



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT

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Room 111

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The meeting room is wheelchair accessible. A Sign Language interpreter may be available upon five (5) days notice. Please telephone 510-670-5400.

Any member of the Audience desiring to address the Commission:

Complete a speaker form and give it to the Secretary prior to the start of the hearing, or as soon as possible after the hearing begins;

After receiving recognition from the Chair, please walk to the rostrum, located directly in front of the Chair, state your name and address, and then begin your comments;

Each speaker may be limited to three (3) minutes.

**Revised Agenda**  
**Planning Commission of Alameda County**  
**Monday, July 16, 2012**

**Field Trip – *Please note the change of start time***

Time: 12:00 p.m.

Place: 224 West Winton Avenue, Room 111,  
Hayward California

Note: The Planning Commissioners will adjourn to the field at 12:00 p.m. to visit the properties listed on the regular calendar below the Field Trip Report. The Commission will reconvene at 3:00 p.m. for the Regular Meeting at 224 W. Winton Avenue, Public Hearing Room, Hayward.

## Regular Meeting

Time: 3:00 p.m.

Place: Public Hearing Room  
224 W. Winton Avenue, Hayward

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Announcements by the Chair
- E. Open Forum
- F. Field Trip Report
  - 1. **GENERAL PLAN CONFORMANCE REPORT, PLN2012-00099 ~**  
Petition to consider a determination of General Plan Conformance request by the East Bay Municipal Utility District under Government Code Section 65402 to sell a two acre parcel located off of Sydney Way, at the intersection of Carlton and Stanton Avenues, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number 084B-0410-006-10 and an easement over a portion of 084B-0410-006-011.  
**Staff Planner: Sonia Urzua**
  - 2. **GENERAL PLAN CONFORMANCE REPORT, PLN2012-00100 ~**  
Petition to consider a determination of General Plan Conformance request by the East Bay Municipal Utility District under Government Code Section 65402 to sell a twenty-four acre parcel located between Stanton Avenue, Sydney Way, Carlton Avenue and Jennifer Drive, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers 84B-0420-010-01, 84B-0420-011-01, 84B-0441-005-01, 84B-0460-010-00, 84B-0415-007-07, 84B,0425-006-01, 84B-0441-032-00, 84B-0460-002-00, 84B-0460-003-00, 84B-0420-004-05, 84B-0425-012-00, 84B-0441-035-00, 84B-0441-033-00, 84B-0425-003-00, 84B—0441-034-00, 84B-0441-036-00, 84B-0460-001, 84B-0420-004-06, 84B-0425-001-01, 84B-0455-005-05, 84B-0425-011-01, 84B-0455-005-05, 84B-0460-011-00, 84B-0460-012-00, 84B-0460-013-00, 84B-0460-009-07, 84B-0420-005, 84B-0425-005-03, 84B-0455-005-05, 84B-0415-007-07,

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Easement over all or apportion of the vicinity of ‘Perrich Avenue,  
Easement over all or a portion of the vicinity of ‘Talbot Lane’.

**Staff Planner: Sonia Urzua**

3. **REVISED SURFACE MINING PERMIT, SMP-30, SUNOL VALLEY AGGREGATE QUARRY OLIVER de SILVA, INC., ~**  
Proposal to revise the currently effective SMP-30 Surface Mining permit as approved by the Alameda County Planning Commission in 1992. These proposed revisions would expand the existing quarry by increasing the area under permit by approximately 58 acres and deepening the depth of excavation, would extend the expiration date of the mining permit to 30 years after approval, would allow for an increase in annual production capacity to up to 3,000,000 tons total exportable material, and would enable addition of new ancillary uses at the site including an asphalt batch plant and a concrete plant. The applicant is requesting approval of a revised Surface Mining permit including revisions to the currently effective Mining Plan and Reclamation Plan. The subject property is located within two separate Alameda County Assessor’s parcels; portions of APN 096-0080-008 and APN 096-0375-011-05, within unincorporated Alameda County near the Town of Sunol.

**Staff Planner: Bruce Jensen**

G. Committee Reports

H. Approval of Minutes from Previous Meetings

4. **APPROVAL OF COMMISSION MINUTES ~ June 18, 2012**

I. Consent Calendar – There are no items.

J. Regular Calendar

5. **GENERAL PLAN SAFETY ELEMENT UPDATE ~** Staff will provide an overview of a portion of the draft Safety Element.

**Staff Planner: Angela Robinson-Piñon**

***Informational Item- No action required.***

6. **GENERAL PLAN CONFORMANCE REPORT, PLN2012-00099 ~**  
Petition to consider a determination of General Plan Conformance request by the East Bay Municipal Utility District under Government Code Section 65402 to sell a two acre parcel located off of Sydney Way, at the intersection of Carlton and Stanton Avenues, Castro Valley area of unincorporated Alameda County, bearing Assessor’s Parcel Number 084B-410-006-10 and an easement over a portion of 084B-410-006-011.

**Staff Planner: Sonia Urzua**

***Action Item***

7. **GENERAL PLAN CONFORMANCE REPORT, PLN2012-00100 ~**  
Petition to consider a determination of General Plan Conformance request by the East Bay Municipal Utility District under Government Code Section 65402 to sell a twenty-four acre parcel located between Stanton Avenue, Sydney Way, Carlton Avenue and Jennifer Drive, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers 084B-0420-010-01, 084B-0420-011-01, 084B-0441-005-01, 084B-0460-010-00, 084B-0415-007-07, 084B-0425-006-01, 084B-0441-032-00, 084B-0460-002-00, 084B-0460-003-00, 084B-0420-004-05, 084B-0425-012-00, 084B-0441-035-00, 084B-0441-033-00, 084B-0425-003-00, 084B-0441-034-00, 084B-0441-036-00, 084B-0460-001-00, 084B-0420-004-06, 084B-0425-001-01, 084B-0455-005-05, 084B-0425-011-01, 084B-0455-005-05, 084B-0460-011-00, 084B-0460-012-00, 084B-0460-013-00, 084B-0460-009-07, 084B-0420-005, 084B-0425-005-03, 084B-0455-005-05, 084B-0415-007-07, Easement over all or apportion of the vicinity of 'Perrich Avenue, Easement over all or a portion of the vicinity of 'Talbot Lane'.

**Staff Planner: Sonia Urzua**

***Action Item***

8. **REVISED SURFACE MINING PERMIT, SMP-30, SUNOL VALLEY AGGREGATE QUARRY OLIVER de SILVA, INC., ~**  
Proposal to revise the currently effective SMP-30 Surface Mining permit as approved by the Alameda County Planning Commission in 1992. These proposed revisions would expand the existing quarry by increasing the area under permit by approximately 58 acres and deepening the depth of excavation, would extend the expiration date of the mining permit to 30 years after approval, would allow for an increase in annual production capacity to up to 3,000,000 tons total exportable material, and would enable addition of new ancillary uses at the site including an asphalt batch plant and a concrete plant. The applicant is requesting approval of a revised Surface Mining permit including revisions to the currently effective Mining Plan and Reclamation Plan. The subject property is located within two separate Alameda County Assessor's parcels; portions of APN 096-0080-008 and APN 096-0375-011-05, within unincorporated Alameda County near the Town of Sunol.

**Staff Planner: Bruce Jensen**

***Action Item***

- K. Staff Comments & Correspondence
- L. Chair's Report
- M. Commission Announcement, Comments & Reports
- N. Adjournment

**NEXT PLANNING COMMISSION HEARING  
MONDAY, AUGUST 6, 2012**

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT



STAFF REPORT

TO: PLANNING COMMISSION  
HEARING DATE: July 16, 2012

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**GENERAL INFORMATION**

**APPLICATION TYPE AND NUMBER:** General Plan Conformance, PLN2012-00099

**OWNER/ APPLICANT:** Owner: East Bay Municipal Utility District (EBMUD)  
Applicant: Paul Kenny, EBMUD

**PROPOSAL:** Consider a determination of General Plan Conformance request by the East Bay Municipal Utility District under Government Code Section 65402(c) to sell a two acre parcel property.

**ADDRESS AND SIZE OF PARCEL:** 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 084B-0410-006-10 and an easement over parcel 084B-0410-006-11.

**ZONING:** R1-CSU-RV, Single Family Residential, Secondary Unit permitted, Recreational Vehicle parking permitted subject to certain regulations.

**GENERAL PLAN DESIGNATION:** Castro Valley General Plan- Hillside Residential

**ENVIRONMENTAL REVIEW:** Categorically Exempt from the California Environmental Quality Act (CEQA) under Section 15312, Class 12 of the State CEQA Guidelines, pertaining to sales of surplus government property.

**RECOMMENDATION**

Staff recommends that the Planning Commission find and advise that the requested property sale is consistent with the goals and objectives of the Castro Valley General Plan.

**SITE AND CONTEXT 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, and has slopes varying from gentle to steep, with 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.

Since the County Zoning Ordinance permits up to four (4) parking spaces to be served by a driveway less than 20 feet in width, driveway width would also be an issue. Noting that each developable parcel requires a minimum of two parking spaces, 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.

## 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. EBMUD never used it for this purpose and now wishes to dispose of the property.

## STAFF ANALYSIS

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 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. Other nearby roadways from which this site is visible includes residential areas along Sheffield Road, Pineridge Road, and Sydney Circle. In 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 location on the southeasterly side of the hilltop. There are no community parklands within about a half-mile.

Castro Valley General Plan (CVGP): The CVGP, which was adopted in 2012, contains 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.

*Planning Issues and Implications Accommodating Residential Development*: One of the most critical issues of the General Plan is how to accommodate additional residential development while preserving and enhancing the character of Castro Valley. The CVGP addresses residential, hillside development in a number of ways. The table below briefly describes the Hillside Residential designation.

Designation	Description of Designation	Zoning Categories	Proposed Zoning	Density
Hillside Residential	This 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.	R-1 (B-E, CSU, RV); R-1 (B-E)	RH-10: minimum 10,000 sf lot; RH-8: minimum 8,000 sf lot; RH-7.5: minimum 7,500 sf lot; RH-6.5: minimum 6,500 sf lot; RH-5: minimum 5,000 sf lot	4-8

In addition to the development standards for the Hillside Residential designation the following guidelines would apply to any future development occurring on the parcel. Applicable goals policies and programs from the CVGP are included as Attachment A.

- **Delineate different minimum lot sizes within the R-1 zones**, depending on slope, lot dimensions, location, etc.
- **Address issues of Scale and Design**, with new standards and guidelines for each of the different housing types.
- **Address issues of Compatibility with Community Character**, including:
  - Character of walls and fences facing the street;
  - Character of new public streets and private driveways
- **Natural Setting Preservation** – Protection of Castro Valley’s canyons, hillsides, creeks and trees, and views to those natural resources.
- **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 would apply.

The disposal of this 2.18-acre parcel would be in conformance with applicable CVGP 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. However, any development proposal subsequent to the sale and disposal would require appropriate County and community review for CVGP conformance.

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Environmental Review: This proposed discontinuance of use and disposal of land has been found to be Categorical 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 sale conforms to the policies of the General Plan. It would not be growth inducing, as it implements existing County, City and other plan policies.

## **ATTACHMENTS**

Draft Resolution for PLN 2012-00099  
Satellite Image of the Property

## **EXHIBITS**

Exhibit A- Relevant Excerpts from the Castro Valley General Plan  
Exhibit B- Assessor's Parcel Map

PREPARED BY: Sonia Urzua, Senior Planner

REVIEWED BY: Elizabeth McElligott, Assistant Planning Director

RESIDENTIAL DEVELOPMENT GOAL

**GOAL 4.3-1** Provide for a variety of housing types that will meet anticipated needs while preserving and enhancing the livability and character of Castro Valley's neighborhoods.

RESIDENTIAL DEVELOPMENT POLICIES

**Policy 4.3-1** **Infill Housing and Mixed-Use.** Designate areas for infill housing and mixed-use development to meet a wide range of housing needs.

**Policy 4.3-2** **Variety of Housing Types.** Facilitate a variety of housing types by updating the subdivision standards and development review process.

**Policy 4.3-3** **Neighborhood Facilities and Infrastructure.** Ensure that adequate public facilities, including parks and open space, and infrastructure improvements are provided to support new residential development.

**Action 4.3-3** **Development in Hillside Areas.** Establish new hillside residential zoning districts in areas where there are steep slopes, and/or a high fire hazard due to proximity to regional open space.

NEIGHBORHOOD CHARACTER GOAL

**GOAL 5.2-1** Preserve and enhance the small town character of Castro Valley, while allowing for infill development.

NEIGHBORHOOD CHARACTER POLICIES

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

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

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

- there are site-specific conditions that make it physically infeasible to follow the standards or guidelines; and
- the proposed design provides an equal or better design solution in terms of livability for residents and impacts on neighboring properties.

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

## NEIGHBORHOOD CHARACTER ACTIONS

### Character Preservation

**Action 5.2-1**     **Neighborhood Character Preservation.** Consider adopting conservation districts, specific plans, or other similar mechanisms to preserve the character of neighborhoods that have a unique design character.

- Design review criteria, standards, and guidelines can be established through an overlay district in the Zoning Ordinance or through a specific plan.
- Modified setback, height, and other standards can be prescribed to ensure the consistency of new buildings and additions with the existing neighborhood development patterns.
- Design guidelines can be written and illustrated in order to preserve the design character of neighborhoods.

### Development Standards

**Action 5.2-2**     **Lot Size.** Ensure that lot sizes specified in the zoning and subdivision ordinances are consistent with the General Plan Land Use classifications so that the desired character of the area is maintained.

**Action 5.2-3 Hillside Residential Development Standards.** Include standards in the new Hillside Residential Zoning district that ensure that the scale of residential development is consistent with surrounding development and blend with the natural setting. Standards shall include, but are not limited to, the following:

- Require lot sizes to be between 5,000 and 10,000 square feet in Hillside Residential Districts. Establish a sliding scale of lot sizes based on slope.
- Develop new height limits and a new methodology for calculating height appropriate for hillside lots. The revisions need to take into account upslope and downslope conditions, and provide a new way of measuring height that relates height limits to the contours of the land. Require buildings to step down following the slope of the lot.
- Establish lot coverage limits and/or consider floor area ratio or daylight planes to limit the bulk and size of a house based on the size of the lot.
- Establish provisions that allow exceptions to front yard setbacks on steep upslope lots.
- Establish minimum landscaping requirements.
- Develop standards and guidelines to ensure that entrances, fences, and walls are designed to reflect the prevailing character of neighborhoods, especially in areas that have retained their rural character. Standards could include requiring fences to be lower in height and/or more open, and discouraging taller solid wall fences.
- Entrances could be required to be proportionate to the scale of the façade (e.g less than 2/3 of the building height) so as to not be monumental in scale or appearance.
- Establish height limits for retaining walls of 4-6 feet, and establish a minimum distance separation between retaining walls. Allow exceptions in special circumstances for driveways where greater retaining wall heights are absolutely necessary to meet driveway slope and front yard standards.