

STAFF ANALYSIS – JUNE 19, 2006
GENERAL PLAN CONFORMANCE REPORT GPC 2006-02
DISPOSAL OF PROPERTY
EAST BAY MUNICIPAL UTILITY DISTRICT

GENERAL PLAN CONFORMANCE REPORT – PROPOSED SALE OF EAST BAY MUNICIPAL UTILITY DISTRICT’S SYDNEY RESERVOIR PROPERTY: Request by the Real Estate Services Section of East Bay Municipal Utility District (EBMUD) for a General Plan Conformance Report under Government Code Section 65402 for the disposal of a 2.18+ acre property located off Sydney Way, north side, between the cross streets of Carlton Avenue and Stanton Avenue, in Castro Valley, unincorporated area of Alameda County, designated County Assessor=s Parcel Number 84B-0140-006-10.

STAFF RECOMMENDATION:

That the Planning Commission finds and advises EBMUD that the proposed disposal of property is in conformance with the County General Plan.

PLANNING CONSIDERATIONS:

Project Description: EBMUD seeks to dispose of one 2.18+ acre parcel northerly of Sydney Way, in Castro Valley. The property was originally intended to be used for a water storage reservoir, but EBMUD never used it for this purpose, and now wishes to dispose of the property.

Site Description: The property is approximately 2.18 acres, an irregular polygon in shape but approximating a triangle. The site is near a prominently visible hilltop, not level but with slopes varying from gentle to steep, and vegetation types generally indicative of grasslands; some nonnative eucalyptus woodlands occur around the fringes and adjacent to, or on, nearby private lots. The property has access to Sydney Way via an easement along a private driveway that also serves a small number of existing homes on adjacent parcels. The easement is approximately 16.5 feet in width and developed with rough pavement to the extent that vehicles can approach the gated entrance to the site. The subject parcel is not presently a legal building site under the Alameda County Zoning Ordinance, because it does not have frontage of any length along a public or approved private roadway. In order to create a building site here, the development applicant would need to apply for, and have approved by the Board of Zoning Adjustments, a variance to that effect.

Noting that each developable parcel requires a minimum of two parking spaces, driveway width would also be an issue, since the County Zoning Ordinance permits only up to four (4) parking spaces to be served by a driveway less than 20 feet in width. The driveway already serves at least four parking spaces (two or more existing residences), and thus a variance for this deficiency would also be required for any development on the parcel after it is sold.

Zoning: Single-family residential districts are established to promote implementation of general plan land use proposals for residential and related urban and suburban uses, to enhance and protect existing residential uses, and to provide space for and encourage such uses in places where more such development is desirable and/or necessary for the general welfare.

The property is currently zoned “R-1-CSU-RV” (Single Family Residential, Secondary Unit permitted, special rules for RV storage), which requires a minimum lot size of 5,000 square feet and median lot width of 50 feet. Any future development proposal on the site would need to adhere to these basic requirements.

The existing lot size is consistent with the minimum lot size as required by the Zoning Ordinance and Designation. Since EBMUD proposes to dispose of the parcel, if a single family residence were to be placed on the property as provided in the zoning ordinance, or if the property were proposed for subdivision for residential use, a variance would be required to establish building site status and for deficient driveway width as explained

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above. If a variance could be obtained for these deficiencies, under the present zoning, up to approximately fifteen (15) new lots and residential units could be established along with roadways. The fact that the site is near a hilltop, with accompanying potential limitations on minimum parcel size due to slope, roadway and utilities provision, visual, community parks and other considerations, may result in a modest reduction in the parcel count should a proposal for subdivision be forthcoming.

The final disposition of the parcel is not known at this time. The surplus parcel may be sold to a private party or public agency at some future date.

Adjacent Area: The parcel of land is surrounded on all sides by privately-owned suburban and low-density residential development. This type of development exists along all nearby roadways including Carlton and Stanton Avenues, Sydney Way, Sheffield Place, Eugene Terrace and Dominic Lane.

The prominent visibility of this site could be said to somewhat extend the effective adjacent area beyond the immediate vicinity. Other nearby roadways from which this site is visible include residential areas along Sheffield Road, Pineridge Road, and Sydney Circle, and along the El Portal Ridge Area the site is visible from some private areas along the eastern side of Crest Avenue. To the northwest, the East Bay Regional Park District operates Anthony Chabot Regional Park, but the site is probably largely invisible from the park due to its general location on the southeasterly side of the hilltop. There are no community parklands within about a half-mile.

Castro Valley Plan (Alameda County, 1985) (General Plan): The General Plan designates this parcel as Suburban and Low Density Residential, which is defined in the Plan as “Residential uses, development, or subdivisions with a gross density of greater than 1.0 unit per gross acre (including residential sites and adjoining local streets) and usually less than 6.6 units per gross acre.” Residential development similar to that existing in surrounding areas could therefore be built upon this parcel. Other possible uses could include parklands, either semi-natural or neighborhood.

There are no policies directly relating to the sale of surplus public or quasi-public lands. Sale or disposal of land itself, whether by an agency, quasi-public body or individual, is not contrary to any policy or principle and is not a project under the California Environmental Quality Act (CEQA). *Therefore, the sale itself is in conformance with the General Plan.* The Plan states a small number of general principles that pertain to this site, if it were to be developed after it is sold; however, it must be noted at this point that the development proposal would constitute a separate proposal from this sale, and would be treated as such at the time of submittal.

HOUSING/RESIDENTIAL LAND USE (HRLU) POLICIES: OBJECTIVE 3: To guide residential development...to locations where it would be most compatible with existing residential and non-residential uses.

Disposition of the parcel is in conformance with Plan HRLU Objective 3 and subsequent principles, which guide new development to vacant and underutilized infill lots, a description that applies well to this parcel. Disposing of this piece of land could lead to establishment of residential uses on this parcel, which would be appropriate under the Plan and zoning, and desirable under the policies of the Housing Element.

PUBLIC FACILITIES & SERVICES (PFS) POLICIES: OBJECTIVE 4, PRINCIPLE 4.15: Where possible, natural areas and special use recreation and facilities should be included...to satisfy more diverse and specialized recreation needs and in order to preserve significant natural features.

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Disposition of the parcel is in conformance with Plan PFS Objective 4 and this policy. The sale of this site alone would not remove site from consideration as a possible parkland or nature preserve. Any development proposal for more than 4 units on this site, which is surrounded by developed residential use, would need to account for the potential natural value issues of the site including biological value and scenic value. Alternately, if the parcel were to be developed as a community park (also appropriate in this Plan and zoning designation), such a public use would be suitable and conforming as well. The fact that the site is relatively small and surrounded by development may make it less suitable than other nearby for preservation.

There are numerous policies related to General Development (GDP) that would apply to a proposal for development after the sale of the site is completed, if not to the sale itself. Most of these relate to planning issues that would be addressed during the review process, such as street/highway access, public services and building or grading matters. Several others would relate to environmental issues and would be properly covered in an environmental analysis pursuant to State CEQA law. The following describes just a small number of the more important issues that would need to be addressed; proper coverage of these issues during review would probably result in a project that meets the intent and letter of the General Plan.

GDP OBJECTIVE 2, PRINCIPLE 2.1: BASIC URBAN SERVICES: All development within the Castro Valley Urban Area shall be provided adequate basic urban services and facilities, including...water supply...

As proposed, the disposition of the 2.18 acre parcel of land is in conformance with this Principle. Although the ability of the EBMUD to provide water supply to customers would be potentially reduced by the loss of this parcel for water storage, the area served by EBMUD that would benefit from a reservoir on this site is already served adequately. No loss of service would result, and no new development is expected in the service area for this site that would unreasonably tax the existing ability of EBMUD to serve the area.

GDP OBJECTIVE 3, PRINCIPLE 3.1: LANDFORM: ...all development should provide for maximum retention of natural topographic features, particularly those features which are highly visible from within the existing urban area. Grading should be designed to preserve, complement, and/or blend with the natural contours and undulations of the land.

As proposed, the disposition of the 2.18 acre parcel of land is in conformance with this Principle. Any development following that sale may have to consider the visibility and view of this parcel either as a matter of general plan conformance or within the context of an environmental analysis.

GDP OBJECTIVE 3, PRINCIPLE 3.31: MAJOR OPEN SPACE: Extensive open space areas adjoining the Urban Area should be made available for public recreation uses, consistent with resource management practices.

As proposed, disposal of the 2.18 acre parcel is in conformance with this principle. A parcel of this size, surrounded as it is by suburban residential development, does not present significant opportunities for outdoor recreation, especially when there are other lands nearby of much larger size and with far more extensive opportunities.

Other GDP objectives relate to environmental protection, more specifically to public services and utilities, traffic accommodation and safety, preservation of surface water quality, scenic values, geologic and seismic hazards, biological resources and fire hazard and protection. Any individual project proposed for this site would need to meet any local, state and federal requirements for protection of these resources and characteristics.

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The same is true for Public Services and Utilities Policies, which address services and utilities, transportation facilities including motor vehicle, bicycle and pedestrian ways, cultural and community facilities and services, and street lighting. The proposed sale does not come into conflict with any of these policies, but subsequent development proposals would be required to fulfill their obligations under the requirements of the General Plan.

Draft Castro Valley General Plan (Alameda County, unpublished) (DCVGP): The DCVGP, currently in development by the Alameda County Planning Department, contains draft concepts that apply to the area related to establishment of residential development, both directly and indirectly. The following is a brief summary of the relevant concepts being explored for this future general plan.

PLANNING ISSUES AND IMPLICATIONS ACCOMMODATING RESIDENTIAL DEVELOPMENT: One of the most critical issues of the General Plan is how to accommodate residential development, consistent with the County Housing Element policies and numbers adopted in 2003, and at the same time maintain and enhance the character of Castro Valley. There is strong concern among residents that new housing is not consistent with the community character desired for Castro Valley. The DCVGP can address these issues in many ways.

* **Encourage development at the rear of deep lots.** There is great opportunity in Castro Valley to allow development at the rears of lots without changing the character of the neighborhood; however standards need to be established to ensure adequate light, air, and privacy for adjoining properties.

* **Delineate different minimum lot sizes within the R-1 zones,** depending on slope, lot dimensions, location, etc.

* **Establish an overall strategy for the mixed housing type areas,** delineating the type and scale of new multi-family development that can be added on existing sites.

* **Address issues of Scale and Design,** with new standards and guidelines for each of the different housing types. Standards to be studied include:

- Height and massing of homes according to the slope of the lot; variety and step backs encouraged
- Lot Coverage
- Size of the house relative to the size of the lot
- Limits on percentage of impervious surface (paving)
- Garage location and size
- Limits on area of flat walls
- Usable open space
- Entries that acknowledge the street
- Front yards and landscaping

* **Address issues of Access and Security, including:**

- Discourage gated communities
- Consider the privacy of existing homes when adding infill development

* **Address issues of Compatibility with Community Character,** including:

- Character of walls and fences facing the street;
- Character of new public streets and private driveways

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MAINTAINING COMMUNITY CHARACTER: Residents of Castro Valley have expressed strong feelings about preserving the existing community character of Castro Valley, and described the importance of maintaining the “rural character” of the community. Key policy issues related to community character are:

* **Natural Setting Preservation** – Protection of Castro Valley’s canyons, hillsides, creeks and trees, and views to those natural resources.

* **Rural Character Preservation** – Preservation of elements that reflect rural character, for example: remaining agricultural sites, views to undeveloped areas, or older streets without curbs and sidewalks.

* **Compatible Height, Scale & Bulk of New Buildings** – Ensuring that new development fits into the existing context and character of Castro Valley’s neighborhoods.

In addition to the development concepts described above, many other concepts pertain to protection of the environment, natural resources and features, and community character, along with provision of services.

The disposal of this 2.18-acre parcel would be in conformance with applicable DCVGP policies to the extent that the sale alone would not result in any change to the character of the site or its environmental setting, and would not result in new development that would need to be analyzed relative to these new concepts. As with the existing Castro Valley Plan, there are no policies currently being considered that address parcel sales and disposals, either public or private. However, any development proposal subsequent to the sale and disposal would require appropriate County and community review for DCVGP conformance, if necessary, through both staff and environmental review, and the proposal would be encouraged to conform to the concepts described above

Alameda County Housing Element (Alameda County, 2003) (ACHE): The ACHE identifies a strong need for additional housing in the unincorporated area of Alameda County at all income levels; according to ABAG in 2001, this number was 5,310 new units needed over a five-year period. It also identifies numerous locations in the County that are targeted for potential residential development to help meet this need, including in the Castro Valley Area. The ACHE contains numerous policies to encourage and guide the development of residential use on underutilized parcels.

The present site is not one of the sites targeted for potential residential development. The probable reason for not including the subject parcel is that when the ACHE was developed, it was anticipated that the subject site would remain in its former use. In any case, the ACHE does not preclude the development of residential use on previously unidentified parcels – in fact, it is encouraged wherever possible – thus, the disposal of this surplus property would be in conformance with the ACHE.

Environmental Review: This proposed discontinuance of use and disposal of land has been found to be Categorically Exempt from the California Environmental Quality Act (CEQA) under Section 15312, Class 12 of the State CEQA Guidelines. The project consists of the sale of surplus government property.

Conclusion: For this parcel of surplus property, this disposal conforms to the policies of the General Plan. It cannot be growth inducing, as it implements existing County, City and other plan policies.

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