

**THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY  
HAYWARD, CALIFORNIA**

**RESOLUTION NO. 17-08  
VESTING TENTATIVE TRACT MAP 8380  
JUNE 19, 2017**

Introduced by Commissioner Moore  
Seconded by Commissioner Gin

**WHEREAS** Todd Deutscher/Catalyst Development Partners have filed with the Alameda County Planning Department an application for Vesting Tentative Tract Map 8380, to subdivide one parcel containing 1.885 acres into eight (8) building lots and four (4) common lots, and for Site Development Review to allow construction of 27 townhomes in eight separate buildings, in an R-S-D-15 (Residential-Suburban, “D” Combining District requiring 1,500 square feet of building site area per dwelling unit) District, located at 3544 Jamison Way (including also 3546, 3548, 3528 and 3530 Jamison Way), north side, approximately 460 feet east of Santa Maria Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor’s Parcel Numbers: 84A-0076-020-01; 84A-0076-021-04; 84A-0076-021-06; 84A-0076-022-00; and 84A-0076-023-00; and

**WHEREAS** this application has been reviewed in accordance with the provisions of the California Environmental Quality Act (CEQA, 1970, as amended) and pursuant to Section 15070 of the CEQA Guidelines, the Alameda County Planning Department has proposed a Mitigated Negative Declaration to be adopted by the Planning Commission based on the Initial Study/Environmental Checklist which shows that although there may be potentially significant effects of the project, revisions to the project plans and agreements made by the project proponent to carry out certain identified mitigation measures would avoid or reduce such effects to a level that is less than significant; and

**WHEREAS** the Castro Valley Municipal Advisory Council held public hearings for the purpose of preliminary plan review of the subdivision and site development plans at the hours of 6:00 p.m. on Monday the twenty-eighth of November, 2016, and subsequently on Monday the twenty-second day of May, 2017, for the purpose of taking public comment on the Mitigated Negative Declaration and making its recommendation to the Alameda County Planning Commission of the vesting tentative tract map; and

**WHEREAS** at the public hearing on May 22, 2017 two oral comments were made by Municipal Advisory Council Member David Sadoff on separate proposed Mitigation Measures, including B-1 which would allow ground disturbing activity during the general avian nesting season (February 1 – August 30), “if feasible” where it should be wholly disallowed during such seasons and require a survey, and HAZ-1, which specified that waste that exceeds the Residential Regional Screening Levels (RSL) established by the U.S. Environmental Protection Agency, Region 9, shall be disposed of “at a facility licensed to receive Class II California Hazardous Waste” should be revised to include facilities licensed to receive both Class I and Class II California Hazardous Waste; and

**WHEREAS** the Initial Study/Mitigated Negative Declaration was circulated for a 30-day public review and comment period between May 2 and June 2 of 2017, by direct mailing to responsible agencies, the State Clearinghouse, and for which notice to neighboring properties was

provided, and no written comment letters or electronic communications were received from neighbors or state agencies; and

**WHEREAS** the oral comments received from Municipal Advisory Council Member David Sadoff were addressed in the staff report to the Planning Commission, in that ground disturbing activity was determined by an expert biologist to be allowed outside the general nesting period, during which time no survey would be required and a survey is required if it is impractical to delay the initiation of grading or ground clearing and disturbing activities, and that the change to include both Class I and Class II type California Hazardous Waste facilities is an acceptable modification of Mitigation Measure HAZ-1; and

**WHEREAS** the Planning Commission finds, based on the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment with the incorporation of mitigation measures identified in the Initial Study and which will be required as part of the Mitigation Monitoring and Reporting Program; and

**WHEREAS** the Mitigated Negative Declaration was prepared by professional environmental planning consultants and was reviewed and revised by the Alameda County Planning Department, and represents the County's independent judgment; and

**WHEREAS** the Planning Commission held a public hearing on the proposal at the hour of 3:00 p.m. on Monday the nineteenth of June, 2017, for the purpose of considering approval of the vesting tentative tract map; and

**WHEREAS** the Planning Commission is designated by the Alameda County Subdivision Ordinance as the Advisory Agency for taking action on maps of this type; and

**WHEREAS** the Alameda County Planning Department, located at 224 West Winton Avenue, Room 111, Hayward, California is the location and custodian of the administrative record in this matter; and

**WHEREAS** the project developer will be required to implement the Mitigation Monitoring and Reporting Program as a condition of approval, which shall be accomplished consistent with the timing of each measure set forth in the attached Program; and

**WHEREAS** the Project site is within the Castro Valley Area Plan, which designates the site for Residential Mixed Density (RMX), allowing a maximum of 29 dwelling units per acre and a variety of housing types near commercial business districts while maintaining the existing character and development pattern of the neighborhood, and the site contains 1.885 acres of site area thus permitting up to 54 dwelling units, and the proposed vesting tentative tract map and site and development plan propose 27 townhome units only; and

**WHEREAS** members of the Planning Commission did conduct a field trip to the project site at the hour of 1:00 p.m. on Monday the 19<sup>th</sup> of June, 2017, and did conduct a public hearing on said application at the hour of 3:00 p.m. on the same said day, in the Hearing Room of the County Administration Building, 224 West Winton Avenue, Hayward, California, for which notice was given as required by law and at which the Planning Commission took public testimony; and

**WHEREAS** the Planning Commission did hear and consider all said reports, recommendations and testimony as hereinabove set forth; and

**WHEREAS** under conditions to be made as part of the map, it is the finding of this Commission that:

1. The proposed map, and the related design and improvements, are consistent with applicable general and specific plans in that the area is planned and zoned for the proposed use under the Castro Valley Area Plan, the site development density conforms to the Area Plan, and the design and mitigation measures protect resources identified as being important in the Plan.
2. The site is physically suitable for the proposed type and density of development in that there is ample building area on the site, and geotechnical reports concludes that the site is suited to residential development as provided for in the plan.
3. The design and improvements of the project will not cause substantial environmental damage in that the conditions set forth below will incorporate the mitigation measures identified in the Initial Study/proposed Mitigated Negative Declaration, and will reduce potential environmental impacts to a less-than-significant level.
4. The design and improvements of the subdivision will not cause serious public health problems in that public sewer and water services are available to each lot in the land division and stormwater, fire hazard, and similar protections will be in place.
5. The design and improvements of the subdivision will not conflict with easements acquired by the public at large for access through, or for use of, property within the proposed land division in that none are known to exist. The Subdivider will be required to provide final verification of all property boundaries and resolve any disputes prior to recording the Final Map.

**WHEREAS** improvements, as specified in the conditions of approval of this map, are found to be necessary for the public health and safety and a necessary prerequisite to the orderly development of the surrounding area; and

**NOW THEREFORE BE IT RESOLVED** that the Mitigated Negative Declaration is hereby adopted and that Vesting Tentative Tract Map 8380 is hereby approved as to area, improvements and lot design, flood and water drainage control and as to all requirements of the Alameda County Subdivision Ordinance, subject to the design and statements shown on the copy of the map labeled “Exhibit B, Vesting Tentative Tract Map 8380”, and the following conditions:

#### **GENERAL CONDITIONS**

1. All conditions must be accomplished prior to or concurrent with filing the Final Map, unless another time of compliance is specified below or on the face of Exhibit “C.” Installation of improvements shall be guaranteed under a County-Developer Tract Contract, as approved by the Director of Public Works. All improvements guaranteed

- under this contract shall be completed by the land divider and accepted by the Board of Supervisors, prior to release of improvement guarantees.
2. Prior to release of guarantees, all improvements as specified herein or shown on Exhibit “B” shall be installed in accordance with the improvement plans approved by the Director of Public Works. Inspections shall be certified by a registered Engineer or by Public Works Agency staff, at the option of the Director of Public Works. Fire protection improvements shall be inspected and approved by the Alameda County Fire Department.
  3. The design and improvement of this land division shall be in conformance with the design and improvement indicated graphically or by statement on Exhibit “B” including road location, grade, alignment, width and intersection design; design and grading of lots; location and design of storm drainage facilities; and location and design of frontage improvements.
  4. All required plans, specifications, and technical data necessary to complete the Final Map shall be filed with the Director of Public Works. Requirements for filing the map, review fees, improvements and inspections of work shall be determined by the Director.
  5. A current title report and copies of the recorded deeds of all parties having record title interest in the property to be divided and if necessary, copies of deeds for adjoining properties, shall be submitted to and accepted by the Director of Public Works.
  6. Where easements are not obtained, rights of entry and drainage releases shall be acquired by the land divider in writing from the adjoining property owners for use of improvement of drainage ways outside the boundary of the tract map. Original copies of right of entry shall be provided to the Director of Public Works.
  7. Subdivider or its successors shall defend, indemnify, and hold harmless Alameda County or its agents, officers, or employees from any claim, action, or proceeding against Alameda County, or its agents, officers, or employees to attack, set aside, void, or annul this tentative map, including any amendments thereto, or underlying environmental documents and actions taken pursuant to the California Environmental Quality Act, Alameda County Zoning Ordinance, other State and County code and ordinance requirements, and any combination thereof. Such indemnification shall include but not be limited to any such proceeding. Alameda County shall promptly notify the subdivider of any such claim, action, or proceeding and shall cooperate fully in the defense. If subdivider or its successors shall fail to adequately defend the County of Alameda, the County may provide its own legal defense and subdivider or its successors shall be responsible for the County's reasonable attorneys' fees.
  8. Secure approval from the Planning Director and Director Public Works of Draft Covenants, Conditions and Restrictions (CC&Rs) for a homeowner’s association (HOA) prior to submittal to the Department of Real Estate (DRE). Final CC&Rs as approved by the DRE shall be approved by the Planning Director and Director Public Works prior to recordation. The CC&Rs shall provide for private ownership and financial responsibilities of all

infrastructure in the subdivision including but not limited to storm drain facilities, private roadway access, parking areas, common areas, stormwater treatment/bioretenion areas, detention structures, and related auxiliary structures. The CC&Rs shall clearly specify an acceptable funding mechanism for all onsite common improvements. CC&Rs shall be recorded prior to release of improvement guarantees by the Board of Supervisors. Prior to approval of the Final Map, Subdivider shall grant the HOA an irrevocable cash deposit in the amount of \$1,000 per proposed condominium lot for the maintenance of all on-site common improvements. CC&Rs shall require the following:

- a. Payment of dues and assessments shall be both a lien against the assessed land and a personal obligation of each property owner as shown on Exhibit “B”.
- b. The association shall maintain in good repair all fences, walls, and common areas, including parking bays and vehicle turnarounds, and any common utility services and storm drainage easements serving or crossing more than one parcel.
- c. The association shall maintain in perpetuity the bioretention areas, stormwater detention pipes and structures and all pertinent infrastructure installed for the purpose of treating and detaining stormwater runoff
- d. The association shall maintain any pathways required for maintenance access to all bioretention areas shown on Exhibit “B” (Sheet 7, Stormwater Control Plan), and related stormwater detention and outflow facilities, including drainage lines from adjacent upland properties.
- e. Parking within the development shall be permitted in designated locations only; the private street shall be so posted; and the association shall enforce parking restrictions.
- f. All parking spaces shall be maintained in conformance with the County minimum of 9' x 20' for standard spaces and 14' by 20' for handicapped accessible parking spaces.
- g. All garage parking spaces shall be kept accessible for parking purposes as required by Section 17.52.770 of the Alameda County Zoning Ordinance.
- h. The association shall provide for ownership and maintenance of the streetlights, including payment of electrical operating costs and a lighting maintenance budget.
- i. No recreational vehicles, as defined by Section 17.04.010 of the Alameda County Zoning Ordinance, or trailer-hauled boats shall be parked or stored within the project boundaries, and vehicles or trailers parked contrary to this provision shall be removed by the association.
- j. Common landscaped areas, project entry, and parking areas shall be maintained consistent with the approved Landscape Plan for the project.
- k. The association shall review the architecture of any proposed modifications or additions to homes, fences, or other structures within the development, and removal of any trees shown on the approved Landscape Plan.
- l. The association shall be responsible for maintaining the common open space, specifically including Parcels A, B, C and D as shown on Exhibit “B”, Sheet 3, and in

accordance with the approved Landscape Plan and using Bay-Friendly landscaping principles and guidelines as promulgated by the Alameda County Waste Management Authority to the maximum extent feasible, and to remove any severe hazards.

#### **ACCESS/STREET IMPROVEMENTS**

9. Access road and easements shall be improved as shown on Exhibit “B” and as specified herein below. Said improvements shall be guaranteed under the County-Developer Tract Contract, as approved by the Director of Public Works.
10. Install Portland Concrete Cement curb, gutter, sidewalk and pavement tie-in along the entire street frontage of Jamison Way that conform with the County’s standard details, and in accordance with Mitigation Measure T-2 in the Mitigated Negative Declaration, coordinate with the Public Works Agency to install or wholly the same improvements on the entire Jamison Way frontage of the lot bearing Assessor’s Parcel Numbers 84A-0076-015-02 and 84A-0076-016-01, and the entire Redwood Road frontage of the lot bearing Assessor’s Parcel Number 84A-080-007-06. Such improvements shall extend fully to and match or align with existing curb, gutter and sidewalk on Jamison Way or as applicable on Redwood Road, and shall be completed prior to release of all guarantees, unless a prior agreement has been recorded with the Public Works Agency which obligates the Subdivider to install such improvements at a later time, the recording of which shall be executed concurrently with approval of improvement plans for the project site on Jamison Way. Such agreement may also provide for the Subdivider to fund the costs of the off-site street frontage improvements (Parcel Numbers 84A-0076-015-02, 84A-0076-016-01 and 84A-080-007-06) to the Public Works Agency.
11. Provide a street-type entrance for the access road at Jamison Way which shall conform to the latest Caltrans Revised Standard Plan (RSP A87A) or as approved by the Director of Public Works.
12. Access road design, including street width and the access road entrance and turnarounds, shall be approved by the Alameda County Fire Department in conformance with Department standards. The Subdivider shall install emergency vehicle turnarounds from the main driveway, as shown on Exhibit “B”, Sheet 4. Each drive aisle between building exceeding 150 feet in length shall have “End of Fire Access Road” signage posted as shown on Exhibit “B”, Sheet 4.
13. There shall be no parking of vehicles on the access road except where designated on Exhibit “C.” All parking spaces shall conform to the County minimum of 9' x 20' for standard spaces and 14' by 20' for handicapped accessible parking spaces. Red curbing is required along the access road where the width is less than 36 feet and no parking is provided. Fire lane signage stating “No Parking - Fire Lane” shall be installed and/or stenciled along the curb of the access road every 100 feet as required by the Fire Department. Provide red curb painting on each side of the driveway entry at Jamison Way for a distance of 20' to provide

adequate sight distance for vehicles exiting and entering the site. Proposed landscaping shall not create sight obstructions at the driveway entry.

14. Fire protection improvements are to be installed by the land divider in accordance with the requirements of the Alameda County Fire Department. A letter from the Fire Department stating that it has approved the design and improvement guarantees shall be submitted to the Director of Public Works.
15. Any right-of-way dedication, relocation of improvements or public facilities or utilities, or road improvements shall be accomplished at no cost or expense to the County.
16. Traffic safety and parking restriction signs, devices, stop signs, and street name signs shall be installed in accordance with Alameda County standards. If proposed, a street name for the private street shall be approved by the Planning Department and such name shall appear on the Final Map. Application for new building addresses will be required as part of the building permit process, with appropriate addresses assigned subject to the County Address Ordinance managed by the Building Department.

#### **SITE ALTERATIONS/IMPROVEMENTS**

17. Design and improvement of the land division shall comply with recommendations and requirements of the Public Works Agency, Construction & Development Services Division, as detailed in its letter dated April 20, 2017, or as amended by these conditions.
18. All roadway and storm drain facilities are to conform to Alameda County's Engineering Design Guidelines and Hydrology and Hydraulics Criteria Summary. All work must be in compliance with Alameda County ordinances, guidelines, and permit requirements. The Subdivider shall obtain a County Stormwater Permit and provide for stormwater protection design solution which conform to the 2016 or latest version of the C.3 Technical Guidance.

All proposed stormwater quality treatment and detention facilities shall incorporate bypasses for both high-volume/short-duration storm events and low-volume/long-duration storm events. The design shall anticipate potential damage to and loss of functionality of the bioretention areas (BRAs) and provide for safe outflow from upstream on-and off-site directions from the stormwater detention structures through hardscape features and drainage flow pathways. All V-ditches discharging into bio-retention areas shall be fitted with an energy dissipator and an impervious surface spillway to protect each BRA from potential wash out.

19. Each BRA shall meet all C.3 Permit design criteria, including the Attachment L specifications for soil conditions. Access paths shall be provided for access to the BRAs, which may be comprised of crushed rock or stepping pavers. Similar or more substantial access paths (e.g., concrete steps and walks, or other design approved by the Director of Public Works) may be required based on the approved landscaping and grades for the BRAs. Large trees adjacent to BRAs are not encouraged, and may be subject to approval by the Director of Public Works.

20. Note on the plans: “An encroachment permit from the Alameda County Flood Control and Water Conservation District must be acquired prior to the commencement of any work within the District right-of-way, and for the construction, modifications or connection to District facilities. All workmanship, equipment, and materials shall conform to District standards and specifications.”
21. Subdivider shall provide the Director of Public Works with hydrology and hydraulic calculations accompanied by a drainage area map showing, in addition to on- and off-site topography, points of concentration and drainage sub-areas with designations that are matched with the hydrology calculations. The drainage area map shall show at scale all areas tributary to the project site.
22. Site grading shall comply with the requirements of the Alameda County Grading Ordinance, Chapter 15.36. A Grading Permit shall be secured from the Director of Public Works in accordance with the Grading Ordinance.
23. No grading shall be permitted on this site until grading, drainage, erosion and sedimentation control plans have been approved by the Director of Public Works. Grading plans shall also be approved by the Planning Director prior to filing the Final Map or grading of the site and shall generally conform to grading envelope and quantities indicated on Exhibit “B.”
24. Grading and site improvements shall not block or concentrate runoff from adjacent properties nor augment the rate of flow to adjacent properties.
25. Grading operations and construction activities shall be limited to weekdays (Monday through Friday) and the hours of 7:00 a.m. to 6:00 p.m., unless otherwise authorized by the Director of Public Works. No grading work is allowed during the rainy season, from October 1 to April 30, except upon a clear demonstration, to the satisfaction of the Director of Public Works, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site.
26. A separate permit will be required for the demolition of existing buildings, and shall comply with the Alameda County Green Building Ordinance and Construction & Demolition Debris Management program.
27. Before any demolition or grading, destroy known water wells that do not have documented intent of future use. Obtain a destruction permit from Alameda County Public Works Agency (contact 510-670-6632) for any water well in the remainder of Alameda County.
28. The following shall be submitted to the Director of Public Works, prior to acceptance of final improvements by the Board of Supervisors:
  - a. A geotechnical and geological investigation report conforming with Grading Ordinance requirements. This report may also be reviewed by the County geotechnical consultant. The report shall address any geological hazards on the site according to guidance in the latest SP117 (state Geologist’s Special Publication 117).



- b. An as-built grading plan prepared by a registered Civil Engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage, and location of surface and subsurface drainage facilities.
  - c. A complete record including location and elevation of all field density tests, and a summary of all field and laboratory tests.
  - d. A declaration by a Civil Engineer and Geologist that all work was done in accordance with the recommendations contained in the soil and geologic investigation report and approved plans and specifications.
  - e. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and geologic investigations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval and shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement and seismic activity.
29. A Final Landscape Plan prepared by a Landscape Architect shall be submitted to the Planning Director for approval prior to issuance of the first Building Permit. The Landscape Plan shall contain a specific planting plan including a mechanical irrigation plan, planting and staking details, tree protection details (where existing trees are to be preserved) and a landscape maintenance program. In order to encourage water conservation, the Landscape Plan shall comply with Alameda County's Landscape Water Efficiency Landscape Ordinance (WELO, adopted by the Board of Supervisors on July 24, 2012) including the following requirements:
- a. Turf shall be limited to 25% of the planted area.
  - b. Non-turf areas shall emphasize water conserving plants. Plants selected shall be well suited to the climate of the region and require minimal water.
  - c. Turf grass perimeters shall be minimized to improve irrigation efficiency.
  - d. For ease of maintenance and reduction of runoff, ground covers other than lawns shall be used on slopes exceeding 10%.

In order to comply with the WELO, the Subdivider shall submit a Landscape Documentation Package that meets the requirements of the WELO including project documents, plans, components, and the Water Efficient Landscape Worksheet, comprised of: a) hydrozone information table; and b) water budget calculations – Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (ETWU). The Landscape Documentation Package shall also include: soil management report; landscape design plan; irrigation design plan; and grading design plan. The Landscape Documentation Package shall also be provided to the East Bay Municipal Utility District for its approval. The landscaping and irrigation systems shall be installed to WELO standards and to the satisfaction of the Planning Director.

30. An Encroachment Permit shall be secured from the Director of Public Works prior to commencement of work within the County right-of-way along Jamison Way. A cash

deposit or bond equivalent to 150 percent of the cost of installing any improvements will be required to obtain this permit. The deposit will be returned upon satisfactory completion of the improvements by the developer. An inspection and permit fee will also be required.

31. Prior to issuance of a Grading Permit, a Storm Water Quality Control Plan (SWQCP) and Storm Water Pollution Prevention Plan (SWPPP), consistent with the corresponding Environmental Mitigation Measures below, including erosion and sedimentation control, that addresses both construction and post-construction storm water quality shall be prepared and included in the project improvement plans. Subdivider shall file a Notice of Intent and the SWPPP with the state under the provisions of the state construction general permit prior to land disturbing activities.
32. Prior to demolition or ground disturbing activity, the Subdivider shall provide for removal of urban wildlife, using traps and other humane controls, in order to avoid displacement of rodents or other small mammals into the surrounding neighborhood.

#### **BUILDING CONSTRUCTION**

33. Subdivider shall obtain one or more building permits for the townhome structures. All new buildings shall comply with the California Building Code, California Green Building Code and Alameda County Green Building Ordinance in effect at the time of submitting building permits, including requirements for disabled access.
34. A California licensed architect or engineer shall be designated as the design professional responsible for and in charge of the project submittal.
35. All new residential structures shall be equipped with fire sprinklers. The type of fire sprinkler system will be determined during the Building Permit approval process. A 13D fire sprinkler system will be required for R-3 occupancies, and a 13R fire sprinkler system will be required for R-2 occupancies. All dwelling units including front and/or back yards shall be accessible without crossing another unit's property.
36. The three upper story west-facing windows of the building in Lot 3 as shown on Sheet 3 of 7 of "Exhibit B" (Tentative Map), also shown on sheet A.4.6 (Plan 1-R) of the architectural plans, shall be either tinted and fixed between the upper story floor level and six feet above that floor level, or reduced in size and raised to six feet above that floor level, or otherwise designed to avoid clear views from such windows to properties to the west. A third option and preferred option is to supplement the Landscape Plan with at least two additional trees as shown on Sheet L1 of the Landscape Plans, on either side of the adjacent main driveway.

#### **ENVIRONMENTAL MITIGATION MEASURES**

37. Hauling Trip Cap. During the Project's grading phase, no more than 38 hauling trips (round trip) for offsite disposal of excavated soil shall occur per day.

38. Lighting Design Plan. The Subdivider shall design lighting to be sensitive to neighboring land uses and to minimize energy use, according to standard County lighting guidelines. The Alameda County Planning Department shall review the design plans to ensure compatibility of the Project with all applicable guidelines. The general lighting guidelines for County projects include the following items:
- Subdivider shall design public area lighting so as to evenly illuminate areas of concern, but so as not to intrude upon private areas any more than necessary. Public areas not essential to security should be illuminated only when necessary for occupation by use of timers or motion detector circuits. Decorative electroliers can be considered for the private street.
  - Subdivider shall use the lowest wattage lamps reasonable for illumination of the area of concern.
  - Subdivider shall install only full cutoff-shielded lights for illumination of public areas.
  - Subdivider shall design and place night time lighting and security lighting so that it is no higher than necessary to illuminate the area of concern for security or visual comfort.
  - Subdivider shall not position night lighting to illuminate areas beyond the site boundaries, nor shall the Subdivider position general lighting to radiate above the horizontal, but shall place lights or install shielded lights to illuminate only the area of concern.
  - The Homeowners Association shall enforce these conditions through CC&Rs for the Project and the CC&Rs shall provide for ownership and maintenance of the streetlights, including payment of electrical operating costs and a lighting maintenance budget.
  - Subdivider shall submit a lighting plan for review and approval by the Planning Director prior to issuance of building permits.
  - Streetlights shall be installed 2 feet from the face of curb to the centerline of the electrolier, or in the public utility easement (PUE) behind the sidewalk, opposite from the street. A 4-foot minimum wide walkway shall be provided adjacent to the pole.
39. Implement Site-Specific Dust Abatement Programs. The Project shall demonstrate compliance with all applicable County regulations and operating procedures prior to issuance of building or grading permits, including standard dust control measures consistent with the Bay Area Air Quality Management District CEQA Guidelines:
- During excavation, the construction area shall be watered using equipment and staff that are provided by the Subdivider or prime contractor, as needed, to avoid visible dust plumes. Appropriate non-toxic dust palliative or suppressant, added to water before application, may be used.
  - All trucks hauling soil, sand and other loose materials shall be covered or shall maintain at least two feet of freeboard.

- All unpaved access roads, parking areas and construction staging areas shall be either paved, watered as necessary to avoid visible dust plumes, or subject to the application of (non-toxic) soil stabilizers.
  - All paved access roads, parking areas and staging areas at the construction site shall be swept daily with water sweepers as necessary to control visible dust plumes.
  - If visible soil material is carried onto adjacent public streets, these streets shall be swept at least daily with water sweepers.
  - All stockpiles of debris, soil, sand or other materials that can be blown by the wind shall either be covered or watered as necessary to avoid visible dust plumes.
  - An off-pavement speed limit of 15 miles per hour for all construction vehicles shall be incorporated into the construction contract and enforced by the prime contractor.
  - All inactive portions of the Project Site (those areas which have been previously graded, but inactive for a period of ten days or more) shall be watered with an appropriate dust suppressant, covered or seeded.
  - All earth-moving or other dust-producing activities shall be suspended when the above dust control measures prove ineffective in avoiding visible dust plumes during periods of high winds. The wind speed at which this suspension of activity will be required may vary, depending on the moisture conditions at the Project Site, but suspension of such activities shall be required in any case when the wind speed exceeds 25 miles per hour.
40. Implement Site-Specific Diesel Reduction Programs. The Project Subdivider shall adhere to the following diesel reduction efforts:
- Diesel powered equipment shall be maintained in good working condition, with manufacturer-recommended mufflers, filters, and other equipment.
  - Diesel powered equipment shall not be left inactive and idling for more than ten minutes, and shall comply with applicable BAAQMD rules.
  - Alternative fuels shall be used in heavy construction equipment to the extent feasible.
  - Hours of operation of heavy-duty equipment and/or the amount of equipment in use shall be limited to weekdays, 7:00 a.m. to 7:00 p.m. unless authorized by the Public Works Agency for purposes of necessary activity.
41. Nesting Bird Surveys and Avoidance. Initial site disturbance activities, including vegetation removal and structure demolition, shall be prohibited during the general avian nesting season (February 1 – August 30). However, if it is not feasible to avoid ground disturbing activity during the breeding season, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and status of any active nests on or adjacent to the Project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active

nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition. In the event that active nests are discovered, a suitable buffer shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 30 and February 1.

42. Pre-Construction Surveys for Bats. The structure on the project site should be surveyed for bats prior to demolition. If a maternity colony of bats occurs in the structure, then demolition should occur after the young bats are able to leave their parents (demolition can typically occur between September 1 and October 15 that is before a wintering colony of bats may begin hibernation). If a wintering colony of bats occurs in the structure, then demolition should occur after the weather warms in the spring but before young are born (demolition can typically occur between March 1 and April 15). Female bats begin to have their pups after April 15 and any maternity roost should not be destroyed if pups are present.

Roosting Bats Impact Avoidance and Minimization. The applicant shall ensure the following actions are undertaken to avoid and minimize potential impacts to roosting bats:

- Prior to construction activities, a qualified biologist shall conduct a survey of existing structures proposed for demolition and trees proposed for removal or trimming within the Project site to determine if roosting bats are present. The survey shall be conducted during the non-breeding season (November through March) to the maximum extent feasible to allow for passive relocation of non-maternity roosting bats, if needed. The biologist shall have access to all interior attics, as needed. If a colony of bats is found roosting in any structure, further surveys shall be conducted sufficient to determine the species present and the type of roost (day, night, maternity, etc.). If the bats are not part of an active maternity colony, passive exclusion measures shall be implemented. A passive exclusion plan must be submitted and approved by Alameda County, in close coordination with CDFW, prior to implementation. Exclusion measures may include one-way valves that allow bats to exit the structure but are designed so that the bats may not re-enter the structure.
- Prior to removal of any trees or structures, a survey shall be conducted by a qualified biologist to determine if any structures proposed for removal or trees proposed for removal or trimming harbor maternal bat colonies. If a non-maternal roost is found, the qualified biologist, in close coordination with CDFW shall install one-way valves or other appropriate passive relocation method. Maternal bat colonies may not be disturbed. When the typical maternity season ends, a biologist shall confirm that the young have matured and the maternity colony is no longer active. At that point, passive exclusion measures may be implemented. A passive exclusion plan must be submitted

- and approved by Alameda County, in close coordination with CDFW, prior to implementation. Exclusion measures may include one-way valves that allow bats to exit the structure but are designed so that the bats may not re-enter the structure. In the event that a maternity colony is present, other measures to avoid impacts to bats may necessary as determined by the County in consultation with CDFW.
43. Tree Replacement. The Subdivider shall obtain approval of the Landscape Plan from the Director of Public Works for replacement trees in the public right-of-way of Jamison Way, including species, precise location and method of installation.
44. Cultural Resource Protection Procedures. The Subdivider shall inform all personnel connected with Project site demolition, soil remediation, grading and construction, of the possibility of finding archaeological resources (e.g. human remains, artifacts, bone or shell). If during construction such resources are encountered, all work shall be halted within a 100-foot radius of the findings and a qualified archaeologist shall be retained to ascertain the nature of the discovery. As provided for by Mitigation Measure TCR-1, if cultural resources of Native American origin are identified during construction, Alameda County shall consult with a qualified archaeologist and begin or continue Native American consultation procedures. State law (Public Resources Code Section 15064.5 and the Health and Safety Code Section 7050.5) requires the following steps to be taken:
- There shall be no further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie human remains until the County Coroner is contacted;
  - If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours;
  - The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent;
  - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods.
45. Conformance with California Building Code. The Project shall be designed in accordance with all seismic provisions of the California Building Code (CBC) (or the most currently adopted revision), and with County of Alameda and State of California Standards for residential construction to withstand seismic shaking and related hazards.
46. Conformance with the County Grading Ordinance. The Project shall conform to all requirements and provisions of the Alameda County Grading Ordinance, and the State of California. Under the State requirements, the Project Applicant must obtain a water quality certification or waiver from the Regional Water Quality Control Board. This process ensures conformance to best management practices during construction to control wind and water erosion that could affect surface and ground water quality.
47. Conformance with Geotechnical Report. The Project shall incorporate the recommendations of the Geotechnical Report into the design and construction of the Project.

48. Development Plan Review and Approval. The final development plan for the Project shall be reviewed and approved by the Alameda County Public Works Agency to ensure that the Subdivider has incorporated the recommendations of the Geotechnical Report into the design and construction of the Project.
49. Lead and Asbestos Protection Procedures. Lead and asbestos surveys shall be prepared by the Subdivider and a Demolition Plan for safe demolition of existing structures at the Project site. All transportation of hazardous or contaminated materials from the site shall be performed in accordance with an approved Demolition Plan and Remedial Action Workplan. The Demolition Plan shall address both on-site worker protection and off-site resident protection from both chemical and physical hazards. All contaminated soil and building materials shall be disposed of at appropriate licensed landfill facilities. Prior to demolition, hazardous building materials such as peeling, chipping and friable lead-based paint and asbestos containing building materials shall be removed in accordance with all applicable guidelines, laws and ordinances. The Demolition Plan shall include a program of air monitoring for dust particulates and attached contaminants. Dust control and suspension of work during dry windy days shall be addressed in the Demolition Plan.

A licensed asbestos contractor must perform all asbestos related work if there is more than 100 square feet of asbestos involved. If less than 100 square feet is involved, the contractor is not legally required to have the asbestos licensing. However, the contractor must have proper training and utilize the same controls, protective equipment, exposure monitoring, etc. that are required of a licensed asbestos contractor. For this reason, it is recommended that licensed asbestos contractors perform any asbestos related work regardless of the quantity.

For flaking and peeling lead-based paint the requirements of Title 8, California Code of Regulations, Section 1532.1 (T8 CCR 1532.1) must be followed. These requirements include (but are not limited to) the following:

- Loose and peeling lead-containing paint should be removed prior to building demolition. Workers conducting removal of lead paint must receive training in accordance with T8 CCR 1532.1;
- The lead paint removal project should be designed by a DHS certified lead project designer, project monitor or supervisor;
- Workers conducting removal of lead paint must be certified by DHS in accordance with T8 CCR 1532.1;
- Workers that may be exposed above the Action Level must have blood lead levels tested prior to commencement of lead work and at least quarterly thereafter for the duration of the Project. Workers that are terminated from the Project should have their blood lead levels tested within 24 hours of termination;
- A written exposure assessment must be prepared in accordance with T8 CCR 1532.1; and

- Any amount of lead waste generated from painted building components must be characterized for proper disposal in accordance with Title 22, Section 66261.24.
50. Parking Control. In accordance with Mitigation Measure T-1 identified in the Mitigated Negative Declaration the Subdivider shall provide for red-painted curb for a distance of 20 feet on either side of the street-type entrance to the access road. The Applicant shall be responsible for the cost of such an installation, and the County Public Works Agency would provide for its maintenance.
51. Conformance with the Uniform Fire Code. The Project shall be designed in accordance with all provisions of the Uniform Fire Code (UFC) (the most currently adopted revision), and with County of Alameda, and State of California Standards for fire safety.
52. Storm Water Pollution Prevention Plan. The following measure shall be used prior to commencement of construction activities:
- The developer shall submit a Notice of Intent (NOI) to the State and prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), as required by the National Pollutant Discharge Elimination System General Permit.
  - The SWPPP shall be consistent with the terms of the General Permit, the Manual of Standards for Erosion and Sedimentation Control Measures by the Association of Bay Area Governments (ABAG), policies and recommendations of the local urban runoff program (County of Alameda), and the Staff Recommendations of the RWQCB.
  - The SWPPP shall incorporate specific measures to reduce and treat runoff from developed areas of the site by means of vegetative buffers, grassy swales, or other means, to be effective for the life of the Project, and shall incorporate Best Management Practices (BMPs) to control sediment and erosion, both during the building process and in the long-term.
  - A copy of the SWPPP shall be made available at the Project site, but is not required to be submitted to the RWQCB.
45. Storm Water Quality Control Plan (SWQCP). Best Management Practices (BMPs) shall be utilized during construction to ensure that erosion, runoff, and the alteration of existing drainage patterns from grading activities and construction will be minimized. The Subdivider shall submit a SWQCP Plan to the County for review, which shall include details on the BMPs appropriate for this type of construction. The emphasis of the SWQCP shall be to prevent runoff from active construction areas and exposed surfaces into the two existing streams designated by the U.S. Army Corps of Engineers as waters of the United States. Stormwater drainage connections and runoff controls shall be designed and constructed prior to beginning demolition in order to control any additional stormwater runoff created during construction activities. Connections and flow controls shall be established based on estimated natural or current runoff, if needed. The following practices have shown to be efficient, cost effective, and versatile for small construction site operators to implement. The practices are divided into two categories: non-structural and structural.



This list is intended as an outline summary; additional requirements may be imposed by the Alameda County Clean Water Division.

Non-Structural BMPs

- Minimizing Disturbance
- Preserving Natural Vegetation (where possible)
- Good Housekeeping

Structural BMPs

- Erosion Controls
- Mulch
- Grass
- Stockpile Covers
- Sediment Controls
  - Silt Fence
  - Inlet Protection
  - Check Dams
  - Stabilized Construction Entrances
  - Sediment Trap

53. Storm Drain Design. The Subdivider shall design the storm drain system to slow and detain runoff so that storm water is released into the drainage system at a rate no greater than the existing, pre-Project peak flow rate. The Subdivider shall be required to obtain a County Stormwater Permit and demonstrate that the stormwater protection design solution conforms to the current C.3 Technical Guidance of the 2015 MRP.
54. Existing Fill Removal. As recommended in the Preliminary Geotechnical Exploration prepared by ENGEO for the Project and consistent with Mitigation Measure GEO-1, the applicant shall completely remove existing fill down to native soil. The native soil shall be scarified and moisture conditioned before being covered with new engineered fill. These recommendations shall be included in final grading and building plans submitted for County review and approval.
55. Expansive Soil Mitigation. As recommended in the Preliminary Geotechnical Exploration prepared by ENGEO for the Project and consistent with Mitigation Measure GEO-2, the applicant shall evaluate the expansion potential of the property soils at the time of design-level study and mitigate expansive soils through appropriate foundation design and during grading activities as recommended in the design-level study. Mitigation may include the use of a mat foundation, incorporating fill specifications tailored to the on-site soil expansiveness, and keeping exposed soils moist by occasional sprinkling during grading.
56. Address Off-Site Run On. Prior to obtaining a building permit, consistent with Mitigation Measure H-1 the Project applicant shall prepare and submit for County approval a drainage plan that addresses both peak and low-flow run-on or run-off from adjacent properties by entering into an agreement with the adjacent property owner(s) to channel stormwater through the property, and to the extent feasible treat such stormwater flows within the on-

site bio-retention cells prior to discharge. High flows from on-site or other properties may be bypassed to the roadway to prevent erosion or damage to treatment facilities.

57. Soil Testing and Disposal. Prior to obtaining a grading permit, the applicant shall retain a qualified environmental site assessor to conduct additional soil samples on the Project site that step outward from the sampling locations reported in ENGEO's April 2016 Agricultural Chemical Impact Assessment. These soil samples shall be sufficient to completely delineate the vertical and lateral extent of concentrations of arsenic and organochlorine pesticides that exceed the latest Residential Regional Screening Levels (RSLs) provided by the U.S. Environmental Protection Agency's Region 9. The volume of soil with contaminants that exceeds their respective RSLs shall be disposed of at a facility licensed to receive Class II or Class I California Hazardous Waste as determined to be appropriate by the site assessor, such that remaining soil on-site does not exceed RSLs.
58. Best Management Practices to Assure Acceptable Vibration Levels. The following mitigation shall be implemented by Project construction crews to avoid structural damage due to construction vibration and to reduce the perceptibility of vibration levels at nearby sensitive land uses:
- Minimize or avoid using clam shovel drops, vibratory rollers, and tampers near the shared property lines of the adjacent land uses.
  - When vibration-sensitive structures are within 25 feet of the site, survey condition of existing structures and, when necessary, perform site-specific vibration measurements to direct construction activities. Contractors shall continue to monitor effects of construction activities on surveyed sensitive structures and offer repair or compensation for damage.
  - Construction management plans shall include predefined vibration reduction measures, notification of scheduled construction activities requirements for properties adjoining the site, and contact information for on-site coordination and complaints.
59. Construction Equipment and Hours. Mufflers shall be used on all heavy equipment during construction activities. The Project shall limit the operation of excessively noisy tools or equipment used in construction to the period between 7:00 a.m. and 7:00 p.m. on weekdays (except legal holidays) and between 8:00 a.m. and 5:00 p.m. on weekends and legal holidays. Additionally, the Project developer shall provide adequate muffling and proper maintenance of all construction equipment in use at the Project site. Signs shall be posted to notify the adjacent residents of the period of construction with a name and phone number to call for excessive noise complaints, including the contractor, developer, and County agencies.
60. Alameda County Park Dedication Ordinance Fee. The Subdivider shall pay the required park fee in order to ensure that the Project bears the cost of the individual incremental share of improvements to accommodate the cumulative demand for park and recreation facilities resulting from the increase in population.

61. Routing Plan. The Subdivider shall develop and submit a precise route of access to the property for construction vehicles for the term of construction. Alternative routes that minimize traffic past local residences and passive recreation area should be used if available.
62. Conformance with County Construction Traffic Policy. The Subdivider shall comply with all County requirements with regard to construction traffic, such as warning signage and flag-person controls, as well as pilot cars / escorts for oversize loads.
63. Mitigation monitoring and reporting shall be performed by the Subdivider by providing all necessary personnel, equipment, and efforts necessary to adequately document the performance and satisfaction of each mitigation measure listed above, with reports to be provided to the Planning Director or Director of Public Works as appropriate at the completion of each measure and not later than occupancy of the first new residence within the subdivision. The Mitigation Monitoring and Reporting Program shall be used for this purpose.

#### **SERVICES AND UTILITIES**

64. Any known water well without a documented intent of future use that is shown on the map, is known to exist, is proposed, or is located during the course of field operations must be destroyed or backfilled prior to any demolition or grading in accordance with a well destruction permit obtained from the Public Works Agency.
65. All utility distribution facilities within the land division shall be placed underground. Utility meters shall be screened from public view by landscaping or low fencing.
66. A letter from the East Bay Municipal Utility District stating that it has agreed to provide water to each lot in the land division shall be submitted to the Director of Public Works.
67. Sanitary sewers are to be provided to service each lot and are to be connected to the Castro Valley Sanitary District system of sewers and installed at the expense of the land divider in accordance with the requirements of said District and the approval by the Director of Public Works. A letter from the Castro Valley Sanitary District stating that it has agreed to provide a connection to its sanitary sewer system for each lot in the land division shall be submitted to the Director of Public Works. A new sewer main line shall be installed with a minimum eight-inch (8") diameter.
68. Subdivider shall be responsible for repair or replacement of the existing six-inch (6") sanitary sewer pipe that serves the site based on the Castro Valley Sanitary District's Gravity Sewer Asset Management Plan or as determined by the District, pursuant to Sanitary Code Section 4300(c). A final determination will be made by the district at the time that final improvement plans are submitted to the District for review.