



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

STAFF REPORT

TO: CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL
HEARING DATE: December 22, 2014

GENERAL INFORMATION

APPLICATION TYPE & NUMBER: Tentative Parcel Map 10282; PLN2014-00135

OWNER/APPLICANT: Kehl / Greenwood & Moore Inc. - Moore

PROPOSAL: Application to allow a subdivision of one parcel into four lots.

ADDRESS AND SIZE OF PARCEL: 18471-73 Apricot Way, west side, 350 feet south of Seaview Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0905-018. 40,601 square feet (0.93 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 Hillside Residential (R-H).

ENVIRONMENTAL REVIEW: The project is Categorically exempt from the provisions of the California Environmental Quality Act, Section 15315, Class 15 "Minor Land Divisions".

RECOMMENDATION

Staff recommends that the Castro Valley Municipal Advisory Council recommend approval to the Planning Director for Parcel Map, (PM-10282) PLN2014-00135, to allow a four lot subdivision, based on drawings marked "Exhibit A" dated December 1, 2014 on file with the Alameda County Planning Department. If the Council determines that the subdivision is consistent with the Plan, then the enclosed conditions of approval should be considered.

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 1, 2014, Pre-Application PLN2014-00052 discussed a subdivision of one parcel into four lots.

SITE AND CONTEXT DESCRIPTION

Physical Features: The property is rectangular in shape with 156 feet of frontage on Apricot Way and a lot depth of approximately 275 feet. The property is developed with three dwellings, two in the front and one in the middle of the lot. Apricot Way is a private street without any frontage improvements and is 30 feet wide. In front of the subject site is a fence along Apricot Way that restricts any vehicular traffic through Apricot Way to Brickell Way, a public street.

Adjacent Area: The property is surrounded by single family dwellings.

REFERRAL RESPONSES

Public Works Agency, Land Development: In a referral response dated September 3, 2014 labeled "MEMORANDUM" from Land Development staff stated 29 comments for the parcel. Please see the attached Memorandum.

Public Works Agency, Grading: In a referral letter dated August 29, 2014, the Grading Section stated there are no specific grading comments at this time. The following four general comments and recommendations should be considered: if grading is required, a grading permit is required prior to commencement of work; all drainage facilities are required to carry surface and subsurface waters to the County stormdrain system, subject to approval of the Director of Public Works; when surface drainage is discharged onto any adjoining property, it should be discharged in such a manner that it will not cause erosion on any cut or fill or slope or any building.

Public Works Agency, Clean Water: In an electronic message dated August 29, 2014, the Clean Water Staff stated a condition of approval should be placed on the subject that future development of any lot makes the cumulative impervious surface over 10,000 square feet and is subject to C3 treatment.

Public Works Agency, Building Inspection Department: In a referral response dated May 15, 2014, the Building Department staff stated the Building Division has no objection for the proposed Parcel Map, PM-10282. Special Conditions for the building permit application include: a soils report/geological study may be required to identify any geo-hazards on-site; new house will be subject to the Green Building Ordinance and C&D Debris Management Program; new addresses will need to be applied for each lot; and permits are required for site retaining walls and drainage systems for each lot.

Alameda County Fire Department: In a referral letter dated October 16, 2014, the Fire Department stated that the following five conditions shall be met prior to the issuance of a building permit and fire clearance for occupancy. These five conditions include: signage is required to state “end of fire access road”; emergency vehicle access easement shall be recorded; the minimum fire flow for new construction is 1,000 gallons per minute for up to 3,600 square foot home; new homes are required to have automatic sprinkler systems; and the emergency vehicle access road shall be provided within 150 feet of the exterior walls for new construction that does not have an automatic sprinklers systems and 200 feet of all the exterior walls of new construction that has automatic sprinkler system.

Public Works Agency, Traffic Division: As of this writing no comments have been received.

Castro Valley Municipal Advisory Council (MAC): This matter was continued from the November 10, 2014, MAC meeting to allow additional time for the applicant to consider installing frontage improvements during the final map improvements instead of deferring it to when construction begins on the fourth lot. The applicant has revised their plans to provide frontage improvements as requested by the Council. This includes rolled curb and gutter to match the existing.

PROJECT DESCRIPTION

The project proposal is to allow a subdivision of one parcel measuring 41,238 square feet in area into four lots. The lots range from approximately 6,587 square feet in net area to approximately 13,109 square feet in net area. Three lots will be access by a 20 foot private street as shown on the submitted Tentative Parcel Map. The project proposes three guests parking along the street frontage with the fourth guest parking located on the rear lot (Parcel 4) when developed in the future. The required parking spaces for Parcel 2 and 3 are located off of the private street. The Subdivision Ordinance requires one guest parking space for each lot which is provided.

STAFF ANALYSIS

Conformance with the Zoning Ordinance

The subject property is classified under the R-1-SU-RV (Single Family Residence, Secondary Unit and Recreational Vehicle parking is permitted) District. No reclassification of the property is proposed with this application. The area of each of the proposed 4 parcels would exceed the 5,000 square foot minimum building site area; therefore the proposal conforms to the density as specified under the Zoning Ordinance. This Ordinance also provides constraints and standards for development of secondary units. The proposed four lot subdivision has three existing dwelling and the fourth lot will be able to accommodate a reasonable size dwelling unit. There are not any current plans for development of the fourth lot at this time.

Setbacks required in the R-1 Zoning District are 20 feet for the front and rear yards, and 10% of the lot, providing a minimum of 5 feet and a maximum of 10 feet for the side yards. The required setbacks are met for the lots with the existing dwelling units. Parcel 4 setbacks will provide a 20 foot front yard setback off Apricot Way, the rear yard will be off of the western property line and the side yards will be required to provide ten feet from the north and south sides of the property. No building designs are proposed for the vacant lot.

Conformance with the General Plan

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 Hillside Residential (R-H). The Hillside Residential designation is used in areas of steep slopes and/or high fire hazard areas to ensure that adequate mitigations are identified for the development of one-family detached dwellings. Lots range from 5,000 to 10,000 square feet resulting in residential densities between 4 and 8 units per net acre. Minimum lot sizes are to be based on the slope. Minimum lot sizes for the proposed subdivision range from approximately 6,587 net square feet in area to approximately 13,109 net square feet in area. The four lot subdivision is within the allowable residential densities within the General Plan therefore, the project meets the intent of the General Plan.

LOT SIZE, SQUARE FEET	GROSS AREA	NET AREA
Parcel 1	10,053 sq. ft.	9,303 sq.ft.
Parcel 2	8,238 sq. ft.	7,097 sq. ft.
Parcel 3	9,026 sq. ft.	6,587 sq. ft.
Parcel 4	15,550 sq.ft.	13,109 sq.ft.

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** (page 5-8) - Ensure that new residential development is consistent with the desired community character, protects sensitive biological resources, and is not subject to undue natural hazards.

There is not any development proposed for the project at this time. There are three single family dwellings existing on the project site and the fourth lot will be developed in the future. A Geotechnical Soils Report was not submitted since there is no new construction proposed at this time.

Policy 5.2-2 (page 5-8) **Residential Design** - Ensure that residential development projects comply with all adopted design guidelines.

County-wide there are not any adopted design guidelines for residential construction. However, future development will meet the development setbacks as required by zoning district.

Policy 5.2-3 (page 5-8) **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.

If the 4-lot subdivision is approved and recorded, future construction of the fourth lot should not require any deviation from development standards required by the zoning district. Construction of all of

structures on each lot would not normally require Variance requests from setback or building height requirements. Should such requests be made in the future, these would be heard through the established public hearing process, with notification as required.

Policy 5.2-4 **Lot Sizes** (page 5-8) - 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.

Residential Density

While no longer a component of the Castro Valley General Plan, the Lot Size Consistency Policy recommended by this Council and adopted by the Board of Supervisors in 1991 continues to be an important tool for the evaluation of proposed subdivisions in Castro Valley. The intent of this policy is to guide new 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.

For the average lot size calculation, parcels on Apricot Way, Apricot Court, Brickell Way, Seaview Avenue, Pepper Street, Audrey Drive and Henson Place were used. Parcels that are 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 6,945 square feet in area compared with the proposed 4-lot subdivision average lot size of 9,024 square feet parcels that would be created by the proposed subdivision. Therefore, the proposed subdivision exceeds the average lot size of the surrounding area. See attached Lot Comparison Map.

LOT SIZE CONSISTENCY CHART	APN	Lot Size	Address
1	84C-0860-010-02	5,052	4957 Seaview Ave.
2	84C-0860-012	7,274	18574 Brickell Way
3	84C-0860-013-01	7,840	18586 Brickell Way
4	84C-0860-014	8,537	4963 Henson Place
5	84C-0860-027	6,577	4908 Apricot Court
6	84C-0860-028	6,577	4914 Apricot Court
7	84C-0860-029	6,969	4920 Apricot Court
8	84C-0860-030	9,757	4926 Apricot Court
9	84C-0860-031	7,230	4935 Apricot Court

10	84C-0860-032	7,753	4929 Apricot Court
11	84C-0860-033	6,621	4923 Apricot Court
12	84C-0860-034	6,577	4917 Apricot Court
13	84C-0860-035	6,577	4911 Apricot Court
14	84C-0860-038	7,623	18108 Apricot Way
15	84C-0905-011	7,013	4927 Seaview Ave.
16	84C-0905-012	7,013	4933 Seaview Ave.
17	84C-0905-014	6,969	18111 Apricot Way
18	84C-0905-016-03	6,882	18251 Apricot Way
19	84C-0905-017-03	6,708	18367 Apricot Way
20	84C-0905-019	7,579	18687 Brickell Way
21	84C-0905-020	5,880	18693 Brickell Way
22	84C-0905-021	5,662	18699 Brickell Way
23	84C-0905-039	9,060	18296 Pepper Street
24	84C-0905-040	8,407	18295 Pepper Street
25	84C-0905-041	5,445	18293 Pepper Street
26	84C-0905-083	6,621	4975 Audrey Drive
27	84C-0905-084	6,185	4977 Audrey Drive
28	84C-0905-085	7,056	4979 Audrey Drive
29	84C-0905-086	5,575	4984 Audrey Drive
30	84C-0905-087	6,490	4982 Audrey Drive
31	84C-0905-088	5,445	4980 Audrey Drive
32	84C-0905-113	6,403	4937 Seaview Avenue
33	84C-0905-114	6,359	4941 Seaview Avenue
34	84C-0905-115	6,403	4945 Seaview Avenue
35	84C-0905-116	6,185	18115 Apricot Way
36	84C-0905-117	9,713	18119 Apricot Way

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 6,000-6,999 square feet in area and the project proposes an average lots size of 9,024 square feet.

Lot Size	FREQUENCY TABLE
5000-5,999 SQ FT	6
6,000-6,999 SQ FT	17
7,000-7,999 SQ FT	10
8,000-8,999 SQ FT	2
9,000-9,999 SQ FT	3

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. 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 units per net acre. The project proposes four units per one acre which meets the General Plan requirements. The area of smallest lot is 6,587 square feet in area, and the Map meets the standards of the "R-1" District for which a minimum 5,000 square feet minimum parcel size.
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 setbacks and building height standards of the "R-1 District. 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 single family dwelling development the Map proposes in the future, as documented in the future when determined to be necessary.
4. The site is physically suitable for the type of density the Map proposes, which at 4 dwelling units to the acre which meets the 4-8 dwelling units per acre range prescribed for the Hillside Residential Land Use Designation under the Castro Valley General Plan.
5. The project design will not cause substantial environmental damage, or substantially and avoidable injure fish and wildlife or their habitat, since there is no new construction proposed at this time.
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.

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

GENERAL CONDITIONS

1. All conditions must be accomplished prior to filing the Final Map, Parcel Map, unless another time of compliance is specified below or on the face of Exhibit B. If conditions or improvements are permitted to be deferred, improvement plans, engineer's estimate and guarantees shall be submitted by the land divider in a form and amount as approved by the Director of Public Works.
2. The design and improvement of this land division shall be in conformance with the design and improvement indicated graphically or by statement on Exhibit B, as modified by these conditions.
3. All required plans, specifications, and technical data necessary to complete the Tentative Map, Parcel Map shall be filed with the Director of Public Works. Requirements for filing the map, review fees, improvements and inspections of work shall be determined by the Director of Public Works.

4. Prior to release of guarantees, all improvements as specified herein or shown on Exhibit B 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.
5. Subdivider or successor shall defend, indemnify, and hold harmless Alameda County or its agents, officers, and employees from any claim, action, or proceeding against Alameda County or its agents, officers or employees to attack, set aside, void, or annul Tentative Map, Parcel Map, PM 10282, the adopted mitigated negative declaration, or any subsequent parcel map to PM 10282, or any combination thereof. Such indemnification shall include, but not be limited to, an award of costs and attorney's fees incurred by Alameda County in its defense. The County shall promptly notify subdivider or successor of any such challenge.

ACCESS/STREET IMPROVEMENTS

6. Site access and roadway improvements shall be subject to Planning Director, Director of Public Works, and Alameda County Fire Department review and approval, as shown on Exhibit B. Said improvements shall be guaranteed by a cash deposit or an instrument of credit at the option of the Director of Public Works.
7. An Encroachment Permit shall be secured from the Director of Public Works for any work done within the public right-of-way.
8. Applicant shall provide for two parking spaces (measuring 180 square foot) for each dwelling and one guest parking for each parcel.
9. Any relocation of improvements or public facilities shall be accomplished at no expense to the County.
10. Any future development or redevelopment on any lot which takes the cumulative impervious surface over 10,000 square feet or whichever threshold the Regional Water Quality Control Board requires at the time of the application shall be subject to C3 Treatment.
11. Frontage improvements are required as part of the Final Map. Install Portland cement concrete curb, gutter and pavement tie-in along the entire street frontage of property.

SITE IMPROVEMENTS

12. Design and improvement of the land division shall comply with recommendations and requirements of the Public Works Agency, as amended by Exhibit B and these conditions.
 - A. It is the responsibility of the applicant to comply with Federal, State, and local water quality standards and regulations. In order for the County and the Applicant to comply with the Alameda Countywide Clean Water Program's (ACCWP) National Pollutant Discharge Elimination System (NPDES) Municipal Storm Water Permit issued by the San Francisco Bay Regional Water Quality Control Board, water quality protection must be implemented both during construction and after construction. Permanent measures to protect water quality will reduce pollution that is commonly produced from the creation of new impervious surfaces such as roads and roof tops. The applicant shall provide

measures to prevent discharge of contaminated materials into public drainage facilities both during construction and post-construction periods. Refer to the following resources: the “Alameda Countywide Clean Water Program’s Preamble to the State BMP Handbooks,” the “2003 California BMP Handbooks for New Development and Redevelopment,” “Start at the Source” and “Using Site Design Techniques to Meet Water Quality Standards for New Development” for additional guidance. All of these references are available at www.cleanwaterprogram.com.

- B. The developer shall provide the Alameda Countywide Clean Water Program brochure entitled “The Bay Begins at Your Front Door,” available to initial property buyers/occupants at the time of property sales/move-in. The applicant may contact the Alameda Countywide Clean Water Program at 510-670-5543 for information on obtaining the above-mentioned literature.
13. Any grading on this site shall conform to the applicable portions of the Alameda County Grading Ordinance, Ordinance No. 82-17.
 14. No grading shall be permitted on this site until grading, drainage, erosion and sedimentation control plans have been approved by the Director of Public Works.
 15. Grading shall not augment rate of flow or concentrate runoff to adjacent properties, or block runoff from adjacent properties.
 16. Grading operations and construction activities shall be limited to weekdays (Monday through Friday) and the hours of 7:00 a.m. to 6:00 p.m., unless otherwise authorized in writing by the Director of Public Works.
 17. In the event that cultural or archaeological resources, including human remains are encountered during trenching for utilities or other grading activities, excavation or disturbance of the site or portions expected to overlie the resources (to the satisfaction of the Planning Director) shall cease until the following procedures are completed:
 - A. The Alameda County Coroner shall be contacted to determine if cause of death must be investigated, and if determined to be of Native American origin, the Coroner shall contact the California Native American Heritage Commission, who shall in turn notify the most likely descendants, as designated by the Commission.
 - B. If such remains are identified as Native American in origin, the most likely descendants designated by the Commission shall make recommendations to the landowner or contractor for means of treating or disposing of the remains, and associated grave goods, in an appropriate, dignified manner. If the Commission is unable to ascertain the identity of the most likely descendants, the descendent does not make a recommendation, or following mediation by the Commission of a disagreement on procedures between the landowner and the most likely descendant (s), the landowner or their representative shall rebury the remains and any associated grave goods with appropriate dignity on the property in a location not subject to further surface disruption.
 - C. In the event that other cultural resources are located on the site, the contractor shall contact a qualified archaeologist to inspect the site. If the archaeologist determines that potentially significant archaeological materials or human remains are encountered, the archaeologist must record, recover, retrieve, rebury and/or remove appropriate

archaeological materials.

- D. The archaeologist must study any archaeological resources found onsite and publish data concerning these resources, and shall provide a copy of documentation of all recovered data and materials found on-site to the regional information center of the California Archaeological Inventory (CAI) for inclusion in the permanent archives, and another copy shall accompany any recorded archaeological materials and data.
 - E. Monitoring for these measures must be performed by the applicant on a continual basis during construction. At the completion of work, the applicant will submit a summary of findings to the Planning Director for review and for the final record.
16. 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.
17. The following air pollution controls shall be implemented at the project construction site:
- A. Water all active construction areas at least twice daily.
 - B. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - C. Pave, apply water twice daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction site.
 - D. Sweep daily (with water sweepers) all paved access roads, driveways, parking areas, and staging areas at the construction site.
 - E. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
18. All large, mature, natural and introduced trees shall be preserved.

DRAINAGE IMPROVEMENTS

19. All pavements shall have a minimum 0.5% slope.
20. Existing on-site and driveway drainage must be picked up on site and directed to the nearest storm drain system, as shown on Exhibit "B". Any necessary improvements shall meet with the approval of the Director of Public Works.

UTILITIES

21. Electrical and natural gas lines shall be extended to serve each proposed lot and shall be connected to the Pacific Gas and Electric Company. A letter from the Pacific Gas and Electric Company stating that electrical service is available for each lot in the land division shall be submitted to the Director of Public Works.

22. The East Bay Municipal Utility District (EBMUD) water supply system shall be extended to provide water service for each lot in the land division at the expense of the land divider in accordance with the requirements of said district. A letter from the EBMUD stating that water service is available for each lot in the land division shall be submitted to the Director of Public Works.
23. Sanitary sewer service shall be provided to each lot by the Castro Valley Sanitary District and installed at the expense of the subdivider in accordance with the requirements of said district. A letter from the Castro Valley Sanitary District stating that sewer service is available for each lot in the land division shall be submitted to the Director of Public Works.
24. Road access and fire protection improvements shall be installed by the subdivider in accordance with the requirements of the Alameda County Fire Department. A letter from the Alameda County Fire Department stating that it has approved the design and improvement guarantees shall be submitted to the Director of Public Works.

ATTACHMENTS

Referrals
Site Photos
Graphics

Prepared By: Christine Greene, Planner
Reviewed By: Phil Sawrey-Kubicek, Senior Planner