure 3.5-2, Biological Resources Overlay Zone (Reference – Draft ROSA Policy RC-24, Minimization of Biological Impacts)

Policy 7.1-8 Protect all creeks and flood channels that traverse the urbanized area of Castro Valley, because they serve as movement corridors for wildlife. (Reference – Draft ROSA Policy RC-43, Water Channels as Wildlife Corridors)

Policy 7.2-1 Encourage protection of streams and adequate stream buffers to maintain and where appropriate enhance important stream functions, including: flood protection, recreational corridors, wildlife movement corridors, wildlife habitat, and aesthetic resources. (Reference – Draft ROSA Policy RC-7, Stream Protection)

3.12 Cultural Resources

For analytical purposes, cultural resources are typically divided into three categories: archaeological resources, historic resources, and contemporary Native American resources.

Archaeological resources are places where human activity has measurably altered the earth or left deposits of physical remains. Archaeological resources may be either prehistoric (before the introduction of writing in a particular area) or historic (after the introduction of writing). The majority of such places in this region are associated with either Native American or Euro-american occupation of the area. The most frequently encountered prehistoric and early historic Native American archaeological sites are village settlements with residential areas and sometimes cemeteries; temporary camps where food and raw materials were collected; smaller, briefly occupied sites where tools were manufactured or repaired; and special-use areas like caves, rock shelters, and sites of rock art. Historic archaeological sites may include foundations or features such as privies, corrals, and trash dumps.

Environmental Setting

Historic and cultural resources include buildings and neighborhoods of historic architectural significance, places of special historic or archaeological interest, and other features that have special value to the community. In the following sections, the terms prehistoric resource, archaeological resource, and Native American resource are used synonymously, referring to a type of resource that dates back to pre-Euroamerican contact.

Physical Settings

Archeological Resources

Native American cultural resources in this part of Alameda County have been found on ridges, mid-slope terraces, and adjacent to seasonal and perennial watercourses. The Planning Area includes the type of environmental settings and features associated with known sites. For this reason, there is a high likelihood that unrecorded Native American cultural resources exist in the Castro Valley Planning Area and that additional prehistoric-period archaeological resources could be identified as development occurs under the proposed Plan.

State

The California Register of Historical Resources was established in 1992 by amendments to the Public Resources Code. The Register includes resources that are formally determined eligible for, or listed in, the National Register, State Historical Landmarks numbered 770 or higher; Points of Historical Interest recommended for listing by the State Historical Resources Commission (SHRC); resources nominated for listing and determined eligible in accordance with criteria and procedures adopted by the SHRC, and resources and districts designated as city or county landmarks when the designation criteria are consistent with California Register criteria.

California Historical Landmarks (CHLs) are buildings, structures, sites, or places that have been determined to have statewide historical significance by meeting at least one of the criteria in the State law. The County Board of Supervisors or the City/Town Council in whose jurisdiction the resource is located and the State Historical Resources Commission must also approve the designation. California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value.

Local

Alameda County has a 15-member Parks, Recreation, and Historical Commission that advises the Planning Commission and the Board of Supervisors on matters related to historic resources. The duties and powers of the committee include: promoting preservation of historic resources associated with the unincorporated areas of Alameda County; recommending that certain sites be designated as historic resources; advising on the administration of historic sites and landmarks; and advising on all matters relating to the historic and cultural preservation of the unincorporated areas of the County, in particular State and federal designations and registration of historical landmarks.

The Eden Area General Plan, The Castro Valley General Plan and the Castro Valley General Plan Draft EIR all echo the same message, preservation of riparian woodland areas, promote preservation of historic resources, protect

creeks and movement corridors, prioritize the preservation of land that should be left substantially undeveloped, and maintain, preserve, and enhance trees and vegetation to provide habitat and protect the natural environment.

Not only does Ruby Meadow qualify for environmental preservation, but we feel that the cultural and historical aspects of Ruby Meadow also qualify it for preservation. Per the information below, the Ohlone were prevalent in this particular area and there have been numerous digs, which have proved their presence. Ruby Meadow was once owned by Knox, who had a huge impact not only on Castro Valley, but the area in general. He was instrumental in the development of commercial agriculture, he helped establish techniques for transcontinental shipment of fruit by refrigerated train cars, he was an inventor and the first sub-developer of the Knox Tract. The Knox Water Works was developed on the Ruby site, by William Knox Jr. Not only was this the first piped water delivery system in Hayward, but the town was also provided with hydrants for fire protection. There is still physical evidence of the Water Works on the Ruby site. The Hayward Steam Laundry, was a thriving business on Ruby St. for over 50 years.

The de Anza Trail is already a federally recognized land mark. The trail went down our current Mission St., which is a few shorts blocks from Ruby Meadow. The Pow-Wow Tree is currently listed in the California inventory of Historic Resources (CAL-OHP 1976:224). The tree was located at 1399 A St. (we are not sure if the tree still exists, still researching). Even if the tree does not exist, it can be commemorated for its historical value and again it existed a few blocks from the Ruby site. All and all there is a plethora of cultural and historical value to the Ruby site.

Historic Property Survey Report

**Redwood Road – A Street Widening, Castro Valley, Alameda County,
California for Public Works Agency, November 1989**

6.0 Field Survey Methods and Findings

“The intent of an archival background review and a filed survey is to identify cultural properties including archeological sites, standing structures and arbicultural resources which may be potentially eligible for inclusion in the NRHP. Eligibility criteria for evaluation includes: (1) is at least 50 years; (2) retains integrity of location, design, setting, materials, workmanship, feeling, and association, and (3) has one or all of the following characteristics: (a) “....with events that have made a significant contribution to the broad patterns of our history”; (b) “...with the lives of persons significant in our past”; (c) “...that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction”; or, (d) “...have yielded, or may be likely to yield, information important in prehistory or history.” (US Office of the Federal Register 1988:246;CFR60.4).

Although Ruby Meadow, the surrounding digs and historical sites may not be eligible for the Federal National Register, we are confident that they should qualify for state recognition or local recognition, based on the above mentioned criteria.

5.0 Background Review

5.1 Native American

“Three sites, CA-ALA-58, -60 and -412 are located within one mile of project in the San Lorenzo Creek watershed (after G. Miller 1982:61).

CA-Ala-58, an earth mound with at least two burials, mortars, and pestles, was discovered and destroyed as a result of construction (Davis 1959).”

This dig site was located at the end of Maple Court in Hayward at a depth of about 7 feet. This site is approximately ½ mile from the 566 dig site.

“In contrast, CA-ALA-60 has received considerable attention prior to the construction of improvements to Route 580. CA-Ala-60 is considered to be one of the oldest archeological sites excavated in the Bay Area, dating from at least the Lower Archaic (4630/5530 B.C.) and occupied intermittently through Phase 1 of

the Late Horizon (c. A.D. 1500 terminus). The available data suggests that CA-ALA-60 was a large satellite activity site possibly linked to a larger bayshore village(s). Seasonally available vegetal and faunal resources from the local riparian woodland/foothill environmental setting were exploited although task specific subsistence or activity areas could not be identified. **This site was determined potentially eligible for inclusion in the National Register of Historic Places in 1981 (USNPS 1989b)."**

We were unable to determine where exactly this dig was located, but per the documentation the site is located with 1 mile of the 566 dig site and has already been determined potentially eligible as a Historic Site.

"The last site, CA-Ala-412, is located at an elevation of 325 feet in the Castro Valley hills and appears to be limited to five pecked cupules on an isolated sandstone boulder."

We have been unable to determine where this dig was, but again within 1 mile of the 566 dig.

CA-Ala-566 (dig site in 1997, 3rd & Knox St. in Castro Valley) "There appear to be at least two components present. The upper component (20-60cm in depth) is represented by buried hearths found adjacent to N. 3rd St. between Knox St. and Crescent Ave., and a reported burial find from the 1930s at the corner of Knox and N. 3rd."

"The site is especially interesting because the individual components represent very discrete periods of time, with the process which buried them serving to prevent conflation with later episodes. They appear to represent short term use of the riparian corridor for vegetal resources as opposed to a settlement site, although it remains a possibility that other more elaborate deposits are present in the vicinity. **The presence of a well dated mid-holocene deposit is especially significant due to the rarity of such finds,** as is the apparent similarity in function with the later component despite the separation in time.

The 566 dig was done due to the CalTrans 238 proposed build. The location of this dig is 30 feet away from Ruby Meadow. We contend that what with the other digs that have been performed and the other burials that have been located, that Ruby

Meadow has high potential that other unrecorded Native American and/or cultural resources exist within this area.

1238 A St. (old Bank of America Bldg.) dig located two burials. The bodies were accessioned in 1938 at Phoebe A. Hearst museum of Anthropology (UC/PAHMA) University of California (accession #500FG). (From research and 566 dig)

“The majority of the City of Hayward has been designated as within areas of high and moderate sensitivity for archeological resources, but the city also has several selected areas designated extreme (Quaternary Research Group 1976). The extreme areas in the City of Hayward are located in the vicinity of A Street, and Winton Street and north and south of Tennyson Road west of Interstate Route I-880.” (From the Cultural Resources Review Archeological & Architectural Resources, City of Hayward, October 2001).

Based on this information, it stands to reason that the Ruby Meadow area would most certainly have evidence of Ohlone Indians.

“The Costanoan-speaking groups in 1770 lived in approximately 50 separate and politically autonomous nations or tribelets. Alternatively, the San Lorenzo Creek watershed in the vicinity of Hayward was occupied by the Yrgin. The existence of this tribelet has been deduced from Mission San Jose baptismal records dating between 1801 and 1805. (Milliken 1983:101, 139, Map 4). Historic accounts of the distribution of Costanoan tribelets and villages in the 1770s-1790s and the results of archeological efforts in the area suggest that a number of tribelets may have had temporary camps or possibly even relatively permanent settlements within the vicinity of the project area throughout the prehistoric period and into the Hispanic Period.”

Thank you for your consideration.

Renee Sutton

MEV! Parks and Open Space

1. **Underlined titles**, indicate the documents where the quotes have been retrieved.
2. **Bold** indicates the subject matter, the chapter or the page where the quote was retrieved.
3. *Italics*, our response or conclusion based on the facts presented.
4. **Highlighted areas**, particularly pertinent information regarding the subject.

From: Carole Brown <cbcarebearhay@yahoo.com>
Sent: Friday, June 5, 2020 1:31 PM
To: Chauhan, Nisha, CDA
Subject: Ruby Street Apartment Concerns - June 5, 2020

Ruby Street Apartments

How disheartening to think that an apartment complex is being considered for development on the Ruby Meadow site. Here is a chance for the planning department to save the valuable riparian corridors from development and promote the enhancement of this delicate environment for not only the community to enjoy, but for the preservation of the flora and fauna of this unique habitat.

I would like to see the small amount of undeveloped land in the Ruby Meadow area coveted rather than destroyed by development.

As a Castro Valley resident, I feel that it is imperative that I submit my rejection to the Castro Valley Municipal Advisory Council and the Alameda County Planning Department in regard to the Ruby Street apartments proposal.

Thank you.
Carole Brown

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From: Jan Brown <janbrown2@yahoo.com>
Sent: Monday, June 8, 2020 7:57 AM
To: Chauhan, Nisha, CDA
Cc: Adams, Dolly, Castro Valley MAC; Carbone, Ken, Castro Valley MAC; Cunha, Sheila, Castro Valley MAC; Killebrew, Shannon, Castro Valley MAC; Riche, Ted, Castro Valley MAC; Moore, Chuck, Castro Valley MAC
Subject: Save Ruby Meadow (June 8, 2020 Municipal Advisory Council Meeting)

Janice Armigo Brown

21458 Lake Chabot Road

Castro Valley, CA 94546

janbrown2@yahoo.com 510.881.4681

City of Hayward Planning Department

June 8, 2020

224 West Winton Avenue

Hayward, CA 94544

To Whom It May Concern:

Re: Ruby Meadow Land Use Project, Castro Valley, California

My name is Janice Armigo Brown. I have been a homeowner in the Baywood Neighborhood of Castro Valley for 32 years. I live here because of the tranquility, community closeness, and calm feeling of nature that I am surrounded by every day when I open my blinds. I live across the street from the San Lorenzo Creek that travels through the Baywood Neighborhood where mallards, egrets, herons, fish, red-tailed hawks, kestrels, and deer also live, protected from traffic. This is their backyard.

My walk in the neighborhood consists of visiting Ruby Meadow and the Japanese Tea Garden, located not far from my home. There are few remaining spots that are open and have natural habitat, safe from harm. I cannot imagine the loss of Ruby Meadow, only to be replaced by a large 72 Apartment Unit Complex. Where will all the wildlife go if this massive structure is built? What will be left upon its completion? Upon its completion

there will be concrete, cars, pollution, littering, and crime. Vehicle traffic will also impact the area between the complex through the Baywood Neighborhood and down Strobridge Avenue to Highway 580.

Affordable housing is necessary as the Bay Area population increases as well as everywhere else and people do need housing. Yet, constructing a four-story apartment complex with 72 units in a small neighborhood does not fit the Castro Valley General Plan. Perhaps, even half the number of apartments would suffice along with some individual homes, strategically spaced apart. Dense housing doesn't belong in Ruby Meadow. There just isn't enough room for wildlife to roam freely and compete with this project. They will forcefully be extracted from their homes with nowhere to go. This would be wrong for the Baywood Neighborhood of Castro Valley, California.

Janice Armigo Brown

Cc:

Dolly.Adams@acgov.org,
ted.riche@acgov.org,
sheila.cunha@acgov.org,
chuck.moore@acgov.org,
Ken.Carbone2@acgov.org>,
Shannon.Killebrew@acgov.org

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From: Phillips, Eric S. <EPhillips@bwsllaw.com>
Sent: Monday, June 8, 2020 2:46 PM
To: Moore, Chuck, Castro Valley MAC; Adams, Dolly, Castro Valley MAC; Carbone, Ken, Castro Valley MAC; Killebrew, Shannon, Castro Valley MAC; Cunha, Sheila, Castro Valley MAC; Riche, Ted, Castro Valley MAC
Cc: Ellen Morris; Andrea Osgood; Chauhan, Nisha, CDA; BOS District 4; Henninger, Tona; BOS Dist4; Bazar, Chris, CDA; Starratt, Michelle, CDA; Lopez, Albert, CDA; Weddle, Andrea L., County Counsel; LMandolini@edenhousing.org
Subject: Support for Ruby Street Housing Proposal
Attachments: E Phillips Letter to CVMAC re Ruby Street Project.pdf

Dear Castro Valley Municipal Advisory Councilmembers:

Attached please find a letter in support of County Staff's recommendation for approval of the Ruby Street Site Development Review Application.

Nisha, would you please include a copy of this letter in the project file for public review, along with the other correspondence that the County has received?

Thank you for your consideration,
Eric

Eric S. Phillips | Partner
1 California Street, Suite 3050 | San Francisco, CA 94111
d - 415.655.8114 | t - 415.655.8100 | f - 415.655.8099
ephillips@bwsllaw.com | [vCard](#) | bwsllaw.com



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Direct No.: 415.655.8114
ephillips@bwslaw.com

June 8, 2020

Castro Valley Municipal Advisory Council
c/o Alameda County Community Development Agency
224 W. Winton Avenue, Room 111
Hayward, CA 94544

Re: Ruby Street Apartments Project, Castro Valley, Alameda County

Dear Councilmembers:

Our firm represents Eden Housing, Inc. ("**Eden**") in connection with land use matters for the Ruby Street Apartments Project ("**Project**") proposed for 1744 Ruby Street ("**Project Site**") in the community of Castro Valley within the unincorporated area of Alameda County ("**County**"). As you know, the Project is a housing development project that proposes to develop 72 homes, 71 units of which would be affordable to lower income households. The Project is scheduled to be heard before the Castro Valley Municipal Advisory Council ("**Castro Valley MAC**") tonight.

In advance of tonight's Castro Valley MAC hearing, Project opponents have coordinated comments to request that the Project not be approved. As explained in detail below, the opposition comments include numerous factual inaccuracies or raise issues that do not provide a legal basis to deny a housing development project that is protected by the Housing Accountability Act (Gov. Code § 65589.5)¹.

We fully support County staff's recommendations that the Project be approved as proposed and that it be processed pursuant to the Community Plan Exemption from the California Environmental Quality Act ("**CEQA**"). The record before the Castro Valley MAC contains staff analysis and expert studies that constitute substantial evidence to support the conclusion that the Project is consistent with all of the applicable County development standards. Accordingly, we urge the Castro Valley MAC to recommend the Project for approval.

¹ All subsequent references are to the California Government Code, unless otherwise noted.

Castro Valley MAC
June 8, 2020
Page 2

I. Project Characteristics

The Project would provide 72 homes, one manager's unit plus 71 homes that would be affordable to lower income households. The Project incorporates one-, two-, three-, and four-story elements. Project opponents incorrectly characterize the Project as a "four story abomination," ignoring the fact that portions of the Project facing Ruby Street would be limited to two- and three-stories, providing a transition to the street and other surrounding residential uses. As originally proposed, the Project would have been a uniform three-stories and 78 units. To reduce height at the street and to incorporate a wider buffer from the San Lorenzo Creek without further reducing the density to which the Project is entitled, it was necessary to increase portions of the proposal to four stories. Nevertheless, the Project density and height is consistent with the County General Plan and Zoning designation as modified in accordance with the State Density Bonus Law (§ 65915).

It is also important to note that Eden has reduced the Project's footprint to the greatest extent feasible; only 40 percent of the Project Site would be developed for housing. Approximately 4 acres, representing 60 percent of the Project Site, would be reserved for parks, open space, and a buffer from the San Lorenzo Creek. In addition, Eden has entered into an agreement to transfer a portion of the Project Site to HARD for a park and trailhead at A Street, which would enhance the community's ability to access the Creek corridor.

II. Residential Uses on the Project Site

Some comments from Project opponents object to the development of the Project Site with multifamily housing or even with residential uses at all. However, as explained on page 3 of the June 8, 2020 Castro Valley MAC Staff Report, the Project Site has been zoned to allow residential uses at approximately the same intensity since 1958. Moreover, the Project Site is designated for multifamily residential development in the General Plan, and the County's Housing Element includes portions of the site as a site for lower income housing development in its site inventory.

The Project Site has not previously been developed, but this does not change the fact that the County has long permitted residential uses on the Project Site, and, through the Housing Element, has adopted local policies to promote multifamily housing affordable to lower income households on the Project Site. Therefore, Eden's proposed use of the Project Site reflects the County's long-standing stated policy to permit housing development on the Project Site.

Castro Valley MAC
June 8, 2020
Page 3

Despite the fact that the Project is consistent with the County's housing policies and the Project Site's land use designations, many Project opponents suggest that the Project would be better suited somewhere else. Although other sites may also be able to accommodate housing development, this does not change the fact that the County has designated the Project Site for housing, and Eden acquired the Project Site to develop it according to applicable County regulations. There is no legally valid reason to deny Eden the opportunity to beneficially use the property it owns for the exact purposes that the County regulations say that the property may be used.

III. Environmental Resources

As discussed above, the Project is consistent with the use designations in the Castro Valley General Plan. As required by CEQA, the County analyzed the potential environmental effects of developing the uses permitted by the General Plan in a full Environmental Impact Report ("EIR"), which the Board of Supervisors certified as legally adequate when the General Plan was adopted.

Because the Project is consistent with the density permitted under the Castro Valley General Plan, it qualifies for the "Community Plan Exemption" from environmental review "except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the Project or its site." (Pub. Res. Code § 21083.3; CEQA Guidelines § 15183.) Accordingly, the County caused the preparation of an Environmental Checklist to evaluate the potential for Project-specific environmental impacts, which was published in September of 2019 ("**CEQA Checklist**"). Although not legally required, the County also caused preparation of Responses to Comments on the CEQA Checklist ("**Master Responses**"), which was published on May 8, 2020 to supplement the CEQA Checklist analysis.

Together, the CEQA Checklist and Master Responses provide substantial evidence that the Project is consistent with the Castro Valley General Plan and does not result in any Project-specific environmental impacts beyond those analyzed in the General Plan EIR, and therefore the Project is exempt from further CEQA review. References to the evidence in the record are provided below to further demonstrate that the Project would not result in any new significant impacts requiring subsequent CEQA review.

(a) Trees

Numerous comments from Project opponents repeat the incorrect claim that the Project will remove 90 percent of the existing trees on the Project Site. This is

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objectively false. The Project Site includes three parcels: Parcel A (the housing site); Parcel B (the future park site); and Parcel C (the San Lorenzo Creek and buffer areas). No tree survey has been performed for Parcels B or C, but the Project will not remove any trees from Parcels B or C. Parcel A, which has been officially surveyed and on which each tree has been counted, includes 58 trees, 42 of which would be removed (approximately 72 percent, not 90 percent as falsely claimed). In addition, as discussed on page 14 of the CEQA Checklist and page 5 of the Master Responses, none of the trees to be removed are sensitive habitat, within the riparian zone, or protected by local, state, or federal law. Finally, the Project will replace the removed trees with 96 new trees, resulting in 112 trees: a net increase of 54 trees on Parcel A.

(b) *Other Biological Resources*

The CEQA Checklist and Master Responses include in-depth analysis in response to comments from Project opponents about potential impacts to bats and other wildlife, the riparian corridor, and cumulative impacts to biological resources. As discussed on pages 2 through 7 of the Master Responses, the Project respects the required setbacks along the San Lorenzo Creek and is consistent with the Caltrans conservation easement. Moreover, the Project would be subject to specific measures to protect roosting bats, and the County caused supplemental research to be performed specifically to identify potential impacts to western red bats. The studies uniformly conclude that the Project's riparian protections are adequate to ensure impacts to biological resources remain less than significant and that the Project would not contribute to a cumulatively considerable significant impact.

(c) *Tribal Cultural Resources*

Several comments from Project opponents incorrectly claim, without evidence, that the Project Site is a confirmed burial site for the Ohlone tribe. These comments ignore the fact that the Project Site has undergone extensive archeological studies by qualified cultural resources professionals, and the studies show there is no evidence that archeological resources or tribal cultural resources are present on the Project Site. Pages 58 through 61 of the CEQA Checklist and pages 7 through 9 of the Master Responses provide a detailed response to explain studies that have been conducted and their findings. Moreover, as required by the General Plan, the Project will be subject to ongoing monitoring so that if any unknown resources are discovered during Project construction, appropriate mitigation can be undertaken to reduce any potential impact to less than significant levels.

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(d) Transportation

Some Project opponents complain that the Project will result in new traffic in the vicinity of the Project Site. The General Plan EIR analyzed potential traffic impacts associated with developing the Projects Site, and concluded that all transportation and traffic impacts would be less than significant. As discussed in detail in the CEQA Checklist beginning on page 119, the Project was subject to a Project-specific traffic analysis that demonstrates that Project traffic would likewise result in less-than-significant impacts. Therefore, there is no legal basis to conclude that Project traffic would result in significant impacts.

The record reflects the fact that the Project has been designed to balance competing community interests. The Project has been redesigned, and its unit count reduced from 78 to 72 homes, in an effort to reduce the buildable area and enhance preservation of open space on the Project Site. Eden has agreed to transfer a portion of the Project Site to HARD to develop a park and trailhead, and the Project includes a publicly accessible trail outside of the San Lorenzo Creek buffer zone.

Most importantly, the Project remains consistent with the applicable County development standards and County policies designating the Project Site for multifamily housing development. As proposed, the Project would implement County development policies and provide a true asset to the community that incorporates badly-needed housing and environmental resources. Accordingly, we are hopeful that the Castro Valley MAC will accept staff's recommendation and recommend approval of the Project as required by the Housing Accountability Act.

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We look forward to tonight's Castro Valley MAC hearing and the opportunity to discuss these issues in greater detail.

Very truly yours,



Eric S. Phillips

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