



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

STAFF REPORT

TO: CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL
HEARING DATE: November 28, 2016

GENERAL INFORMATION5

APPLICATION TYPE & NUMBER: Variance and Vesting Tentative Tract Map, PLN2014-00168, (TR-8223)

OWNER/ APPLICANT: Sunny City Investment Corporation / Greenwood & Moore Inc.

PROPOSAL: To allow a subdivision of one parcel into 7 lots providing no pedestrian walkway where a 4 feet walkway is required.

ADDRESS AND SIZE OF PARCEL: 19430 Center Street, east side, 570 feet south of Heyer Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-1061-018. 58,367 square feet (1.34 acre).

ZONING: R-1-SU-RV (Single Family Residence, Secondary Unit and Recreational Vehicle parking is permitted) District.

GENERAL PLAN DESIGNATION: This site is within the Castro Valley General Plan adopted by Alameda County Board of Supervisors on March 27, 2012. The Plan designates the site as Residential Small Lot (RSL).

ENVIRONMENTAL REVIEW: This project requires an Initial Study (IS) be drafted as required under the California Environmental Quality Act (CEQA) per the CEQA Guidelines §15063. The document was made available for public review from September 29 through October 29, 2016. The IS has identified the following potential environmental effects of the project: Aesthetics, Biological Resources, Cultural Resources, Air Quality, Noise and Mandatory Findings of Significance. Since these potential effects could be reduced to less than significant levels when specific mitigation measures are implemented as part of the proposed new 7 single family dwellings, a Mitigated Negative Declaration (MND) could be adopted and recommend Mitigation and Monitoring Measures could be included as part of the required conditions of approval for the subject use.

RECOMMENDATION

Staff recommends that the Castro Valley Municipal Advisory Council consider the project and the condition of the current easements throughout the project area, paying particular attention to how residents currently use the easements in place as a single driveway. Staff believes the proposed project could create an unsafe traffic condition, and that without a resolution to this safety concern the project cannot be supported. Options to consider are presented below under staff analysis.

PARCEL ZONING HISTORY

June 21, 1951, the 12th Zoning Unit, ZU-12 designated the site as R-1-A (Single Family Residential, Agricultural uses permitted) District.

February 15, 1962, the 411th Zoning Unit, ZU-411 rezoned the site to R-1 (Single Family Residential) District.

May 7, 1988, the 1695th Zoning Unit, ZU-1695 rezoned the site to R-1-CSU (Single Family Residential, Secondary unit is permitted) District.

June 4, 1988, the 1812th Zoning Unit, ZU-1812 rezoned the site to R-1-CSU-RV (Single Family Residential, Secondary unit and recreational vehicle parking is permitted) District.

April 28, 2014, Zoning Compliance Report, PLN2014-00073 requested a rezoning and subdivision of one lot into 12 lots, many neighbors spoke in opposition to the project and the Castro Valley Municipal Advisory Council did not make a recommendation but only provided direction to the applicant to consider a smaller project and to design dwellings to meet the future design guidelines.

October, 2014, the Board of Supervisors adopted the Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County with an effective date of January 1, 2015

SITE AND CONTEXT DESCRIPTION

Physical Features: The property is rectangular in shape, mostly flat, with roughly 306 feet of lot depth by 190 feet wide. The surrounding area is developed with mostly single family dwellings and a few multi-family parcels fronting on Center Street. Lots to the east are approximately 6,000 square feet in area with lots to the west being larger ranging from approximately 7,000 square feet to 21,000 square feet in area. There are large mature trees scattered throughout the property and the property is undeveloped.

Access from Center St. to the 1.34 acre lot is through a 25 foot un-paved, access easement providing access to three parcels, with the subject property located at the end of the easement. Adjacent to the proposed 25' access easement is another 25' access easement (essentially two 25 foot wide easements running parallel to each other) providing legal access to six properties to the north of the project site from Center St. The combined easements currently function as one 50 foot wide private road/driveway providing access to all of the parcels fronting the easements, six on the north side and three on the south side, including the subject parcel.

It is staff's understanding that currently all vehicles accessing the site do so through a common driveway in the middle of the 50 foot combined easement area, yet approving the project to formalize the shared access has proven difficult given objections to the project. In order to formalize the existing condition, easements must be granted by all parties to each other, so that access is legal and maintained in perpetuity. If not for this easement concern, staff would recommend approval of the project as it could then meet all other County standards for subdivision such as lot size, walkways and landscaped areas.

REFERRALS (Referral Agencies sent the revised 7-lot proposal on November 9, 2015)

Alameda County Fire Department: A referral letter was received dated March 22, 2016, which states that the Fire Department recommends that the following four conditions of approval shall be met prior to the issuance of building permits and fire clearance for occupancy. These four conditions include: that fire sprinklers are required for all new dwellings; height of structures will be limited to 30 feet in height; each dwelling is limited to a maximum square footage of 3,600 square feet in area unless the new fire hydrant

can provide a fire flow of 1,500 gallons per minute for 2 hours; the applicant will be required to comply with all Fire Code requirements in effect at the time of building permit submittal.

Public Works Agency, Building Inspection Division: In a referral response dated November 4, 2014, Building Inspection Division stated that the building department has no objection to proceed with the planning process.

Public Works Agency, Land Development: In referral responses dated February 4, 2015 (email) and November 14, 2014 (Memorandum), Public Works Staff responded with 8 specific comments and 35 general comments. The email had 4 additional comments on the project. Specific comments from Land Development in the November 14, 2014 Memorandum, stated that "no proposed storm drain easement pertinent to this project, nor the existing easement for the 12-inch storm drain line as part of the adjoining Tract 1923 improvements will be accepted by the County. This has been an on-going conversations since 2014 with the developer and the County without a solution. As stated in a letter dated December 15, 2014, the Public Works Agency strongly urges the developer to explore other options for this new subdivision's drainage system.

Staff received confirmation from Land Development Staff through an email date 11/2/2016, that this issue can be made a condition of approval prior to the final site improvement plans. The Developer accepts the requirement and will increase the pipe size if necessary to accommodate the water flow.

Additional specific comments from the referral letters include: the stormwater drain layout as proposed to be directed into the existing 15-inch storm drain located along Gliddon Street was originally constructed as part of the site improvements for the development of TR-1923. For the project to be allowed to discharge to the 15-inch storm drain, the Developer will be required to demonstrate that the said line still has adequate capacity and that the proposed project will not adversely overburden it. Additional comments include: all the off-site tributary drainage areas that will also drain to collected storm run-off to the new roadway will have to be appropriately included in both the sizing of stormwater treatment facility in compliance with C.3 design guidelines as well as the on-site storm drainage facility in compliance with the Western Alameda County hydrology and hydraulics criteria summary manual. The IS/ND should specify other design options for the proposed subdivision drainage system instead of the present drainage design proposal that the collected storm runoff from the developed site would flow south and be collected in the bio-retention/detention area at the southeast corner of the site and then discharged to the existing 12-inch storm drain system near Gliddon Street located southeasterly of the project. The street access easement will be shared by the future lot owners of this proposed subdivision, and those existing homeowners that are using the existing roadway, a Joint Maintenance Agreement for the roadway should be created and recorded clear enough to prevent any potential usage and responsibility conflicts.

Public Works Agency, Traffic Division: In a referral response dated May December 2, 2014, the Traffic Division responded with 13 comments. The applicant responded to these comments and in return has responded by the Traffic Division Staff on May 5, 2016 and April 19, 2016. Comments included: A traffic Impact Study should address the parking concerns; show the new location of the street light; relocate the two parking spaces at the end of the hammer head due to the limited accessibility to access the spaces; use the latest Caltrans Standard Plans 2015 to allow an accessible path across the driveway; and indicate on the plans new location of the pole and "No Parking Zone" at the Center Street intersection is required.

October 24, 2016, Planning Staff requested a revised referral letter to confirm any outstanding issues from the Traffic Division.

Public Works Agency, Clean Water: As of this writing no comments have been received.

Public Works Agency, Grading Division: In a referral letter dated December 1, 2015, Grading Division staff stated the following 8 items should be considered for establishing conditions of approval. These include: a grading permit must be obtained; a geotechnical report shall accompany the grading permit application; any geotechnical report may be subject to a technical in-depth review by one of the County's consulting firms paid by the developer; any biological mitigation measures required for the project should be incorporated into the grading plan and must be complied during the grading operation; a building permit shall be obtained for the proposed site retaining walls from the Building Inspection Division; and an encroachment permit must be obtained for any work within the roadway right-of-way.

Castro Valley Sanitary District: In a referral response dated November 23, 2015, Sanitary District staff stated they are no comments on the project.

East Bay Municipal Utility District (EBMUD): In a referral response dated December 7, 2015, District Staff stated that a main extension, at the project sponsor's expense will be required to serve the proposed development.

Neighbor Input: As of this writing no comments have been received.

Castro Valley Municipal Advisory Council (MAC): This matter was discussed at the February 9, 2015 MAC hearing as a preliminary item (since the request included rezoning to a Planned Development) and they provided feedback to the applicant and staff, including concerns regarding density, general plan designation consistency and with the design guidelines. Neighbors spoke in opposition to the project which included concerns about density, increased traffic, insufficient parking, and a possible increase in crime. The Council did not make a recommendation but did give the developer direction to consider a smaller project and to design the dwellings to meet the design guidelines. The project was continued at the request of the Council Members to allow additional time for the applicant to revise the overall layout of the lots to include 5,000 square foot minimum lot sizes.

BACKGROUND

The Applicant has reduced the number of lots by five (12 to 7) from the original project that was brought before the Castro Valley Municipal Advisory Council for preliminary review in April 2014. Originally a request for rezoning and general plan amendment, those elements have been eliminated with the reduced scope. The project has increased the lot sizes to a minimum of 5,000 square feet (R-1 standard) and providing the required setbacks per County standards. The seven single family lots would range in size from approximately 6,000 to 7,300 square feet, consistent with adjacent single family lots. The project does not meet the required four foot wide pedestrian walkway from Center Street to the end of the private street, which will require approval of a variance. The purpose of the walkway is to provide an amenity to the project and provide pedestrian access to and from the site. The project proposes seven guest parking spaces located on the west side of the private street.

STAFF ANALYSIS

Conformance with the General Plan and Zoning Ordinance

This site is within the Castro Valley General Plan adopted by Alameda County Board of Supervisors on March 27, 2012. The Plan designates the site as Residential Small Lot (RSL), intended for small lot subdivisions where a variety of housing types are located on lots between 2,500 and 5,000 square feet in size, allowing for single family, duplexes, townhouses and row-houses. The allowed General Plan

densities range from 8 to 17 units per acre while the proposed project is at 5 units per acre. While less dense than expected by the General Plan, it is consistent with the R-1-SU-RV zoning district standard of 5,000 square feet minimum lot size. Along three sides of the project site, the General Plan designation is Residential Single Family (R1) which requires minimum lot sizes from 5,000 to 7,500 square feet in area and a maximum density of 6 to 8 dwelling units per acre. The properties to the south of the site, along Center Street have the same General Plan designation as the subject site which is Residential Small Lot (RSL). Given the density ranges in the General Plan are not absolute and do not require a minimum density (confirmed by County Counsel) the proposed project is considered consistent with the General Plan and Zoning Ordinance.

Residential Design Guidelines and Standards

At this time the applicant does not propose house designs although the project will be required to meet all the Alameda County Residential Design Guidelines and Standards. The Standards limit lot coverage to 40% for a two story dwelling and 45% for a one-story building, and allow up to 30 feet building height, provided that the roof is pitched and the portion of the roof over 25 feet in height is at least 15 feet away from all property lines. Two stories is permitted provided the second story floor area cannot exceed 80% of the first story building footprint. A covered porch is required providing a minimum depth of 5 feet. Each lot is required to provide two covered parking spaces and one guest parking per dwelling unit. For subdivisions of 5 or more units, a pedestrian walkway measuring a minimum of 4 feet wide and a landscaped buffer a minimum of 3 feet wide is required between the pedestrian walkway and private street. As proposed, the project has only room for either the sidewalk or the landscape buffer; through a neighborhood meeting the neighbors were not in support of the sidewalk.

Variance

As mentioned above, subdivisions of 5 or more units require a pedestrian walkway measuring a minimum of 4 feet wide and a landscaped buffer a minimum of 3 feet wide between the pedestrian walkway and the private street. The project is proposing a 20 foot wide private street, 3.5 foot landscaping strip and a 1.5 curb to divide the two parallel easements. By keeping the improved area and access limited to the 25 feet they have control over, the applicant has limited space to meet all the requirements. Given the preference for landscaping over a walkway, a variance would be needed to waive the walkway requirement.

Lot Size Consistency

For the average lot size calculation, parcels on Edwards Lane, New Haven Way, Gliddon Street and Heyer Avenue were used as well as parcels that front onto Center Street. Parcels larger than 10,000 square feet in area are not included in the calculation since they have the potential to be subdivided. The average lot size is 6,306 square feet in area compared with the proposed 7-lot subdivision average lot size of 6,448 square feet. The proposed subdivision is at the average lot size of the surrounding area. See attached Lot Size Consistency Chart.

Frequency

Examination of the frequency of lot sizes for this comparison highlights the relative number of parcels within the range between 5,000 to 9,999 square feet in area. The lots over 10,000 square feet in area were omitted since they have potential to be subdivided. The most frequent lot area is between 5,000-5,999 square feet in area and the project proposes an average lots size of 6,448 square feet.

Lot Size	FREQUENCY TABLE
5000-5,999 SQ FT	27
6,000-6,999 SQ FT	7
7,000-7,999 SQ FT	14
8,000-8,999 SQ FT	3
9,000-9,999 SQ FT	0

Proposed Access Easement

Access to the site is from Center Street through two 25 foot wide easements running parallel to each other and a driveway leading to a single family home. The combined easements currently function as one 50 foot wide private road/driveway providing access to all of the parcels fronting the easements, six on the north side and three on the south side, including the subject parcel. The current project proposal includes improving the existing southerly 25-foot-wide access easement to Center Street with a 20-foot-wide asphalt surface with a rolled curb to create a private street for the development.

Planning Staff believes the private street as proposed is unsafe for vehicular and pedestrian traffic. For example, if two vehicles simultaneously exiting the site are heading in opposite directions on Center Street, this could result in a collision. Additionally, if a pedestrian or bicyclist was traveling down the private street without a defined walkway they could be struck by a motorist. Staff understands that the property owners have legal access to only 25', and that the northern property owners are opposing the development by not agreeing to participate in a new common easement across their frontage. However, if this project gets approved as proposed it could create an unsafe condition for both existing and future residents. In addition, it appears from the existing conditions that the homes on the northern side of the street have utilized the easement on the south side for many years, and they have seemingly not had to rely solely on their own legal access. The applicant states that they have worked with the neighbors on several occasions without any success to combine the two driveways into one. They have proposed building and maintaining a combined easement/street at no cost to existing homeowners. Such a configuration would be a real property improvement over existing conditions and could increase property values and curb appeal.

The applicant states they are willing to put a fence along the property line to help eliminate the potential safety issues of the two parallel driveways, but seems impractical. Staff does not believe this would eliminate the safety issue. Planning Staff cannot support the project as proposed unless a single combined parallel easement and roadway is constructed and shared by all adjacent property owners, or the safety concern is otherwise addressed to the satisfaction of the County.

Preferred Alternate Access Easement

The applicant originally preferred providing access through a combine parallel easement to create a 20 foot wide paved driveway that would be legally shared by all adjacent properties. The gravel parking spaces would be designated on either side of the driveway. This option would function similar to the current condition, but all users would have a legal right to the use one common easement, which would be a paved driveway. This alternative design requires agreement from all of the easement holders. Many of the neighbors oppose the project which is why this alternate design is not possible. See attached Driveway Exhibit.

Similar Parallel Sites

Planning Staff has noted two sites with similar parallel private streets in Hayward and Castro Valley. The first is located off Maud Avenue in the Fairview Area. Pepperwood Place which has access to 13 homes approved in 1988 and Christopher Court has 8 units approved in 1985. This project has a large landscaped area between the streets to provide added space between the two curb cuts. The second site, is located off Heyer Avenue in Castro Valley, Xenie Court and Beverly Place. Xenie Court provides access to 6 lots approved in 2006. Beverly Place provides access to 12 homes, approved 1984. See attached pictures.

California Environmental Quality Act, Initial Study: The Planning Department prepared an Initial Study based on the requirements of the California Environmental Quality Act (CEQA) to consider the impacts the proposed project might have on the environment. The document was made available for public review from September 28th through October 27, 2016. The Initial Study concluded that although the proposed project could have a significant effect on the environment, the proposed Mitigations would reduce the impacts to less than significant level. The applicant has agreed with the Mitigation Measures as described, and signed an agreement to that fact.

Conclusion

If the access issue can be improved it would resolve two concerns with the project; it would alleviate traffic safety concerns by providing access through one common easement/driveway legally shared by all adjacent properties, and it would also provide the available space to create the required landscaping and pedestrian walkway, thereby eliminating the need for a variance. Staff recommends that the Castro Valley Municipal Advisory Council consider the project and the condition of the current easements throughout the project area, paying particular attention to how residents currently use the easements in place as a single driveway. Staff believes the project, as proposed, could create an unsafe traffic condition, and that without a resolution to this safety concern the project cannot be supported.

ATTACHMENTS

Referrals
Real Estate Easement Agreement
Lot Size Consistency Chart
Site Photos
Similar Parallel Sites
Graphics

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