



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT

Adolph Martinelli  
Agency Director

August 15, 2001

**DOCKET**  
01-AFC-4  
**DATE** AUG 15 2001  
**RECD.** AUG 17 2001

James E. Sorensen  
Planning Director

Ms. Cheri Davis,  
Energy Facility Siting Project Manager  
California Energy Commission  
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Subject: East Altamont Energy Center LLC (EAEC), (01-AFC-4), responses of Alameda County Community Development Agency (ACCD A) to Data Request Set No. 2.

Dear Ms. Davis:

www.  
co.alameda.ca.us/cda

The Alameda County Community Development Agency is pleased to provide responses to a small number of pertinent questions raised in your Second Set of Data Requests, dated July 19, 2001. In the following responses, we identify the number of the data request as listed in the July 19, 2001 document, and provide a response.

No. 61: Tree planting versus berms for visual impact mitigation. Biological effects notwithstanding, ACCDA favors the method of visual screening using trees and shrubs for this site. Vegetation would be more visually attractive and natural-looking than tiered berms; placement of trees and shrubs would result in only modest loss of farmland and quality soils compared to the placement of large berms, and tree planting would require far less import of material (which may have its own impact at the source of the material). The aesthetic argument for vegetation rather than berms is relatively obvious; however, considering the endangered species issues, based on the information available so far, the potential effect on wildlife as discussed in the document is speculative. Further, the tree palette could be chosen to use relatively small trees near the road, which would be less desirable as raptor perches than taller existing trees in the area and would still provide a visual screen for the facility.

No. 74: Parcel legality and creation; potential subdivision of parcel. ACCDA believes that the existing 174-acre parcel for which the project is proposed is a legally recorded parcel. This land was made a parcel prior to the Subdivision Map Act, and may have existed as a parcel as early as the 1800's. No subdivision of the parcel has been proposed to our knowledge, although our understanding is that the power plant would share the parcel with continued agricultural activities. To reiterate, ACCDA staff believes this parcel to be a legal parcel, and is preparing a Certificate of Compliance to demonstrate this status. The Certificate of Compliance will be made available to the CEC upon completion.

PROOF OF SERVICE (REVISED \_\_\_\_\_) FILED WITH ORIGINAL. MAILED FROM SACRAMENTO ON 17 Aug 2001  
alb

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California Energy Commission  
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No. 75: Height limitations in the "A" - Agriculture Zone. The Alameda County Zoning Ordinance specifies no height limitation for the "A" - Agriculture Zone, therefore, no variance process would apply.

No. 76: Consistency with Policies 75 and 76 of the East County Area Plan; consistency with Section 17.06.010 of the Zoning Ordinance. As stated in the Data Request document, Policies 75 and 76 of the ECAP promote conservation of prime soils and preservation of intensive agricultural use. The ACCDA believes that the project as proposed, without mitigation, would be inconsistent with these specific policies, and its construction would result in environmental impacts based on these policies. However, the applicant has proposed to mitigate these effects through the preservation and enhancement of existing farmland on the remainder of the parcel, as well as providing funding to Alameda County for acquisition and preservation of additional agricultural land in the County that would fully mitigate the project's policy impacts. The negotiation for the draft agreement for this measure is nearing completion, and a copy of the agreement will be made available upon approval. Based on the expected outcome of the current negotiations, the ACCDA anticipates that the EAEC will be consistent with Policies 75 and 76 of the East County Area Plan, as well as Section 17.06.010 of the Zoning Ordinance.

In addition to the agricultural use prescription required by Section 17.06.010 of the County Zoning Ordinance, Section 17.06.060 also specifies a number of utility-type uses that may be conditionally approved by the Zoning Administrator if they can be deemed appropriate uses for the area within the "A" District. The provisions of Measure D, which was passed by Alameda County voters in November 2000 and which is a *de facto* amendment to the zoning ordinance, further illuminate the possibility of having a power generation facility in the "A" District by specifying that the Large Parcel Agriculture designation may include "utility corridors and similar uses compatible with agriculture." In our estimation, and as confirmed to us by Alameda County Counsel, this provision would allow the development of a power generation facility with adequate discretionary review such as that provided by the California Energy Commission siting process. No rezoning or general plan amendment is necessary.

No. 78: Noise levels, significance and mitigation. The Alameda County Noise Ordinance specifies a noise level of 45dBA at night as a legal limit in agricultural and residential areas. Noise levels at sensitive receptors should not exceed this value. Beyond this requirement, Alameda County has no specific requirement for further noise reduction, and does not believe an impact would occur as a result of any measured noise levels below this threshold. However, Alameda County would not be opposed to other measures that would provide site-specific noise reduction (such as sound deadening windows and air conditioning) as necessary at individual local residences.

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California Energy Commission  
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This concludes ACCDA's responses to the Data Request questions. If you require other information or clarification of these responses, please feel free to contact Mr. Bruce Jensen at phone (510) 670-6527 or [bjensen3@co.alameda.ca.us](mailto:bjensen3@co.alameda.ca.us). Thank you for conducting a thorough and thoughtful review process.

Very truly yours,



Adolph Martinelli,  
Community Development Director

cc: James Sorensen, Planning Director, Alameda County  
Alicia Torre

AM/bhj

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION  
OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE  
EAST ALTAMONT ENERGY CENTER  
(EAST ALTAMONT)

DOCKET No. 01-AFC-4  
(AFC ACCEPTED 06/27/01)  
(\*Revised 8/02/01)

I, Ian Skinner, declare that on 17 August 2001 I deposited copies of the attached Letter from Adolph Martinelli of the Alameda County Community Development Agency to Cheri Davis of the California Energy Commission dated 15 August 2001 in the United States mail at Sacramento, CA with first class postage thereon fully prepaid and addressed to the following:

**DOCKET UNIT**

*Send the original signed document plus the required 12 copies to the address below:*

**CALIFORNIA ENERGY COMMISSION  
DOCKET UNIT, MS-4  
\*Attn: Docket No. 00-AFC-4  
1516 Ninth Street  
Sacramento, CA 95814-5512  
E-mail:doCKET@energy.state.ca.us**

\* \* \* \*

*In addition to the documents sent to the Commission Docket Unit, also send individual copies of any documents to:*

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California Department of Water  
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<sup>1</sup>  
\* Revisions to POS List, i.e. updates, additions and/or deletions.

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**DELETE**

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I declare under penalty of perjury that the foregoing is true and correct.

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[signature]

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