INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

TRACT 8053 RESIDENTIAL SUBDIVISION PROJECT

2014 UPDATED ADDENDA

Prepared For:

COUNTY OF ALAMEDA



COMMUNITY DEVELOPMENT AGENCY 224 WEST WINTON AVENUE HAYWARD, CA 94544

Prepared By:

IPA PLANNING SOLUTIONS, INC.

August 2014

INITIAL STUDY & MITIGATED NEGATIVE DECLARATION TRACT 8053 RESIDENTIAL SUBDIVISION PROJECT

2014 UPDATED ADDENDA

FURTHER RESPONSE TO COMMENTS ON AND MODIFICATIONS TO PROPOSED PROCTOR COURT PROJECT:

- Memorandum to Staff, dated August 8, 2014
- Plan Set for Adjusted, 18 Lot Proctor Court Project
- Geotechnical Feasibility Evaluation by ENGEO, dated November 19, 2013
- Correspondence from the Chief of theRegulatory Division of the U.S. Army Corps of Engineers, dated December 12, 2013
- Alameda County Fire Department Conditions of Approval, dated July 30, 2014
- Letter from TJKM, Traffic Consultant in response to comments at July 8 MAC meeting and to address Traffic impact adjustments for the 18 Lot Proposal, dated August 7, 2014

INITIAL STUDY & MITIGATED NEGATIVE DECLARATION TRACT 8053 RESIDENTIAL SUBDIVISION PROJECT

 Letter from Johnson Marigot Consulting, LLC containing a report on the seasonal wetland area of the Proctor Road Property, dated August 8, 2014

INITIAL STUDY & MITIGATED NEGATIVE DECLARATION TRACT 8053 RESIDENTIAL SUBDIVISION PROJECT

- Letter from TJKM, Traffic Consultant in response to adjustments for the 18 Lot Proposal, dated August 7, 2014
- Letter from Johnson Marigot Consulting, LLC containing a report on the seasonal wetland area of the Proctor Road Property, dated August 8, 2014

Prepared for the County of Alameda, Community Development Agency in consultation with IPA Planning Solutions

MEMORANDUM: Summary of Adjustments to the Proctor Court Subdivision Project to Allow 18 Lots and an Evaluation of the Continued Standing of the INITIAL STUDY & MITIGATED NEGATIVE DECLARATION Prepared for the Previous 19 Lot Plan, As Well As Further Response to Public Comments, Technical Reports and Regulatory Requirements Subsequent to the July 8, 2013 MAC meeting.

TO: Damien Curry and Philip Sawrey-Kubicek, Alameda County Planning Department

FROM: Jay Claiborne, Consultant

DATE: August 8, 2014

RE: Updated Project Information and Description

On January 29, 2013, A Public Notice was posted and sent to all neighbors near the project site in Castro Valley informing them and the general public of the intention of the County to adopt the Initial Study and Mitigated Negative Declaration on a proposed 19 Lot Subdivision for Tract 8053 subdivision PLN 2010-00100.

This memorandum provides a summary and discussion of of the issues raised prior to, during, and following the Castro Valley MAC Hearings on February 25, 2013 and July 8, 2013, in anticipation of a MAC Hearing to be scheduled for discussion of further adjustments to the Tract 8053 Proctor Court Residential Subdivision Project. These adjustments include the removal of a lot on Proctor Road to further reduce the number of planned lots in the subdivision to 18, as well as several other modifications intended to reduce the level of environmental impacts as well as reduce the impacts to the surrounding neighborhoods.

The memorandum describes the details of these adjustments and revisions. The accompanying 2014 Update to the review Addendum includes technical studies and reports for the proposed refinements. The subdivision plan adjustments for the 18 Lot Subdivision are responsive to additional letters of concern, comments made at the MAC Public Hearings, and include modifications regarding tree removal, lot slopes, house design, and lot slope and configuration. The grading configurations for all 18 lots will provide flat padded footprints for homes that allow conventional structural design.

The modifications to the project do not increase any identified potential environmental impacts. The Initial Study and Mitigated Negative Declaration for the 19 Lot Subdivision will remain applicable to the 18 Lot proposal. The adjusted 18 Lot development plan includes a request for a rezoning from R-1-B-E-CSU-RV to a PD (Planned Development) District allowing the following modifications to the zoning standards: (1) side yard setbacks are to be measured as the distance between homes rather than as the distance from property lines; and (2) allow a height limit of 28.5 feet rather than 25 feet to permit steeper pitched roofs, which are more aesthetically pleasing.

POTENTIALLY SIGNIFICANT IMPACTS REQUIRING MITIGATION

The revised 18 Lot project would not result in any additional potentially significant impacts requiring mitigation as identified by the Initial Study for the 19 Lot proposal. All identified mitigation measures to reduce potential environmental impacts to a less than significant level remain in place as discussed below.

1. Aesthetics (Street and Site Lighting, Landscape, and Home Design)

As with the previous 19 lot proposal, the street and site lighting for the proposed project will be sensitive to neighboring land uses and will minimize energy use. The lighting plan for the 18 lot proposal will be professionally designed in conformance with the County's lighting guidelines and criteria for energy usage to ensure and enhance safety, security, functionality, privacy and conservation. The removal of the one lot on Proctor Road will further reduce potential impacts to the public street area. Effects from street and site lighting will be limited to the private road, further reducing all identified, less than significant aesthetic impacts.

Concerns for the existing view shed and general view obstruction for neighboring residences were raised at earlier public MAC meetings and in a neighbor's letter and signed petition, which is on record for development of the site. The Castro Valley General Plan does not designate any scenic vistas related to the Project Site. The Project Site is located on the south side of Proctor and gently slopes south and southeast. The predominant views from surrounding homes are toward the south and southwest. Two existing residences on the north side of Proctor have partial views to the south and southwest from their second story. These two homes are sited on higher elevations than that of the project site. Partial views to the southwest from residences on Sorani Court will either be enhanced by removal of some vegetation on the project site or will not be obstructed by the new homes mainly resulting from the lower elevations and the farther distances of the proposed new homes.

As illustrated in the plan set for the revised 18 Lot subdivision proposal (See the page titled: Cross Section View Diagrams and Analysis), future homes on the project site would either not break the height of the existing ridgeline or would be blocked from offsite views due to existing vegetation. In either case, the diagrams show that future homes on the project site would not affect views to and through the site from off site locations mainly due to fact that most homes in the new subdivision will be constructed at a lower elevation in comparison with the homes in the surrounding area. Views for adjacent residents remain relatively unaffected by the 18 Lot.

The viewshed analysis included in the plan set demonstrates the extent to which the modified site grading and flat building pads increase the protection of views across the subdivision, including conformance with the policy intent of the Castro Valley General Plan (CVGP). As discussed in section 8 below, the proposed 18 Lot subdivision will require rezoning to a PD district allowing R-1 uses.

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The level building pads in the modified, 18 Lot proposal allow standard, conventional foundation and structural systems for each lot which will result in shorter construction duration. As in the earlier 19 Lot proposal, the homes in the subdivision will be architecturally designed to conform with the aesthetic character and scale of the surrounding homes and neighborhoods.

The design and construction of the 18 new homes will be in conformance with the Castro Valley General Plan Design Guidelines and with County building codes, which address and minimize visual impacts to the environment. For the proposed site, certain proposed design criteria are considered critical, including:

- Grading Plan for alteration of existing natural grades to be in accordance with code, and to provide economically viable building pads while preserving the overall topographic canyon shape of the site; and
- Seasonal wetland area preservation at the south end of the subdivision maintained to ensure that the natural drainage areas and associated wildlife are preserved within the common boundaries of Parcel B.

A professionally designed landscape plan for the 18 Lot subdivision will coordinate important elements of fire safety, conservations, aesthetics and privacy. A local, licensed, professional landscape architect and fire prevention specialist has been contracted to ensure that the project will create an attractive, viable and safe home environment for the site and the surrounding neighborhoods. The grading and siting modifications for the 18 Lot proposal increase opportunities for protecting significantly important existing plant material and trees.

2. Air Quality (Construction Period Impacts, Including Safety, Security, and Nuisance)

Air Quality issues for the site result primarily from the construction phase of project. The following practices submitted for the 19 Lot proposal remain unchanged for the 18 Lot project. In addition to all required measures to control traffic, construction noise, dust, hours of operations, soil erosion, and water pollution, other measures such as rodent and animal control will be exercised to minimize construction phase impacts to the adjacent neighborhoods.

Extra measures will also be taken to address traffic control and security issues for project sites, including neighborhood crime prevention.

Coordinated project planning, construction and management mechanisms will be put in place to minimize total project construction time for the 18 lots proposed for the project site.

3. Biological Resources

As noted above, appropriate rodent and animal control will be exercised during the construction phase of the project. All identified mitigation measures for the 19 Lot proposal will apply to the reduced, 18 Lot project to reduce to less than significant potential impacts to the two identified special status plant species, to nesting birds and nesting bird habitat, and potential interference with migratory wildlife corridors.

4. Cultural Resources

As an undeveloped land area, any cultural resources are limited to archaeological and paleontological resources or to human remains. As for the 19 Lot proposal, the 18 Lot project will follow proper mitigation practices for such resources.

5. Geology and Soils (Slope and Soil Engineering Stability)

The issue of project site slope and soil stability has been raised, both at the February hearing and in a letter by one of the adjacent homeowners.

A Geotechnical investigation was conducted for the originally proposed 23 Lot subdivision. The Geotechnical Engineering firm, Henry Justiniano and Associates made the following conclusion: "Based on the results of our evaluations, we conclude that there are no geotechnical nor geologic considerations that would preclude the proposed development. Information from our review of the geological maps, published geotechnical reports, the existing topography, and our exploration program, indicates that the designed building locations would be within acceptably stable terrain, and that the site would be feasible for construction of the proposed residences, provided that the recommendation presented herein are incorporated into the design, and adhered to during the construction phases of the project." The reduction in the number of proposed lots from 23 to 18, as well as the increased lot size, should further reduce concern for site slope and soil stability

At the July 8, 2013 public MAC meeting, Mr. Justiniano, the Principal of the Geotechnical Engineering firm, supported the feasibility of the 19 Lot project proposal for geotechnical and geologic considerations. His assessment is on record in a letter summarizing the analysis for the 19 Lot subdivision, dated April 30, 2013. In addition to the geotechnical work completed by Mr. Justiniano, further evaluation has been conducted for the subdivision site by the firm ENGEO on behalf of Braddock and Logan, dated November 19, 2013, which concludes that site is suitable for the proposed 18 Lot development. The ENGEO report is included in the Updated Addendum.

The grading plan modifications for the 18 Lot proposal provide additional refinements that improve the site design for each of the homes. The basic concepts of the 19 Lot plan remain in place, but are modified to provide a flat footprint area for each home appropriate to allow conventional construction practices. In addition, lot lines are set at or near the top of each slope to make property edges more understandable to home owners for fencing and planting and to support more feasible access for landscape maintenance. The modified grading also improves view protection for properties adjacent to the subdivision, as discussed in the viewshed section below. Potential impacts to geology and soils remain mitigated by the grading plan to less than significant.

6. Hazards and Hazardous Materials

The site is located within an area designated as a very high hazard fire danger zone. The development plans now reference the former fire buffer zone on the 19 Lot plan set as a "hazardous vegetation and fuel management area" to comply with the language of the California Fire Code. The vegetation management areas are consistent with the revised lot design and do not extend into the adjacent lot on Proctor Road adjacent to Lot 1.

The revisions also include home design to fully comply with the Wildland-Urban Interface County Building Code (CBC) Standards under Chapter 7 A C.B.C, including use of fire retardant building materials and sprinkler systems. County standards are met for private road and emergency access and clearance, including provisions for and installation of signs along the Fire Lane No Parking side of the private roadway. The roadway width, as discussed below in Section 10, is designed with a minimum width of 28 feet, allowing on-street parking opposite the Fire Lane curb edge. Fire hydrants, as required, are located to provide a minimum clearance for access of 26 feet. A professionally prepared Vegetation and Fire Hazard Management Plan will be prepared and submitted to the County Fire Department for action. These measures are intended to significantly improve the existing fire safety conditions for the site area and prevent potential future fire hazards for the neighborhood. All revisions for the 18 Lot proposal are responsive to the Conditions of Approval noted in a letter from the by the County Fire Department, dated July 30, 2014, which is included in the Addendum.

7. Hydrology and Water Quality

As in the 19 Lot subdivision proposal, the 18 Lot proposal retains a water quality collection area, retitled Parcel B, which is located at the southeast end of the property. This area is subject to protection by the agencies for flood control and water conservation as reported in the attached documents from the U.S. Army Corps of Engineers. The wetland separates the proposed subdivision from a more elevated, adjacent neighborhood area, accessed by Joseph Drive, a public street. Unlike the 19 Lot proposal, the modified subdivision plan does not create a large water feature in this area for collecting runoff, but rather provides for the treatment of surface runoff from the private street and other impervious surface areas prior to its open passage into the absorption area. The treatment management approach is an improvement that more effectively mitigates polluted runoff prior to its absorption by the preserved lower land area, Parcel B. The letter dated August 8, 2014 included in the Addendum, provides further clarification on how the seasonal wetland area will not be impacted or filled by the project and will continue to receive storm water from the surrounding watershed in the post development scenario.

8. Conflicts with Land Use or Zoning

Similar to the previous 19 Lot subdivision plan, the current proposal would comply with the Castro Valley General Plan (CVGP). Reclassification to a Planned Development (PD) district allowing R-1 uses would be required for the project to be compliant with the Alameda County Zoning Ordinance. The intent of PD districts (17.18.010) in the Zoning Ordinance is to allow appropriate regulatory flexibility, in accordance with the policies of the General Plan, for development of more environmentally sensitive areas. The rezoning is necessary to allow the proposed building height and side yard setbacks. The Hillside Residential designation is used for steep slopes and/or in high fire hazard areas to ensure that adequate mitigations are identified for one family detached dwellings for lot sizes that can range from 5,000 to 10,000 square feet with overall densities of 4-8 du/acre. The project site currently is zoned as R-1-BE-CSU-RV Single Family Residential, with a 6500 net square foot minimum building site area.

As has been discussed in the section above on grading, the preferred property line locations are responsive to slope and grading conditions. In a number of cases, lot lines do not maintain County standards for side yards. However, in the proposed plan the physical separation between the identified building pads for the subdivision allow or exceed the County dimension established by the standard side yard requirement. Comparably, the height of the homes proposed for the proposed flat building pads is appropriate to the sloped conditions of the site, but exceed that allowed by the standard measurement practice. The building height as it impacts the surrounding neighborhoods and adjacent lots considering the general topography and planned regrading is consistent with General Plan policies. The PD R-1 rezoning allows the necessary regulatory flexibility for full consistency of the proposed 18 Lot plan with the CVGP.

Previously, when 23 lots were proposed for the 5.85 acre project site, there was concern that the subdivision would exceed the environmental constraints of the site and that the proposed average 8,050 square foot lot size would be significantly inconsistent with the average lot size for the surrounding neighborhoods. Those concerns, as well as issues of traffic and soils, were first addressed in the Initial Study (IS) and Mitigated Negative Declaration (MND) for the 23 Lot proposal and were discussed at the initial February 2013 MAC meeting. They have remained issues for study through the project revisions that have shaped the 19 Lot proposal, for which the number and size of the 19 lots are found to be less than significant. The current subdivision proposed for the site eliminates one more lot and allows an average lot size of 12,093 gross square feet (10,813 net), with the smallest lot being 7,421 gross square feet (6,515 net). Two of the 18 lots are slightly larger than 33,000 and 26,000 gross square feet. The current project clusters smaller lots on the flatter portions of the site, while the larger lots are within the more constrained portions of the site.

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The original subdivision project initially planned for the site would have created 24 lots. At the above referenced hearing at the end of February 2013, the project submitted had been reduced to 23 lots, for a total maximum density of approximately 3.9 units per acre. The maximum density for the 19 Lot proposal is approximately 3.3 units per acre. The current 18 Lot proposal further reduces the density, to approximately 3.1 units per acre, which is slightly below the density range for the CVGP, which should not be a concern given the nature of the public comments. New homes planned for the 18 Lot subdivision are to be approximately 2,800 to 3,100 square feet. For comparison, the 19 Lot proposal assumed an average home size of approximately 2,800 square feet.

9. Noise

As noted above in the discussion Air Quality, the potential for significant noise impacts from the project is largely related to the construction period. All mitigations required by the Initial Study for the 19 Lot project will be used by the 18 Lot project, keeping potential impacts to a less than significant level.

10. Transportation and Traffic

The feasibility of creating the private street access for the proposed subdivision from Proctor Road has been studied and further refined by the transportation consultant and reviewed by County Staff. In the general setting of the Project Site and the surrounding neighborhoods, a private road has been determined to be the best option for lot access within the subdivision. A public street was considered during the conceptual design phase and it was determined not to be feasible or practicable due to a combination factors, including:

- hillside topography;
- space constraints at the entrance;
- conservation considerations for less grading;
- minimization of impervious surfaces;
- · minimization of need for retaining walls; and
- preservation of the rural characteristics of the neighborhood.

All lots for the current 18 lot subdivision are to be accessed from the private roadway. One of the lots in the earlier 19 lot proposal was located at the northeast corner of the subdivision and was to be accessed by a driveway from Proctor Road, as are two separately owned, developed properties on either side of the proposed new intersection for the private road. As previously stated, the lot on Proctor Road has been eliminated from the proposed subdivision plan.

To help mitigate potential turn movement conflicts along Proctor Road, the proposed 18 Lot development will include the earlier concept to relocate the driveway curb cuts for the two existing homes and create new driveways farther from the Proctor Court intersection. A stop controlled intersection (Parcel A) for the new, private subdivision road with Proctor Road is proposed. As with

other residential street intersections, the stop signs will be located on the right-of-way of the private roadway that serves the 18 Lot subdivision.

In concurrence with the Alameda County Fire Department and Alameda County Public Works, the rightof-way for the new proposed private road is 33 feet, with a 28 foot roadway width and a 5 foot sidewalk along the interior side of the roadway. The private road will meet all the county requirements and standards for public safety and engineering design, as well as for emergency and large vehicle access, including fire.

The proposed 28 foot width for the private Proctor Court roadway is adequate to accommodate onstreet parking in accordance with County Standards. In compliance with the Alameda County Fire Department criteria, all on-street parking will be located on the same side of the private roadway. A total of 18 on-street parking spaces along the interior edge of the roadway are designated for the proposed 18 homes. With the elimination of the one lot on Proctor Road, no on-street parking resulting from the 18 Lot subdivision is anticipated.

TJKM, the traffic consultant for the project, has compared potential impacts for the 19 Lot subdivision with the original 23 Lot subdivision and concluded that traffic impacts from the revised project to the neighborhood would be minimum to insignificant. Subsequent to the further refinements for the 18 Lot subdivision plan, they have updated their analysis for potential impacts. Roadway widths and parking for the 18 Lot subdivision remain in conformance with the County's standards for private roads. TKJM's updated report for the 18 Lot subdivision plan concludes that impacts from traffic will be reduced slightly and remain minimum to insignificant.

The TKJM Traffic impact Reassessment Letter, which addresses circulation and parking concerns raised at the July 8, 2103 MAC meeting, as well as their update report on the 18 Lot subdivision is included as part of the 2014 Updated Addenda.

11. Utilities and Service Systems

All public utility providers, including PG&E, EBMUD, and the Castro Valley Sanitary District have provided letters for the 19 Lot proposal confirming that the proposed project site is within the boundary of their respective service areas and capacity. The 18 Lot proposal does not alter this confirmation and, if anything, slightly lowers the overall demand placed on the capacity of the existing utility network.







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CONCEPTUAL SITE PLAN SHEET 10 of 30 AUGUST 2014









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GEOTECHNICAL ENVIRONMENTAL WATER RESOURCES CONSTRUCTION SERVICES

Project No. **10670.000.000**

November 19, 2013

Mr. Andy Byde Braddock and Logan Services, Inc. 4155 Blackhawk Plaza Circle, Suite 201 Danville, CA 94506

Subject: Tran Property Castro Valley, California

GEOTECHNICAL FEASIBILITY EVALUATION

Dear Mr. Byde:

As requested and authorized by you, ENGEO has completed a geotechnical feasibility evaluation of the Tran property in Castro Valley, California. The purpose of this study is to describe the site conditions and development constraints from a geotechnical perspective.

SCOPE OF WORK

Our scope of work for this feasibility evaluation included:

- A review of published geologic maps and reports
- A review of preliminary development plans
- Examination of aerial images acquired between 1993 and 2012
- A visual site reconnaissance

SITE DESCRIPTION

The site is currently vacant and covered with a growth of grasses and brush. Site topography consists of an elevated terrace sloping south from Proctor Road, bounded on the east by a drainage swale as shown on Figure 1. Elevations range from about 500 feet along Proctor Road to a low point at about 380 feet at the south tip of the property. There are two existing residences at Proctor Road that will remain. The property is bounded on the east by an existing residence off Proctor Road with a four-to five foot high concrete retaining wall along the property line. Other existing residential lots border the project on the southeast and west sides.

PROPOSED PROJECT

The Tentative Map, dated April 2013 depicts 19 single-family lots accessed via a road from Proctor Road. A detention/water quality basin is proposed at the south tip of the project. The proposed improvements will generally be constructed by making cuts on the eastern terrace area and by placing fills in the adjacent swale.

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REGIONAL GEOLOGY AND SEISMICITY

Regional mapping by Graymer (1994) identifies the site bedrock as Cretaceous-age marine sediments of the Panoche Formation as shown on Figure 2. Bedding strikes northwest and dips steeply to the southwest. The site is not located within an Alquist-Priolo Earthquake fault zone. The nearest active faults are the Hayward Fault located about 1.8 miles to the southwest, the Calaveras fault located about 6.8 miles to the northeast.

Regional landslide mapping by Nilsen (1975) did not identify landslide deposits on the property. The seismic hazard map for the Hayward Quadrangle does not identify liquefaction or seismic slope stability hazards in the near site vicinity.

It should be expected that the site will experience strong seismic ground shaking. The Working Group on California Earthquake Probabilities (WGEP) (2007) estimates the 30-year probability of a M6.7 or greater earthquake occurring on the known active fault systems in the Bay Area to be approximately 63 percent.

PREVIOUS EXPLORATION

A previous geotechnical report by Henry Justiniano and Associates (2010) (HJA) included drilling on one boring and excavation of ten test pits across the site the subsurface explorations typically encountered low plasticity clay soils overlying interbedded siltstone and sandstone bedrock. Bedding was typically found to be striking northwest and dipping 30 to 500 degrees southwest, consistent with regional mapping. Locally, layers interpreted to be possible bedding were noted dipping at low inclinations Soils on the terrace area were typically found to be a few feet thick, while the soils in the swale area locally exceeded ten feet in thickness.

Laboratory testing on site soil and bedrock included measurement of grain size and plasticity index of the surficial soil. Soil plasticity ranged from 12 to 22, which would be considered to be of low to moderate plasticity.

GEOTECHNICAL SITE CONDITIONS.

We made a visual site reconnaissance in October 2013. The site appears to be generally stable, with no visible evidence of landsides along the sloping western perimeter and in the swale area.

We noted evidence of minor filling with soil and concrete debris on the site at the head of the swale near Proctor Road. The adjacent property owner at the east side of the site has apparently been depositing fill along the west side of his property for a number of years. The retaining wall along the common property line (east side of the project) supports a slope that is inclined steeper than 2:1 locally as high as about 20 feet. There is evidence that the neighbor has continued to deposit undocumented fills on the slope and some fresh-appearing debris from the fill has accumulated on the subject property. The retaining wall is cracked and tilted down slope. Based on the visible condition of the fill, it appears to be marginally stable and could be subject to slope failure.

Braddock & Logan Services. Tran Property GEOTECHNICAL FEASIBILITY EVALUATION

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CONCLUSIONS AND RECOMMENDATIONS

Based on our review of published maps, aerial images and on our visual site reconnaissance, it appears that it will be feasible to develop the site for residential construction. Most of the site appears to be underlain by stable and competent siltstone and sandstone bedrock at a relatively shallow depth, with the exception of the swale area. The surficial soils derived from the bedrock appear to be of relatively low plasticity based on visual examination.

According to the HJA report, bedrock layering appears to generally dip at inclinations of 30 degrees or greater to the southwest. This orientation would not generally be considered to be adverse for slopes inclined at 2:1 or flatter; however, locally flatter bedding was inferred in some test pits. If adverse bedding conditions are found to exist, it may be necessary to locally buttress cut slopes.

For preliminary planning purposes, it can be assumed that cut and fill slopes can generally be inclined as steep as 2:1 for slopes up to 15 feet high. Slopes higher than 15 feet should be inclined at 3:1 or flatter.

The principal geotechnical consideration for this site will be the presence of the potentially unstable undocumented fill along the east property line. Depending on the proposed grading on the subject site, it may be necessary to support the existing wall and slope with a properly designed wall with a few feet of freeboard designed to provide debris catchment. Alternatively, the project could be designed with a debris catchment bench along the property line with a minimum width of 30 feet.

Our conclusions are based on a visual reconnaissance and should be confirmed with subsurface investigation and laboratory testing when more detailed project plans are available.

LIMITATIONS AND UNIFORMITY OF CONDITIONS

This report presents preliminary geotechnical recommendations for planning purposes. If changes occur in the nature or design of the project, we should be allowed to review this report and provide additional recommendations, if any. It is the responsibility of the owner to transmit the information and recommendations of this report to the appropriate organizations or people involved in design of the project, including but not limited to developers, owners, buyers, architects, engineers, and designers. The conclusions and recommendations contained in this report are solely professional opinions.

The professional staff of ENGEO strives to perform its services in a proper and professional manner with reasonable care and competence but is not infallible. There are risks of earth movement and property damages inherent in land development. We are unable to eliminate all risks or provide insurance; therefore, we are unable to guarantee or warrant the results of our work.

Braddock & Logan Services. **Tran Property** GEOTECHNICAL FEASIBILITY EVALUATION

10669.00.000 November 19, 2013 Page 4

This report is based upon field and other conditions discovered at the time of preparation of ENGEO's services. This document must not be subject to unauthorized reuse, that is, reuse without written authorization of ENGEO. Such authorization is essential because it requires ENGEO to evaluate the document's applicability given new circumstances, not the least of which is passage of time. Actual field or other conditions will necessitate clarifications, adjustments, modifications or other changes to ENGEO's documents. Therefore, ENGEO must be engaged to prepare the necessary clarifications, adjustments, modifications or other changes before construction activities commence or further activity proceeds. If ENGEO's scope of services does not include on-site construction observation, or if other persons or entities are retained to provide such services. ENGEO cannot be held responsible for any or all claims. including, but not limited to claims arising from or resulting from the performance of such services by other persons or entities, and any or all claims arising from or resulting from clarifications, adjustments, modifications, discrepancies or other changes necessary to reflect changed field or other conditions.

We are pleased to be of continued service to you on this project. If you have any questions, please do not hesitate to contact us.

Sincerely,

FESSION GEO **ENGEO** Incorporated No. 2099 No. 2189 Exp. 3/31/2014 Exp. 8/31/2013 CERTIFIED Philip J. Stuecheli, CEG Raymond P. Skinner CEG eh/pcg/cjn

Attachments: List of Selected References Figures



LIST OF SELECTED REFERENCES

- 1. California Geological Survey Staff, 2003, Seismic Hazard Zone Report for the Hayward 7.5minute quadrangle, Alameda County, California: California Geological Survey, Seismic Hazard Zone Report 091, scale 1:24,000.
- 2. Dibblee, T.W. and Minch, J.A., 2005, Geologic map of the Hayward quadrangle, Contra Costa and Alameda Counties, California: Dibblee Geological Foundation, Dibblee Foundation Map DF-163, scale 1:24,000.
- 3. Graymer, R. W., Jones, D. L. and Brabb, E. E., 1994, Preliminary Geologic Map Emphasizing Bedrock Formations in Contra Costa County, California: OFR 94-622.
- 4. Google Earth © Historical Imagery, 1939-2012.
- 5. Henry Justiniano & Associates, 2010, Geotechnical Investigation, Proposed 24 Lot Subdivision Tentative Tract Map 8053, Dated November 4, 2010.
- Nilsen, T.H., 1975, Preliminary photointerpretation maps of landslide and other surficial deposits of 56 - 7.5 minute quadrangles, Alameda, Contra Costa, and Santa Clara Counties, California: U.S. Geological Survey, Open-File Report OF-75-277, scale 1:24,000.
- 2007 Working Group on California Earthquake Probabilities, 2008, The Uniform California Earthquake Rupture Forecast, Version 2 (UCERF 2): U.S. Geological Survey Open-File Report 2007-1437 and California Geological Survey Special Report 203 [http://pubs.usgs.gov/of/2007/143



ORIGINAL FIGURE PRINTED IN COLOR







DEPARTMENT OF THE ARMY SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS 1455 MARKET STREET, 16TH FLOOR SAN FRANCISCO, CALIFORNIA 94103-1398

DEC 12 2013

REPLY TO ATTENTION OF

Regulatory Division

Subject: File No. 2012-00195

Mr. Hue Tran c/o Mr. Pete Balfour ECorp Consulting 2525 Warren Drive Rocklin, California 95677

Dear Mr. Tran:

This correspondence is in reference to the June 27, 2012 submittal from ECorp Consulting, on your behalf, requesting a preliminary jurisdictional determination of the extent of waters of the United States occurring on the 5.85-acre property (APN 84D-1403-14-17) on the south side of Proctor Road, at or near 4651 Proctor Road, in the city of Castro Valley, Alameda County, California.

All proposed discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States; or below the high tide line in tidal waters of the United States; and within the lateral extent of wetlands adjacent to these waters, typically require Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 et seq.). Waters of the United States generally include the territorial seas; all traditional navigable waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide; wetlands adjacent to traditional navigable waters; non-navigable tributaries of traditional navigable waters that are relatively permanent, where the tributaries typically flow year-round or have continuous flow at least seasonally; and wetlands directly abutting such tributaries. Where a case-specific analysis determines the existence of a "significant nexus" effect with a traditional navigable water, waters of the United States may also include non-navigable tributaries that are not relatively permanent; wetlands adjacent to non-navigable tributaries that are not relatively permanent; wetlands adjacent to but not directly abutting a relatively permanent non-navigable tributary; and certain ephemeral streams in the arid West.

The enclosed delineation map with Corps label titled "Proctor Road Property", dated 5/15/2013, depicts the extent and location of 0.11 acre of wetlands within the boundary area of the site that **may be** subject to U.S. Army Corps of Engineers' regulatory authority under Section 404 of the Clean Water Act. This preliminary jurisdictional determination is based on the current conditions of the site, as verified during a field investigation of May 8, 2013, and a review of other data included in your submittal. While this preliminary jurisdictional

determination was conducted pursuant to Regulatory Guidance Letter No. 08-02, *Jurisdictional Determinations*, it may be subject to future revision if new information or a change in field conditions becomes subsequently apparent. The basis for this preliminary jurisdictional determination is fully explained in the enclosed *Preliminary Jurisdictional Determination Form*, which has been signed and dated by you and this office.

You are advised that the preliminary jurisdictional determination may **not** be appealed through the U.S. Army Corps of Engineers' *Administrative Appeal Process*, as described in 33 C.F.R. Section 331 (65 Fed. Reg. 16,486; Mar. 28, 2000). Under the provisions of 33 C.F.R Section 331.5(b)(9), non-appealable actions include preliminary jurisdictional determinations since they are considered to be only advisory in nature and make no definitive conclusions on the jurisdictional status of the water bodies in question. However, you may request this office to provide an approved jurisdictional determination that precisely identifies the scope of jurisdictional waters on the site; an approved jurisdictional determination may be appealed through the *Administrative Appeal Process*. If you anticipate requesting an approved jurisdictional determination at some future date, you are advised not to engage in any on-site grading or other construction activity in the interim to avoid potential violations and penalties under Section 404 of the Clean Water Act. Finally, you may provide this office new information for further consideration and request a reevaluation of this preliminary jurisdictional determination.

You may refer any questions on this matter to Greg Brown of my Regulatory staff by telephone at 415-503-6791 or by e-mail at gregory.g.brown@usace.army.mil. All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. My Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner, while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website: <u>http://per2.nwp.usace.army.mil/survey.html</u>.

Sincerely,

Jane M. Hicks Chief, Regulatory Division

Enclosures

-2-

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	IURISDICTION	NAL DETERMINATION FORM		
	San Francis			
This Preliminary Jurisdictional Det	ermination finds that	there "may be" waters of the United States in the subject		
	fies all such aquatic fe File Number: 2012-001	eatures, based on the following information: 95 S PJD Completion Date: 5/8/13		
	File 114111061. 2012-001	Fin Completion Date: 5/8/13		
Review Area Location City/County: Castro Valley, Alameda Co Nearest Named Waterbody: San Lorenzo Approximate Center Coordinates of Revi Latitude (degree decimal format): 37.7178 Longitude (degree decimal format): -122.0 Approximate Total Acreage of Review A	o Creek lew Area 4 °N 8197 °W	File Name: Proctor Road property Applicant or Requestor Information Name: Pete Balfour Company Name: ECorp Consulting Street/P.O. Box: 2525 Warren Dr City/State/Zip Code: Rocklin, CA 95677		
Estimated Total Amount of Waters in Re	view Area	Name of Section 10 Waters Occurring in Review Area Tidal: Non-Tidal:		
Non-Wetland Waters: lineal feet acre(s) Flow Regime: Sel Wetlands: lineal feet feet wic 0,11 acre(s) Cowardin Class: Pal	le and/or	☐ Office (Desk) Determination ☐ Field Determination: Date(s) of Site Visit(s): 5/8/13		
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EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

L. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD ins declined to excrete the option to obtain an approved JD in this instance and at this time.

Is hereby advised of his of her option to request and obtain an approved JD in this instance and at this time. 2. In any dicumstance where a permit applicant obtains an individual permit, or a Nationwide General Pennit (NWP) or other general permit vorification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of juriadictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that bains g permit authorization on an approved JD could passibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit, actualing whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization, and that bains g permit authorization (a.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of JD will be processed as oon as is practicable; (6) accepting a permit authorization (a.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization sheed to are approved JD or aptication diver water bodies on the site affected in any way by that activity are jurisdictional waters of the uppell or in any Federal court; and (7) whether the applicant elects to use either as permit dual and observator or judicial compliance or individual permit). A proffered individual permit (and all terms and conditions contained therein), or individual permit dual and watery appealed pursuant to 33 C.F.R. Part 331, and tha

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U.S. Army Corps of Engineers, San Francisco District MEMORANDUM FOR RECORD

FILE NUMBER:	2012-00195S
PROJECT:	Proctor Road property JD
DATE:	May 14, 2013
PROJECT MGR:	Greg Brown
SUBJECT:	Site Visit/JD for delineation of wetlands/waters

Background: Site visit was conducted to confirm the extent of Corps jurisdiction on the 5.85-acre property (APN 84D-1403-14-17) on the south side of Proctor Road, at or near 4651 Proctor Road, in the city of Castro Valley, Alameda County, California. Property is in suburban neighborhood in hills along northern boundary of Castro Valley.

Site Visit: On 5/8/13 Greg Brown met on site with Mr. Hue Tran (property owner) and Pete Balfour (consultant/agent, ECorp consulting) to tour the property and verify the extent of wetlands and waters mapped by ECorp on May 10, 2012. Weather was clear, a month since last significant rainfall, following a drier than normal late winter.

Property is on south facing slope near ridgetop which forms the divide between San Leandro Creek watershed to north and San Lorenzo Creek watershed to south. Property is undeveloped, but surrounded by rural and low density suburban residential development (see attached field map). Upper, northern part of property lies along gently sloping ridgetop along Proctor Road, with lower, southern part of property sloping more steeply down side of ridge. Upper, flatter parts of property consists mostly of disced ruderal grassland dominated by Avena barbata, Bromus diandrus, and Brassica nigra (photo 1), intersected by several old fencelines, with scattered live oak, and some Eucalyptus and other non-native trees.

Two swales descend from ridgetop along eastern and western sides of property, converging at the lowest corner of the property. Eastern swale is 20-40 feet deep and ~150 feet wide, originating abruptly near top of ridge, but with no apparent springs, outfalls, or other source of hydrology other than surface runoff. Flat bottom of swale is filled with Baccharis pilularis and sides are bordered by live oaks. Much of swale bottom has been disced/mowed, with remaining intact vegetation consisting mostly of Baccharis pilularis, Toxicodendron diversilobum, Circium vulgare, and Avena, with some Rubus armeniacus and scattered sparse Cyperus eragrostis (photos 2-3). Soil pit near some Cyperus about halfway up swale showed some redox, but soil was dry down to 18", with veg and soil indicators not quite enough to qualify as wetland. Western swale is broader and shallower, running mostly offsite, and contains landscaping & backyards of adjacent properties.

Swales converge at bottom corner of property to form a flat-bottomed valley bordered by live oaks and Eucalyptus (photo 4). Valley contains a saturated/ponded area ~ 50 feet wide by 200 feet long, dominated by Juncus xiphioides, Cyperus, Mentha suaveolens, R armeniacus, and Rumex acetosella and crispus (photo 5). Downstream of property the bottom of the valley is filled by residential development along Joseph Drive, and the wetland drains into small culvert/storm drain inlet under Joseph drive fill. Sides and downstream end of wetland are defined by distinct slope breaks bordered by dense Baccharis and Toxicodendron (photo 6). Upstream end of wetland has more gradual slope & vegetation transition to adjacent disced ruderal upland. Recovered and confirmed consultant's data point 2 just outside mapped wetland boundary: at this point soil still contained noticeable redox, but Baccharis and other upland veg was codominant with hydrophytic veg, and soil was dry, in contrast to water table at 4" at paired data point 3 (photo 7) approximately 10 feet away just inside mapped wetland. Therefore the upstream end of wetland appears to be accurately mapped based on disappearance of hydrology indicators.

Recommendation/Conclusion: The consultant's delineation map dated 5/25/2012 reflects the correct jurisdictional areas as delineated on 5/10/2012 and confirmed by Corps personnel on 5/8/2013. Wetland feature on the property flows into a storm drain system that follows historic drainage features under Joseph Drive and Redwood Road in Castro Valley. Storm drains eventually empty into Chabot Creek, which discharges to San Lorenzo Creek. A Preliminary JD form was signed by the consultant 5/14/2013. The map should be approved and the applicant should be notified of the preliminary jurisdictional determination.

Greg Brown, Project Manager

 $\frac{(2-\frac{1}{2})}{\text{Date}}$

Recommendation/Conclusion: The consultant's delineation map dated 5/25/2012 reflects the correct jurisdictional areas as delineated on 5/10/2012 and confirmed by Corps personnel on 5/8/2013. Wetland feature on the property flows into a storm drain system that follows historic drainage features under Joseph Drive and Redwood Road in Castro Valley. Storm drains eventually empty into Chabot Creek, which discharges to San Lorenzo Creek. A Preliminary JD form was signed by the consultant 5/14/2013. The map should be approved and the applicant should be notified of the preliminary jurisdictional determination.

Greg Brown, Project Manager

<u>/2-4-/3</u> Date

San Franci	sco District
	t there "may be" waters of the United States in the subject eatures, based on the following information:
Regulatory Division: South Branch File Number: 2012-001	
Review Area Location City/County: Castro Valley, Alameda Co. State: California Nearest Named Waterbody: San Lorenzo Creek Approximate Center Coordinates of Review Area Latitude (degree decimal format): 37.71784 °N Longitude (degree decimal format): -122.08197 °W Approximate Total Acreage of Review Area: 5.85 acres	File Name: Proctor Road property Applicant or Requestor Information Name: Pete Balfour Company Name: ECorp Consulting Street/P.O. Box: 2525 Warren Dr City/State/Zip Code: Rocklin, CA 95677
Estimated Total Amount of Waters in Review Area Non-Wetland Waters: lineal feet feet wide and/or	Name of Section 10 Waters Occurring in Review Area Tidal: Non-Tidal:
wetlands: Flow Regime: Select Wetlands: lineal feet 0.11 acre(s) Cowardin Class: Palustrine- omergent	Office (Desk) Determination Field Determination: Date(s) of Site Visit(s): 5/8/13
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EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS: 1. The Corps of Engineers believes, that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved JD in this instance and at this time. 2. In any circumstance where a permit applicant obtains an individuel permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "presonstruction nulfifering" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has non-reporting NWP or other general permit, were applicant based on a presenting applicant base and other an approved JD before accepting the terms and conditions of the permit applicant or uniformation of juriadisticned permit, and the permit applicant has the option to request an approved JD before accepting the terms and conditions of the permit applicant based on a presenting the terms and conditions of the permit applicant base of permit authorization of the permit applicant base the option to request of the following: (1) the permit applicant based sonallitons of the permit authorization and the terms and conditions of the permit authorization, and that besing in permit authorization on an approved JD before accepting the terms and conditions of the permit authorization and thereby agree to comply with all the terms and conditions of the applicant has the option the outpermit authorization or request and obtain an approved JD before accepting the terms and conditions of the permit authorization without permits applicant base of the permit applicant base of the following: (1) the permit applicant base of the applicant base of the permit applicant base option to request and obtain approved JD before accepting the terms soon as is practicable.

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DEMETRIOUS N. SHAFFER Fire Chief

COUNTY FIRE PREVENTION 399 Elmhurst, Room 120 Hayward, CA 94544 tel (510)670-5853 fax (510)887-5836

> DUBLIN FIRE PREVENTION 100 Civic Plaza Dublin, CA 94568 Tel (925) 833-6606 Fax (925) 829-9248

EMERYVILLE FIRE PREVENTION 1333 Park Avenue Emeryville, CA 94608 Tel (510) 596-3759 Fax (510) 450-7812

NEWARK FIRE PREVENTION 37101 Newark Blvd. Newark, CA 94560 Tel (510) 578-4218 Fax (510) 578-4281

SAN LEANDRO FIRE PREVENTION 835 E. 14th Street San Leandro, CA 94577 Tel (510) 577-3317 Fax (510) 577-3419

UNION CITY FIRE PREVENTION 34009 Alvarado-Niles Road Union City, CA 94587 Tel (510) 675-5470 Fax (510) 441-2943

Alameda County Fire Department

FIRE PREVENTION www.acgov.org/fire

July 30, 2014

Alameda County Community Development Agency Planning Department 224 West Winton Ave., Room 111 Hayward, California 94544

TO:	Damien Curry	CC	Hue Tran
FROM:	Alameda County Fire Prevention O		
SUBJECT:	Vesting tentative map 8053, a propo located at Proctor Road, Castro Valle	osed 1 ey.	8 lot sub-division

Conditions of Approval

The following conditions shall be met prior the issuance of a building permit and fire clearance for occupancy.

- 1. This project t is located in a very high hazard fire severity zone. The homes shall comply with CBC chapter 7A.
- 2. The wording on the plans referencing a fire buffer zone shall be changed to "hazardous vegetation and fuel management area" to be consistent with the California Fire Code. The locations of the vegetation management areas shown on the plan shall be consistent with the revised lot design and shall not be shown extending into the adjacent lot north of lot 1.
- 3. The hazardous vegetation/fuels shall be designed and maintained per CFC chapter 49.
- Parking is allowed on only one side of the streets that are 28 feet wide. The other side of the street shall be posted Fire Lane No Parking. Portions of the streets less than 28 feet wide shall be posted Fire Lane No Parking on both sides of the street.
- 5. Locations on the streets where fire hydrants are located shall have a minimum clearance of 26 feet.



Transportation Consultants Vision That Moves Your Community

August 7, 2014

Hue Tran 4584 Ewing Road Castro Valley, CA 94546

RE: Traffic Concerns regarding 4659 Proctor Road Residential Development

Dear Mr. Tran,

This letter addresses the concerns heard at the July 8, 2013 at the Municipal Advisory Council meeting in Castro Valley regarding the proposed residential development at 4659 Proctor Road. To address the traffic impacts the project is proposing to reduce the total units to 18 residential single family dwelling units.

The public voiced their concerns regarding traffic and parking that they felt may result from the project. The following issues were raised.

- 1. "Cars are speeding on Proctor and added traffic will make it worse."
- 2. "Too much traffic generated from the project"
- 3. "What is the total traffic added onto the street in the day?"
- 4. "Sight distance looking east from the driveway is limited."
- 5. "Width of private roadway proposed too narrow with limited or no sidewalk. Make it a public street with parking both sides and sidewalk on both sides."
- 6. "Parking supply for guests is not sufficient and will overflow onto Proctor."
- 7. "Provide two access points in and out of the project site. Connect to Joseph Drive."

Regarding the speeding concern, this can be addressed with increased enforcement from Police on Proctor Road. The Police may also have temporary speed feedback trailers which they can install on Proctor Road to make drivers aware of their speed and slow down to the posted speed limit.

The project is proposing 18 residential single family dwelling units, which is a reduction from the 24 units originally proposed. Trip generation for the proposed development was determined using "trip generation per dwelling unit" rates obtained from Trip Generation, 8th edition, published by the Institute of Transportation Engineers (ITE). Table I depicts the anticipated number of trips generated in the AM and PM peak hour. The project is anticipated to generate approximately 15 trips in the AM Peak hour and 14 trips in the PM Peak hour. Table II depicts the anticipated number of trips generated on a weekday.

Table I: Peak Hour Trip Generation for Proposed Development

Project	Land Use (ITE Code)		A.M. Peak Hour				P.M. Peak Hour					
		Size	Rate	%ln: Out	In	Out	Total	Rate	%In: Out	In	Out	Total
4659 Proctor Road	Single-Family Detached Housing (210)	18 Units	0.75	25:75	4	11	[`] 15	1.01	63:37	9	5	14

Pleasanton 4305 Hacienda Drive Suite 550 Pleasanton, CA 94588-2798 925.463.0611 925.463.3690 fax

Fresno 516 W. Shaw Avenue Suite 200 Fresno, CA 93704-2515 559.325.7530 559.221.4940 fax

> Sacramento 980 Ninth Street 16th Floor Sacramento, CA 95814-2736 916.449.9095

Santa Rosa 1400 N. Dutton Avenue Suite 21 Santa Rosa, CA 95401-4643 707.575.5800 707.575.5808 fax

> tjkm@tjkm.com www.tikm.com

TJKM Transportation Consultants

Mr. Tran August 7, 2014 Page 2

Table II: Daily Trip Generation for Proposed Development Daily Land Use Project Size %In: (ITE Code) Out Total Rate In Out Single-Family 4659 Proctor Detached Housing 18 Units 9.57 50:50 87 87 174 Road (210)

TJKM collected 24 hour Average Daily Traffic machine tube counts along Proctor Road, east of the project location. The total number of vehicles that currently travel on Proctor Road is 2,339 vehicles per day. The proposed project is anticipated to generate approximately 174 vehicles per day. The project generates 56 less daily trips than was originally proposed.

Traffic operations were evaluated for the following two existing and one proposed study intersections that may potentially be impacted by the proposed project:

- 1. Proctor Road and Redwood Road (Existing)
- 2. Proctor Road and Walnut Road and Ewing Road (Existing)
- 3. Proctor Road and the Project Driveway (Proposed)

An intersection level of service (LOS) analysis was performed for the study intersections for the following three scenarios:

- 1. Existing Conditions (Scenario 1)
 - This scenario evaluates the existing study intersections based on the existing traffic counts and field surveys.
- 2. Future Near-term Conditions (Scenario 2)
 - This scenario is similar to *Existing Conditions* scenario, with the addition of traffic expected from approved developments in the surrounding area of the proposed project.
- 3. Future Near-term Plus Proposed Project Conditions (Scenario 3)
 - This scenario is similar to *Future Near-term Conditions* scenario, with the addition of traffic from the proposed residential development at 4659 Proctor Road.

Summary

Under *Existing Conditions (Scenario 1)*, the two existing study intersections operate at acceptable levels of service (LOS A or B).

Under *Future Near-term Conditions (Scenario 2)*, the two existing study intersections continue to operate at acceptable levels of service (LOS B).

Under Future Near-term Plus Project Conditions (Scenario 3), the three study intersections operate at acceptable levels of service (LOS A or B).

TJKM reviewed the project site plan to evaluate on-site traffic circulation and access. Internal traffic circulation within the proposed project site is expected to be adequate and has been approved by the County Fire Department.

TJKM Transportation Consultants Mr. Tran August 7, 2014 Page 3

Lea & Braze Engineering evaluated the stopping sight distance at the proposed entrance to Proctor Road and they determined the stopping sight distance was adequate in both directions based on the posted speed limit of the roadway.

According to the tentative map, Proctor Court is proposed as a private street and has a proposed roadway width of 28 feet, which is adequate for parking on one side of the street and two-way traffic. Sidewalk is proposed on one side of the street. In order for parking and sidewalk to be installed on both sides of the roadway, the roadway would have to be widened by 8 feet to a total of 36 feet and would impact the layout of the houses on each lot.

Residents are concerned that the proposed parking is inadequate and would overflow onto Proctor Road. The project is proposing 18 guest parking spaces, which meets the minimum requirements of the County of one guest parking stall per house.

Residents are concerned about one access point in and out of the development with suggestions to connect Proctor Court to Joseph Drive. According to the Civil Engineer at Lea & Braze Engineering, this is not feasible given that the land south of the property boundary is not owned by Mr. Tran, has a height differential of about 22 feet, which makes it impractical to design the roadway connection to in a short distance, and connection to Joseph Drive would impact the existing wetland area, which would create a significant environmental impact.

If you have any questions, feel free to contact me.

Sincerely,

Atul Patel, P.E., P.T.O.E. Director of Design & ITS



Andy Byde Braddock & Logan 4155 Blackhawk Plaza Circle, Suite 201 Danville, CA 94506-4613 August 8, 2014

RE: Review of Proctor Road Property (APN 84D-1403-14-17), (Corps of Engineers ID # 2012-00195)

Dear Mr. Byde:

I took a look at the proposed project maps and the letter from the US Army Corps of Engineers (dated December 12, 2013) as requested and have the following analysis for your consideration. Firstly, the Corps found there to be a single jurisdictional feature, consisting of a 0.11-acre seasonal wetland feature, located within the property boundary. This feature appears on both the Preliminary Jurisdictional Determination map (Prepared by ECORP Consulting, and preliminarily verified by Mr. Greg Brown of the SF District of the Corps of Engineers), and also appears as "approximate limits of wetland delineation" on the tentative map sheet (9 of 14), titled Proctor Road – 18 Lot Subdivision, vesting tentative tract map No. 8059, storm water management plan, by MaKay & Somps engineering (dated August 2014). Secondly, the proposed project shows the jurisdictional seasonal wetland within a separate parcel described as "Parcel B." The plans show that within parcel B there will be some site grading for stabilization of the existing hill slope and the construction of a "Bio-retention cell." The site grading shown on the plans does not indicate any discharge to- or filling of- the jurisdictional feature. The Bioretention cell is designed to retain storm water and ensure water quality prior to discharge, and it is my understanding that under some storm situations, the feature will discharge storm water directly to the jurisdictional seasonal wetland. The narrative provided on map sheet 9 indicates that the project proposes to "... utilize the existing pond on site for both hydromodification detention (10% of 2YR storm - 10 YR storm), and 100-YR PRE VS. POST development detention. The project will install an outfall metering device at the outlet of the existing pond to meter the discharge and match post development flows." The attached engineering plans (Proctor Road – 18 Lot Subdivision, vesting tentative map tract map NO. 8059, sheets 5 and 9) clearly indicate that the proposed metering device and outfall structure are to be installed outside of the jurisdictional boundary established by the Corps' map.

The May 9, 2002, *Final Revisions to the Clean Water Act Regulatory Definitions of "Fill Material" and "Discharge of Fill Material"* created the Final Rule in creating a common definition between the Environmental Protection Agency and the U.S Army Corps of Engineers regarding what constitutes "fill" of regulated waters of the U.S. (and is therefore regulated pursuant to Section 404 of the Clean Water Act. The Final Rule describes the differences

between the regulation of the discharge of fill material (pursuant to Section 404), and the regulation of "pollutants" (pursuant to Section 402).

"The CWA governs the "discharge" of "pollutants" into "navigable waters," which are defined as "waters of the United States." Specifically, Section 301 of the CWA generally prohibits the discharge of pollutants into waters of the U.S., except in accordance with the requirements of one of the two permitting programs established under the CWA: Section 404, which regulates the discharge of dredged or fill material, or section 402, which regulates all other pollutants under the National Pollutant Discharge Elimination System (NPDES) program. Section 404 is primarily administered by the Corps, or States/Tribes that have assumed the program pursuant to section 404(g), with input and oversight by EPA. In contrast, Section 402 and the remainder of the CWA are administered by EPA or approved States or Tribes." 33 CFR Part 323 (Fed. Reg. Vol 67, No 90, pg 31130)

"The final rule defines "fill material: as material placed in waters of the U.S. where the material has the effect of either replacing any portion of a water of the United States with dry land or changing the bottom elevation of any portion of a water. The examples of "fill material" identified in today's rule include rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in waters of the U.S." 33 CFR Part 323 (Fed. Reg. Vol 67, No 90, pg 31132)

Section 404 of the Clean Water Act generally regulates the discharge of dredged or fill material below the plane of ordinary high water in non-tidal waters of the United States, below the high tide line in tidal waters of the United States, and within the lateral extent of wetlands adjacent to these waters. All proposed discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States; or below the high tide line in tidal waters of the United States; and within the lateral extent of wetlands adjacent to these waters of the United States; and within the lateral extent of wetlands adjacent to these waters, typically require Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*). Waters of the United States generally include the territorial seas; all traditional navigable waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters; non-navigable tributaries of traditional navigable waters that are relatively permanent, where the tributaries typically flow year-round or have continuous flow at least seasonally; and wetlands directly abutting such tributaries.

The seasonal wetland located on the site should be considered to be a "Water of the United States" per the Preliminary Jurisdictional Determination. As such, it is subject to regulation pursuant to the Clean Water Act. The proposed site development plans do not indicate that the project will discharge "fill material" into the seasonal wetland. Presuming the grading plan does not change and that the project does NOT trigger a Clean Water Act, Section 404 permitting requirement. Discharge of storm water however, IS regulated pursuant to Section 402, and the project is therefore subject to all terms and conditions of the NPDES permit. The NPDES permit is administered by- by- and regulated by- Alameda County, under the authority of the Regional and State Water Boards, and Alameda County is therefore responsible for ensuring compliance with the terms of the permit. Implementation of the required NPDES measures / BMPs for

construction and post-construction would typically be required by Alameda County to satisfy the NPDES permit. These measures typically consist of a NOI and SWPPP for construction BMPs and a Storm Water Management Plan that meets the Municipal Regional Permit C.3 Provisions for post-construction BMPs.

Please let me know if you have any additional questions. I can be reached by telephone at (415) 602-2970, or by email at <u>cameron.johnson@johnson-marigot.com</u>.

Respectfully,

Cameron Johnson





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