



MEMORANDUM

DATE: March 24, 2023

To: Damien Curry, Alameda County Planning Department

FROM: Shanna Guiler, AICP, Associate/Environmental Planner

SUBJECT: 4738 Proctor Road Residential Subdivision Project Initial Study/Mitigated Negative Declaration - Response to Comments

In accordance with Section 15074 of the CEQA Guidelines, prior to approving a project, the decision-making body of the lead agency shall consider the proposed environmental document together with any comments received during the public review process. Although there is no legal requirement to formally respond to comments on a proposed Mitigated Negative Declaration (MND) as there is for an Environmental Impact Report (EIR), this memorandum provides a response to the written comments received on the 4738 Proctor Road Residential Subdivision Project Initial Study/Mitigated Negative Declaration (IS/MND) to aid the Alameda County decision-makers in their review of the project.

The Draft IS/MND was available for public review and comment from February 3, 2023 to March 6, 2023. Two comment letters were received on the Draft IS/MND. In the following pages, the comments and responses are enumerated to allow for cross-referencing of CEQA-related comments. The enumerated comment letters are included in this memorandum, followed by the respective responses. Individual comments within the letter are numbered consecutively. For example, comment A-1 is the first numbered comment in Letter A.

The following comment letters were submitted:

LETTER A
East Bay Municipal Utility District, David J. Rehnstrom, Manager of Water Distribution
Planning
February 23, 2023

LETTER B
East Bay Regional Parks District, Alex Casbara, Senior Planner
February 16, 2023

As noted above, CEQA does not require or provide guidance on responding to comments on MNDs; therefore, this memorandum follows CEQA Guidelines Section 15088, applicable to responses to comments on EIRs, which requires that agencies respond only to significant environmental issues

raised in connection with the project. Therefore, this document focuses primarily on responding to comments that relate to the adequacy of the information and environmental analysis provided in the IS/MND.



February 27, 2023

Damien Curry, Senior Planner
Alameda County Planning Department
224 West Winton Avenue, Suite 111
Hayward, CA 94544

Re: Notice of Availability and Notice of Intent to Adopt Mitigated Negative Declaration for TR-8623, 4738 Proctor Road Subdivision Vesting Tentative Tract Map, PLN2021-00216, Castro Valley

Dear Mr. Curry:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Mitigated Negative Declaration (MND) for the TR-8623, 4738 Proctor Road Subdivision, an eleven-lot subdivision, located at 4738 Proctor Road in Castro Valley in unincorporated Alameda County (County). EBMUD has the following comments.

WATER SERVICE

EBMUD's Proctor Pressure Zone, with a service elevation range between 350 and 500 feet, will serve the proposed development. A water main extension, at the project sponsor's expense, will be required to serve the proposed development. Please note that as the project sponsor develops plans for the subdivision, including street locations and alignments, that the elevation of the top of the water main extension shall not exceed 530 feet which may affect the street location and alignment. Please see the attached EBMUD documents for California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

1

Based on the plans submitted with the MND, some of the proposed lots are located above 500 feet in elevation, which will require a Low Pressure or Limited Service Agreement for each lot, at the project sponsor's expense. A Low Pressure or Limited Service Agreement recommends installation and maintenance of individual storage and pumping facilities (hydropneumatic system) and associated plumbing to ensure an adequate water supply at the premises at all times and would be at the project sponsor's expense.

2

Damien Curry, Senior Planner
February 27, 2023
Page 2

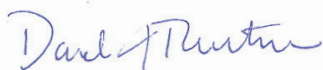
WATER CONSERVATION

The project presents an opportunity to incorporate water conservation measures. EBMUD requests that Alameda County include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

3

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:SHT:kvv
wdpd23_052 4738 Proctor Rd

Enclosure: Applicant Pipeline Design Criteria

cc: Jack Abraham
4738 Proctor Road
Castro Valley, CA 94546

Enclosure



Applicant Pipeline Design Criteria

EBMUD values applicant pipeline projects and is committed to providing a thorough and efficient design. To ensure an efficient design process and to avoid significant delays the design criteria below should be adhered to when submitting improvement plans.

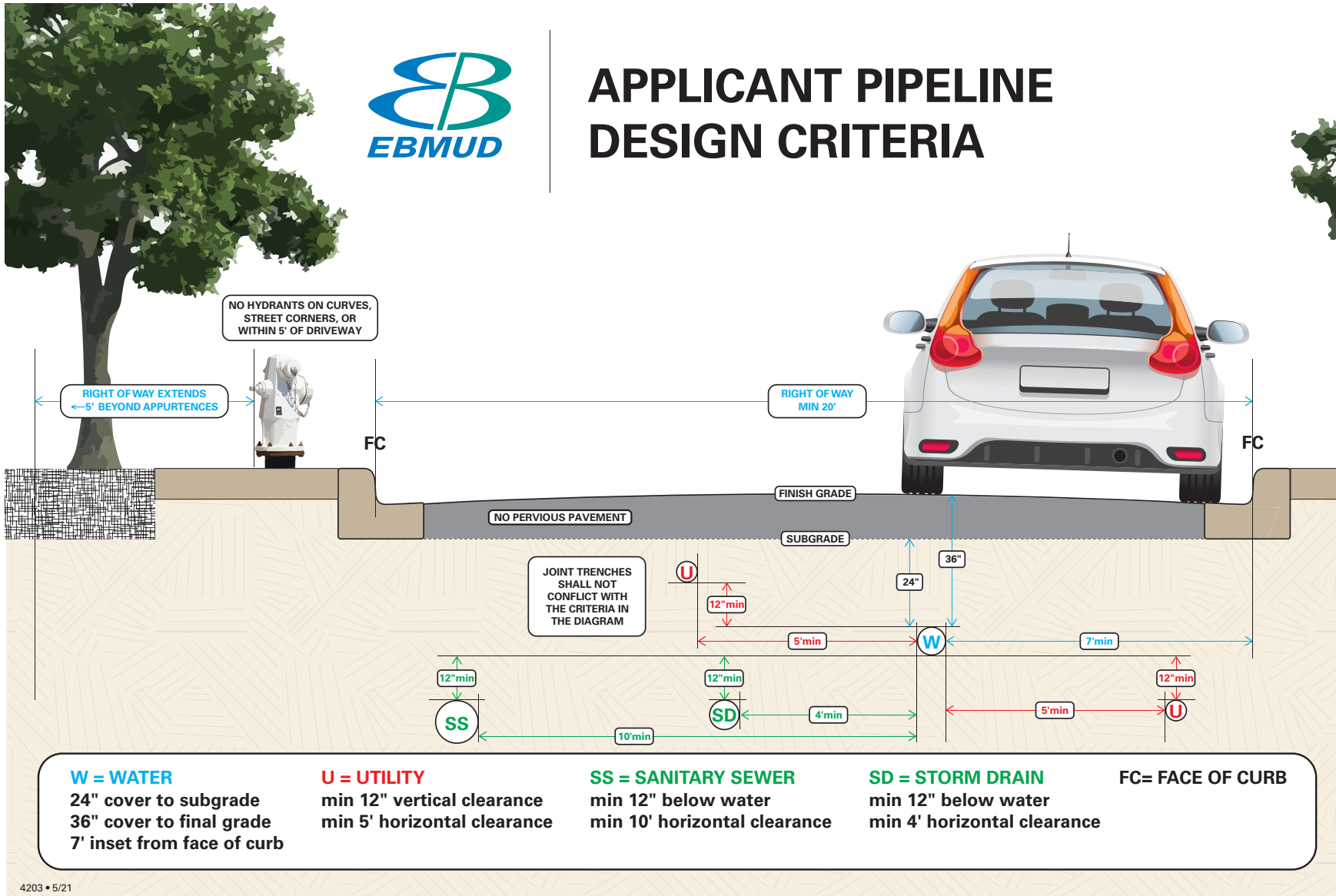
Design Criteria

- Water mains shall be seven (7) feet from face of curb.
- Water mains shall maintain a minimum one (1) foot vertical and five (5) foot horizontal clearance from other utilities.
- Gas mains shall meet the one (1) foot vertical separation requirement by installing the gas main below the water main only.
- Water mains shall maintain a minimum ten (10) foot horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any sewer main. Title 22 CCR
- Water mains shall maintain a minimum four (4) feet horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any storm drain. Title 22 CCR
- Water mains shall have a 36-inch cover to final grade and 24-inch cover to pavement subgrade.
- Joint trenches that are in conflict with the criteria above may delay the project. Submit to EBMUD final joint trench plans (no intent plans) which include the size of the joint trench and the utilities located inside.
- Water mains shall not be installed under pervious pavement.
- Water mains installed under decorative pavement, pavers, or stamped concrete will require an additional paving agreement.
- Hydrants shall not be located on curved sections of street, street corners, or within five feet of a driveway.
- Right of ways for 6-inch and 8-inch water mains shall be a minimum of 20 feet wide and extend five (5) feet past the water main centerline.
- Right of ways for 12-inch to 24-inch water mains shall be a minimum of 20 feet wide and extend eight (8) feet past the water main centerline.

Please contact the New Business Office representative assigned to your project if there are any questions regarding the requirements listed above. Meeting this criteria will enable the most efficient design possible.



APPLICANT PIPELINE DESIGN CRITERIA



Comment
 Letter
 A
 Encl.

LETTER A**East Bay Municipal Utility District, David J. Rehnstrom, Manager of Water Distribution Planning****February 27, 2023**

Response A-1: The comment requests that the project sponsor contact EBMUD to request a water service estimate once development plans are finalized. As requested, the project sponsor will contact EMBUD's New Business Office once development plans are finalized to determine the costs and conditions for providing water service.

As noted in Section 3.19 of the IS/MND, the proposed project would include the installation of a new 8-inch water main within the interior roadway that would connect to the existing 12-inch main located within Proctor Road. In addition, new 1.5-inch water lines would be installed to serve each proposed lot. The design and placement of these facilities would comply with EBMUD requirements. Increased water deliveries to the project site would not require additional storage or pumping capacity or require substantial modifications to the existing water lines located adjacent to the project site. As such the proposed project would have a less-than-significant impact on water distribution infrastructure.

Response A-2: EBMUD's determination that a Low Pressure or Limited Service Agreement would be required for some of the proposed lots is noted. As discussed in Section 2.0, Project Description, the project site is located in an area with low water pressure; therefore, booster pump(s) may be required to serve individual residences, as part of the proposed project. These facilities would be provided by the sponsor as part of the proposed project.

Response A-3: At this stage in the project design, the landscape plan has not been developed. However, landscape improvements would be required to be consistent with the current versions of the State's Water Efficient Landscape Ordinance and Section 31 of EBMUD's Water Service Regulations (Water Efficiency Requirements). As discussed in Section 3.19 of the IS/MND, EBMUD also imposes a system capacity charge on new developments to fund system maintenance and the development of new water sources. The project sponsor would be required to pay the EBMUD's system capacity charge on new developments and undertake water conservation measures to conserve water such as the installation of low-flow toilets. In extreme drought years, the new residential units associated with the proposed project would be subject to and participate in additional conservation measures, as required. The proposed project would not require new or expanded water supply entitlements and would comply with all federal, State and local laws established for the purpose of water conservation.



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February 16, 2023

Damien Curry, Senior Planner
Alameda County Planning Department
224 West Winton Avenue, Suite 111
Hayward, CA 94544

RE: 4738 Proctor Road Subdivision

Mr. Curry,

The East Bay Regional Park District (Park District) appreciates the opportunity to review the Initial Study / Mitigated Negative Declaration (IS/MND) for the 4738 Proctor Road Subdivision Project (Project) located in the unincorporated community of Castro Valley, Alameda County. The Project site abuts Lake Chabot Regional Park (Chabot) and the Ten Hills Trail to the north, which the Park District operates for the benefit of the public. The Park District reviewed the Project materials submits the following comments for your consideration.

Emergency Vehicle Access

The Preliminary Site Plan included in the IS/MND depicts a new internal street and sidewalk that ends at the shared Project / Chabot property line, labeled *Emergency Vehicle Access to Proctor Trail*. The Park District does not desire an access point into Chabot at this location. Adequate access to Chabot is available within the Project vicinity, and a new access point through the Project could cumulatively increase the Park District’s management or enforcement burden. Please revise the Project plans to maintain the current impermeable perimeter fencing along the shared Project / Chabot boundary.

1

Tree Removal

According to the IS/MND, the Project proposes removal of 23 mature trees, including 5 oak trees adjacent to Chabot. Removal of these trees would affect public views of the Project site from Ten Hills Trails, which contribute to the natural setting and enhance the recreational experience. The Park District urges retention of trees located along the Chabot boundary. If these trees are removed, please replace with new tree plantings or vegetation within the Project site to visually buffer new residential buildings from Ten Hills Trail.

2

Retaining Wall

The Preliminary Site Plan depicts a retaining wall along the northeastern Project boundary that would face Ten Hills Trail. If this retaining wall is visible from the trail alignment, it could become an attractive graffiti surface for vandals. The Park District recommends visually shielding this wall with vegetation or using an anti-graffiti treatment to minimize aesthetic impacts associated with vandalism.

3

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Stormwater Overflow

Page 2-11 of the IS/MND states the following:

“Surface flows would also be directed northward and eastward towards the bioretention area. Any overflow would be conveyed north via an overflow drainpipe that discharges north and downslope of Proctor Trail via a new storm drain outlet. A riprap energy dissipator would be installed at the storm drain outlet to prevent erosion at the outfall.”

This statement implies that the Project proposes installation of an overflow drainpipe on Chabot. Installation of this facility will require coordination and approval from the Park District. In addition, portions of Chabot are owned by East Bay Municipal Utility District (EBMUD) and leased by the Park District, which may require separate coordination to secure approval for this stormwater infrastructure. If this facility is approved, the applicant will need an encroachment permit to construct the overflow pipe, and signage and/or temporary trail closures should be coordinated with Park District staff prior to construction.

4

Thank you for the opportunity to review this Project. The Park District respectfully requests a response describing how these comments were incorporated into the Project design. Please contact me at (510) 544-2323 or acasbara@ebparks.org with questions.

Sincerely,

Alex Casbara
Senior Planner

cc: Neoma Lavallo, Principal Planner
Suzanne Wilson, Senior Planner
Casey Cardone, Anthony Chabot Park Supervisor

LETTER B**East Bay Regional Park District, Alex Casbara, Senior Planner****February 16, 2023**

Response B-1: The comment requests that the project plans be revised to maintain the current impermeable perimeter fencing along the boundary between the project site and Lake Chabot Regional Park. This comment suggests a potential alternative to the proposed design and does not relate to the adequacy of the information or analysis provided in the IS/MND. This comment will be considered by County decision-makers when considering whether or not to approve the proposed project.

As noted in Sections 4.9 and 4.17 of the IS/MND, prior to approval of final maps and improvement plans for any development project within Castro Valley, plan review and approval by the Alameda County Fire District is required. Internal roadways and ingress/egress for each site would be required to meet State and local standards regarding turning radius, road width, and emergency vehicle access. As such the proposed project would have a less-than-significant impact on emergency access. However, consistent with the East Bay Regional Park District's (EBRPD's) request, the emergency access route to Lake Chabot Regional Park shown on the plans included in the IS/MND has been removed from subsequent project updates.

Response B-2: The comment requests that the project sponsor retain mature trees along the northern boundary of the project site adjacent to the Ten Hills Trail. This comment does not relate to the adequacy of the information or analysis provided in the IS/MND. This comment will be considered by County decision-makers when considering whether or not to approve the proposed project.

Response B-3: The comment recommends vegetation or other treatments to visually shield the proposed retaining wall along the northeastern project boundary. This comment does not relate to the adequacy of the information or analysis provided in the IS/MND. This comment will be considered by County decision-makers when considering whether or not to approve the proposed project.

As noted in Section 4.1 of the IS/MND, the proposed project would be subject to the Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County and would be required to undergo Site Development Review to ensure compatibility and compliance with County requirements governing scenic quality. As a result, the proposed project would not conflict with applicable zoning or other

regulations governing scenic quality and this impact would be less than significant.

Response B-4:

EBRPD's determination that an encroachment permit from EBRPD will be required for construction of stormwater infrastructure is noted. Consistent with EBRPD requirements, prior to construction, the project sponsor would coordinate with EBRPD to obtain the necessary approvals for construction of the stormwater overflow pipe and to facilitate any signage and/or temporary trail closures needed during project construction. This comment does not relate to the adequacy of the information or analysis provided in the IS/MND. No changes to the IS/MND are required.