



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

**STAFF REPORT**

**TO: PLANNING COMMISSION**  
**HEARING DATE: APRIL 7, 2014**

**GENERAL INFORMATION**

**APPLICATION TYPE & NUMBER:** Vesting Tentative Tract Map 8143; PLN2013-00104

**OWNER/APPLICANT:** Owner – Hardeep Gill / Shaw Group LP

**PROPOSAL:** Application to subdivide one parcel by Vesting Tentative Tract Map 8143 into 12 single family residential parcels, with a new private roadway and separate parcels designated for wetland, stream and slope conservation, and easements for stormwater treatment, and other utility and service system improvements.

**ADDRESS AND SIZE OF PARCEL:** 2492 D Street, north side, 100' west of Madeiros Avenue, unincorporated Fairview area of Alameda County, designated Assessor's Parcel Number: 416-0200-022-06. 135,517 square feet (3.11 acres).

**ZONING:** R-1 (Single Family Residence, 5,000 sq. ft. Minimum Building Site Area) District, and further subject to the *Fairview Area Specific Plan*.

**GENERAL PLAN DESIGNATION:** R-1 (5,000 sq. ft. Minimum Building Site Area), and subject to the policies and regulations of the *Fairview Area Specific Plan*, a part of the Alameda County General Plan, adopted by Alameda County Board of Supervisors on September 4, 1997.

**ENVIRONMENTAL REVIEW:** Pursuant to the California Environmental Quality Act (CEQA), an Addendum (as defined by CEQA Guidelines Section 15164) to a previously adopted Mitigated Negative Declaration (MND) for a previously approved project on the site, is proposed to be adopted as the applicable CEQA document for the proposed project. The Addendum finds that there are no substantial changes to the project as it was defined for the prior MND, changes in circumstances or new information that would result in a finding that a new significant impact would result which was not previously recognized in the prior MND. Changes to the project and in CEQA requirements make revisions to the prior MND necessary; however, none of these changes involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Only minor changes to the previous MND are required to address these changes and to add new information.

**RECOMMENDATION**

Staff recommends that the Planning Commission review the staff analysis for the project, the Addendum to the prior Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, the draft Resolution and proposed conditions of approval, take testimony from the public and the applicant, and approve Vesting Tentative Tract Map 8143.

## **PARCEL ZONING HISTORY**

February 21, 1948, 4<sup>th</sup> Zoning Unit established the R1A (Single Family Residence, limited agricultural uses) District.

May 1964, 600<sup>th</sup> Zoning Unit, *proposed but withdrawn* application to reclassify the majority of the site to the R-S-D-5 (Residential-Suburban, 2,500 square feet of building site area per dwelling unit) District.

March 30, 1968, 806<sup>th</sup> Zoning Unit reclassified the properties from the R1A (Single Family Residence, limited agricultural uses) District to the R-1 (Single Family Residence) District.

May 3, 1980, 1426<sup>th</sup> Zoning Unit reclassified the properties from the R-1 District to the PD (Planned Development) District, allowing 19 clustered single family dwelling units on 2.48 acres, under the concurrently approved Tract Map 5965.

April 1, 1989, 1850<sup>th</sup> Zoning Unit rezoned the property from the PD (Planned Development) District to the R-1 (Single Family Residence) District.

November 15, 1989, Variance, V-9878 (for prior APN 416-0200-019-05 at 2512 D Street), allowed the construction of a residence with a front yard setback of 10 feet where a 20 foot minimum is required and a rear yard setback of 5 feet where a 20-foot minimum is required.

September 4, 1997, *Fairview Area Specific Plan* adopted, designating the site and vicinity in the R-1 (Single Family Residence, 5,000 sq. ft. Minimum Building Site Area) District, subject to the policies and regulations of the *Plan*.

## **DEVELOPMENT PROPOSAL HISTORY SINCE 2001**

September 7, 2001, Tentative Tract Map TR-7337 approved by the Planning Director, allowing a 16-lot subdivision with retention of one existing residence facing D Street.

October 23, 2001, minor modifications made to Tract Map TR-7337 by the Planning Director, to adjust several property lines internal to the approved map.

October 4, 2004, Modified Tentative Tract Map, MTR-7337 approved by the Planning Commission.

April 30, 2010, application for Tract Map 8022, to subdivide two parcels 416-200-19-3 and 416-200-22-1 into 15 single family lots (including the existing single family residence at 2512 D Street).

May 3, 2010, Boundary Adjustment PLN2010-00052 approved reconfiguration of APNs 416-200-19-3 (30,905 square feet) and 416-200-22-1 (113,224 square feet) into one larger parcel (135,517 square feet/ 3.111 acres, now APN 416-200-22-6, the project site, at 2492 D Street) and one small parcel (7,608 square feet, now APN 416-200-22-6, *not* part of the project site, at 2512 D Street).

## **SITE AND CONTEXT DESCRIPTION**

The property consists of one parcel totaling 3.11 acres of gently to steeply sloping terrain, characterized by a mixture of open meadows of mown native and non-native grasses over large areas of the property, a densely-wooded and steep-sided area of roughly 15,000 square feet, two small streams crossing the property from east to west, and one vacant, deteriorated single family house located about 350 feet from D Street. A compacted dirt access road extends northward from D Street through the site to the house, and crosses the stream closest to D Street. The northern stream is also divided into two segments, with a ponded wetland area on the northeast and a lower stream to the northwest.

Due to the boundary adjustment in 2010, the parcel now has an irregular shape, comprised of a relatively small semi-rectangular area directly north of D Street, with about 88 feet of street frontage and a depth of 92 feet (proposed as Lot 1 and a segment of the private street), bounded by the separate flag-lot shaped parcel (2512 D Street, established by the boundary adjustment, with a stem extending from its rear, north-west corner to connect in the future to the proposed private street). Behind and north of 2512 D Street is a moderately large rectangular portion of the parcel with dimensions of about 186 feet by 122 feet (the southeast area), while the remaining majority of the parcel (northwest area) extends west of that area and north of two adjacent lots on D Street to the rear property line, about 670 feet north of D Street. The northwest area widens from roughly 100 feet near D Street to nearly 290 feet along the rear property line.

The steepest areas of the site, with close to or in excess of 30 percent slope, are on the sides of the two streams, especially along the lower reach of the southern stream. The most notable natural feature on the site is a grove of mature eucalyptus trees on the steep sides of this reach of the stream, behind the adjacent lots fronting D Street. Some of the site has been graded into rounded hills and smooth contours, including some limited cut slopes for the dirt road dating to the 1950s or 60s when the original house was constructed. The graded area extends across the central segments of each stream, which continue through concrete culverts from their upper to lower reaches. The streams converge off-site about 150 feet to the west within an adjoining area of mature eucalyptus trees. The tall, mature eucalyptus trees on the subject site and adjacent properties are visible at some distance away from the site, especially from the upper ridges of the Fairview area.

Surrounding neighborhood uses are predominantly single family residential, but include a development immediately to the east that is visually prominent throughout the site with moderately reduced lot widths (along Glenbrook Lane), a large-lot luxury development to the north (along Palazzo del Kayla), a large metal building on one lot on Palazzo del Kayla, three deep lots with woodlands to the west, and older single family homes on widely varying lot sizes along both sides of D Street. Just beyond the three undeveloped deep lots to the west is a condominium complex of 43 dwelling units on nearly 9 acres. San Felipe Park is roughly 1,000 feet to the west of the site.

Access to the site is from D Street, which serves as a primary east-west collector route serving the Fairview area, connecting to downtown Hayward on the west and Fairview Avenue on the east. Although there are few north-south collectors or connecting streets in the Fairview area, Maud Avenue is about 1,800 feet to the east, and connects D Street (and Fairview Avenue) to Kelly Avenue, and provides the primary means of access to I-580, the nearest regional freeway.

## **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study and a Mitigated Negative Declaration (MND) was prepared and adopted in October 2004, for Modified Tentative Tract Map 7337, which was approved for development within the same project boundaries as the current project except that it also included an existing residence at 2512 D Street, which has since been separated from the project parcel by a Boundary Adjustment. Although Modified Tract Map 7337 expired, and a new discretionary approval is required, CEQA Guidelines Section 15162 provides that “when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR [or negative declaration] shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record... that substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.” (15162(a)(1)). A new MND could be required if there are substantial changes to the circumstances in which the project is proposed, or the discovery of new information of substantial importance which would demonstrate the potential for one or more new significant effects or more severe effects, not discussed in the previous document, or new substantially different

mitigation measures are introduced (e.g., previously considered infeasible but which became feasible, or which would substantially reduce one or more of the significant effects of the project).

The CEQA Guidelines (Section 15164) further provide that an Addendum to a previously adopted MND may be prepared if only minor technical changes and additions are necessary, or none of the above conditions (i.e., applicable under Section 15162) have occurred that necessitate the preparation of a new MND. In the case of the current project, the prior MND identified a broad range of potentially significant impacts on the environment, and feasible mitigation measures for each such impact that the applicant at that time agreed to adopt or implement as part of the project. The vast majority of the potential significant impacts of the 2004 project would be considered potential impacts of the current project, and almost all of the same mitigation measures are required to avoid those impacts, or reduce them to less-than-significant levels. More generally speaking with respect to Section 15162 of the CEQA Guidelines, *there are no new or more severe significant impacts not previously disclosed* that would result with the current Project, nor are there substantially different mitigation measures that could be considered that would substantially reduce the potential impacts, to a greater extent than the originally identified measures. A new Mitigation Monitoring and Reporting Program has been prepared for adoption and implementation as a condition of approval.

Because all of the potentially significant impacts of the project can be avoided or reduced to less-than-significant levels, there is no need to prepare an EIR. An EIR is required by CEQA when the significant impacts of a project cannot be avoided or so reduced, and therefore in this case an EIR would not serve any useful purpose in identifying any new potentially significant impacts. In addition, there are no alternatives to the project which would serve its fundamental development objectives, and result in substantially fewer or less severe significant impacts.

## **PROJECT DESCRIPTION**

The current project, as modified in part at the request of planning staff, would result in 12 single family residential parcels with an average net lot size of 6,724 square feet, and range in size from 5,383 (Lot 1, facing D Street) to 9,595 square feet (Lot 8, in the northwest corner). The median lot size (the seventh in size order) would be 6,297 square feet; other than Lot 1, five lots would have a minimum of 5,700 square feet and the other half would range more widely from about 6,300 up to almost 9,600 square feet (Lot 8). The average median lot width (measured at the mid-point between the front and rear property lines) would be 70 feet, partly due to Lot 4 being unusually wide (though shallow at one end); the average for the other 11 lots is 65 feet. Each lot would have a minimum 7-foot side setback, together with minimum standard 20-foot deep yards in the front and rear, two-car driveway aprons, and a minimum 1,000 square feet of designated usable open space, as required by the *Fairview Area Specific Plan*.

In addition to the private street (identified as Lot A, together with parking and fire-truck turn-around areas) four conservation parcels (Lots B, C, D and E) would be created for each of the four stream segments, including the 'pond' area. These conservation parcels, which would have a total area of nearly 30,000 square feet (more precisely, 29,985 square feet), to be owned and managed by the homeowners' association, would provide for a minimum of 10 feet of additional setback around each of the streams, except for one side of the pond area, where it would be reduced to 2 or 3 feet. The largest conservation parcel, Lot B (16, 596 square feet), would encompass the existing large eucalyptus grove as well as the opposite bank of the stream at the bottom of the steep hill. Of the 136,526 square feet of the parcel, the total area of the 12 residential lots would amount to 80,689 square feet, while the remaining area, 55,837 square feet, would be used for the four conservation parcels, the private street, guest parking, and fire truck turnaround areas, and landscaping of an area near D Street (bordering 2442 D Street) and between Lots 3 and 4, that cannot be used otherwise.

The 12-unit project would have a net density of six units per acre, as permitted by the *Fairview Area Specific Plan* for single family residential development in the R-1 (5,000 square foot minimum building site area) zone district. The proposed density is based on a *gross developable site area* of 2.01 acres, as that term is defined in the *Specific Plan* (p. 3, Policy B.1), obtained by subtracting from the total site area (3.134 acres): a) the area of 30% or greater slope; b) the private street and associated parking and fire-truck turnaround areas; and c) delineated riparian and wetland areas. A summary of the calculations are shown in the table to the right.

*Calculation of Gross Developable Site Area*

	Acres	Sq. Ft.
Total Gross Site Area	3.134	136,526
Slope of 30% or greater	0.604	26,305
Private street, parking, etc.	0.442	19,253
Riparian and wetland areas	0.078	3,405
Gross Developable Site Area	2.010	87,563

Most of the lots also contain bioretention areas to provide stormwater management features required by the County for the project, including two larger areas to treat runoff from the street, parking areas and portions of adjacent lots, and five smaller bioretention areas for two or more lots, which are necessary to capture runoff before it enters the streams or ponded area. The project proposes for rainwater to follow a path of treatment and stormwater detention, from roofs, pavements, landscaped yard areas and streets and parking areas, into concrete v-ditches, then into the bioretention areas. The bioretention areas would in turn drain to detention pipes or boxes, and then the flow would be released gradually into the streams to flow off-site, at a rate which is equal to or less than the existing rate of runoff. On the opposite side of the three adjacent downstream parcels, in which the two streams merge, runoff enters a storm drain conduit along the rear of the condominium project, and then turns north, also in an enclosed drainage conduit, where there is an outflow to San Lorenzo Creek.

The private street is proposed to be 26 feet in width from curb to curb, and would provide a 4.5-foot wide sidewalk along one side. A total of 12 guest parking spaces are identified, including 7 spaces at the terminus of the private street, and 5 on the opposite side of the private street from Lots 2 and 3. Fire truck turnarounds are provided at the street terminus and in front of Lot 3. Two fire hydrants are proposed, in Lot 11 and opposite Lot 2.

Additionally, the applicant has stated that their intent is to require a Site Development Review process for the development of the future homes, which would serve to ensure compatibility with the architectural scale, pattern and aesthetics of the existing neighborhood, and to enhance the character of the neighborhood. Although building envelopes are shown on the plans, they are only shown for the purpose of showing setbacks. In addition, no base floor elevations are identified for the individual homes, as would be shown for a development plan.

Several other important changes to the project, or to data regarding the site and the proposal have come to light since the project was previously considered by the Planning Commission. Firstly, the actual gross lot area was increased slightly based on data from the civil engineers for the project, from 135,517 square feet (3.111 acres) to 136,526 square feet (3.134 acres); secondly, the total area of the street was re-calculated, and reduced substantially from 25,158 square feet to 19,253 square feet. The prior analysis began with 3.111 acres and subtracted the larger figure given for the total street area, so the results were a gross developable site area of 80,649 square feet (1.85 acres), and the resulting maximum allowable number of units was no more than 11, based on six units per acre. The new calculations shown in the above table result in a gross developable site area of 2.01 acres, allowing a total of 12 units.

## RESPONSE TO REFERRAL

*Note:* Project plans were first referred out on December 30, 2013, for a proposal for 14 detached single family dwelling units and a proposed rezoning to a Planned Development (PD), with a density of 7 units per gross developable site area, as permitted for townhouses or condominiums in the Fairview Area Specific Plan. However, Planning staff determined that the proposed single family units were not eligible for the PD process, and the applicant agreed to revise the plan to a conventional tract map under the existing R-1 zoning. A second referral of plans for 12 units was referred to agencies and the public on February 7, and a third and final referral on February 24, 2014, based on Exhibit D, and to which most responses are addressed. The letters are attached to the staff report.

### Agency Comments

*Public Works Agency Construction & Development Services.* Development Services, also known as Land Development, provided its final response on the proposal, including a review of Exhibit D, on March 11, 2014. The response letter specified a full range of conditions of approval, which have been incorporated into the Draft Resolution and proposed conditions of approval, attached, along with the response letter. Conditions include a requirement for a Homeowners' Association (HOA) to guide ownership and responsibilities for the variety of infrastructure and easements proposed, initial funding of the HOA by the developer, and provision of access pathways to the bioretention areas to the rear of some lots. A range of specific technical requirements are provided, addressing the design of the stormwater treatment and detention facilities, conformance to County design criteria for drainage from roads and to storm channels, dedication and improvements to the D Street frontage, etc. The letter also refers to associated comments from the Public Works Agency Grading Division, described below.

*Public Works Agency, Grading Division.* The final comments of the Grading Division, dated February 26, 2014, were in the form of revisions to initial comments made on February 7, 2014, to which the project engineers had responded. Firstly, Grading Division staff noted the evident designation of the steep creek bank as a *zone of required investigation* for potential earthquake-induced landslide hazard, and thus subject to provisions of the state Seismic Hazards Mapping Act (SHMA). The letter stated that a written report was required, prior to approval of the tentative map, with documentation that the current grading and improvement plans and proposed work would not adversely affect the slope stability, also based on the California Geological Survey's Special Publication 117 (SP 117), *Guidelines For Evaluating And Mitigating Seismic Hazards In California 2008*. Secondly, the record showed a substantial degree of non-engineered fill on the site, which would require extensive remedial grading work to accommodate the proposed development, which needed to be addressed in the geological or geotechnical report. The letter requested the areas of non-engineered fill, as well as the potential landslide hazard area to be shown on the proposed grading and drainage plan. The applicant's geotechnical engineer and civil engineers submitted the required reports and grading plans as of March 28, 2014, and the Grading Division staff has indicated to Planning staff by e-mail that the reports, analyses and grading plans are sufficient to make a determination that the proposed project would comply with the prior comments and requests.

Other conditions were identified, prohibiting grading of the site until a grading plan and an erosion and sedimentation control plan, complying with the Alameda County Grading Ordinance, have been reviewed by the County and a Grading Permit issued. Additionally, a complete soils and geological report meeting County Grading Ordinance requirements should accompany the grading permit application, and would be expected to be reviewed independently by a County consulting geotechnical firm, to be done at the expense of the developer. Preliminary comments that advised that a watercourse encroachment permit would be required were subsequently rescinded.

*Public Works Agency, Building Inspection Department.* The Building Department submitted comments on March 17, 2014, with no objections to the project, subject to specified conditions of approval, including among other conditions, a soils and/or geotechnical study with recommendations on site and foundation designs for each individual lot, separate permits for retaining walls, drainage and detention facilities, compliance with the County's Green Building Ordinance and its Construction and Demolition Debris Management Program for the demolition of the existing residence.

*Hayward Fire Department (Fairview Fire Protection District).* Comments were submitted by the Fire Department on the 12-unit subdivision proposal with the same street design as currently proposed on February 1, 2014. The response identifies conditions of approval for the developer to obtain building permits through the County of Alameda Building Department, include fire sprinkler systems meeting specific criteria and standards, two fire hydrants as currently proposed (opposite side of street from Lot 2 and within Lot 11), providing appropriate "Fire Lane – No Parking" signage, and various other requirements as shown in the letter.

### Public Comments

*Friends of San Lorenzo Creek (FSLC).* A letter dated February 5, 2014 described conditions on the site that include the two streams, the pond, and the delineated wetland areas, and states that FSLC is concerned that the watershed would not be sufficiently protected. It cross-references comments from Chris Higgins and the Sierra Club dated January 29, 2014 (see below), and asked for information on grading that occurred in the past and which covered over some likely wetlands. It stated that, based on the plans then proposed (a PD with 14 dwelling units), a 10-foot setback from a building wall to the edge of the delineated wetland would be insufficient to protect the wetlands, and recommended a minimum 10-foot "no-development zone" around each wetland area, within which appropriate native plants should be placed and maintained by the HOA. He indicated he would like to see the streams treated as corridors without obstructing (existing) fences, landscape plans showing native trees and plants for the site, and conditions of approval that ensure the HOA maintains the stream and wetland areas as undeveloped areas, except for crushed-rock trails for resident access, and protection for such areas during construction.

*Sierra Club (Vinnie Bacon, Group Chair, Southern Alameda County Group).* The Sierra Club submitted a letter dated January 29, 2014, stating that instead of the proposed Addendum, a new 'environmental initial study' should be prepared and circulated to assess whether the project has the potential to have detrimental impacts on the environment. The letter asserts that the project has such potential. The letter also addressed the PD proposal for 14 dwelling units and stated it would be more than allowable under the *Fairview Area Specific Plan*, when prior staff analysis had shown only 11 units were allowed. It suggested the plan might allow 7-8 units. It observed that the staff Notes in the Referral indicates that the net developable land is less than two acres "not including the additional deductions required under the *Fairview Specific Plan*." The letter states that adding more homes near a creek and sensitive wetlands and on unstable soil, "is detrimental environmentally and requires a full environmental impact report." It also indicated that the cumulative impact of traffic should be considered in such a study. Lastly, the letter stated they reserved the right to supplement their comments when the updated biological report was made available, and that it was premature to request comments without such a report available.

*Chris Higgins.* Mr. Higgins submitted initial comments on January 29, 2014, stating that the proposed PD does not comply with the *Fairview Specific Plan*, and then asked how use of the watercourses on the site by wildlife would be addressed. He asked how the development could be allowed to create a new street five feet from a bedroom of an existing home (on the Santos property, west of the proposed private street intersection with D Street), when the required front yard setback is 20 feet. He recommended providing 5 feet of sidewalk and an additional 15-foot setback be provided for the existing residence. He also questioned if each lot conformed to the *Specific Plan's* limitations of 40% building lot coverage and in

particular if Lot 1 would provide the required 1,000 square feet of usable open space as specifically defined in the *Plan*. The letter commented that there should be stricter and enforced conditions of approval on the construction period regarding work hours, noise limitations, adverse effects on adjacent properties or property line incursions, and staging of equipment and material loading. Other comments asked for an explanation of how the developer can be exempted from the proscription (in the *Plan*) of building on 30 percent slopes, traffic impacts on various intersections relative to the *Plan*'s standards, the "current negative declaration" (i.e., the Addendum to the prior Mitigated Negative Declaration) and how the wildlife migration corridor along the stream is being maintained (or addressed in the Addendum), and provision of 'viewsapes' (visual simulations) from adjacent properties of the proposed project.

A second letter in response to the later referral dated March 25, 2014, repeated or rephrased the prior statement that the building setback from the private street for the Santos property would not meet county standards (10-foot side yard setback), and stated that although the developer reported having reached an independent agreement with the affected property owner, it would create a precedent and result in "more inappropriate developments." The letter continued, stating that references were not provided as to how the grading would address drainage on to adjacent properties, and address prior illegal dumping and grading. With regard to Lot 1, the letter states that it is out of compliance with the requirement in the *Specific Plan* for 1,000 square feet of private usable open area (citing applicable section of the *Plan*). He commented that the proposal involves construction on 30% slopes, and that Section III, D.3 of the *Plan*, which the developer maintains would allow such construction, "was intended to allow building on compliant parts of parcels not as a total conflict to Section III B 1 on page 3." He contends that the project does not provide for "Custom Designed Homes", limit its site alterations to "minor terrain features", or otherwise conform to the *Plan*. He represents that the community considers development on such slopes to be unsightly, dangerous, "out of character with community standards" and likely to result in the future to increased runoff due to individual homeowners' modifications.

The letter of March 25, 2014 continues, and asked if prior "wetland permits and certifications" from the Army Corps of Engineers, Department of Fish and Game (renamed the Department of Fish and Wildlife in 2013), and Regional Water Quality Control Board are still valid or expired. Based on the plans referred for comment on February 7, 2014 (which had designated conservation *easements* only for the four separate stream segments), he suggested it implied each bordering homeowner would have the responsibility and tax liability for those watercourses, and result in 'code violations' due to property owner 'enjoyment' of the properties. For this reason he endorsed an idea he attributed to the developer to put the watercourses and steep slopes into separate parcels to be owned and maintained by the HOA, following the example of another project (the Live Oak Terrace development). He asked also if the homes along the northern stream and the pond area would have sufficient setbacks from the delineated wetlands to accommodate "reasonable enjoyment" of these properties.

With regard to the proposed bioretention and stormwater treatment facilities, he suggested that the bioretention areas in the front yards of Lots 8 and 9 would result in code enforcement problems if the homeowners were to 'improve' their properties at the expense of the bioretention areas, their performance and possible downstream problems. He also contends that the close proximity of bioretention areas to the streams often results in overflow to the streams, killing amphibian life there that feeds on insects and mosquitoes (noted for possibly carrying the West Nile Virus), or that the emergence of such mosquitoes will require toxic spraying by the County's Vector Control staff, making it a hazard to children likely to play in the streams. As a general observation, the letter states that the encroachment of the project over the watercourses is excessive and with the addition of bioretention areas, drainage will slow and could backup upstream into the Glenbrook subdivision, and the project would generally introduce higher levels of flow downstream, such that "special attention" (conditions) should be given to downstream channels or under-street conduits. Lastly, the letter observes that while the project, like other relatively small develop-



ments, is considered to have minimal traffic impacts, but that he personally experiences a combined impact of the various developments while traveling through the area during peak morning periods.

*Howard Beckman.* Mr. Beckman provided e-mailed comments on February 5, 2014, regarding the Biological Survey prepared by Dr. Clinton Kellner for the applicant. He criticized its focus on the potential of the parcel itself to support resident wildlife, as a narrow interpretation of the term "habitat" whereas a broader question was whether or not the intermittent streams on the parcel now serve or could in the future serve as corridors for the movement of wildlife. More generally, he expressed a concern that the presence of wildlife corridors in the vicinity or the wider area was given insufficient attention.

*Ray Santos.* An e-mail was submitted to Planning staff dated August 9, 2013 from a family representative of Patricia Santos, the property owner immediately adjacent to the proposed private street intersection with D Street, indicating dissatisfaction with the private street being directly adjacent to their property and the adverse noise and general traffic effects that would result, including traffic hazards and a conceptually proposed sound wall or fence that could help conceal a burglar. He also expressed concern with potential adverse effects

*Bruce & Maureen Bergondy.* The Bergondys, who reside at 2440 D Street adjacent to the eucalyptus grove (and west of the Santos property), previously asked Planning staff to have the property owner trim the eucalyptus trees, and also expressed dissatisfaction with the scheduling of the initial hearing in October during the day instead of the evening, which prevented them from attending the hearing. A subsequent letter was addressed to the Planning Commission dated February 26, 2014 that reiterated their concerns with maintenance of the eucalyptus trees and the potential for large limbs from the trees to fall on their property and cause substantial injury or property damage.

Verbal Comments at the Planning Commission Hearing, October 21, 2014. A variety of comments were received regarding the proposed development, which was then proposed as 13 lots with easements for the four stream and wetland segments on the site. The Commissioners comments are also summarized below.

*Dale Silva:* He asked a question about lot size consistency, and if the *Specific Plan* provided a preferred or ideal lot size. He suggested an EIR should be required due to streams, slope issues, traffic, and fire and emergency access and egress. He said the County needed to ensure this is not another Jelincic development, with too much density, a difficult road and lack of parking.

*Chris Higgins:* He noted an old question from 2010 about whether or not the amount of runoff was correctly calculated for development of the site, and asked if the history of the illegal fill on the site has been fully evaluated. His major concern is that development projects have resulted in many adverse effects on adjacent properties due to staging equipment on other people's properties, tractor deliveries in the middle of the night, grading or other activity into the night hours, obstruction of access, and overall lack of accountability by the County for approved development activity.

*Jewell Spalding:* She began with a suggestion that the 30% slope calculation should include natural and artificial slopes, and highlighted the need for soils analysis due to a history of slope instability. She also voiced her objection to the use of the 10-year old Mitigated Negative Declaration to support staff's proposed Addendum, and requested the Commission instruct staff to have an EIR prepared, due to the protected wetland, two creeks, 30% slope in a relatively small area of three acres. She asserted the EIR would have an analysis of the least environmentally damaging alternative, and a list of mitigations to protect the neighborhood and individual residents. She noted the statement by staff that the proposed lots are larger than the prevailing lots in the surrounding area, but said that area includes the creek areas, and does not identify a *net* average lot size. Lastly, she requested staff evaluate the project with respect to the Castro Valley General Plan policies.

*Maureen Bergondy:* She asked to have the eucalyptus trees trimmed every 10 years or so because of the leaf waste dropped to the ground and overall fire hazard. She also would like to have an evening hearing, or for the developer to invite them to a meeting.

*Patricia Santos:* She objected to development traffic being very close to their home, and to surveying activity occurring in the past on their property. She questioned if there were enough room for a house on Lot 1, and how access would work. She also asked for information on how much more traffic there was now than 10 years ago, compared to when the environmental analysis was done then.

*Dalen Ashby.* Mr. Ashby stated he grew up on and still resides on the property directly west of the site, including the area behind the Santos and Bergondy properties, and has witnessed many problems from developers over many years, with changes to the topography, rolling a boulder onto his property, and flooding on his property due to the new stream channels and conduits created with the past grading. He strongly objected to land surveyor encroachment onto, and placement of metal stakes on his property, and more generally objected to urbanization and loss of rural quality of the Fairview area.

*James Little:* Mr. Little, resident at 2512 D Street on the east side of proposed Lot 1 and which has a flag-shaped lot for the purpose of providing a driveway between the proposed project street and his garage, at the rear of his property, stated he was concerned with construction phasing that could result in his temporary driveway being developed before he has clear access to and from the new driveway, or if construction equipment may block his access. He noted a general concern with noise and dust during construction. In addition, he questioned the adequacy of the lot width of Lot 2 (behind his property), and lastly, wished to ensure that he would not be required to be a member of the HOA to have access from the new private street as provided for in the plan.

*Commissioner Rhodes:* He noted that Lots 13, 3 and 12 are substantially placed on 30% slope, and that construction of a house on Lot 13 (where the eucalyptus trees are) would require a large degree of cutting into the slope, and also on Lot 2, which he neither entirely opposed or supported. He observed that these four lots will evidently require use of the exception in the *Specific Plan* (Policy III.B, p. 3) for ‘custom-designed homes.’

*Commissioner Ratto:* He asked about the neighborhood response to the project, but found he was getting mixed messages from what the applicant’s representative reported and what the neighbors were saying. He was also frustrated by the October staff report comment that staff was “unable to complete the kind of analysis desired.” He said Planning staff should represent the people, and not the developers.

*Commissioner Jacobs:* He observed that a lot of specific concerns and questions raised by the community cannot be fully determined with the vesting tentative tract map proposal, but would instead be addressed through the site development review process.<sup>1</sup> He said he interpreted the *Specific Plan* guidelines as being fairly direct, and indicate clearly that building on lots 13, 12, 2 and 3 would be very challenging. He said it was possible for the developer to be creative, but not necessarily. He said he would support the project if it were shown to meet the guidelines.

*Commissioner Loisel* – Said she would not support building new homes on 30% slopes, especially with ground instability.

In summary, as requested by Planning staff, the Commission, individually and collectively, agreed that the *Specific Plan* requires the current project to subtract the proposed private street, not just existing private streets.

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<sup>1</sup> Planning Director Albert Lopez advised that a vesting tentative map allows the County to ask for more project information, such as design guidelines, architectural concepts, landscape plans, etc., that the County may not normally be able to require under a tentative map. Such details will be required as a condition of approval.

## PLANNING CONSIDERATIONS

At the time of the application (June 2013), the applicant submitted plans for 14 lots on the site, primarily aimed at obtaining a preliminary determination from the Planning Commission regarding the consistency of the subdivision with the goals and policies of the *Fairview Area Specific Plan* and related guidelines. In particular, the applicant sought feedback on project density, consistency with the prevailing lot size in the neighborhood, and because the streams and wetland were placed within easements under those original plans, the acceptability of some lots with a *net* lot size or width smaller or narrower than required or than defined as the prevailing lot size or width in the neighborhood. As noted above, at its hearing in October 2013, the Commission indicated it concurred with Planning staff's determination of how to apply the policies and guidelines of the *Specific Plan* to determine the gross developable site area, primarily to subtract private street and parking areas, in addition to the areas of 30 percent or greater slope and the riparian and wetland zones, in contrast to the applicant's interpretation that the street and shared parking areas did not need to be subtracted. While the applicant's "Fairview Plan Analysis" had determined that its gross developable area was 2.53 acres, *including* the street area, with the subtraction of the street, staff showed the result was an estimated 1.85 acres. However, as the street area was then reported as 25,158 square feet (0.58 acres), and is now determined to be only 19,253 square feet (0.42 acres), a difference of 0.16 acres the gross developable site area is now 2.01 acres. As provided for in the *Specific Plan* for hillside areas designated as R-1 with a minimum building site area of 5,000 square feet, the site is limited to a density of 6 units per gross acre of developable site area, therefore allowing a maximum of 12 units.

Policy B.1 of the *Specific Plan* requires conventional single family developments to be consistent with the existing land use pattern of the surrounding neighborhood, and therefore disallows subdivision proposals from creating lots that are substantially smaller or narrower than the prevailing lots in the neighborhood. The October 2013 staff report indicated that the prevailing lot size in the neighborhood, based on an average of 77 lots in the vicinity, excluding a relatively small number of large lots that could be subdivided in the future, was 5,726 square feet. Of the 13 lots under consideration in October, only one lot (Lot 1, which would face D Street) would be smaller than the prevailing lot size (5,383 square feet), and the average proposed lot size was to be 7,841 square feet. Because Policy B.1 disallows creating lots that are *substantially* (emphasis added) smaller or narrower than the prevailing lots in the neighborhood, and the average lot size of the proposed 13-lot subdivision would create lots approximately 37 larger than the prevailing lot size, the project was considered fully compliant with Policy B.1. Lot 1 would be just 6 percent smaller than the prevailing lot size, and is therefore not considered to be substantially smaller than the prevailing lot size.

The current project for 12 lots includes the same Lot 1 size as originally proposed, but the average lot size of the project would decrease from the average of the 13-lot subdivision considered in October 2013 (7,841 square feet) to 6,724 square feet, due to the establishment of the four conservation parcels for the streams and pond area. The average lots size would therefore be larger by about 1,000 square feet, or about 17 percent larger than the prevailing lot size in the neighborhood, and 11 of the 12 lots would be larger than the prevailing lot size of 5,726 square feet. In addition, the project would have an average median lot width of 70 feet (measured midway between the front and rear property lines, consistent with the County Zoning Ordinance method), which would be consistent with the average median lot width of the prevailing lots in the vicinity, calculated to be 60 feet. However, five lots, including Lot 1, would have a median lot width of less than 60 feet, and Lot 9 would have a median lot width of less than 50 feet, which is the minimum required by the Zoning Ordinance. Although Lot 9 is 64 feet wide at its frontage, it narrows to about 48 feet less than halfway to its rear property line due to its shape bordering conservation lot E. Lot 9's median lot width could be increased to 64 feet if its rear property line were moved closer to the front property line, reducing its lot area by about 650 square feet (from 6,297 to about 5,650 square feet); however that would result in a second lot smaller than the prevailing lot size. Alternatively, the Planning Commission, as the advisory agency under the County Subdivision Ordinance with authority



**PROJECT LOT SIZES AND IN PROJECT VICINITY – PLN2013-00104**

<b>Proposed Tract 8053 – PLN2013-00104</b>		
<b>Lot No.</b>	<b>Net Lot Area</b>	<b>Median Width</b>
1	5383	58
2	7500	68
3	8523	94
4	7831	125
5	5780	67
6	5735	64
7	5730	58
8	9595	79
9	6297	48
10	5754	51
11	5740	56
12	6821	74
<b>Average</b>	<b>6,724</b>	<b>73</b>

<b>Three Large Lots to West on D Street</b>		
2408 D St.	23,940	84
2420 D St.	62,730	78
2438 D St.	43,600	74
<b>Average</b>	<b>43,423</b>	<b>79</b>

<b>Glenbrook Lane</b>		
23765	3,890	39
-57	3,890	39
-49	3,890	39
-33	3,890	39
-25	3,890	39
-17	3,890	39
-09	4,166	38
-01	8,585	60
693	5,315	42
-85	4,722	42
-77	4,434	42
-61	4,242	39
-53	4,590	42
-45	5,320	66
-46	6,219	79
-54	5,225	50
-62	7,584	42
-70	5,197	43
-78	5,204	44
-86	4,470	41
<b>Average</b>	<b>4,931</b>	<b>45</b>

<b>Nearby lots along D St</b>		
2395 D St	14,938	97
23706 Clayton	6,237	63
23718 Clayton	5,445	55
23730 Clayton	5,841	58
2485 D St.	12,000	80
2493 D St.	12,000	80
2499 D St.	5,271	76
2533 D St.	14,175	94
2651 D St.	14,250	95
23805 Madeiros	5,000	65
238—Madeiros (Vac.)	5,488	80
23826 Madeiros	7,553	63
2605 D St.	13,800	60
2621 D St.	7,560	70
2619 D St.	6,064	55
2641 D St.	13,800	60
2657 D St.	13,680	60
2440 D St.	7,500	50
2442 D St.	7,914	50
2512 D St.	6,560	59
<b>Average</b>	<b>7,325</b>	<b>53</b>

<b>Stratton Court</b>		
23605	8,150	67
-13	8,428	68
-49	5,775	54
-71	6,084	50
-93	6,250	50
23707	6,375	51
-29	6,250	50
-51	6,250	50
23606	6,090	55
-28	7,840	71
-50	7,375	58
-72	6,250	50
-94	8,994	50
-23708	8,874	50
-30	8,700	50
-52	6,250	50
-74	6,210	69
2554 D St	5,400	60
2568 D St.	5,850	65
2658 D St.	5,000	69
2666 D St.	7,140	56
<b>Average</b>	<b>6,835</b>	<b>57</b>

(Continued)

<b>Palazzo De Kayla</b>		
<b>Lot No.</b>	<b>Net Lot Area</b>	<b>Median Width</b>
22997	12,820	101
-999	5,719	53
23017	5,895	55
-39	5,778	51
-57	5,847	52
-99	8,358	57
-117	28,732	125
-139	8,387	54
-157	5,979	60
-179	6,673	59
-158	11,495	85
-126	9,685	90
-090	9,658	76
-058	7,051	54
-022	7,682	56
22990	11,274	115
<b>Average</b>	<b>9,440</b>	<b>71</b>

<b>Average of 77 lots in surrounding vicinity</b>		
Average of above lots	<b>5,726</b>	<b>60</b>

**FAIRVIEW AREA SPECIFIC PLAN POLICIES  
& PROJECT EVALUATION – TRACT MAP 8143 / PLN2013-00104**

Policy, Principle or Guideline	Applicable to Project?	Explanation / Evaluation
A. <u>Extent of Urban Area (Policy)</u> (✓=Yes; ✗= No)		
<p>The area designated for agricultural uses on the attached map shall be preserved in open space. The line delineating the boundary between agricultural and residential land uses (Urban Area Boundary) shall be the limit of urban development within the Fairview Area. The Urban Area Boundary is intended to be permanent and to define the line beyond which urban development shall not be allowed.</p>	✓	<p>The project is within the Urban Area Boundary and is therefore suited to the proposed development.</p>
B. <u>Residential Density</u>		
1. Conventional Single Family Development		
<p>Density and design of conventional single family developments shall be governed by the policies of this Plan and Zoning and Subdivision Ordinance regulations. New single family parcels must be consistent with the existing land use pattern of the surrounding neighborhood. Even though subdivision proposals may meet the minimum requirements for lot size or median lot width, they may not create lots substantially smaller or narrower than the prevailing lots in the neighborhood. The "surrounding neighborhood" to be used in determining the prevailing lot size, both area and width, should be determined by one of the following three methods:</p> <ul style="list-style-type: none"> <li>• A discrete tract that was developed at one time and which functions as a cohesive neighborhood.</li> <li>• An area defined by physical features, both natural and human-made, including creeks, ridges, and roads. These features function as area boundaries that define an integral area.</li> <li>• A discrete unit of contiguous, similarly sized lots that have an established pattern of single family lots larger than the minimum requirement.</li> </ul> <p>The existing "prevailing lot" on which is based the appropriate lot size, both area and width, for any new subdivision should be determined by the larger of the following two methods by the approval authority:</p> <ul style="list-style-type: none"> <li>• Predominant lot area and width (that which occurs with the greatest frequency within the neighborhood); or</li> <li>• Median area and width of lots within a surrounding neighborhood.</li> </ul>	✓	<p>The project is a conventional Single-Family Development and is governed by the policies of the Plan. The project would create lots with an average lot size 6,724 square feet, which would not be substantially smaller or narrower than the prevailing lots in the neighborhood, estimated at 5,726 as the average, and 6,090 as the median lot size.</p>
<p>• A discrete tract that was developed at one time and which functions as a cohesive neighborhood.</p> <p>• An area defined by physical features, both natural and human-made, including creeks, ridges, and roads. These features function as area boundaries that define an integral area.</p> <p>• A discrete unit of contiguous, similarly sized lots that have an established pattern of single family lots larger than the minimum requirement.</p> <p>The existing "prevailing lot" on which is based the appropriate lot size, both area and width, for any new subdivision should be determined by the larger of the following two methods by the approval authority:</p> <ul style="list-style-type: none"> <li>• Predominant lot area and width (that which occurs with the greatest frequency within the neighborhood); or</li> <li>• Median area and width of lots within a surrounding neighborhood.</li> </ul>	✓	<p>There are two discrete tracts on the east side of the site, respectively along Glenbrook Lane and Stratton Court, but they are only on one side and thus do not completely represent the surrounding neighborhood. The most prominent physical features that define the neighborhood are the streets and access roads. There are no established units of contiguous, similarly-sized lots in the vicinity, but only the few subdivisions. A prior analysis (Oct. 2013) estimated the prevailing lot size to be 5,726 square feet, and the median lot width 57 feet, based on 69 distinct lots in the neighborhood.</p>
<p>In addition, during the review process, which includes community input, the decision-making body will evaluate neighborhood character and external influences which affect that character prior to approval of infill development applications. Significant changes to the neighborhood character that cannot be mitigated or which can be mitigated but which significantly adversely impact the neighborhood may be grounds for denial of a project. This evaluation shall address the following issues: traffic conditions, street width, parking, public services and utilities, building height, natural features such as mature vegetation and creeks, slopes and grading, and retention of existing areas of contiguous open space.</p>	✓	<p>The Planning Commission held a preliminary hearing that obtained community input. The Addendum to the prior Mitigated Negative Declaration (MND) and the MND itself provides for an evaluation of traffic, street width and parking, public services and utility connections, as well as natural features and the creeks and proposed conservation parcels.</p>

Policy, Principle or Guideline	Applicable to Project?	Explanation / Evaluation
<p>In <i>hillside areas</i> (see note 1 below) the following density limitations will also apply:</p> <p>a. 6 units per <i>gross acre of developable site area</i> (see note 2 below) in the R-1 (Single Family Residence, 5000 square feet minimum building site area) District.</p> <p>[other categories are inapplicable to the project]</p>	✓	<p>The site is in a hillside area, because the majority of the site has slopes in excess of 10%. It is also in the R-1 (Single Family Residence, 5,000 square feet minimum building site area) District. The project would comply with the maximum density of 6 units per acre.</p> <p>See additional text below.</p>
<p>The development potential listed above represents the maximum densities allowed and is not guaranteed. Actual densities of residential development allowed on any site shall be determined by such factors as site conditions and environmental constraints (topography, trees, views, etc.), traffic and access, adequacy of infrastructure, potential hazardous conditions, and compatibility with existing land use patterns and protection of the integrity of the surrounding neighborhood.</p>	✓	<p>The site plan and lot configuration has been changed substantially to consider site conditions such as topography, the mature eucalyptus grove, access and compatibility with existing land use patterns.</p>
<p><i>Note 1</i> – Hillside areas are sites with an average slope exceeding 10% gradient. Average slope shall be determined based on a formula established by the County Planning Director.</p>	✓	<p>No official formula has been established by the County Planning Director; however, the majority of the site has slopes in excess of 10%, and this determination has not been challenged by the applicant.</p>
<p><i>Note 2</i> – Gross acre of developable site area means: 1) Areas of less than 30% slope; 2) Areas outside of any private streets, access easements, stems, driveways that serve more than one lot, designated parking spaces, and any other un-servable or unbuildable portion of the lot; and 3) Areas outside of riparian areas. For purposes of this Area Plan, a riparian area is defined as any area for which a watercourse, intermittent or perennial; pond; lake; marsh; or any other wetland; or the vegetation of wildlife dependent on or associated with any of the above, forms the environmental focal point. The limits of a riparian area will normally be considered the demarcation line between the vegetation zones of wetland and upland.</p>	✓	<p>The site has been determined to have a total gross of 2.01 acres of developable site area based on the <i>Plan</i> guidelines, by subtracting from its total gross area (3.134 acres) the area of 30% slope or greater (0.604 acres), areas of the private street and parking and other applicable areas (0.442 acres), and riparian and wetland areas (0.078 acres), resulting in a gross developable site area of 2.01 acres.</p>
<p>2. Townhouse-Condominium Development (✓=Yes; ✗= No)</p>		
<p>In order to provide for maximum site and design review, townhouses or condominiums may be developed through rezoning to a PD (Planned Development) or R-S (Suburban Residence) District requirements. Unless a clear and convincing public need is demonstrated, and increased density will not cause unmitigable community, neighborhood or site impacts, densities should not exceed the following limits:</p>	✗	<p><i>Not applicable</i></p>
<p>a. 7 units per gross acre of developable site area in neighborhoods that are in the R-1 (Single Family Residence, 5000 square feet minimum building site area) District; [note: remaining subsections not included – inapplicable.]</p>	✗	<p><i>Not applicable</i></p>
<p>3. Land Use</p>		
<p>Where boundaries between density categories do not lie along streets or other easily defined physical features, such boundary lines are approximate and the exact boundary will be determined in the process of acting on development proposals.</p>	✗	<p><i>Not applicable</i> - the site and surroundings on all sides are in the same R-1 (Single Family Residence, 5,000 square feet minimum building site area) District.</p>



Policy, Principle or Guideline	Applicable to Project?	Explanation / Evaluation
<b>4. Setbacks</b>		
a. The side yard setback in the R-1 (Single Family Residence, 5000 square feet minimum building site area) District and the R-1-B-E (Single Family Residence, 6,000 square feet minimum building site area) District shall be a minimum of 7 feet and the minimum front yard setback shall be 20 feet.	✓	The project is in the R-1 (Single Family Residence, 5000 square feet minimum building site area) District and the building envelopes shown provide for 7-foot side yards and 20-foot front yards.
b. The side yard setback in the R-1-B-E (Single Family Residence, 10,000 square feet minimum building site area) District and the R-1-B-E (Single Family Residence, 20,000 square feet minimum building site area) District shall be a minimum of 15 feet and the minimum front yard setback shall be 30 feet.	✗	<i>Not applicable</i>
c. The side yard setback in the R-1-B-E (Single Family Residence, 1 acre minimum building site area) District and the R-1-B-E (Single Family Residence, 5 acre minimum building site area) District shall a minimum of 20 feet and the minimum front yard setback shall be 30 feet.	✗	<i>Not applicable</i>
d. Front yard setbacks shall be measured from the front property line on public streets and from the edge of the access easement on private streets.	✓	The building envelopes shown for the project comply with this requirement.
e. On stem lots the minimum front yard setback shall be 15 feet from the front property line of the developable area, excluding the stem portion. For purposes of this section, the front property line is the lot line closest and parallel to the street from which the property gets access.	✗	
<b>5. Building Lot Coverage</b> (✓=Yes; ✗= No)		
Building lot coverage shall be the percentage of lot area which may be covered by all buildings or structures on a lot. In calculating the percentage of lot coverage, the area at ground level of all roofed buildings on the premises shall be included as coverage, excluding the architectural and other features listed in Section 8-60.37 of the Zoning Ordinance of the County of Alameda. In hillside areas the following percentage of building lot coverage shall apply:	✓	The conceptual building outlines shown on the Tract Map site plan range from about 1,000 up to 1,920 square feet.
a. The building lot coverage shall be a maximum of 40% in the R-1 (Single Family Residence, 5000 square feet minimum building site area) District and the R-1-B-E (Single Family Residence, 6,000 square feet minimum building site area) District. <i>[note: remaining subsections not included – inapplicable.]</i>	✓	The project site is in the R-1 District; the lot coverage of the conceptual building envelopes shown on the project plans range from a low of about 16 percent up to a maximum of 27 percent, so the lot coverage would comply with the Policy.
<b>6. Open Space</b>		
A minimum of 1000 square feet of <i>private, useable open area</i> (see Note 3) should be provided on each lot.	✓	The project Site Plan shows areas of 1,000 square feet minimum private open area on each proposed lot, all of which meet the criteria, or with fencing (e.g., on Lots 1, 4 or 5) as needed.
<i>Note 3: Private, useable open areas</i> means: (1) Areas not visible from the fronting street; (2) Areas with a ground slope less than 20% gradient; (3) Areas not covered by off street parking or any access thereto;	✓	

Policy, Principle or Guideline	Applicable to Project?	Explanation / Evaluation
(4) Any open area with a minimum 15 feet in its least dimension; and (5) Roof-top areas designed for outdoor residential use or outside deck spaces more than 8 feet in least dimension.		(see above)
7. Building Height (✓=Yes; ✕= No)		
No dwelling shall have a height of more than two stories, except as provided by Section 8-60.11 of the Zoning Ordinance nor shall any building or structure have a height in excess of 25 feet, except as provided for herein and by Sections [17.08.100 and 17.52.090] of the Zoning Ordinance. Provided the parcel has a median lot depth of 100 feet, a median lot width of 70 feet and effective lot frontage of 50 feet, the height of a dwelling may be increased by 2 feet for each full ten feet that the median lot width exceeds 70 feet up to a maximum height of 30 feet. Tall downhill facades should be avoided by stepping structures with the natural terrain or cut into the hillside to reduce the effective visual bulk. Graduated heights and/or varied setbacks, as well as architectural elements shall be encouraged to reduce the scale of the buildings.	✓	No building designs have been submitted at the present time. A Site Development Review process will be required as a condition of approval to ensure that the homes comply with this policy.
8. Secondary Units		
In order to provide for maximum site and design review, secondary units may be developed only through rezoning to a PD (Planned Development) District. The following guidelines shall be utilized to evaluate rezoning petitions to allow secondary units: a. Zoning Ordinance provisions relating to size, type (attached or detached), minimum setback from property line and other structures, area, height and required off-street parking spaces which apply to secondary units (Section 8-44.10 of the County Zoning Ordinance) shall be utilized as standards for allowing the secondary unit and against which secondary unit rezoning applications will be judged. b. Secondary units shall not be permitted on lots where access will create a traffic hazard or burden to existing streets. c. Secondary units shall only be permitted on properties in areas where there is sufficient existing infrastructure such as street improvements, on-street parking, public utilities, and other residential support systems. d. Secondary units shall only be permitted on properties that are well-maintained and where property owners have demonstrated the ability to maintain the primary structure in accordance with the Neighborhood Preservation Ordinance. The secondary units shall be designed to be aesthetically pleasing yet maintain consistency with the architectural style of existing dwelling units in the area.	✕	No secondary units have been proposed, and based on the general and lot-specific site plans, most lots would not have adequate space or parking space for secondary units. The Site Development Review of individual homes would determine if secondary units could be allowed on individual lots, but the rezoning requirement would be a substantial procedural obstacle to their placement on the project site.
9. Community Care Facilities		
Community Care Facilities, as defined by the Zoning Ordinance, shall not be concentrated in any one area. All new Community Care facilities shall be in conformance with the policies and standards adopted by the Board of Supervisors.	✕	<i>Not applicable</i>