



**ALAMEDA COUNTY CDA  
PLANNING DEPARTMENT**

**STAFF REPORT – PRELIMINARY REVIEW**

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

**GENERAL INFORMATION**

**APPLICATION: Site Development Review & Tract Map, PLN2016-00056**

**OWNER/APPLICANT: Todd Deutscher/Catalyst Development Partners**

**PROPOSAL:** Construction of 27 two-story townhomes and corresponding subdivision into eight (8) building lots and four (4) common lots by Vesting Tentative Tract Map 8380, with a gross density of 14.4 units per acre. The townhomes would be 25 feet in height, with two-car garages in each, plus an additional 22 off-street guest parking spaces (including two handicapped-accessible spaces) and 8 on-street guest parking spaces, and provide total lot coverage of 42 percent.

**ADDRESS, PARCEL NUMBER AND SIZE:** 3544 Jamison Way (including also 3546, 3548, 3528 and 3530 Jamison Way), Assessor's Parcel Numbers: 84A-0076-020-01; 84A-0076-021-04; 84A-0076-021-06; 84A-0076-022-00; and 84A-0076-023-00. Combined area of parcels: 1.885 acre (82,125 sq. ft.).

**ZONING:** R-S-D-15 (Residential-Suburban, “D” Combining District requiring 1,500 square feet of building site area per dwelling unit) District.

**GENERAL PLAN DESIGNATION:** *Castro Valley General Plan, adopted March 2012: Residential Mixed Density (RMX) 29 du/ac.* The category is intended to provide a variety of housing types near commercial business districts while maintaining the existing character and development pattern of the neighborhood. The housing types include one-family dwellings, duplexes, townhomes, and two-story multi-family residential uses. Residential densities range from 8 to 29 units per net acre based on the lot width, depth, and size.

**ENVIRONMENTAL REVIEW:** The project is subject to the requirements of the California Environmental Quality Act (CEQA, 1970 as amended). An Environmental Checklist/Initial Study and proposed Mitigated Negative Declaration (IS/MND) is required for the project pursuant to State and County CEQA Guidelines, to evaluate the environmental effects of the development. The IS/MND will address potential impacts on air quality, cultural resources, seismic safety, water quality and management of urban stormwater runoff, flooding, construction noise and traffic, and identify specific mitigation measures as needed to reduce each *significant* impact to a *less than significant* level. The IS/MND will be subject to at least 30 days of public review, expected to begin by early January, 2017.

**RECOMMENDATION:**

The Council should review the staff report, take public testimony, deliberate as to its merits on a preliminary basis, and make recommendations to the applicant for any changes before detailed analysis and environmental review under CEQA occurs, and before the Council makes final recommendations on the project.

## **PARCEL ZONING HISTORY**

June 21, 1951, the 12th Zoning Unit designated properties in the Castro Valley area to various Zoning Districts.

February 15, 1962, the 411<sup>th</sup> Zoning Unit designated specific parcels including the subject site to R-1 (Single Family Residential).

June 10, 1967, the 759<sup>th</sup> Zoning Unit designated properties in this vicinity to the CN (Neighborhood Commercial) District which was reversed on June 21, 1969, by the 878<sup>th</sup> Zoning Unit, back to the R-1 District.

Undetermined, 1970s era, redesignated to R-S-D-20 (Suburban Residence, 2,500 square feet m.b.s.a. per dwelling unit) District. A private street, P-51, was recorded at a similar time.

October 3, 2003, 1218<sup>th</sup> Zoning Unit redesignated the site and numerous sites to the current R-S-D-15 (Suburban Residence, 1,500 square feet m.b.s.a. per dwelling unit) District to promote implementation of the year 2000 Housing Element.

## **SITE AND CONTEXT DESCRIPTION**

Project Site: The project site is composed of five parcels that have a combined frontage along Jamison Way of 219' and a depth of 375', forming a large rectangular site that is level and developed over time. There is a presently a duplex and a single family residence on the front two parcels, and three other single family homes on three lots to the rear on flag lots or lots accessible by a joint easement. The five parcels contain numerous trees and extensive landscaping, a swimming pool and driveways. The homes were built between 1940 and 1956. The frontage is not improved with curb, gutter or sidewalks.

Surrounding Context: The site is bordered on the west by single family homes (built circa 1950) along a cul-de-sac (Woodbine Avenue); more single family homes lie to the northwest of the site along Santa Maria and Lorena Avenues. Numerous two-story apartment complexes are directly north of the site along Lorena Avenue, and extending along the same side of Lorena Avenue to the east towards Redwood Road, and directly east of the site along Jamison Way. South of the site, and extending eastward to Redwood Road, and south to Castro Valley Boulevard is the Castro Village shopping center area, made up of many free-standing and attached commercial buildings with small to large stores, restaurants, a bowling alley, offices and other uses. Within the large area extending to Castro Valley Boulevard there is also a Safeway supermarket and a few small medical and dental offices on the south side of Jamison Way, towards Redwood Road. Southwest of the site, extending to Santa Maria Avenue to the west, is a small area of single family residences, partly along a short cul-de-sac. A major entry to the Castro Village area is near the southeast corner of the project site, while a main service road to the rear of many businesses is opposite the southwest corner of the project site.

Access to the site is along Jamison Way, which extends for a quarter of a mile west of Redwood Road to Santa Maria Avenue. Its intersections with Redwood Road and Santa Maria Avenue are stop-sign controlled only (i.e., not signalized). Santa Maria Avenue has a signalized intersection at Castro Valley Boulevard, and also extends north to Somerset Avenue, an east-west collector street across central Castro Valley. Sidewalk improvements in the vicinity are generally discontinuous.

## **PROJECT DESCRIPTION**

The proposed project is to clear the site, removing existing buildings, vegetation and pavements, and construct 27 new two-story townhome residences, in eight separate buildings, separated on a north-south axis by a pedestrian access aisle through the center of the site. Four rows of townhomes would be built,

with one row oriented towards Jamison Way, the next two facing each other and oriented toward a central wide greenway on an east-west axis. The rear-most row would face north to a more private common walkway along the north edge of the site. The front row nearest Jamison Way would contain six townhomes while the other three rows would contain seven units each. Driveway alleys between the first two and last two rows of townhomes would provide access to two-car garages for each townhome at the effective rear of each unit. The proposed density would be roughly 14.4 units per acre.

Two floor plans are proposed, but which are nearly identical in floor area and configuration, based on a three-bedroom, two-and-a-half bath, two-car garage concept, with 1,627 square feet of conditioned space per unit among each of the exterior units (16 units with only one common wall), and 1,670 square feet for interior units (11 units, with two common walls). Private yard areas would typically vary between 314 and 330 square feet, including porches of 66 to 78 square feet, except for the end-of-row units that would have some additional area on their sides. In total, the 27 townhomes represent approximately 44,400 square feet of two-story, 25'-tall residential construction. A total of 20 on-site guest parking spaces are proposed along the main driveway on the west side of the site as parallel spaces, as well as two head-in handicapped accessible parking spaces (including one van-designated space) and eight on-street (Jamison Way) guest parking spaces.

The front row of townhomes facing Jamison Way would have a 20' ostensible or superficial setback from the front property line, to the enclosed/indoor portions of the buildings, divided between common open space along the street (8' deep), and semi-enclosed yard areas (12' to 14' deep). However, unenclosed porches facing Jamison Way, with supporting columns, would extend 2' to 4' into the private yard areas, thus providing a total clear setback of only 18' from the front property line (*see Staff Analysis below for discussion*). At the rear of the site, a clear 20' setback is proposed, also split between 10'-deep private yards and a 10'-wide common pedestrian access corridor, for the effective front-facing side of the last row of townhomes. The east side of each townhome building row would have a 6.2' setback to the property line, and each building in a row would be separated from each other by 10' across the central walkway, with a 4'-wide sidewalk and 3' of landscaping on each side. The front and western building would have a 9.7' setback from the driveway and 8'-wide parallel parking spaces on the driveway; the three buildings behind the front row would be separated from the driveway by a 5'-wide landscaped setback and parallel parking spaces. The driveway would have a 5'-wide landscaped setback from the western property line, except along about 120' extending north from Jamison Way, where a bio-retention basin (or landscaped stormwater-treatment system) would be placed between the property line and the driveway, with a maximum width of 30'.

The middle two rows of townhomes would be separated across a 40'-wide common open space park area, as well as the 10' deep private areas in front of each home, thus separating the buildings by 60'. The park area would include a barbecue and picnic tables at the eastern end, and additional seating areas would be placed centrally, where the central walkway to the front and rear is proposed and would intersect with the park area. The project plans (Sheet 4 of the civil plans) indicate a total of 7,380 square feet of common open space, of which 4,500 square feet would be in the central park area, and another 2,880 square feet in the area of the bio-retention basin (*see Staff Analysis below for discussion*). Other potentially usable open space includes unenclosed yard areas along Jamison Way (approximately 1,260 square feet), at the rear of the site (an estimated 1,450 square feet), and between each building along the central walkway (a total combined area of 2,840 square feet).

The subdivision by Vesting Tentative Tract Map 8830 would create eight lots for each of the three-to-four unit buildings, varying in size according to the number of units in each, between 5,566 and 6,892 square feet. The four common lots would be the property of a homeowners association, and includes the main access driveway and alleys, the central park area, the rear and west side, and separately, the front yard area. Subdivision into condominium space "air" is part of the project, but may be deferred to a later date.

## **RESPONSE TO REFERRALS**

*Note:* Preliminary project plans were referred to public agencies and neighbors for comment in April 2016. The plans accompanying this staff report (Exhibit “B”) were received on November 14, 2016 and have not yet been reviewed by the same agencies or area residents. Updated responses to referrals will be included in a subsequent staff report after the MND/IS is complete, has been circulated for review as required by CEQA, and the project is ready for a final recommendation to the Planning Commission by the Council.

Public Works Agency, Permits Section: In the response dated April 20, 2016, comments were provided on a variety of topics, specifying that cement sidewalk, curb and gutter were required along the street frontage, that a storm drainage system was not clearly identified and such a system would need to meet County hydrology and design criteria, the driveway entrance must meet current Caltrans standards, and that a homeowners’ association (HOA) with suitable covenants, conditions and restrictions for site maintenance mechanisms will be required. The HOA should provide for maintenance of the stormwater treatment system and the street lights for the access driveways. Other general comments noted the presence of trees in the street right-of-way that will need to be protected or replaced, but that available on-site space for such mitigation appears to be limited. More specific comments addressed the sizing of the bio-retention area, discouraging the inclusion of trees at the periphery of the bio-retention area, questionable use of “self-treating” or “self-retaining” areas, and lastly, the absence of a designated vehicle wash area, which is required for projects with 25 or more residential units or lots.

Public Works Agency, Building Inspection Department (BID): The Building Inspection Department noted in its comments, dated April 28, 2016 that a complete soils report and geotechnical analysis will be required, and that the new structures will be subject to the County’s Green Building and Construction and Development Ordinances. A new address assignment for the building is required, and the trash enclosure must meet requirements for an overhead cover and a sanitary sewer connection. Lastly, the project must comply with building codes and submittal requirements that are in effect at the time the building permit application is submitted, expected to be the 2016 California Building Code that goes into effect in January of 2017. The construction documents must be submitted with a soils report and/or geological study to address any geological hazards, and separate building permits are required for the demolition of existing buildings, subject to the County’s Construction & Demolishing Debris Management program. Other remarks reiterated the need for a covered trash enclosure, accessible path of travel for ADA compliance, a covered vehicle wash area (that discharges to the sanitary sewer) and revising the addressing of units on the site.

Public Works Agency, Grading Division: The response on May 2, 2016 advised that a grading plan, and erosion and sedimentation control plans must be reviewed and approved by the County, and that grading work is not normally allowed in the rainy season, between October 1 and April 30. Furthermore, the project size over an acre requires that a Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) be submitted to the State Water Board under the provisions of the State construction general permit, prior to land disturbing activities.

Alameda County Fire Department: The Fire Department prepared a response dated April 22, 2016 that requested the applicant indicate that fire suppression sprinklers will be provided in the structures, signage to clarify the fire access road does not extend to the alleys (due to their length of more than 150’, which exceeds access standards without a turnaround), additional information regarding existing and new fire hydrants, accessibility to each unit, and fire apparatus turnaround design parameters (70’ ‘legs’ required to be shown). Resubmittal of information was requested; the new plans have not yet been reviewed by the Fire Department, and may or may not meet the requirements. The issues must be resolved in the final plans for review by the Council and the Planning Commission, and before their final recommendations.

Castro Valley Sanitary District (CVSD): The Sanitary District provided a response on April 19, 2016 to the referral, stating that the project would require installation of a new mainline sewer on the property, to connect to the Jamison Way sanitary sewer. However, the Jamison Way line was identified as a high priority for repair and/or replacement due to its age (built in the 1940s), and noted that the developer may be responsible for the costs of such work under the District's Sanitary Code.

Castro Valley Unified School District: The response dated April 19, 2016 indicated that students moving into the new homes should be aware that they may not be able to attend schools that are close to their home due to excessive demand at District schools. In addition, the applicant will be obligated to pay the necessary mitigation fees to the School District.

Public Comment: A resident at 3566 Jamison Way, east of the site indicated concerns with the potential for increased traffic on Jamison Way as a result of this project combined with other commercial development of the Castro Village area. She noted frequent speed violations that appeared attributable to the lack of lane dividers and speed bumps, and objected to recreational vehicles and trucks parking along the street and staying overnight. She requested measures to reduce these problems, and asked also that the demolition and construction process address the problem of nuisance urban wildlife, with traps and other controls instead of displacing them into the surrounding neighborhood.

## **GENERAL PLAN**

The site is subject to the *Castro Valley Plan*, adopted in 2012, and which designates the site as "Residential Mixed Density" (RMX) allowing a maximum density of 29 dwelling units per acre. The RMX designation is provided with the following description:

This land use category is intended to provide a variety of housing types near commercial business districts while maintaining the existing character and development pattern of the neighborhood. The housing types include one-family dwellings, duplexes, townhomes, and two-story multi-family residential uses. Residential densities range from 8 to 29 units per net acre based on the lot width, depth, and size.

The project proposal is for approximately 14.4 dwelling units per acre, and therefore would be consistent with the RMX land use designation.

## **STAFF ANALYSIS**

With respect to the General Plan, the Zoning Ordinance requirements and the *Residential Design Standards and Guidelines* adopted by the County in 2014 (effective January 1, 2015), the proposed project would be conforming with extremely few exceptions. Although the site is designated as R-S-D-15, for which the Multi-Family Residential Medium Density set of standards (Table 2.5-1) would or could apply, the proposal for two-story townhomes is more reasonably evaluated with regard to the Two-Story Townhomes (Table 2.4-1). A staff assessment of the project is provided in a three-page table attached at the end of this staff report, based on selected, applicable sections of Table 2.4-1 of the *Design Standards and Guidelines*. The assessment finds that the project fully meets all "development intensity and neighborhood compatibility" standards such as site size and width and unit width, all "building height and form" standards, and all "building relationship to the street" requirements.

However, under "setbacks for light, air, and privacy", two requirements would not be met by the project as presently designed, including a small, 2' encroachment of the porches of each of the six units facing Jamison Way, thus resulting in a setback of 18' where 20' is required. The porches are supported on columns that would be 18' from the front property line; such columns are not normally deemed as allowed architectural projections such as eaves, chimneys or small landings. In front of each Jamison Way-facing

townhome would be a 10'-deep clear private yard area, and in front of that, an 8' setback to a low fence from the front property line. In this case, the encroachment serves a desirable architectural objective, so it may be possible for the Planning Director to make a determination that the columns are an allowed projection into the front yard setback. Moving the columns back by 2' may also be an option, such that only an eave of the porch protrudes into the setback.

Secondly, with respect to the setback standards in the *Design Standards and Guidelines*, the project as proposed would have a 5'-wide landscaped setback between the ends of the three buildings and the driveway, or more specifically, parallel guest parking spaces, where the minimum setback from the access driveway is 10'. While it might be said that the parking spaces provide an additional 8' separation to the driveway itself, the *Standards and Guidelines* specifies that the setback "must be landscaped". It is not clear how this conflict may be resolved, as the driveway would have a relatively ample and desirable 8'-wide landscaped setback from the opposite, western side property line. A sidewalk along the side of the guest parking, within the 8' setback would also be desirable for access to the guest parking spaces.

Lastly, the assessment in the attached table noted that the required offset of windows facing each other for buildings that are 10' apart is not indicated in the architectural plans. It may be relatively easy to provide such offsets but they will need to be made conditions of approval of the project.

The plan sets also included, on the Tract Map (the first of seven civil drawings) a table showing "Zoning Conformity". Planning staff has evaluated the analysis as follows.

**Zoning Conformity Analysis by Applicant**

ALAMEDA COUNTY TOWNHOME STDS.	REQUIRED/ ALLOWED	PROPOSED
MIN. SIDE SETBACK	5'	6.2' AVE
MIN. FRONT/REAR SETBACK	20'	20'
MAX. BUILDING LENGTH	150'	60'
MIN. PRIVATE USEABLE OPEN SPACE	300 SF/UNIT	314 SF MIN/UNIT
MIN. TOTAL OPEN SPACE	600 SF/UNIT	652 SF/UNIT
MAX. BUILDING HEIGHT	25'	25'
MIN. PARKING REQUIREMENT	2/UNIT (1 COVERED)	2/UNIT (2 COVERED)
STD. GUEST PARKING SPACES	1/UNIT	1.04/UNIT 28 TOTAL
ACCESSIBLE GUEST PARKING SPACES	2*	2**
MIN. SITE LANDSCAPING	MIN. 35%	35%
MAX. CONDO AIR-SPACE DENSITY	22 UNITS/AC	14.52 UNITS/AC
MAX. BUILDING COVERAGE	MAX. 55%-60%	39%
FLOOR AREA RATIO	MAX 33%	56%

- \* 2 ACCESSIBLE SPACES REQUIRED FOR 26-50 UNITS, ACCORDING TO THE 2013 CALDAG MANUAL.
- \*\* 2 ACCESSIBLE SPACES PROPOSED- 1 AS VAN ACCESSIBLE.
- \*\*\* PEDESTRIAN WALKWAYS INCLUDED IN LANDSCAPE PERCENTAGE.

**Staff Assessment**

VERIFICATION OF STANDARD & DETERMINATION OF COMPLIANCE
5' required; 6.2' complies.
20' required; <i>see discussion in text.</i>
150' max length req'd; 88' max. proposed.
300 s.f. req'd; 314 s.f. is compliant.
600 s.f. req'd; <i>see discussion in text.</i>
30' allowed; 25' proposed; compliant.
2 spaces required; 2 spaces provided in each garage.
1 space required per unit; 28 guest parking spaces proposed.
2 accessible parking spaces.
35% required; 35% site is landscaped.
29 units/ac. allowed; 14.4/ac. proposed
55% max. applies; 39% proposed.
No floor area ratio is specified. <sup>1</sup>

<sup>1</sup> *Design Standards and Guidelines* do not define any floor area ratio.

In addition to the *Design Standards and Guidelines* requirements as stated in Table 2.4-1 and shown in the attached table of selected and applicable requirements, Chapter 3 of the *Guidelines - Design Guide-*

*lines for Residential Projects* – provides specific recommendations for residential design, addressing all of the topics considered in Table 2.4-1, but stated in broader, more general terms of design objectives (i.e., less quantitative and more qualitative). Planning staff has completed an assessment of the proposed project with respect to applicable guidelines from Chapter 3, and have prepared paraphrased and summarized statements of the Chapter 3 guidelines (see “Design Guidelines for Residential Projects – Project Evaluation”), with simple coded assessments of the project’s relative conformity to each. The overall result of the analysis is that the project would be in substantial conformity with the Chapter 3 guidelines for townhome projects.

**ENVIRONMENTAL REVIEW**

The project is subject to the California Environmental Quality Act (CEQA, 1970 as amended), and staff has determined that an Initial Study (with an environmental checklist) should be prepared to evaluate the potential for the project to have significant adverse environmental impacts. It is expected that the Initial Study would find that all potentially significant impacts can be avoided or reduced to less than significant impacts with the adoption of mitigation measures and agreement by the applicant to carry them out. As a result, a Mitigated Negative Declaration (MND) is proposed to be adopted, in compliance with, and State and County CEQA Guidelines, at the time that the Planning Commission acts to approve or deny the Vesting Tentative Tract Map.

The Initial Study/Mitigated Negative Declaration (IS/MND) is currently being prepared for future circulation to public agencies and the public, for comment and subsequent consideration by the Municipal Advisory Council and the Planning Commission. The IS/MND will address potential impacts on visual and aesthetic considerations, air quality, cultural resources, seismic safety, hazardous materials, water quality and management of urban stormwater runoff, construction noise and traffic. The Council and the public may comment at the preliminary hearing on the scope or topic areas of the IS/MND and may direct staff to require specific analyses of other environmental topics. The IS/MND will incorporate materials provided by the applicant such as the preliminary grading and drainage plan and geotechnical analyses. The IS/MND will be subject to at least 30 days of public review, expected to be complete in January 2017. The Council and Commission would be expected to consider recommendations from Planning staff to adopt the MND after the public review period is complete.

**RECOMMENDATION**

The Council should review the staff report, take public testimony, deliberate as to its merits on a preliminary basis, and make recommendations to the applicant for any changes before more detailed analysis and environmental review under CEQA commences.

PREPARED BY: Andrew Young	SENIOR PLANNER
REVIEWED BY: Rodrigo Orduña	ASSISTANT PLANNING DIRECTOR

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