

PLN2010-00100, TR-8053 UPDATE TO INITIAL STUDY

- A. April 2013 Memorandum with Updated Project Description
- B. Errata to Initial Study
- C. Fire Marshal approved letter from Applicant updating request for use of Vegetation and Fire Prevention Plan as Practical Effect for required 30 ft side yard setbacks.
- D. April 30, 2013 letter from Henry Justiniano & Associates updating the Geotechnical Investigation
- E. May 2, 2013 Letter from TJKM updating the Traffic Study

Memorandum in Response to Public Comments on the INITIAL STUDY/MND for the Proctor Court Project Proposal

TO: Damien Curry and Philip Sawrey-Kubicek, Alameda County Planning Department

FROM: Jay Claiborne, IPA Associate

DATE: April 9, 2013

RE: Updated Project Information and Description

On January 29, 2013, A Public Notice was posted and sent to all neighbors near the Project site in Castro Valley informing them and the general public of the intention of the County to adopt the Mitigated Negative Declaration/ Initial Study and the Notice of Public Hearing for Tract 8053 subdivision PLN 2010-00100.

This memorandum provides a summary and discussion of of the issues raised prior to, during, and following the Castro Valley MAC Hearing on 2/25/2013. It also provides information as to subsequent details of a newly Revised Proctor Court Proposal. These subsequent revisions are responsive to additional letters of concern as well as comments made at the MAC Public Hearing.

1. Lot Sizes and Project Density

There is continued concern that the 23 lots proposed for the 5.85 acre project site are in excess of the environmental constraints of the canyon and that the proposed average 8,050 square foot lot size is inconsistent with the average lot size for the surrounding neighborhoods, which is more in the range of 10,000 to 15,000 square feet with some lots in excess of 25,000 to 40,000 square feet.

The project site is zoned as R-1-BE-CSU-RV Single Family Residential, with a 6500 Square foot minimum building site area. The Hillside Residential and Use Designation under the Castro Valley General Plan (CVGP) for this project site and vicinity sets a density standard of 4 to 8 units per acre depending on slope conditions.

The original subdivision project initially proposed for the site would have created 24 lots. At the above referenced hearing at the end of February, the project had been reduced to 23 lots, for a total maximum density of 3.9 units per acre.

Following continued neighborhood input, the number of lots for the Proctor Court Subdivision Project has been further reduced to 19. The revised minimum lot size is now 10,000 square feet (average size, 10,204 sf), reducing the proposed density to approximately 3.3 units per acre, which is below the bottom of the density range for the CVGP. New homes planned for the subdivision are to be approximately 2,800 square feet.

2. Proctor Court Private Road:

The feasibility of creating the private street access for the proposed subdivision from Proctor Road has been studied and further refined by the transportation consultant and reviewed by County Staff. In the general setting of the Project Site and the surrounding neighborhoods, a private road has been determined to be the best option for lot access within the subdivision. A public street was considered during the conceptual design phase and it was determined not to be feasible or practicable due to a combination factors, including:

- the hill side topography;
- space constraints at the entrance;
- conservation considerations for less grading;
- minimization of impervious surfaces;
- minimization of need for retaining walls; and
- preservation of the rural characteristics of the neighborhood.

Of the 19 proposed lots, 18 are to be accessed from the private roadway. Lot 19, which is located at the northeast corner of the subdivision, is to be accessed by a driveway from Proctor Road, which is the existing condition for the two separately owned, developed properties on either side of the proposed new intersection for the private road. To help mitigate potential turn movement conflicts along Proctor Road, the proposed development will include relocation of the driveway curb cuts for these two existing homes to locate new driveways farther from the Proctor Court intersection.

In light of neighborhood input and in concurrence with the Alameda County Fire Department and Public Works, the right-of-way for the new proposed private road has been expanded to 33 feet to allow a 28 foot roadway width and a 5 foot sidewalk along the interior side of the roadway. The private road will meet all the county requirements and standards for public safety, engineering design, and emergency and large vehicle access.

3. On-Street Parking:

Neighbors have continued to express concern that the proposed one guest parking stall per house, as required by the County, is inadequate. They are concerned that there may be potential parking pressure placed upon Proctor Road, creating problems for the surrounding neighborhoods.

The expanded 28 foot private road width is adequate to accommodate on-street parking along one side of the private, Proctor Court Road, which is designed to accommodate 25 on-street parking spaces for the proposed 18 homes. On-street parking for Lot 19 will be available along Proctor Road, a public roadway. The 25 additional guest parking spaces exceed the County's requirements and are expected to alleviate neighborhood concern for excessive on-street parking along Proctor Road. The roadway design

and practice for accommodating guest parking at the nearby Cardinal Court subdivision is similar to that proposed for Proctor Court and does not present problems for residents.

4. Traffic Concerns:

Concern has been expressed that the proposed 19 lots proposed would create an extra traffic impacts to the neighborhoods.

The initial TKLM Traffic Study was prepared for the original 23 lot subdivision. They have revisited the Project Site and surrounding roadways and have reviewed the revised 19 lot subdivision map for related traffic issues. They have compared potential impacts for the 19 lot subdivision with the original 23 lot subdivision and have concluded that traffic impacts from the revised project to the neighborhood would be minimum to insignificant. The revised roadway and parking are in conformance with the County's standards for private roads.

The TKJM Traffic impact Reassessment letter will be made available.

5. Fire and Safety Hazards:

Concerns have been raised with regard to potential fire and safety Hazards related to the proposed project.

In terms of fire safety and hazard prevention, the project will fully comply with the Wildland-Urban Interface Building Code Standards under Chapter 7 A C.B.C, including use of fire retardant building materials, and installation of fire hydrants and building sprinkler systems, as well as County standards for private road and emergency access and clearance, including provisions for and installation of posted signs as directed. In addition, a professional Vegetation and Fire Hazard Management Plan will be prepared and submitted to the County Fire Department for action. These measures are intended to significantly improve the existing fire safety conditions for the site area and prevent potential future fire hazards for the neighborhood.

6. Slope and Soil Engineering Stability:

The issue of project site slope and soil stability has been raised, both at the February hearing and in a letter by one of the adjacent homeowners representing a petition signed by 191 neighborhood residents.

A Geotechnical investigation was conducted for the originally proposed 23 lot subdivision. The Geotechnical Engineering firm, Henry Justiniano and Associates made the following conclusion: "Based on the results of our evaluations, we conclude that there are no geotechnical nor geologic considerations that would preclude the proposed development. Information from our review of the geological maps, published geotechnical reports, the existing topography, and our exploration program, indicates that the designed building locations would be within acceptably stable terrain, and that the

site would be feasible for construction of the proposed residences, provided that the recommendation presented herein are incorporated into the design, and adhered to during the construction phases of the project.” The reduction in the number of proposed lots from 23 to 19 as well as the increased lot size should further reduce concern for site slope and soil stability

At the MAC public Hearing, Mr. Justiniano, the Principal of the Geotechnical Engineering firm, reconfirmed his assessment and, in his attached review letter for the revised 19 lot subdivision proposal, has reconfirmed the feasibility of the project proposal for the geotechnical and geologic considerations.

Mr. Justiniano’s comments and confirmation letter for the revised 19-lot subdivision is attached.

7. Viewshed:

Concerns for view shed and general view obstruction also were raised at the MAC Hearing and in the above referenced neighbor’s letter and signed petition.

In the current Castro Valley General Plan, there are no designations of scenic vistas related to the Project Site. The Project Site is located on the south side of Proctor and gently slopes south and southeast. The predominant views from surrounding homes are toward the south and southwest. Two existing residences on the north side of Proctor have partial views to the south and southwest from the second story. These two homes are sited on higher elevations than that of the project site. Partial views to the southwest from residences on Sorani Court will either be enhanced by removal of some vegetation on the project site or will not be obstructed by the new homes mainly resulting to the lower elevations and the farther distances of these proposed new homes.

As illustrated in the revised seven Cross-Section View Diagrams and Analysis, future homes on the project site would either not break the height of the existing ridgeline or would be blocked from offsite views due to existing vegetation. In either case, the diagrams show that future homes on the project site would not affect views to and through the site from off-site locations mainly due to fact that most homes in the new subdivision will be constructed in the canyon which is at a lower elevation in comparison with the homes in the surrounding area. Therefore, views for adjacent residents would be relatively unaffected by the project.

Partial views to the south and southwest from Proctor Road will be retained due to the distance between homes, spacing of the roads, and the lower elevation of the project site, which slopes downward from Proctor Road.

8. Home Design:

The proposed combination of flat and stepped building pads will be created to allow adequate building footprints for each of the approximately 2800 square foot, semi-custom designed homes, each of which

is to be architecturally designed to conform and blend in with the surrounding homes and neighborhoods.

The design and construction of these new homes will be in conformance with the Castro Valley General Plan Design Guidelines and with County building codes, which address and minimize visual impacts to the environment. For the proposed site, certain proposed design criteria are considered critical, including:

- Stepped pads to avoid tall downhill facades and to reduce visual bulk while retaining the character of the natural slopes of the project site;
- Limited building height (25-26 feet) in compliance with the average height rules of the Zoning Ordinance;
- Grading Plan for alteration of existing natural grades, in accordance with code, to provide economically viable building pads while preserving the overall topographic canyon shape of the site; and
- The seasonal wetland area preservation at the south end of the subdivision ensure that the natural drainage areas and associated wildlife are preserved within the common lot of Parcel A.

9. Landscape, Trees and Habitat:

A professionally designed, smart landscaping plan will coordinate important elements of fire safety, conservations, aesthetics and privacy. A local, licensed, professional landscape architect and fire prevention specialist will be contracted to ensure that the project will create an attractive, viable and safe home environment for the site and the surrounding neighborhoods.

10. Street and Site Lighting:

A final project lighting plan, including assessment of car lighting at the project entrance, will be professionally designed in conformance with the County's lighting guidelines and criteria for energy usage to ensure and enhance safety, security, functionality, privacy and conservation.

11. Public Utilities and Capacity:

All public utility providers, including PG&E, EBMUD, and the Castro Valley Sanitary District have provided letters confirming that the proposed project site is within the boundary of their respective service areas and capacity.

12. Construction Period Impacts, Including Safety, Security, and Nuisance:

In addition to all required measures to control traffic, construction noise, dust, hours of operations, soil erosion, and water pollution, other measures such as rodent and animal control will be exercised to minimize project construction impacts to the neighborhoods.

Extra measures will also be taken to address traffic control and security issues for project sites, including neighborhood crime prevention.

Coordinated project planning, construction and management mechanisms will be put in place to minimize total project construction time for the 19 lots on the project site.

ERRATA: (April 11, 2013 HT)

INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

TRAC 8053 RESIDENTIAL SUBDIVISION PROJECT,

**COUNTY OF ALAMEDA COUNTY, COMMUNITY DEVELOPMENT AGENCY 224 WEST WINTON AVENUE
HAYWARD, CA 94544**

1. Correction to PAGE 3 : Alameda Planning Department

Telephone: 510-670-5400

2. Correction to page 10

California Department of Fish & Wildlife (DFW) and subsequent reference

3. CORRECTION TO PAGE 62

Plants

The ECORP report includes a list of special-status plants with the potential to occur within or in the immediate vicinity of the site and identifies four that have the potential to occur on the site based on the presence of suitable habitats and soil types. These plants are the most beautiful jewel-flower, Diablo helianthella, big-scaled balsamroot and hairless popcorn flower . The ECORPS report states that none of these plants were observed during the May 2010 survey, which occurred during the blooming period and concluded that both plant species are presumed absent from the site (see **Table IV-1**).

4. Correction to Page 63

Plant and Animal Habitat

The ECORP report found that the Project site does provide suitable habitat types and soil conditions to support four special status plant species that have been found on nearby locations. These four plant species are Diablo helianthella , most beautiful jewel flower, big-scale balsamroot, hairless popcorn flower . Disturbance of the site has the potential to adversely affect or destroy these plants if present. A second site visit should be made during the blooming period (March/April - June) and prior to any disturbance of the site to validate that these four plant species are not present or, if such plants are found, to take appropriate measures to avoid or minimize impacts. These four plant species are ranked 1B by the California Native Plant Society (CNPS), a designation reflecting that CNPS considers these plants as rare, threatened or endangered and therefore they meet the criteria for CEQA Guidelines 15380 which would require mitigation to avoid or reduce impacts.

The ECORP report found potential and marginal habitat for burrowing owl and Alameda whipsnake. Suitable breeding habitat is absent for California red-legged frog on the project site. However , These three species are considered threatened or endangered. A second site visit

should be made before the site is disturbed for construction to validate that these three species are not present. If any of these species are found, appropriate measures must be taken to minimize impacts.

Impact Bio-1: **Potential Impact to Special-Status Plant Species.** Disturbance of the Project site for grading or construction activities has the potential to impact four special status plant species – *Diablo helianthella* and Most beautiful jewel flower, big-scale balsamroot, hairless popcorn flower which are ranked 1B by CNPS. Adverse impacts to these plants, if present, are a ***potentially significant impact***

Potential Impact to Special-Status Animal Species. Disturbance of the Project site for grading or construction activities has the potential to impact three special status animal species – Burrowing owl, Allameda whipsnake and California red-legged frog are considered threaten or endangered species Adverse impacts to these animals , if present, are a ***potentially significant impact***

Mitigation Bio-1: **Pre-Construction Survey for Plant Species.** During the months between March and June, and prior to the commencement of grading activities, the Project applicant’s biologist shall conduct a survey to validate ECORP’s negative finding for these plant species. If examples of these four plant species are not found, no further mitigation is required. If examples are found, impacts to the plants shall be avoided by (a) relocating the plants to locations on the Project site that would not be disturbed by grading and construction activities; and (b) collecting seeds from the plants and planting the seeds elsewhere on the Project site.

Pre-Construction Survey for Animal Species. During the months between March and June, and prior to the commencement of grading activities, the Project applicant’s biologist shall conduct a survey to validate ECORP’s negative finding for these animal species. If examples of these three species are not found, no further mitigation is required. If examples are found, impacts to the animals shall be avoided by (a) relocating the animal to locations on the Project site not be disturbed by grading and construction activities; and (b) relocating them to an off site location with suitable habitats for these animals.

5. Correction to page 19 and 64

Mitigation Bio-2: **Pre-Construction Nesting Bird Surveys.** If construction or vegetation clearing activities would commence anytime during the nesting/breeding season of native bird species potentially nesting on the site (typically February 1 through August 31 in the protected region), a pre-construction survey for nesting birds should be conducted by a qualified biologist within 10 days of any ground disturbance activities. The survey area should include the project site and all accessible areas providing suitable nesting habitat within 500 feet of the project site. If active nest of species protected by the

Migratory Bird Treaty Act (16 U.S.C 704) and /or the California Fish and Game Code (section 3503) are found in areas to be directly disturbed or to be subject to prolonged construction-related noise, a no-disturbance buffer zone should be created around the nests during the breeding season or until a qualified biologist determines that all young have fledged.

The size of the buffer zones and types of construction activities restricted within them should be determined by the qualified biologist taking into account factors such as the following:

Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;

Distance and amount of vegetation or other screening between the construction site and the nest;

Sensitivity of individual nesting species and behavior of the nesting birds and

The size of minimum buffer exclusion zones generally recommended by the California Department of Fish and Wildlife.

Should ground disturbance activities be delayed for 14 days from the survey date, surveys should be repeated. If there are no conflicting biological resources constraints, initial vegetation removal may be conducted during the non-breeding season (generally September 1- January 31) to reduce the potential of nesting birds to be present at the time of construction. In the event that an active nest is found during vegetation removal conducted outside of the typical breeding season, disturbance activities within a minimum of 50 feet of the nest should be postponed until a qualified biologist is consulted, and if necessary, an appropriate buffer zone is established.

6. Correction To page 65 font and typographical errors

(c) Wetlands and Sensitive Natural Communities

As noted above, the ECORP report identified one small area on the property as potential seasonal wetlands and a formal wetland delineation was prepared that determined an area of 0.111 acres as seasonal wetland (ECORP 2012). The draft wetland delineation has been submitted to the Army Corps of Engineers to confirm the presence and size of the wetlands. In light of this determination by ECORP, the project applicant has re-designed the proposed subdivision to avoid impact to the seasonal wetland by eliminating the original Lot 10 as a residential home and consolidating it with the original proposed Parcel A. The revised retention pond is on the site of the original Lot 10 and now on the a larger consolidated Parcel A. The remaining area of the expanded parcel A is preserved as a conservation easement, including the wetland area. However, if the one potential wetland area is determined to be subject to the jurisdiction of the ACOE, it would be considered a potential significant impact and mitigation would be required as set forth below.

Mitigation Bio-4. Wetland Delineation and On-Site Mitigation. A qualified biologist has been engaged to finalize the draft wetland delineation documentation for formal

review by the U.S Army Corps of Engineers (ACOE). Based on the current project plan, there is no disturbance as there is no fill required in the wetland area. Total avoidance of the wetland area shall be carried out. However, at the final project stage, should any disturbance or filling become necessary, appropriate ACOE permits shall be obtained if the ACOE determines that the potential wetland area on the Project site is subject to its jurisdiction. Applicant shall subsequently comply with all the requirements of the ACOE. The Project applicant shall ensure, to the satisfaction of the Alameda County Planning Director and the ACOE that such on-site wetland mitigation area is preserved in perpetuity which may be achieved by creating a Conservation Easement in accordance with Mitigation Bio-5b, and subject to the restrictions as set forth therein

7. Correction to page 89

The fourth Paragraph:

The SWPPP must be prepared by the Project applicant and by the Alameda County Public Works Agency and approved by the State Water Resources Control Board.

8. Correction on Page 90

Action 10.2-3 and 10.2-4: The Stormwater Quality Management Plan was replaced by MRP

May 1, 2013

Alameda County Fire Department
Attn: Fire Chief
835 East 141th Street
San Leandro Ca. 94577



Subject: Updated to our November 30, 2012 letter to Fire Chief regarding Tract Map 8053, a request for the use of Vegetation and a Fire Prevention Plan as a Practical Effect for the required 30 foot setback side yards in the Local Response Area of the High Fire Severity Zone for less than an acre lots.

Dear Fire Chief,

Attached please find my November 30, 2012 for the above subject which was approved by the Fire Department.

The Proctor Court Tract Map 8053 was recently revised from 23 lots to 19 lots. The proposed 20 foot road was expanded to 28 foot road with a sidewalk. The expanded 28 foot road will accommodate parking on one side. Space clearance is also reserved for emergency parking for Fire Truck.

In the November 30, 2012 letter and based on the original proposal for a 23 lot subdivision, we requested setback exceptions for lot 13 and lot 23. In the proposed revised 19 lots subdivision maps, the former lot 13 and 23 have been renumbered as Lot 11 and 19.

Please accept and acknowledge this letter as our update and be used as part of our subdivision records.

Sincerely,


Hue Tran

4584 Ewing Road, Castro Valley, Ca 94546 Tel: 510-537-8922

C.C: Mr. Phil Sawrey-Kubicek, and Curry Damien of Alameda Planning Department

Bonnie Terra, Fire Marshal and Robert Snodgrass, DFM, Alameda County Fire Department

HENRY JUSTINIANO & ASSOCIATES

GEOTECHNICAL ENGINEERING

April 30, 2013
Project No. T-123-01

Mr. Hue Tran
4584 Ewing Road
Castro Valley, CA 94546

SUBJECT: PLAN REVIEW
Preliminary Improvement Plans for
Tentative Map - Tract 8053
19 Lot Subdivision, Castro Valley, California

REFERENCES: Lea & Braze Engineering Inc., Preliminary Improvement Plans for Tentative Map - Tract 8053, 19 Lot Subdivision, Castro Valley, Alameda County, California, Job No. 2080293, Dated April 5, 2013.

Henry Justiniano & Associates, Geotechnical Investigation, Proposed 24 Lot Subdivision, Tentative Tract Map 8053, Plus Adjacent Lots 3 and 4, Fronting Proctor Road, Proctor Road, Castro Valley, California, Project No. T-123-01, Dated November 4, 2010.

Dear Mr. Tran:


In accordance with your request, we have reviewed the above referenced items in performance of this plan review for the proposed subdivision improvements, at the above subject parcel.

In general, the proposed preliminary plans show cuts into the western, stable ridge and fills in the lower ponds and eastern swale area. The pond fills would accommodate some utilities but would be retained by retaining walls. In addition, there are appropriate drainage provisions for the improvements.

The proposed cuts will not cause stability concerns, as strong bedrock will be exposed. The fills will require over-excavation of soft soil deposits, but based on our exploration data, the depth of over-excavation that is anticipated may be regarded as a relatively normal grading procedure. The retaining walls will require careful design considerations, but there are ample retaining wall systems that can be designed for the most exigent conditions.

In summary, it is my professional opinion that the proposed preliminary plans establish a safe design and incorporate the recommendations prescribed in our soils report.

If you should have any questions or need further assistance, please do not hesitate to contact this office.

Sincerely yours,

REGISTERED PROFESSIONAL ENGINEER
HENRY JUSTINIANO
C-042347
Henry Justiniano, P.E.
Calif. No. C 42347
CIVIL
Exp. 07/31/2017
★ STATE OF CALIFORNIA ★



Transportation
Consultants

Vision That Moves Your Community

May 2, 2013

To:

Hue Tran

Subject: Review of Tract 8053 Revised Plans dated April 29th, 2013.

Dear Mr. Tran:

TJKM have reviewed the revised plans dated April 29th, 2013 for Tract 8053 in Alameda County. The following summarize our findings based on our review.

- Based on the revised plans, the proposed project proposes to develop 19 single-family residential units instead of 23 as originally proposed for the project. With the reduction in single-family units it is projected that the proposed project will generate approximately 38 less daily trips than the originally projected daily trips. With the reduction in daily trips it is projected that the proposed project will not have any significant impacts at the study intersections or roadway segments analyzed.
- Review of the plans revealed that traffic circulation, the proposed roadway widths, turnaround areas are adequate and should not have any traffic operations or safety issues.
- The proposed parking on one side of the proposed street, will be adequate for guest parking and is projected not to overspill on Proctor Road.

If you have any questions, please feel free to contact me.

Yours truly,

Ruta Jariwala, TE, PE
Principal

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