

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT



STAFF REPORT

TO: PLANNING COMMISSION
HEARING DATE: FEBRUARY 2, 2015

GENERAL INFORMATION

APPLICATION TYPE AND NUMBER: Vesting Tentative Tract Map and Zoning Unit, PLN2010-00100, TR 8053

OWNER/ APPLICANT: Hue Tran/Braddock & Logan

PROPOSAL: Application to subdivide one parcel into 17 residential lots, and reclassify the new lots into a PD (Planned Development) District allowing uses consistent with the R-1-B-E-CSU-RV District, with reduced side yard dimensions at specific locations, and building heights of 28.5 feet.

ADDRESS AND SIZE OF PARCEL: Proctor Road, south side, approximately 6,000 feet east of Ewing and Walnut Roads. Castro Valley, CA, bearing Assessor's Parcel Number 84D-1403-014-17, 5.9 acres.

ZONING: R-1-B-E-CSU-RV

GENERAL PLAN DESIGNATION: Hillside Residential (Castro Valley General Plan, adopted March 27, 2012)

ENVIRONMENTAL REVIEW: A project Initial Study and Mitigated Negative Declaration was prepared and circulated between January 29 and March 1, 2013. An update reflecting changes to the project was made available for review and comment from August 18 to September 18 of 2014.

RECOMMENDATION

Staff recommends adoption of the Mitigated Negative Declaration and project approval, with recommendation of the reclassification to the Board of Supervisors, subject to the proposed conditions.

PARCEL ZONING HISTORY

June 21, 1951, 12th Zoning Unit, classified the subject property and surrounding area into the R-1 (Single Family Residence) District.

April 17, 1965, 656th Zoning Unit, reclassified the site and surrounding area to the R-1-B-E (Single Family Residence, 6,500 square feet) District.

May 7, 1988, 1695th Zoning Unit, reclassified the site and surrounding area to the R-1-B-E-CSU (Single Family Residence, 6,500 square feet, Conditional Secondary Unit) District.

June 4, 1988, 1812th Zoning Unit, reclassified the site and surrounding area to the R-1-B-E-CSU-RV (Single Family Residence, 6,500 square feet, Conditional Secondary Unit, Recreational Vehicle) District.

During 2009 and 2010, approval of a series of Boundary Adjustments resulted in the present parcel boundaries.

SITE AND CONTEXT DESCRIPTION

Located off Proctor Road, the 5.9 acre, irregularly-shaped parcel slopes downward moderately to the south and east. A shallow ravine runs north to south along the eastern boundary, draining from Proctor Road towards the northern terminus of Joseph Drive. The property is vegetated with shrubs and grasses and sparse wooded cover consisting primarily of live oak, pine, and eucalyptus.

PROJECT DESCRIPTION

The applicant proposes the subdivision of the subject 5.9-acre parcel into 17 residential lots and reclassification of the tract from the R-1-B-E-CSU-RV District to a PD (Planned Development) District allowing uses consistent with R-1-B-E-CSU-RV, reduced dimensions for certain side yards, and building heights of 28.5 feet.

REFERRAL RESPONSES

Building Inspection Division, Alameda County Public Works Agency: responded to the referral request on May 21, 2013 without objection to the proposal, with eight project conditions.

Alameda County Fire Marshal: responded most recently on October 30, 2014 with six conditions of approval, appropriate to development within a very high fire hazard severity zone. The response also noted that the turnaround areas proposed meet the requirements of the Fire Department.

Castro Valley Sanitary District: Responded to the initial referral request on August 24, 2010, without objection to the proposal. Subsequent changes only reduce the project's scope; therefore no additional response was solicited from the District.

Castro Valley School District: Responded most recently on October 10, 2014, that the District would have the ability to accommodate any influx of matriculation attributable to the proposed development.

East Bay Municipal Utility District: Responded on September 10, 2014 that the addition of new housing units would not further reduce the relatively low water pressure serving existing homes in the area. Homes in the vicinity of the project are elevated at or near the upper limit of the District's "Proctor Pressure Zone" which serves residences between 350 and 500 feet. Many properties in the vicinity of Proctor Road receive water service through low-pressure agreements. Some properties, particularly those to the north of Proctor Road at a higher elevation than the subject site, are situated between 500 and 540 feet, above the practical band of the Proctor Pressure Zone. New service to the proposed residential lots would have a minimal affect on the existing water pressure, as the pressure is derived from elevation rather than volume.

Hayward Area Recreation and Parks District: Responded to the initial referral request on August 9, 2010, without objection to the proposal. No additional response was solicited from the District, because changes made since this response served only to reduce the scope of the project.

Land Development Division, Alameda County Public Works Agency: Responded on November 21, 2014 with 35 general comments, and 7 specific comments pertaining to the compliance of the project design with state and regional stormwater requirements. The Division communicated more recently on December 18 that the requirements were addressed with the applicant and will be further evaluated during the design review process.

Traffic Division, Alameda County Public Works Agency: Has approved the project design through the Land Development review process. As recent as July 2014 the Division indicated that the service levels generated by the development would not warrant a reconfiguration of the Proctor roadway at the project entrance.

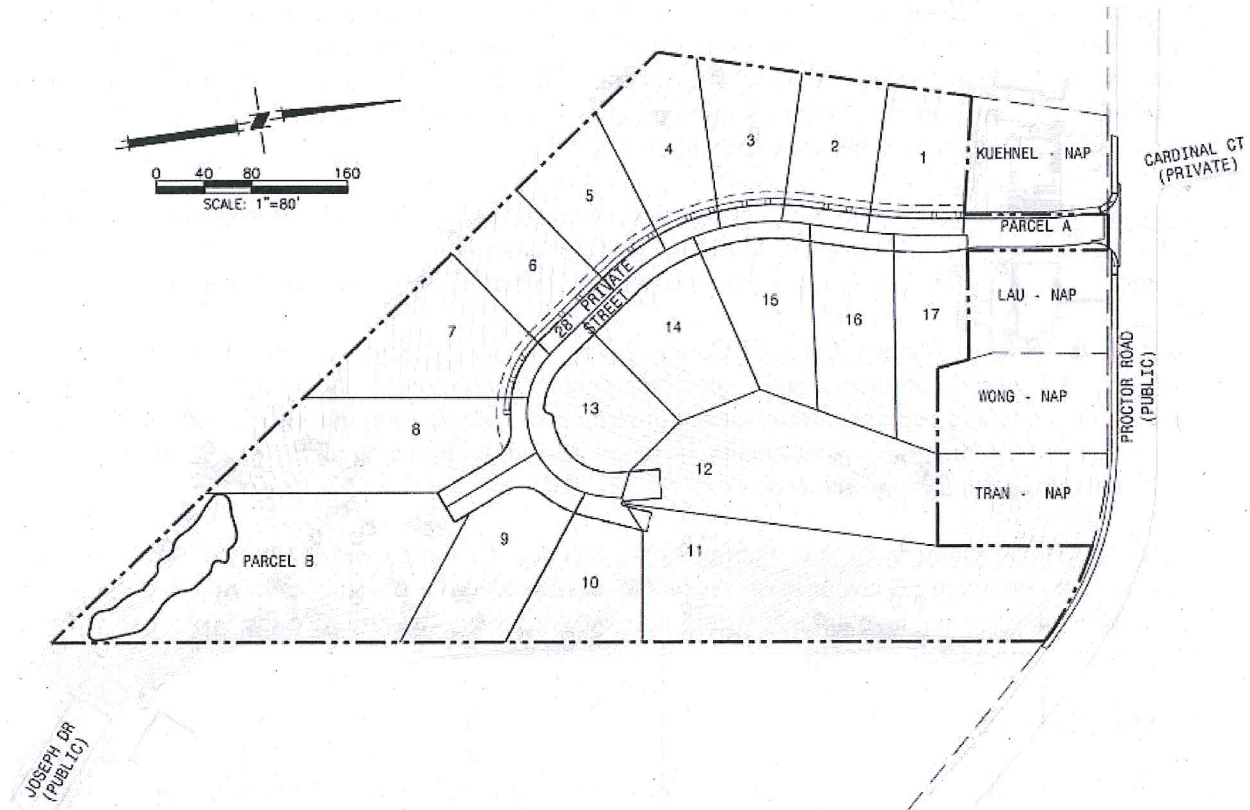
STAFF ANALYSIS

The project proposes a subdivision of the subject 5.9-acre property into 17 residential lots, (figure 1 following page) with reclassification of the tract from the R-1-B-E-CSU-RV District to a PD (Planned Development) District allowing uses consistent with R-1-B-E-CSU-RV, reduced dimensions for certain side yards, and building heights of 28.5 feet. Access would be provided via a private drive with a 28 foot roadway, denoted Parcel "A". A Pedestrian walkway and most of the twenty one off-site guest parking spaces would be located on the west side of the private drive. The east side of the drive would be kept free and clear as a Fire/EVA lane. A hammerhead vehicle turnaround would be located between parcels 8 and 9, and would also provide access for maintenance of a remaining parcel (Parcel "B"). On this commonly-owned parcel a bioretention area, situated easterly of an existing potential wetland area, would provide stormwater treatment for the tract. Proposed sanitary sewer service and other utilities for the tract would connect to public services from Joseph Drive. The HOA would maintain both parcel "B" and parcel "A".

The un-gated entry for the private drive would be located between 4651 and 4659 Proctor Road, with a 24 foot roadway entrance bordered on both sides by landscaping, and a pedestrian walkway on the northern side. The driveway and garage parking area for 4651 Proctor will be relocated away from the entrance. The roadway entrance is proposed in lieu of two alternative locations. The first alternative would extend Joseph Drive at the southwest corner of the parcel, traversing the location of the proposed parcel "B" thereby precluding this area from providing hydro-modification services for the tract. The second alternative would locate a standard public street entrance at the location of the proposed parcel 11, which, owing to its location on a curve of Proctor Road, would not have afforded adequate visibility for ingress and egress onto that street. Both of these alternatives would have

required significant grading, fill and earth retention in order to develop access meeting county standards with respect to slope and width.

Figure 1 –Proposed Subdivision Plan View



House Designs – The project proposes three floor plans, each featured in a cottage, traditional, or bungalow exterior trim. The first model would include four bedrooms, and the second five. The third plan proposed is a variant of the second, with an expanded garage in lieu of a downstairs bedroom and full bath. The expanded garage would accommodate three vehicles, with one of the spaces in tandem. Garage width for all houses would be sized to accommodate storage and/or utility uses.

Castro Valley Municipal Advisory Council (CVMAC)

At its December 8, 2014 meeting, the CVMAC unanimously recommended adoption of the project Mitigated Negative Declaration and, with a minor change and the addition of two conditions, project approval. With the applicant's agreement, the change specified for lot 4, house plan #3, featuring the 3-car partial tandem garage, in lieu of plan #2. The first added condition would give buyers the option of selecting plan #3 for lots indicating plan #2. An additional condition would make changes to the PD approval for lot size, lot configuration, number of lots, changes in topography, parking or house design subject to subsequent review and approval by the CVMAC. The CVMAC also reiterated the desire for the project to comply with the Alameda County Design Standards and Guidelines. A preliminary review of the residential designs has revealed no conflict with the Standards and Guidelines, which became effective January 1st of this year. Further, the project application date predates the Standards and Guidelines, and where there would be conflict between the two, the PD approval for specific residential designs would take precedent.

Previous proposals for 23, 19 and 18 units were considered by the CVMAC and continued without action. The applicant in each case modified the proposal, addressing a range of issues discussed at the CVMAC hearings, including lot density, parking, construction design, affected viewsheds from public areas, light pollution, water pressure, school resources, fire danger, emergency vehicle access, and traffic.

Zoning Ordinance

The subject property is currently classified under the "R-1-B-E-CSU-RV" (Residential Uses, Secondary Unit, 6500 square foot minimum building site area, Recreation Vehicle) District. The applicant proposes to rezone the tract to a PD (Planned Development) District in order to allow for reduced side yard dimensions at specific locations, and building heights of 28.5 feet. The area of each of the subject parcels would conform to the density specified under the Zoning Ordinance. The Ordinance also provides standards for development of secondary units.

Side Yards – To develop buildable lots while minimizing mass grading and visual impacts from retaining walls and interior slopes, the applicant proposes building pads where side yards compliant with the standard measurement for R-1 Districts are not always practical. To meet standard side yard requirements, the applicant would need to place fence lines mid-slope, which would itself create significant unusable space on almost all lots, as shown on figure 2. To maximize the usability of the individual lots, the applicant proposes to position fence lines at the top of slopes, where the side yard dimensions will not always conform to R-1 standards.

Required side yard measurement in R-1 Districts is based on the median lot width, with one foot in addition to five required for each full 10 feet that the median lot width exceeds 50 feet. In this manner a 6 foot side yard setback would be required for a lot with a median width of between 60 and 70 feet, a 7 foot setback for a median lot width between 70 and 80 feet, proceeding to a maximum requirement of 10 feet. For select parcels (numbered 3, 4, 7, 8, 9, 13, and 15) the proposal requests allowance for one side yard as specified on each lot. In no case are the proposed side yards less than 5 feet. The proposed lot orientation of the residences is such that many of the buildings are parallel to only one side yard. In most cases the requested allowance affects only the front portion of the residence. In effect, the combined separation between buildings (as shown on figure 3) meets or exceeds the same distance that one would find with a development with side yards adhering to R-1 standards. As shown on the exhibits, side yard setbacks in many cases will exceed the standard for the R-1 District.

The project proposes decreases in the separation between buildings at three locations, as indicated below. Based on community input, the project proposes a number of lots well below the density range prescribed by the General Plan, which has led in some cases to greater median lot widths, in turn to the requirement for greater side yard setbacks. Private garages have been positioned to provide maximum space for on-street parking, which has encouraged at some locations the encroachment in the side yard setback. For all parcels, setbacks for front yards will meet, and rear yard setbacks will exceed, the 20 foot R-1 standards.

Figure 2 – Typical Elevation depicting Design, Slope, and Side Yard Preference

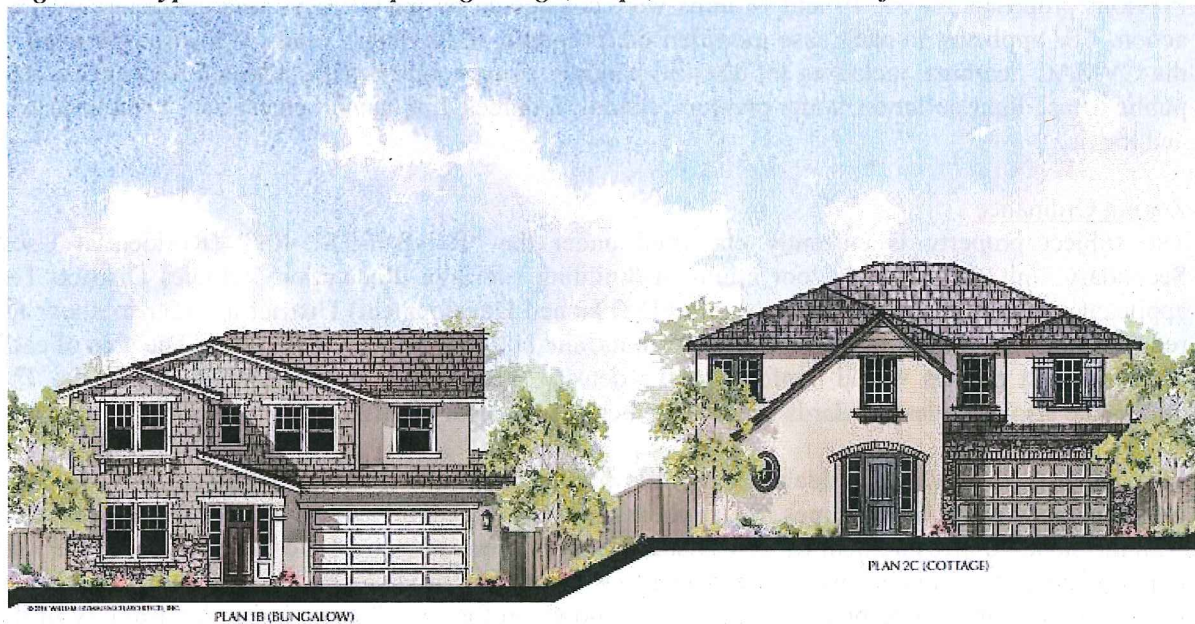
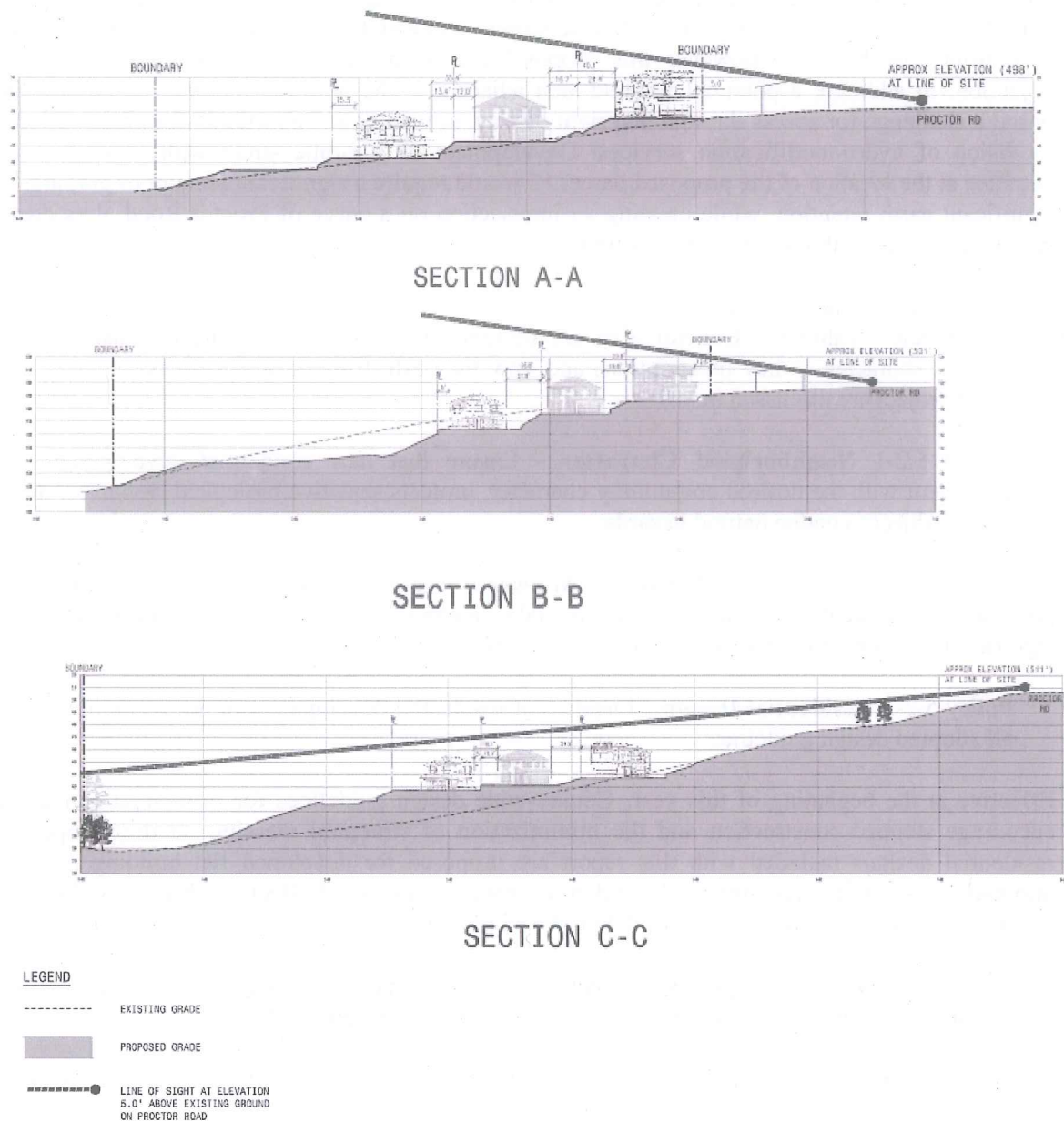


Figure 3 – Effective PD Side Yard Setbacks

AGGREGATE SIDEYARD SETBACKS (HOUSE TO HOUSE)			
LOTS	CURRENT ZONING (FT)	PROPOSED PLANNED DEVELOPMENT (FT)	EXCESS SETBACK PROVIDED BY PLANNED DEVELOPMENT
1 (HOUSE TO BOUNDARY)	7	5.0	-2.0 ●
1-2	7+7=14	40.1	26.1
2-3	7+7=14	25.4	11.4
3-4	7+7=14	18.3	4.3
4-5	7+7=14	17.4	3.4
5-6	7+7=14	35.1	21.1
6-7	7+10=17	30.6	13.6
7-8	10+7=17	13.8	-3.2 ●
9-10	7+8=15	11.7	-3.3 ●
10-11	8+10=18	31.6	13.6
11-12	10+5=15	15.0	0.0
13-14	5+9=14	18.0	4.0
14-15	9+7=16	42.8	26.8
15-16	7+6=13	24.6	11.6
16-17	6+6=12	23.7	11.7
17 (HOUSE TO BOUNDARY)	6	12.6	6.6
AVERAGE SETBACK	14.8	24.9	10.1

Building Height –The proposal requests building heights of 28.5 feet, where a height of 25 feet would normally be required. The justification for this deviation is primarily aesthetic, as the proposed roof pitch will complement the proposed house designs, where a flatter roof conforming to a 25 foot height limit would not. The change in building heights for the lots indicated would not increase building area or an increase in the visual mass of the individual residences. The proposal’s visual impact upon the viewsheds from public areas will not be significantly affected, as shown in figure 4. As with the requested allowances for specific side yards, the proposed building heights would help foster livable, practical residences in character with the surrounding area.

Figure 4 –Development Impact upon prevailing views



Conformance with the General Plan

The subject property lies within the boundaries of the Castro Valley General Plan (Plan), adopted in 2012 by the Board of Supervisors. Under the Plan the site is designated Hillside Residential. This designation is used in areas of steep slopes and/or high fire hazard areas, with lot sizes ranging from 5,000 to 10,000 square feet. Residential densities as proposed would be significantly less than the 4 – 8 dwelling units per acre range consistent with the Hillside Residential land use designation, with net and gross densities of 3.7 and 3.4 units per acre, respectively.

To ensure adequate traffic access, General Plan drafts prior to adoption of the Plan included provision of public streets for subdivision projects with more than 10 lots. While the project draft initial study references this restriction, it is not contained within the adopted Plan. The current proposal, with access for the proposed lots provided by a private road 28 feet in width, is consistent with the Plan in its current form. As such, discussion was given to the extension of the public right of way from Joseph Drive, however this proposal met with significant community concern and objection. In addition, a potential wetland area adjacent to the northern terminus of Joseph Drive posed a challenge for access through that right of way, as well as an opportunity for preservation and provision of hydro-modification services. Development of a public street with a broader street entrance at the location of the proposed parcel 12 would require a significant amount of grading, with significant earth retention, while creating an intersection on a curve of Proctor Road, thus creating significant issues with regard to traffic safety.

Neighborhood Character Policies

Several policies within the General Plan are designed to preserve and enhance Castro Valley's community character. Policy prescriptions and how they affect the design and development of the proposed project are discussed below:

Policy 5.2-1 Neighborhood Character - Ensure that new residential development is consistent with the desired community character, protects sensitive biological resources, and is not subject to undue natural hazards.

As discussed in the Project Initial Study and Mitigated Negative Declaration, the application does not propose development in an area subject to undue natural hazards, nor would the project create significant detriment to sensitive biological resources.

Policy 5.2-2 Residential Design - Ensure that residential development projects comply with all adopted design guidelines.

Effective at the beginning of this year, County-wide design guidelines for residential construction encourage stepped construction and the minimization of structural massing on downslopes. The residential designs included with this report are proposed for developed flat building pads with minimal mass grading, retaining walls and other features that would affect sensitive viewshed areas. Figure 4 shows the relative location of the proposed residences with respect to prevailing views.

Policy 5.2-3 Design Exceptions - Exceptions to design standards and guidelines will only be considered through a discretionary review process, and only approved if:

- There are site-specific conditions that make it physically infeasible to follow the standards or guidelines; and

- The proposed design provides an equal or better design solution in terms of livability for residents and impacts on neighboring properties.

With respect to the proposal to reclassify the proposed residential lots into a PD District, the allowances sought with respect to specific side yard dimensions and select building heights for select parcels are targeted to meet the goals of creating a tract with livable residential development.

Policy 5.2-4 Lot Sizes - Lot sizes shall be consistent with the desired character of the area.

While determining an area's desired character is often subjective, one measure of the character could be the prevailing lot size, discussed below under Residential Density.

For Hillside Residential areas, Action 5.2-3 calls for the requirement of lot sizes between 5,000 and 10,000 square feet, with a sliding scale based on slope. As discussed below, the average size of the proposed lots is over 10,000 square feet. The applicant seeks to develop the project in a manner that follows the character of the surrounding area, without significant structural massing on downhill slopes, and with minimal retaining wall heights.

In "environmentally sensitive" areas with "high fire hazards" and "steep slopes" General Plan Action 5.2-4 (Alternative Standards for Environmentally Sensitive Areas) – calls for a reduction in development intensity up to 75 percent of the maximum permitted. If applied to development at the subject property, the modification would limit the proposal from the maximum number of residential lots permitted for the R-1-BE-CSU-RV (6,500 square foot MBSA) District. To account for street access and other improvements necessary for an application for subdivision, a general rule would make 75 percent of the land area available for any calculation of the maximum number of lots. For the subject property this rule calculates a theoretical maximum of 29 lots. Action 5.2-4 would further reduce this maximum by 75 percent, to 22 lots. The proposed 17 lot subdivision is consistent with this General Plan Action.

Residential Density

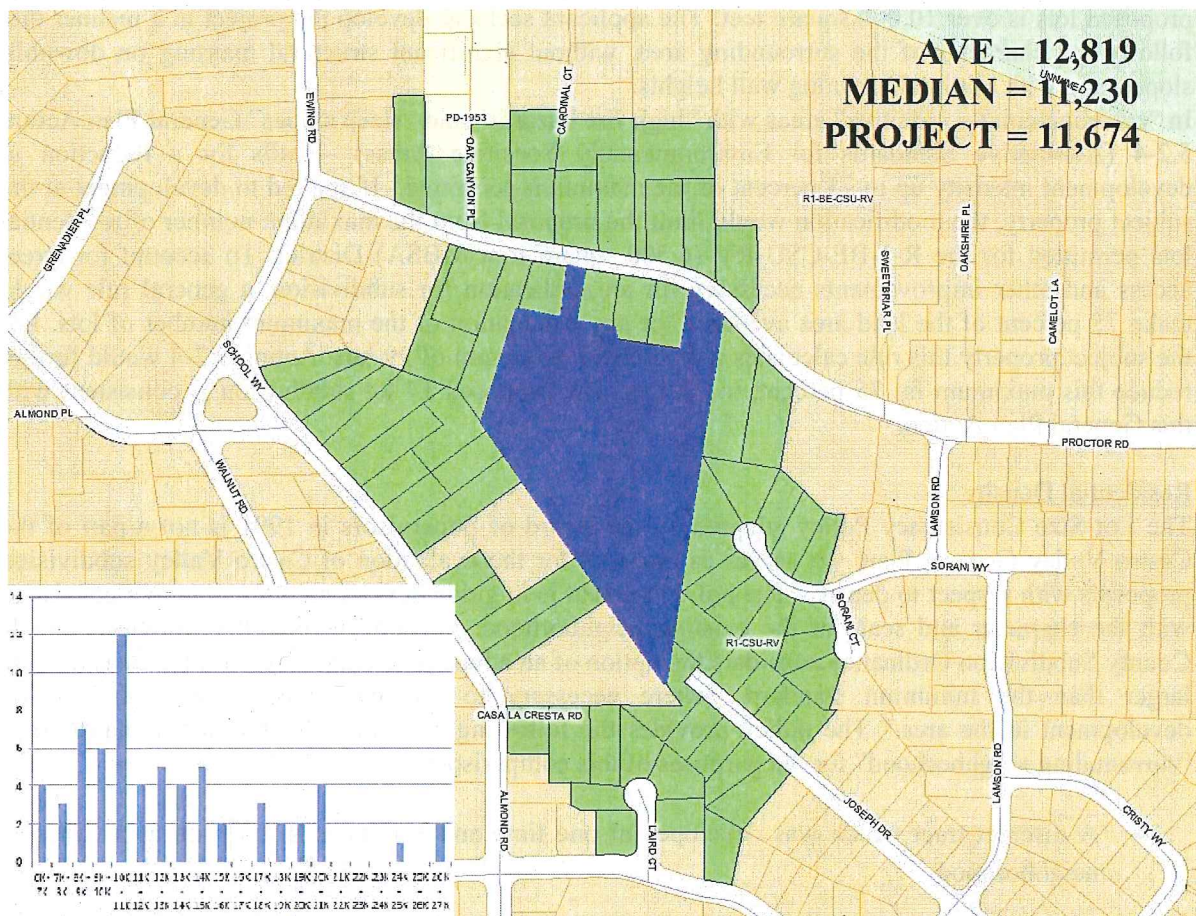
The Lot Size Consistency Policy adopted by the Board of Supervisors in 1991 is not a part of the Castro Valley General Plan, yet serves as one tool for the evaluation of Castro Valley subdivision proposals with respect to density. The policy's intent is to guide development in a manner consistent with the character and scale of the existing neighborhood. Section 16.16.050(A) of the Alameda County Subdivision Ordinance considers the option of an advisory agency to require lot areas that are larger than the minimum standard "where necessary to maintain consistency with existing development in the area." The policy provides the following guidelines for the determination of a "surrounding neighborhood" for the purposes of this comparison:

- A discreet tract which was developed at one time and continues to function as a cohesive neighborhood.
- An area defined by physical features both natural and human-made including creeks, ridges, and roads.
- A discreet unit of similarly-sized lots which are contiguous and have an established pattern of large single family lots larger than the minimum zoning requirements.

The proposed subdivision has an average lot size of 11,674 square feet. Parcels located closer to the private drive entrance tend to be smaller, with sizes in the range of 7,800 to 9,700 square feet. To promote livability, preserve usable space, and minimize grading and the visual impacts of the development upon the surrounding properties and public areas, the applicant has proposed a configuration with larger parcels located in steeper, less accessible areas.

For this project two such comparison studies are examined. One exercise includes those parcels within a 300-foot buffer of the project site, the other an expanded range of 500 feet. Parcels that under current standards for setbacks and access could be subdivided without resulting in parcels that are well below the prevailing average size are excluded from the initial comparison. The averages of both samples are compared with the 11,674 square foot average of the parcels that would be created by the proposed subdivision.

Figure 5– Lot Size Comparison for area within 300 feet from subject property

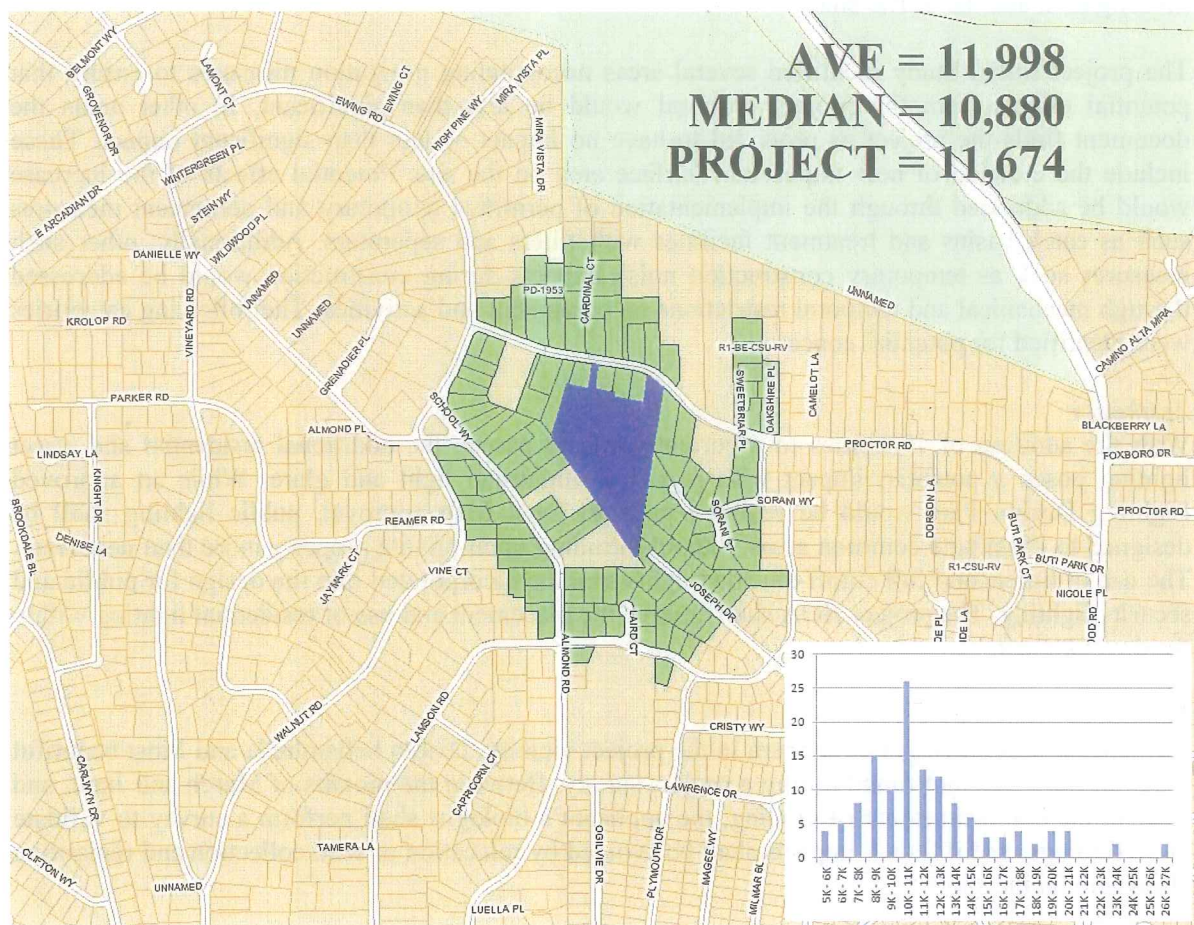


Parcels highlighted in Figure 5 are those included for comparison within a 300-foot buffer around the subject property. The parcels are also included on Attachment A. With net area values used for all parcels, the average of the sample is about 12,800 square feet with a median lot size (that lot size value in the middle range of the sample) of 11,230 square feet.

Examination of the frequency of lot sizes for this comparison highlights the high concentration of parcels within the 10,000 and 11,000 square foot range, somewhat below the project average. The frequency table further depicts the right side of the sample range with three “outlier” values, the deletion of which would reduce the mean lot size to 11,651 square feet.

Figure 6 highlights the parcels included from a sample within a 500-foot buffer around the subject property, which are listed in Attachment B. The sample mean lot size is 11,998 square feet with a median value of 10,880 square feet. As with the 300 foot radius comparison, the value range between 10,000 and 11,000 square feet has the greatest number of parcels within the sample. Deletion of four “outlier” parcels from the calculation of average would result in a mean value of 11,409 square feet.

Figure 6 – Lot Size Comparison for area within a 500-foot buffer from subject property



Parking and the Subdivision Ordinance

The Alameda County Subdivision Ordinance, found in Title 16 of the General Ordinance Code, provides standards for subdivisions and residential development. Section 16.16.050 (D) requires the provision of at least one off-site parking space per lot. “Off-site” is defined as those spaces that are not on the individual lot. These spaces are typically placed either on the street, or in designated areas not included in the area calculation for any one parcel. The proposed 21 streetside spaces for 17 lots, providing 1.23 guest parking spaces per parcel, exceeds the County standard for guest parking.

Fire Safety

The subject site is within a local response area, in a Very High Hazard Fire Severity Zone. As required by the Fire Marshal, the proposal will implement a Hazardous Vegetation and Fuel Management Area consistent with the California Fire Code. Enforcement of the Area provisions will be the responsibility of the HOA.

Environmental Review

Under planning staff supervision, IPA Planning Solutions, Inc. prepared an Initial Study and Mitigated Negative Declaration for the project. The current proposal reduces the scope and intensity of development from the previous proposals for which the environmental documents were prepared, and even with the addition of the Zoning Unit request, the basic conditions and findings included in the Initial Study remain valid. Included with this report are addenda to the Initial Study, including a memorandum addressing comments received, Initial Study Errata, and updates to the geotechnical investigation and the traffic study.

The project Initial Study identified several areas necessitating mitigation measures to ensure that potential effects from the project proposal would be less than significant. In other areas the document finds the project as proposed to have no impact or less than significant impact. These include the creation of new impervious surface area on the site. Potential effects of the increase would be addressed through the implementation of permitted temporary and permanent measures such as catch basins and treatment facilities with filters and separators. Additionally, other such measures such as temporary construction noise impacts during construction would be addressed through mechanical and temporal restrictions on equipment and activities. The following categories were identified for potential concern:

Aesthetics

With the addition of 17 homes to a currently vacant parcel, the additional residential and street lighting poses a potential impact with regard to nighttime light and glare. While an approved Lighting Design Plan would be required prior to Final Map approval, public lighting shall be designed to illuminate common areas without intruding upon private property more than necessary. The use of timers and full cutoff-shielded lights shall be incorporated into the design for public and security lighting. The project HOA shall enforce the placement and use of residential lighting within the development.

Biological Resources

Two special status species of concern in the project vicinity, Diablo helianthella and Most beautiful jewel flower, were not found during a project survey. Between the months of March and June, and prior to the commencement of grading, the applicant's biologist shall perform a survey to validate these findings, and if found, impacts shall be avoided by relocation or seed collection and replanting elsewhere on the site.

Three days prior to removal of vegetation and commencement of construction, the project biologist shall prepare a nesting bird survey to determine the absence or presence of bird species. In the event of a discovery, a no-disturbance buffer of between 150 and 200 feet shall be established around a nesting site until the young have fledged.

Adherence to the project SWPPP and observance of BMPs to prevent erosion and hold runoff to allow time for sedimentation to occur would serve to prevent large volumes of silt-laden runoff leaving the project site and entering local waterways, impacting aquatic life and wildlife habitat.

Further details for the prevention of stormwater pollution are contained within the Erosion Control Plan prepared by the consulting engineer. The establishment of a conservation easement covering the wetland area off Joseph Drive would preserve the potential wetland on the Parcel 'B' into perpetuity, while keeping the space available for development hydromodification and stormwater control services.

Cultural Resources

During grading and excavation, the very real potential exists for the exposure of cultural resources such as human remains and use artifacts. In the event of such an inadvertent discovery, work shall be immediately halted within 50 feet of the discovery, and after notification of the county, a professional paleontologist or archaeologist shall be retained to determine the significance of the discovery.

Air Quality

Dust and exhaust from project construction activity would have the potential to adversely affect air quality at several stages during development. Implementation of "Basic Construction Mitigation Measures" endorsed by the Bay Area Air Quality Management District (BAAQMD) include the following:

- Watering of exposed surfaces
- Coverage of haul trucks with loose material
- Wet power vacuum removal of mud or dirt from public roadway entrances
- Paved public areas such as sidewalks and roadways will be completed as soon as possible
- Idling time of vehicles and equipment will not exceed five minutes
- Equipment shall be properly maintained and tuned in good working order
- A publicly posted sign shall inform those in the area of the Lead Agency contact regarding dust complaints

Enhanced control procedures shall incorporate, in addition to the measures listed above, the hydroseeding of graded areas inactive for ten days or more, enclosure, watering, or binding of exposed stockpiles, limiting of traffic speeds to 15 mph, and replanting of disturbed areas as quickly as possible. Optional control measures, if necessary, would entail the installation of wheel washers for exiting trucks, the installation of wind breaks, limiting of the total area being disturbed at one time, and the suspension of excavation and grading activity when wind gusts exceed 25 mph.

Geology/Soils

To preserve the native topsoils and prevent substantial erosion of soils during mass grading, roadway development and home construction, the project sponsor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and ensure that the project is in compliance with the Construction General Permit. Best Management Practices (BMPs) relating to land disturbance and stabilization, conveyance and retention of runoff, storage of waste materials, and delineation of the project perimeter shall be incorporated into development to meet the conditions of the SWPPP.

Wildland Fire Risk

Located in a Very High Hazard Fire Severity Zone, a Hazardous Vegetation and Fuel Management Area consistent with the California Fire Code will be implemented. Enforcement of the Area provisions will be the responsibility of the HOA. As proposed, the development of the project should enhance Fire Safety in the general vicinity.

Hydrology and Water Quality

During grading and construction, the proposed project has a potential to contribute sediment to area stormwater runoff. Implementation of the conditions of the Grading permit, combined with the preparation of and adherence to a detailed Stormwater Management Plan (SMP) would safeguard against the contamination of surface and groundwater with non-point source pollutants (NPS). Upon completion as proposed, the addition of impervious surfaces from sidewalks, roadway, parking and roofed areas could catalyze an increase in the amount of stormwater released.

Home construction and development infrastructure would add to the amount of impervious surfaces, from which stormwater runoff would be directed toward the treatment area on parcel "B". Stormwater from all roofed areas shall be directed toward landscaping on individual lots, and with drainage from paved areas shall be directed toward the retention pond located on parcel "B".

Noise

During construction, noise and vibration would likely impact the local surroundings and rise above existing ambient levels. As part of the efforts to minimize such disturbance upon the surrounding area, appropriate equipment such as "quiet" air compressors would be used. A "Disturbance Coordinator" would be designated and given full authority to respond to complaints and make appropriate changes at the project site.

CONCLUSION

The subject application complies with State statute, meets standards set forth in relevant County Ordinances, and is consistent with the policies and goals of the Castro Valley General Plan. Staff recommends an approval recommendation for the rezoning application, subdivision and "Exhibit C" Provisions of Reclassification, Zoning Unit PLN2010-00100. Consistent with section 66474 of the Subdivision Map Act, staff recommends approval of the proposed subdivision with the following findings:

1. The Map is consistent with the Hillside Residential Land Use Designation under the General Plan, which sets a target density range of 4-8 dwelling units per acre. The proposal would realize 3.4 units per acre of gross area, 3.7 units using a net area measurement. The Map would meet the standards of the PD District allowing "R-1-BE-CSU-RV" uses for which a minimum 6,500 square feet minimum parcel size is prescribed.
2. The private street that is a component of the design and improvements of the Map is consistent with the General Plan as adopted. Further, the proposed development will meet the specific setbacks and building height standards of the PD District allowing "R-1-BE-CSU-RV" uses. There is no Specific Plan adopted for this area, and the Map design and improvements are consistent with all applicable General Plan policies.
3. The site is physically suitable for the type of development the Map proposes, as documented in the project Initial Study and addenda.
4. The site is physically suitable for the type of density the Map proposes, which at 3.7 dwelling units to the net acre is below the 4-8 dwelling unit per acre range prescribed for the Hillside Residential Land Use Designation under the Castro Valley General Plan. The General Plan recommendations and policies for steep slopes that project a development density 75% of the existing standards would constrain the subject development to a minimum 22 lots, which is more than the number proposed.

5. The project design will not cause substantial environmental damage, or substantially and avoidable injure fish and wildlife or their habitat, as documented in the project Initial Study and addenda, and associated Biological Studies.
6. This Map will not cause serious public health problems in that (a) public sewer, water and other services will be made available to each lot created by the Map and there will be no significant impacts on the provision of public services; and (b) no hazardous or unsafe conditions exist on the site that could present a significant health or safety danger to future residents of the Project or existing residents in the area;
7. The design of the lots will not conflict with easements acquired by the public at large for access through, or for use of, property within the proposed land division in that none are known to exist.

Fig. 6 – Location of Property



For the subject application the following Conditions of Approval are proposed:

1. All conditions must be accomplished prior to or concurrent with filing the Final Map, unless a different timing of compliance is specified below. Installation of improvements shall be guaranteed under a County-Developer Tract Contract, as approved by the Director of Public Works. All improvements guaranteed under this contract shall be completed by the land divider and accepted by the Board of Supervisors, prior to release of improvement guarantees.

2. The design and improvement of this land division shall be in conformance with the design and improvement indicated graphically or by statement on the exhibits, including road location, grade, alignment, width and intersection design; design and grading of lots; location and design of storm drainage facilities; and location and design of frontage improvements.
3. All required plans, specification, and technical data necessary to complete the Final Map shall be filed with the Director of Public Works. Requirements for filing the map, review fees, improvements and inspection of work shall be determined by the Director.
4. A current title report and copies of the recorded deeds of all parties having record title interest in the property to be divided and if necessary, copies of deeds for adjoining properties shall be submitted to and accepted by the Director of Public Works.
5. Where easements are not obtained, rights of entry and drainage releases shall be acquired by the land divider in writing from the adjoining property owners for use of improvement of drainage ways outside the boundary of the tract map. Original copies of right of entry shall be provided to the Director of Public Works.
6. Developer shall not sell any individual lots to individual buyers prior to the general completion of the improvements as shown on the Tentative Map. This condition does not apply to the sale of the entire project to another entity.
7. Subdivider or successors shall defend, indemnify, and hold harmless Alameda County or its agents, officers, or employees from any claim, action, or proceeding against Alameda County, or its agents, officers, or employees to attach, set aside, void, or annul this tentative map, including any amendments thereto, or underlying environmental documents and actions taken pursuant to the California Environmental Quality Act, Alameda County Zoning Ordinance, other State and County code and ordinance requirements, and any combination thereof. Such indemnification shall include but not be limited to any such proceeding. If subdivider or successors shall fail to adequately defend the County of Alameda, the County may provide its own legal defense and subdivider or successors shall be responsible for the County's reasonable attorney fees.

PLANNED DEVELOPMENT

8. Dimensions of Side Yards for all parcels shall be as shown on the accompanying exhibits.
9. Building Heights of 28.5 feet shall be allowed.
10. Substantial changes to the PD approval for lot size, lot configuration, number of lots, changes in topography, parking or house design subject to subsequent review and approval by the Castro Valley Municipal Advisory Council.

HOME DESIGN

11. Initial Purchasers of lots where building plan #2 is indicated shall have the option of selecting plan #3. Home Designs shall comply with the Alameda County Design Guidelines, except where in conflict with the PD approval for setbacks and building height.

ACCESS/STREET IMPROVEMENTS

12. Private street, entrance and turnaround areas shall be developed as shown on Exhibit B. The private street shall provide a minimum 17 off-site spaces for guest parking.
13. Developer shall install a streetlight on Proctor Road at the street entrance.
14. Any right-of-way dedication, relocation of improvements or public facilities, or road improvements shall be accomplished at no expense to the County.

15. Traffic safety signs and devices shall be installed in accordance with Alameda County standards. The proposed name for the private street shall be cleared through the Planning Department and such name shall appear on the Final Map.
16. Approval shall be secured from the Director of Public Works of detailed plans prepared by and engineer (including location, extent and sizes of all permanent and temporary facilities) for: a) grading, drainage, erosion and sedimentation control; b) storm drainage facilities; and c) on-site improvements including paving and P.C.C. curb, gutter and sidewalk.
17. The Development HOA shall bear responsibility for the maintenance of all public areas including street, sidewalks, lighting, and parcel "B" hydromodification facilities.
18. A conservation easement shall be incorporated in the portions of parcel "B" that are below the proposed limits of grading to prevent future grading alterations, private fencing and the introduction of non-native plants or animals. This easement will ensure the perpetual use of this area as a wildlife corridor and seasonal wetland.

SITE ALTERATIONS/IMPROVEMENTS

19. Between March and June, and prior to grading activities, the project applicant's biologist shall conduct a pre-construction plant survey to validate the negative findings from the Initial Study. Should samples be found, impacts to the plants shall be avoided by (a) relocating the plants to locations on the project site where disturbance will not occur; and (b) collecting seeds from the plants and planting the seeds elsewhere on the project site.
20. Three days prior to vegetation removal or commencement of construction, the project applicant's biologist shall prepare a nesting bird survey to determine the absence or presence of nesting bird species. Prior to January, nesting bird surveys shall be performed to identify any potential nesting trees prior to egg laying. Should nest sites or young birds be located, a no-disturbance buffer of between 150 and 200 feet shall be established around the site until August 15 or until the young have fledged. Removal of on-site trees and shrubs is prohibited in the event of discovery of one or more nests.
21. Consistent with the terms of the Construction General Permit and in accordance with the procedures and specifications of the Alameda County Clean Water Program, the project sponsor shall prepare and implement a Storm Water Pollution and Prevention Plan (SWPPP). This plan shall be submitted for review and approval from the Director of Public Works.
22. During construction, the Developer shall follow the following Best Management Practices:
 - a. All contractors and subcontractors shall comply with the Alameda County Noise Ordinance
 - b. Noise-generating activities shall be restricted to the hours of 7:00 am to 7:00 pm on weekdays, 8:00 am to 5:00pm on Saturdays and Sundays.
 - c. All internal combustion engine driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - d. Stationary noise generating equipment shall be located as far as possible from sensitive receptors when such receptors adjoin or are near a construction project area. Temporary noise or screening barriers shall be erected for noise generating equipment when located near adjoining sensitive land uses.
 - e. "Quiet" air compressors and other stationary noise sources shall be utilized where such technology exists.
 - f. Contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities, identifying a procedure for coordination with adjacent noise sensitive residences to minimize noise disturbances.
 - g. Contractor shall designate and identify by name a "Disturbance Coordinator." This

individual will be responsible for responding to any local complaints about construction noise. This information will be provided to residents within 300 feet of the project site, and placed on the project construction sign off Proctor Road.

21. During to completion and approval of construction plans, the location of the construction staging area shall be identified, as well as provisions incorporated that specify construction debris removal and vehicle staging and storage. Project site will be clear of debris and construction vehicles. Prior to completion and approval of project plans, the contractor and County shall incorporate traffic control provisions for the safety and convenience of pedestrians and motorists.
22. On-site grading shall conform to the Alameda County Grading Ordinance. A Grading Permit shall be secured from the Director of Public Works, as needed, in accordance with requirements of the Alameda County Grading Ordinance and design and quantities shown on accompanying exhibits.
23. An Encroachment Permit shall be secured from the Director of Public Works. Grading plans shall also be approved by the Planning Director prior to filing the Final Map or grading of the site and shall generally conform to grading envelope and quantities indicated on the accompanying exhibits.
24. Grading shall not augment rate of flow or concentrate runoff to adjacent properties or block runoff from adjoining properties.
25. Grading operations and construction activities shall be limited to weekdays (Monday through Friday) and the hours of 7:00 am and 6:00 pm, unless otherwise authorized by the Director of Public Works.
26. Dust shall be controlled and adjoining public street and private drives shall be kept clean of project dirt, mud, materials and debris, to the satisfaction of the Director of Public Works:
 - a. All exposed surfaces shall be watered two times per day. A 20-foot wide, 100-foot long, minimum 8-inch thick rocked construction entrance shall be provided during construction.
 - b. All haul trucks transporting loose or bulk material shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pad shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - e. Equipment idling times shall not exceed 5 minutes when not in use.
 - f. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - g. The name and contact information of the Lead Agency representative regarding dust complaints shall be posted publicly at the project site. The contact number for the Bay Area Air Quality Management District shall also be visibly posted at the project site.
27. The following shall be submitted to the Director of Public Works, prior to acceptance of final improvements by the Board of Supervisors:
 - a. A grading plan prepared by a registered Civil Engineer including original ground surface elevations, ground surface elevations, lot drainage, and location of surface and subsurface drainage facilities.
 - b. A complete record including location and elevation of all field density tests, and a summary of all field and laboratory tests.
 - c. A declaration by a Civil Engineer and Geologist that all work was done in accordance

- with the recommendations contained in the soil and geologic investigation report and approved plans and specifications
- d. Where soil or geologic conditions encountered during grading operations differ from those anticipated in the soil and geologic investigations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval and shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement and seismic activity.
- 28. Any known water well without a documented intent of future use that is shown on the map, is known to exist, is proposed, or is located during the course of field operations must be destroyed or backfilled prior to any demolition or grading in accordance with a well destruction permit obtained from the Public Works Agency.
 - 29. Operations shall cease in the vicinity of any suspected archaeological resource until an archaeologist is consulted and his or her recommendations followed, subject to approval by the Planning Director. If evidence of human remains is discovered on the site, the County Coroner shall be notified immediately.
 - 30. A WELO-compliant landscape plan prepared by a licensed Landscape Architect shall be submitted to the Planning Director for approval prior to issuance of a grading permit. Said Plan shall include a mechanical irrigation plan, planting and staking details, and a landscape maintenance program, perimeter fencing plans and details, and outdoor and security lighting. Additionally, the Plan shall integrate comprehensive vegetation management as part of a Fire Hazard Management Plan. Enforcement of the elements and requirements of this plan shall be performed by the project HOA.

SERVICES AND UTILITIES

- 31. All utility distribution facilities within the land division shall be placed underground.
- 32. The project street shall be offered for dedication to the County
- 33. A letter from the East Bay Municipal Utility District stating that it has agreed to provide water to each lot in the land division shall be submitted to the Director of Public Works.
- 34. Sanitary sewers are to be provided to service each lot and are to be connected to the Castro Valley Sanitary District system of sewers and installed at the expense of the land divider in accordance with the requirements of said District and the approval by the Director of Public Works.
- 35. A letter from the Castro Valley Sanitary District stating that it has agreed to provide a connection to its sanitary sewer system for each lot in the land division shall be submitted to the Director of Public Works.
- 36. Fire protection improvements are to be installed by the subdivider in accordance with the requirements of the Alameda County Fire Department. A letter from the Fire Department stating that it has approved the design and improvement guarantees shall be submitted to the Director of Public Works.
- 37. Prior to release of guarantees, all improvements as specified herein or shown on the accompanying exhibits shall be installed in accordance with the improvement plans approved by the Director of Public Works. Inspections shall be certified by a registered Engineer or by Public Works Agency staff, at the option of the Director of Public Works. Fire protection improvements shall be inspected and approved by the Alameda County Fire Department.

ATTACHMENTS

Referral Responses

Parcels included within 300 ft buffer of subject property

Parcels included within 500 ft buffer of subject property

Graphics

Draft Initial Study and Mitigated Negative Declaration

Addenda to Initial Study (April 9, 2013)

Updated Addenda (2014)

October 28, 2014 letter from H.T. Harvey & Associates

Draft Resolution Adopting Mitigated Negative Declaration

Draft Resolution Recommending Approval of Rezoning to Board of Supervisors

Exhibit C - Conditions of Approval

Draft Ordinance Amendment

EXHIBITS

Tentative Map Proposal, sheets 1 through 36

PREPARED BY: Damien Curry

Planner

REVIEWED BY: Phil Sawrey Kubicek

Senior Planner

H:\APPLICATIONS - 2010\PLN2010_00100\Staff Report\PLN2010-00100 PC Staff Report