

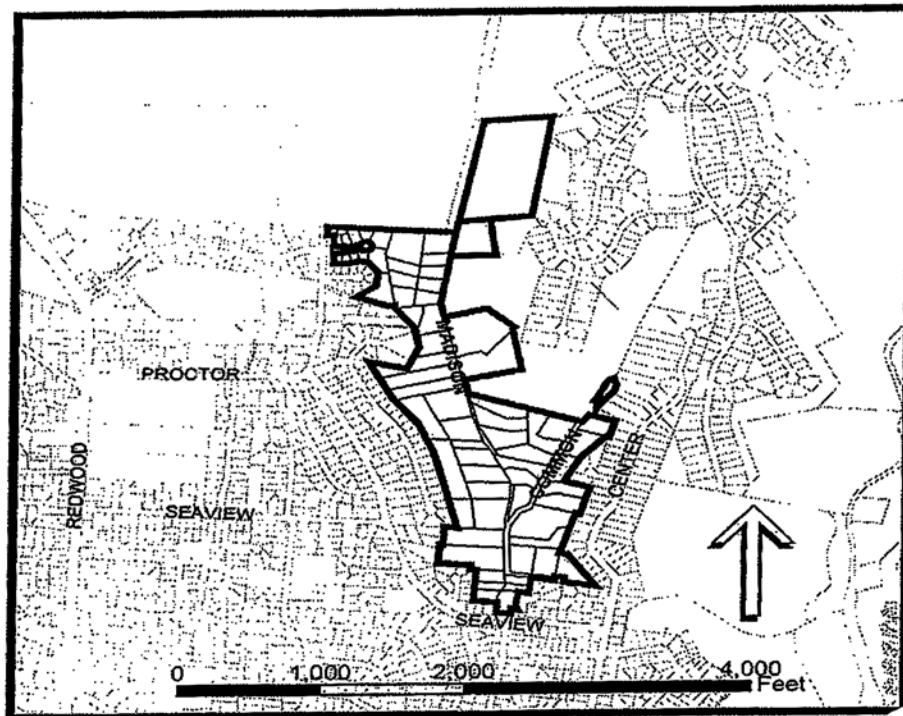
ORDINANCE NO. O-2006-41
AN ORDINANCE AMENDING THE SPECIFIC PLAN FOR UPPER MADISON AVENUE/COMMON ROAD (hereinafter the *MADISON AREA SPECIFIC PLAN*) OF THE ALAMEDA COUNTY GENERAL ORDINANCE CODE

The Board of Supervisors of the County of Alameda, State of California, do ordain as follows:

SECTION I

Pursuant to Sections 17.02.120 and 17.52.570 of Title 17 of the Alameda County General Ordinance Code, *The Madison Area Specific Plan*, which establishes zoning regulations for all parcels accessed from Madison Avenue and Common Road north of Seaview Avenue in Castro Valley, is hereby amended including but not limited to the following changes: Site Development Review is required for significant construction; limited flexibility is allowed for side yard setbacks; map of the Plan Area has been updated; slope controls are specified, non-substantive technical corrections and updates have been made; and parcels bearing County Assessor's Parcel Numbers 84C-0910-001-00, 84C-0895-002-06, 85-6310-007-00 have been added to the Plan Area, - all such amendments made part of *The Madison Area Specific Plan*, noted herein as Exhibit A.

A map of *The Madison Area Specific Plan* follows:



MADISON AREA SPECIFIC PLAN

SECTION II

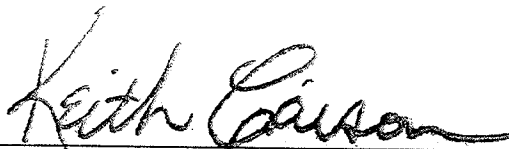
This Ordinance shall take effect and be in force thirty (30) Days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in THE INTER-CITY EXPRESS, a newspaper published in the said County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on August 3, 2006, by the following called vote:

AYES: Supervisors Miley, Steele and Vice-President Haggerty - 3

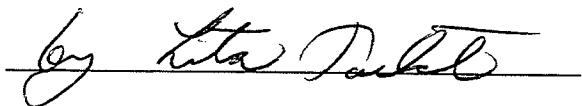
NOES: None

EXCUSED: Supervisor Lai-Bitker and President Carson - 2



President of the Board of Supervisors of the
County of Alameda, State of California

ATTEST: CRYSTAL H. GRAFF, Clerk
of the Board of Supervisors of the County of
Alameda, State of California



Approved as to form, RICHARD E. WINNIE
County Counsel



MADISON AREA SPECIFIC PLAN
CASTRO VALLEY, CALIFORNIA

ALAMEDA COUNTY PLANNING DEPARTMENT
JULY, 2006

ADOPT SPECIFIC PLAN

THE FOLLOWING RESOLUTION WAS ADOPTED AUGUST 3, 2006:
NUMBER R-2006-337

ADOPT THE AMENDED MADISON AREA SPECIFIC PLAN

WHEREAS the Alameda County Board of Supervisors did receive a petition initiated by Alameda County Planning Department to amend the Specific Plan for the Upper Madison Avenue/Common Road Area, Adopted 1975 (hereinafter the Madison Area Specific Plan); and

WHEREAS the Planning Department did hold three public workshops for the purpose of amending Madison Area Specific Plan on November 17, 2005, December 15, 2005 and February 16, 2006 at 20993 Redwood Court, Castro Valley; and

WHEREAS the Planning Department did conduct a mailed survey of Madison Area property owners concerning proposed amendments on January 19, 2006; and

WHEREAS the Castro Valley Municipal Advisory Council did recommend adoption of proposed amendments at its public meeting of February 27, 2006 at 4400 Alma Avenue, Castro Valley at the hour of 6:30 p.m.; and

WHEREAS the Alameda County Planning Commission did hold a public hearing on said proposed amendments at the hour of 6:00 p.m. on Monday, May 1, 2006, and again at the hour of 6:00 p.m. on Monday, June 5, 2006, in the Public Hearing Room of 224 West Winton Avenue, Hayward, California and did recommend adoption of said amendments; and

WHEREAS notice of public hearings were given as required by law; and

WHEREAS the amended Madison Area Specific Plan has been reviewed in accordance with the provisions of the California Environmental Quality Act (CEQA), and has been found to be exempt from environmental review pursuant to the general rule exclusion of California Environmental Quality Act, Section 15061(b) (3) in that it can be seen with certainty that there is no possibility that proposed plan amendments may have a significant effect on the environment; and

WHEREAS it is the finding of Board of Supervisors that adoption of the proposed amendments to the Madison Area Plan is in the public interest for the reasons that it would be:

- 1) consistent with the *Castro Valley Plan* adopted by the County Board of Supervisors April 4, 1985 (that portion of the Alameda County General Plan applicable to the area);
- 2) consistent and supportive of the policies of the original Madison Area Specific Plan which seeks to preserve existing natural features and character; and
- 3) supportive of limited development consistent with the size and scale of existing development and surrounding land uses.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA DOES HEREBY RESOLVE AND CERTIFY AS FOLLOWS:

This Board of Supervisors hereby adopts the Madison Area Specific Plan as amended and resolves that regulations of said plan be adopted for the use, improvement and maintenance of those designated properties within the Plan Area, said regulations thereafter serving as the Zoning Ordinance of the stated Plan Area.

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Exhibit A: The Madison Area Specific Plan, amended August 3, 2006

THE FOREGOING was **PASSED** and **ADOPTED** by a majority vote of the Alameda County Board of Supervisors this 3rd day of August, 2006, to wit:

AYES: Supervisors Miley, Steele and Vice-President Haggerty – 3

NOES: None

EXCUSED: Supervisor Lai-Bitker and President Carson - 2





PRESIDENT, BOARD OF SUPERVISORS

File: 21238
Agenda No: 9
Document No: R-2006-337

Approved as to Form
RICHARD E. WINNIE, County Counsel

By 

I certify  going is a correct copy of  adopted by the Board of Supervisors, Alameda County, State of California

ATTEST:
CRYSTAL HISHIDA GRAFF
Clerk, Board of Supervisors

By: _____
Deputy

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BACKGROUND

At the request of the Board of Supervisors in 1974, the Planning Commission considered a variety of alternatives for additional development of the Madison Avenue/Common Road area. These alternatives ranged from keeping development at its present intensity to intense development with major construction for roads and drainage. From these alternatives, the Planning Commission selected Alternate 2 (involving 1 acre lots in the lower canyon area and no development in the upper canyon) and the residents sponsored Alternate 7 (involving allowing one home per existing property in the lower canyon and two acre lots in the upper). The Board of Supervisors concurred in the Planning Commission recommendations and asked that specific plans be prepared for each alternative, with the intent that one of the two would be adopted after appropriate hearings. Subsequently, the Board of Supervisors asked the Planning Commission to consider a third alternative also, - that of allowing the Marmont PD development in the upper canyon. The Planning Commission also added an alternative after public testimony at the first hearing. This alternative extended the 1 acre density of Alternative 2 to the upper valley. This proposal was adopted by the Commission and recommended to the Board.

In 2005, at the request of Supervisor Nate Miley and residents of the Madison Area, the Planning Department was asked to update the since re-named Madison Area Specific Plan and strengthen its provisions to protect the character of the area. Three public workshops and a ballot survey were conducted to develop improved plan language and implementation measures. The Castro Valley Municipal Advisory Council recommended adoption of the amended Plan to the Planning Commission in February, 2006. The Planning Commission subsequently recommended adoption of the amended Plan to the Board of Supervisors in June, 2006.

USE OF SPECIFIC PLANS

As authorized under the State of California Government Code, the specific plan procedure provides a method for stating and implementing detailed planning policy of an area within the context of adopted general plans. Specific plans can be used in conjunction with, or take the place of zoning in regulating land use. It is proposed in this instance that existing zoning of the area remain in effect and be supplemented by the specific plan. This means that land divisions, road and utility construction and home construction would also be subject to the policies and programs of the specific plan.

Adoption procedure of a specific plan is similar to adoption of a general plan or rezoning property. Public hearings are required at the Planning Commission and Board of Supervisors; final action adopting the Specific Plan is by the Board of Supervisors.

The Madison Area Specific Plan consists of a map and text which include:

1. A description of the existing environment and constraints to development.
2. Planning Objectives for the area.
3. Policies and regulations to assure development consistent with the planning objectives. These deal with preservation of the area's creeks and important terrain and vegetation features; the location and design of roads; the location and intensity of new home development; and the provision of utilities.
4. Methods for implementing the policies and regulations.

AREA DESCRIPTION

The area of this specific plan is a steep-walled Y-shaped valley extending north from Seaview Avenue between the conventionally developed streets of Trenton Drive and Center Street. The area is bounded on the south by properties with frontage on Seaview; on the west by the backs of development on Trenton Drive, El Caminito Court and properties fronting on Proctor Road; on the north by the East Bay Municipal Utility District and private properties; on the east and northeast by the Columbia residential and other private properties; and on the east by residential properties fronting on Center Street and Elaine Street.

This Y-shaped valley contains Coyote Creek in the west branch and Kelly Creek in the east branch. These creeks merge about 800' north of Seaview and continue southward as Castro Valley Creek. Two, privately maintained access roads are located on either side of this creek, and they continue north along Coyote and Kelly Creeks. The road on the west side is Madison Avenue and the one on the east side is Common Road.

Most development occurs in the widest part of the valley within 2,300 feet north of Seaview. The west fork of the valley (along Madison Avenue) is currently developed with 21 homes. The east fork of the valley, (along Common Road) contains 18 homes. Finally, the flat portion of the valley with access from both Madison and Common Roads contains three homes.

The development constraints which brought about this plan were caused by early development at the mouth of the valley which was built up before modern standards were implemented. Because of inadequate access and infrastructure, further development was constrained.

Environmentally, there is a wide range of atmospheres from early non-mass-produced suburban at the mouth and the western lower valley to semi-rural on the east fork and the middle valley to rural in the upper valley. These environmental characteristics are extremely rare in an area this close in, and maintaining them while still allowing development of vacant parcels requires analysis of the factors contributing to these qualities and adoption of special controls through this Specific Plan.

The narrow access roads, the natural creek and the alternation of spaciousness and constriction of the valley combine with generous amounts of natural vegetation and quiet isolation brought about by the basic land form to make this a unique area. These are all to be protected.

HISTORY OF DEVELOPMENT

Development has occurred over time on parcels that are typically one acre. Since adoption of the original Plan in 1975, the zoning was changed on those to recognize this pattern. Thus, the minimum lot size for parcels along Madison Avenue and Common Road is 40,000 square feet.

The northwest end of the area under the original 1975 Plan has since been developed at conventional suburban densities as allowed under standards for R-1 (single-family) or PD (single-family, planned development) zoning districts. This was possible since the area has access and utilities from Proctor Road via Willow Glen and Alta Mira Streets and does not tie into Madison Avenue or Common Road.

GENERAL PLAN AND ZONING

The Castro Valley Plan, 1985, a part of the Alameda County General Plan, is the applicable General Plan document for the area. This plan designates land uses as Suburban and Low Density Residential, allowing a density range from one to six units per acre.

The current zoning designation for those parcels with access from Madison Avenue and Common Roads is R-1-B-E-40, SU, RV (Single-Family, Minimum 40,000 sq.ft. Secondary Unit, Recreation Vehicle). This allows a density of one dwelling unit per 40,000 square feet of lot area and a secondary unit, and allows the on-site parking of a recreational vehicle.

Within the Madison Area Specific Plan, all private roads having access from Seaview Avenue, are considered as approved private roads for the purpose of determining effective lot frontage.

The current zoning designation for those parcels with access from Alta Mira Street and Willow Glen Drive is R-1(single-family) and PD (planned development which terms require 7,000 square foot lots for single-family.)

The Castro Valley Plan is being updated at the time of this writing. Existing densities and land use designations are proposed to continue to apply without change.

IMPROVEMENTS REQUIRED FOR DEVELOPMENT

The Subdivision Ordinance requires adequate street access and drainage improvements as well as public water and sanitary sewer facilities for conventional subdivision development. These should also be required for types of development not involving subdivision.

Street Access: The canyon form of the area with only one entry point isolates the lower area. Access to the surrounding ridges is provided by roads outside of the area. Road improvements in the canyon need serve only the immediate area.

The present condition of the roads precludes much additional development. Both roads are single, paved lanes that are privately maintained. A major problem in providing improved access became apparent in 1967 when a survey of property owners was conducted concerning the formation of an assessment district for the reconstruction of both Madison Avenue and Common Road to County standards, including realigning the creek in a concrete box for the first 100 feet and also reconstructing the 2500 feet of Madison Avenue beyond that point. The estimated assessment given in the questionnaire was approximately \$35 per linear foot of property frontage. The results of the survey showed 10% in favor of such construction, 52% against, and 38% no response. The proposed improvements were to usual county standards used in subdivisions and presumably reflected anticipation of development of the area according to present zoning.

Drainage: The Madison Avenue-Common Road area is part of a larger drainage basin extending well to the north and including much of the Columbia development properties as well as others further north. These properties are either not planned to develop or, in case of Columbia, the increased runoff was diverted to Cull Canyon. It is uncertain how much development could be increased within the Madison-Common valley without overloading the creeks and requiring major construction to increase the capacity. Flood Control now considers that single family development on 1/2 to 1 acre lots to be unlikely to require any change in the creek.

At this time, the Public Works Department is requiring that any new projects are engineered to produce no net increase in storm water runoff in order to meet

Federal Clean Water regulations.

Water: East Bay Municipal Utility District provides water service to the area.

Sewer: A sanitary sewer main serves all properties having access from Madison Avenue and Common Roads. Those parcels along Camino Alta Mira and Willow Glen Drive are served through a separate sewer line.

GEOLOGY

Geologically related impacts of additional development in the upper Madison Avenue-Common Road study area are the potential for increased erosion and scarring resulting from grading of sloping lots and potential increases in earth flowage resulting from increased and more concentrated runoff.

Mitigation of these impacts can be achieved by minimizing grading, prompt revegetation of cuts and fills and diversion of runoff from gullies, swales and areas of soil creep. All grading and drainage work must adhere to the requirements of Public Works Department and in consultation with qualified soils engineers and/or engineering geologists as required.

POLICIES TO PRESERVE EXISTING FEATURES

1. Access roads shall be improved only to the extent permitted by the terrain, the creek, significant vegetation and the amenities of existing residential development.
2. Creek improvements shall be limited to necessary erosion control construction which shall be in harmony with the rustic character of the creek. Erosion control shall be by the use of vegetation, where possible.
3. Existing significant vegetation, especially creek vegetation, shall not be removed.
4. To insure against possible flooding problems and to allow the creek to remain in as natural a state as possible, all new construction should adhere to existing ordinances that specify required distances from the top of creek banks.
5. Because of geological conditions, possible erosion problems and their visual importance, the valley walls shall not be built on. On sites which indicate these walls, building shall take place close to the roads only. Grading shall be held to a minimum on all development.

6. The existing spatial progressions in the valley shall be maintained as far as possible and development not be allowed to fill or obscure the existing open areas.
7. Significant native trees and other vegetation shall be preserved and protected during construction activities.
8. In order to reduce storm water runoff, projects shall minimize impervious surfaces and implement measures to reduce runoff.

REGULATIONS AND REQUIRED IMPROVEMENTS

1. Site Development Review - for all development on parcels having access from Madison Avenue and/or Common Roads –
 - All new construction of houses, secondary units and/or additions to houses that exceed 50% of the existing gross square footage of the structure are subject to Site Development Review, following the procedures set forth under Zoning Ordinance Sections 17.54.210-290.
 - In addition to the locations cited in Zoning Ordinance 17.52.270 “Accessory buildings- where not permitted”, no accessory building, including secondary units, shall be located closer than 10 feet from any side property lines.
 - Any project subject to SDR shall provide a site plan showing contour intervals consistent with the requirements of the Public Works Department but in any case, not greater than two feet. The percentage of slope shall be calculated by utilizing said contour intervals. (Slope percentage is the ratio of rise, or vertical height, over run, or horizontal distance.) For purposes of this calculation, the contour map shall be of the natural, undisturbed grade, prior to grading modifications. The intent is to identify all areas of a parcel that have a slope of 30% or greater so that building in such areas can be avoided. It is the applicant’s responsibility to seek and justify a variance should building proposals encroach into these areas in any way.

- Any project subject to a site development review shall provide a site plan showing the location and species of all trees exceeding six inches in diameter at breast height within the construction zone. The applicant shall provide a plan to protect trees within the construction zone; and a description of trees and vegetation, if any, proposed to be removed. The intent is to preserve and minimize damage to existing native trees, and if any removal is necessary, to maximize mitigation of such losses. (The SDR process shall be used as a mechanism to maximize protection of native trees within the construction zone.)
- Any project subject to a site development review shall provide a storm water management plan to minimize peak stormwater runoff and otherwise meet the requirements of the Alameda County Public Works Agency Clean Water Division. Such Plans shall illustrate the integration of:
 - Finished grades;
 - Storm drainage system including all inlets, pies, catch basins, overland flows, outlets and water flow direction;
 - The permanent stormwater treatment system, including all design details, legend, icons;
 - The design details of all source control and site design measures to be implemented;
 - Drainage map indicating flow direction; and
 - Sizing calculations used.
- Building height shall not exceed the height allowed by the Zoning Ordinance from any point measured from grade and shall not be calculated as an average of building heights. The intention is that buildings will “step down” or “step up” with the slope of the land in order to reduce building mass and maintain low profiles.

2. Streets

Madison Avenue and Common Road are private streets, constructed over time and maintained by area residents. These roads vary in width from approximately 9 feet to 15 feet, while current road width standards for private streets are a minimum of 20 feet. Visibility around some curves is also inadequate. Significant road improvements are constrained by required creek set backs, topography, the desire to maintain current parcel boundaries, and the informal nature of road maintenance agreements between property owners. Short of major road realignment by area residents, minor improvements, such as additional traffic turnouts, would likely improve traffic safety and convenience to some extent. Such improvements should be considered during site development review for new projects.

Because of the limited width of the roads, parking must be accommodated on the building sites. Each new house must supply two off street guest parking spaces in addition to the two spaces required by the Zoning Ordinance.

3. Utilities

All parcels in the Madison Area have access to sewer service and are not served by private septic systems. The service provider is the Castro Valley Sanitary District.

Water service provided by East Bay Municipal Utility District, is available to all parcels in the Madison Area.

Fire Hydrants: The Alameda County Fire District may require additional hydrants for new projects as needed

Gas, electricity and telephone service is available to all parcels in the Madison Area.

3. Special Setbacks

- All buildings must be set back a minimum of 25' from the top of bank of all creeks and/or otherwise meet provisions of the County creek ordinance.
- New buildings in the middle valley must be set back from the road at least 1/2 the distance between the creek and Madison Avenue. This is to keep some of the feeling of the meadow which presently exists and also make the increase in density less apparent through sheer distance.
- Houses in the east fork must be set back from Common Road a distance of 30'. This is to preserve as much of the existing open feeling as possible.
- In addition to the locations cited in Zoning Ordinance 17.52.270 "Accessory buildings- where not permitted", accessory building which are subject to building permit requirements including secondary units, shall be located no closer than 10 feet from any side property lines.
- The main building shall be located with an average side yard of 20 feet, provided that no side yard is less than 10 feet and the corresponding opposite side yard is not less than 30 feet.

4. Grading Controls

- The geological survey indicates that building should be limited to the valley floor because of stability and erosion problems. While few of the sites on the Madison Avenue side have any slope problem, many of those in the east fork do. In order to build on these sites, a grading plan must be approved by the Building Official and Planning Director for any building located in an area of 20% or more slope. In addition, an erosion control plan must be approved for any cut or fill to be left exposed.
- Grading will be evaluated through SDR and shall be minimized to the greatest extent possible.

5. Slope Controls

- No building, including swimming pools, will be permitted on areas of 30% slope or more. In order to comply with Policy 5, any building on slopes between 25% and 30% must be within 70' of the access road. This should keep cuts for private driveways to a minimum and generally keep development off the canyon walls.

IMPLEMENTATION

- Costs for street, sewer, water and utility improvements are to be paid by developers as projects occur. Property owners may also organize an assessment district among themselves to fund desired street improvements.
- Madison Area property owners are encouraged to form homeowner maintenance associations with formal agreements to manage maintenance of common areas and infrastructure. County agencies will cooperate to the maximum extent possible in facilitating such arrangements.
- The creeks that drain the Madison Area are within natural channels and located near roadways and homes. They are highly sensitive to peak stormwater runoff. Grading and increased impermeable surfaces from new development can increase stream erosion, siltation and local flooding. Projects shall be designed to minimize peak stormwater runoff through various mitigation measures which could include the following or comparable measures:
 - Minimizing impervious surfaces
 - Increasing on site infiltration through swales, trenches and landscape filters
 - Providing on-site detention in cisterns or tanks
 - Reducing grading

Project designers shall review publications of the Alameda County Public Works Agency for more detailed information concerning stormwater mitigation. (www.acgov.org/pwa)

- Required creek improvements shall be accomplished in conjunction with road improvements and are to be paid for by owners of developable land on the affected street. In addition, any creek problems caused by development shall be mitigated by the developer. Joint maintenance agreements (or equivalent agreements) to maintain common infrastructure, including stormwater facilities, shall be required for new development.
- Prior to removal of any riparian vegetation, or modification of stream beds, or bridge construction or repair, affected home owners shall contact the Alameda County Public Works Agency who will advise them if and/or which permits are required before proceeding with any such work.
- Regulation of individual property development shall be done at the building permit stage. Any permit requested in the area of the plan shall be submitted for Zoning and Specific Plan approval and checked for conformance to all applicable policies and special regulations.