



Department of Conservation and Development

County Planning Commission

Tuesday, October 28, 2014 – 7:00 .P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Westborough 14 Unit Condominium Project, Tice Valley Boulevard, Walnut Creek
County File Number:	#SD14-9376; #DP14-3018; and #RZ14-3225
Applicant/Owner:	Momo Development 2013, LLC (Applicant)/ William Ashurst & Margaret Sluus and Sarah Lombardo (Owners)
General Plan/Zoning:	Multiple-Family, Medium Density (MM)/Multiple-Family Residential (M-12)
Project Location:	The 1.12-acre property is located at 1640 and 1660 Tice Valley Boulevard in the unincorporated area of Walnut Creek (APN: 184-311-004 and 184-311-024)
California Environmental Quality Act (CEQA) Status:	A Mitigated Negative Declaration (MND) indicating no significant environmental impacts has been prepared for the project.
Project Planner:	Ruben Hernandez, Senior Planner (925) 674-7785
Staff Recommendation:	Based on the Project's Conformance with the County General Plan, Staff is Recommending Approval of the Project. (See Section II for Complete Recommendation)

I. PROJECT SUMMARY

The applicant is requesting approval of a tentative map, final development plan and rezoning in order to develop a 1.2-acre site with fourteen, two-story, condominium units. The project site is located at 1640-1660 Tice Valley Boulevard, just south of Olympic Boulevard in the unincorporated area of Walnut Creek.

The condominiums will be constructed in clusters of 2, 3 and 4 units per building.

The units will be two-story, town home style units, with single car garages. The units will be accessed via a new "U" shaped private roadway accessed from Tice Valley Boulevard. The project will include the installation of complete site improvements including, landscaping improvements, clean water facilities, roadway improvements and storm drain improvements. The project will also entail the removal of 23 code protected trees and work within the dripline of 11 code protected trees. A variance to the 5-acre minimum lot size requirement of the Planned Unit (P-1) Zoning District is also being requested.

II. RECOMMENDATION

Staff recommends that the County Planning Commission:

- A. FIND that on the basis of the whole record before the County (Department of Conservation and Development, 30 Muir Road, Martinez, CA, 94553) that there is no substantial evidence the project will have a significant effect on the environment and that the September 4, 2014 Mitigated Negative Declaration prepared for the project reflects the County's independent judgment and analysis;
- B. ADOPT the September 4, 2014 Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the project;
- D. APPROVE the Westborough Tentative Map dated received June 11, 2014 by the Department of Conservation and Development;
- E. ADOPT a motion recommending that the Board of Supervisors:
 - 1. FIND that on the basis of the whole record before the County that there is no substantial evidence the project will have a significant effect on the environment and that the September 4, 2014 Mitigated Negative Declaration prepared for the project reflects the County's independent judgment and analysis;
 - 2. ADOPT the September 4, 2014 Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the project;
 - 3. APPROVE a variance to the Planned Unit (P-1) Zoning District 5-acre minimum lot size requirement;

4. APPROVE the rezoning of the 1.2-acre parcel to Planned Unit Development (P-1) from Multiple-Family Residential (M-12); and
5. APPROVE the Westborough Final Development Plan as shown in the plans received by the Department of Conservation and Development on June 11, 2014;

III. GENERAL INFORMATION

- A. General Plan: The site has a General Plan designation of Multiple-Family Residential Medium-Density (MM). The MM designation has a density range of 12.0 to 21.9 units per net acre. The density for the Westborough development is 15.2 units per net acre.
- B. Zoning: The site is zoned Multiple-Family Residential (M-12).
- C. CEQA Status: On September 4, 2014 an Initial Study was prepared for the project and posted and circulated for public review. Upon completion of the initial study, it was found that the project would not result in any significant environmental impacts. No comments were received on the adequacy of the initial study. A Mitigated Negative Declaration has been prepared for adoption by the County Planning Commission.
- D. Previous Applications:
 - County File #SD07-9177, DP07-3013 and RZ07-3191: On February 22, 2007, an application for a subdivision, final development plan and rezoning to establish 17 townhomes on the subject property was submitted to the Department of Conservation and Development. The application was met with concerns from the City of Walnut Creek and some of the neighboring property owners, and prior to completion of the CEQA analysis for the project, the application was withdrawn by the applicant on April 21, 2008.

IV. SITE/AREA DESCRIPTION

The subject property is a 1.2-acre property located on the east side of Tice Valley Boulevard, just south of the Olympic Boulevard intersection, in the unincorporated area of Walnut Creek. The site address is 1640 and 1660 Tice Valley Boulevard.

The property is currently being used as a commercial nursery and is covered with potted trees, plants, a couple of greenhouses and other landscaping equipment and material. There are also a number of existing structures on the site, including two single-family residences, numerous sheds and a couple of greenhouses. The single-family residence located near the northern property line is vacant, extremely dilapidated, and not suitable for habitation. Another, modest, older, single-family residence is located near the southern property line which is utilized for operation of the nursery. In addition to the numerous potted trees and plants located on the property, the arborist report prepared for the project indicated that there are 34 code protected trees on-site. The subject property is reasonably flat and about 250 wide and 240 feet deep along the southern property line.

The property fronts on approximately 191-feet of Tice Valley Boulevard and is accessed via a small driveway located on the northern parcel. The site is secured by a 6-foot cyclone fence along Tice Valley Boulevard.

The subject property is surrounded by a range of uses. The abutting properties to the south and east are single family residential properties. The abutting property to the north is a commercial property occupied by a medium sized, two-story, office building and parking lot, and the properties to the west, across Tice Valley Boulevard, are also commercial properties occupied with medium sized office buildings. The Walnut Creek city limit is located three parcels to the south (about 150-feet) along Tice Valley Boulevard.

IV. PROJECT DESCRIPTION

The proposed "Westborough" condominium development is a 14 unit project to be located on a 1.2-acre site currently identified as 1640 and 1660 Tice Valley Boulevard in the unincorporated area of Walnut Creek. In order to develop the property the applicant is requesting approval of a tentative map to subdivide the 1.2-acre site into three parcels and 14 condominium units. In addition to the tentative map, the applicant is also seeking approval of a final development plan and a rezoning of the property to Planned Unit District (P-1) from its current Multiple-Family (M-12) zoning. Descriptions of the individual applications are provided below.

A. Subdivision

The applicant is requesting approval of a tentative map to subdivide the 1.2-

acre property into three separate lots with 14 condominium units. The three parcels will consist of one roadway parcel, and two condominium parcels. Parcel 'B' will be 26,938 square feet (0.62-acre) and will be developed with nine of the condominium units. Parcel 'C' will be 13,312 square feet (0.31-acre) and will be developed with 5 of the condominium units.

Parcel 'A' is the 'U' shaped roadway parcel and will be 13,239 square feet (0.31-acre) in size. Parcel 'A' will also include the 18 guest parking spaces.

B. Final Development Plan

In order to develop the property as proposed, the applicant is requesting approval of a final development plan. Approval of a final development plan in conjunction with the proposed rezoning to Planned Unit District (P-1) is required in order to develop the "Westborough" condominiums as proposed.

The final development plan for the "Westborough" condominium identifies every aspect of project development, including final building design, final site layout, preliminary landscaping design and all other project improvements. The individual aspects of the final development plan are discussed further below.

1. Site Layout

The 14 condominium units will be located within five separate buildings (two duplex, two triplex and one four-plex). All of the buildings will be situated around the new "U" shaped private roadway, which will be accessed from Tice Valley Boulevard at two points.

The project will provide 18 off-street guest parking spaces (including one handicap or ADA space) in addition to a single garage space for each unit, resulting in a total of 32 parking spaces throughout the site, which is consistent, in terms of total required parking spaces, with the parking requirements of the M-12 zoning district. Therefore, an exception to the number of required off-street parking spaces is not required as part of the rezoning of the property to P-1.

The buildings will be setback a minimum of 25-feet from Tice Valley Boulevard, 20-feet from the side property lines and 50-feet from the

rear property line.

The internal "U" shaped private roadway will be 20-feet wide, with 4-foot wide sidewalks along the front and sides of all the units. Eighteen guest parking spaces are provided throughout the site, with most of the spaces provided along the rear of the site.

In accordance with the requirements of the Regional Clean Water Management Board and the Public Works Department, clean (storm) water facilities, including bioretention facilities, will be located at the rear of the site. The project landscaping plans identify significant landscaping in and around the proposed bioretention facilities.

2. Building Design

The Westborough condominiums will be side-by-side units similar to townhomes and will consist of five separate buildings, two duplexes, two triplexes and one fourplex. The buildings will have a maximum height of 29-feet. Each unit will be a three bedroom unit, and all will have a single garage space. The living area and garage will be located on the ground floor and the bedrooms will be located on the second floor. Each unit will have a fenced private rear yard. Two unit types will be constructed, Unit 'A' will be three bedroom units, with 1,547 square feet of living area and Unit 'B' will be three bedroom units with 1,556 square feet of living area.

The building design is best described as "American Colonial", which incorporates gabled roofs, vertical and horizontal exterior wood siding and grid style windows. All of the units will be accessed from the future private roadway.

3. Landscaping/Trees

A landscaping/planting plan was submitted with the final development plan application. The landscaping plan identifies the species and location of all proposed landscaping to be installed throughout the development. The plan also identifies the location of seven existing oak trees to be preserved and incorporated into the landscaping plan.

Landscaping will include the planting of various types of ground cover, shrubs and 32 trees, in addition to seven code protected oak trees to be preserved on-site. A significant portion of the proposed landscaping will be located at the front of the development, along Tice Valley Boulevard, and at the rear of the development around the future storm water detention facilities.

C. Rezoning

In conjunction with the proposed final development plan, the applicant is requesting authorization of a rezoning of the property to Planned Unit District (P-1) from its current Multiple-Family (M-12) zoning designation.

In order to develop the site as proposed, rezoning of the site to the Planned Unit District (P-1) is necessary. Development of the site, as proposed, under the provisions of the Multiple Family (M-12) zoning district would require approval of several variances. Rezoning the site to the Planned Unit District (P-1), in conjunction with approval of the final development plan, will provide the necessary flexibility needed in order to develop the site as proposed, which is much more compatible that what could be developed utilizing the M-12 standards.

V. ENVIRONMENTAL REVIEW

In accordance with the state *Guidelines for Implementation of the California Environmental Quality Act (CEQA)*, an initial study was prepared for to determine potential environmental impacts of the proposed Westborough condominium project. Upon completion of the initial study, it was determined that mitigation measures could be incorporated into the project description that would reduce project impacts to a less than significant level.

The Initial Study and Notice of Public Review and Notice of Intent to Adopt a Mitigated Negative Declaration was posted with the County Recorder and circulated for public review on September 4, 2014. The final day for providing comments on the adequacy of the initial study was September 24, 2014. No comments were received on the adequacy of the initial study.

VI. AGENCY COMMENTS

The following comments were received for the application:

- **Transportation Planning**: In a memo dated May 2, 2014 the Transportation

Planning Section of the Department of Conservation and Development provided comments on the application. The memo indicated that since the project would clearly not generate more than 100 peak hour trips, a traffic impact analysis report is not required for the project. The memo also indicated that since the project will result in the development of more than 13 units, the applicant is required to prepare a Transportation Demand Management (TDM) Plan in accordance with the provisions of Section 82-32.010 of the County Code. A condition of approval (Condition #31) requiring compliance with the County's Transportation Demand Management Ordinance has been included in the conditions of approval for the project.

- **Public Works, Traffic Engineering:** In a memo dated April 15, 2014, the Traffic Engineering Division of the County Public Works Department provided comments regarding the proposed private roadway and access.
- **Saranap Homeowners Organization:** In a memo Saranap Homeowners Organization indicated that they find no reason to object to the project.
- **City of Walnut Creek:** In an email dated April 11, 2014 from Andrew M. Smith, Senior Planner, the City of Walnut Creek indicated that they have no comments on the proposed development.
- **Central Contra Costa Sanitary District:** In an email dated April 22, 2014 Russ Leavitt of the Central Contra Costa Sanitary District indicated that the site was within the service area of the district, and that the system in the vicinity of the project is adequate to accept the additional wastewater generated by the project. The district also indicated that the facilities located further downstream do not have adequate flow carrying capacity under the district's current design criteria and that improvements to facilities will be funded from applicable district fees and charges.
- **Housing Section, DCD:** In a memo dated October 13, 2014, the Housing Section of the Department of Conservation and Development indicated that the Housing Plan prepared for the Westborough project has been accepted. The Housing Plan for the Westborough project includes payment of an in-lieu fee of \$54,248 for the entire project.

VII. STAFF ANALYSIS

The Westborough condominium project was designed in a manner that is considerate of neighboring property owners and is compatible with the development pattern in the vicinity of the project. The project will provide additional inventory of attached single-family residential units, which are in very high demand in the Walnut Creek area and in the vicinity of the project. The project layout, access, building design and landscaping plan will provide for an attractive development with no significant or adverse effects to the surrounding community.

Analysis of individual aspects of the project is discussed in further detail below.

- 1. General Plan Consistency:** The site has a general plan designation of Multiple-Family Residential, Medium Density (MM) which has a density range of 12.0 to 20.9 units per net acre. The project's density will be 15.2 units per net acre which is near the lower end of the MM density range.

In terms of consistency with other General Plan goals and policies, the project is consistent, including those found in the Land Use Element, Growth Management Element, Transportation and Circulation Element and Housing Element. According to the Land Use Element (Chapter 3) of the General Plan, there are no area specific general plan goals or policies that apply to the project based on its location, so the project is only subject to the standard General Plan goals and policies, such as those found in the Noise Element (Chapter 11).

According to the Noise Element (Chapter 11) of the General Plan, a portion of the subject property is within the 60dBA noise contour, so a mitigation measure (MM-12a) and condition of approval (COA #19) have been included to address the issue.

- 2. Rezoning to P-1:** The applicant is requesting a rezoning of the 1.2-acre site to Planned Unit District (P-1). This requires a variance to the 5-acre minimum lot size requirement of the Planned Unit District. Approval of the variance to the P-1 minimum lot size standard is being recommended for a number of reasons.

At the State and County level, development of in-fill properties, specifically high density residential project located near transit and population centers,

is being encouraged. This is evident with the passage of Senate Bill 375 (SB 375) in 2008 and adoption of the 2009 Housing Element Update by the Board of Supervisors in 2009.

Senate Bill (SB) 375 passed into law in 2008. It was one of the first efforts by state government to coordinate land use and transportation planning to reduce greenhouse gas (GHG) emissions in response to implementing the provisions of the landmark California Global Warming and Solutions Act of 2006 (otherwise known as Assembly Bill 32). One of the key provisions of SB 375 was to require the planning for housing by cities and counties to be linked and consistent with land use and transportation planning for GHG emission reductions mandated under AB 32.

The County's Housing Element identifies removal of the 5-acre minimum lots size restriction for the P-1 zoning as a five-year objective of the County's Housing Plan¹. By removing this restriction, the P-1 zoning could be used to develop smaller in-fill properties near transit centers as required by State law and the County Housing Element. Based on its proximity to freeways, public transportation and shopping, this project is a perfect example of the use of the P-1 zoning for a small in-fill project as encouraged by the passage of SB 375 by the State and the Housing Element Update by the Board of Supervisors.

For this project, the P-1 zoning provides the flexibility to develop the property with a desirable product (for-sale units) that is in short supply and high demand in the vicinity of the site. The P-1 also provides the flexibility to design the project in a manner that is compatible and consistent with the surrounding uses.

3. **Site Plan:** The project has been laid out in a manner intended to reduce the impact to the neighboring property owners and in a manner that reduces the visual impact of the project from Tice Valley Boulevard. The buildings are setback a minimum of 25-feet from the edge of the future Tice Valley Boulevard right-of-way, which provides a significant buffer for the planting of landscaping between the roadway and the buildings. The units will front on the new private roadway and not on Tice Valley Boulevard which reduces the bulk and massing of the buildings as seen from the roadway.

¹ Page 6-106; Housing Element - Contra Costa County General Plan

The project also provides significant rear and side yard areas that reduce visual and privacy impacts to adjacent property owners. A rear yard setback of 50-feet as measured from the rear property line to the nearest building and side yards of 20-feet is provided project wide. This in conjunction with a maximum building height of 29-feet will reduce visual and privacy impacts to neighboring property owners.

4. **Off-Street Parking:** Each unit will have a single car garage. In addition to the garage spaces, an additional 18 guest parking spaces (including one handicapped space), will be provided within the development, resulting in a total of 32 off-street parking spaces for the project. Under the current zoning (M-12), a total of 32 off-street parking spaces would be required for a 14 unit project. Therefore, the number of parking spaces provided is consistent with M-12 zoning district².

All of the guest parking spaces will be located at or near the rear of the development; this allows for a significant buffer (50-feet) between the neighboring single-family residential properties to the rear and the future Westborough units. It also has the added benefit of keeping guest parking out of view from Tice Valley Boulevard.

5. **Building Design:** The building design can be considered "American Colonial" which is a typical building design for many single family and multiple family buildings in the vicinity of the project. The building design is appropriate for the project and blends in well with the surrounding uses, specifically the neighboring single family residences. The maximum building height for the project will be 29-feet, which is consistent with the overall height of other commercial and residential buildings in the vicinity of the project.
6. **Landscaping/Tree Removal:** A preliminary landscaping plan has been submitted as part of the final development plan application. The plan identifies the location and type of all proposed landscaping to be planted throughout the site, including the planting of 32 new trees. The plan also identifies the location of seven code protected oak trees to be preserved on-site.

² Section 84-26.1202 of County Zoning Code requires 2.25 parking spaces for every unit with two or more bedrooms.

Significant landscaping will be planted along the front of the development which will add to the aesthetic appeal of the project, specifically as viewed from Tice Valley Boulevard. Additional significant landscaping will be located along the rear of the site, in and around the storm water detention facilities, which help to provide a buffer between the future buildings and the residential properties to the rear of the site.

According to the arborist report, a total of 23 code protected trees will be removed from the subject property and 11 other code protected trees will be impacted by development, four of which are located on the neighboring commercial property to the north. Seven on-site code protected trees will be preserved, including four oak trees near the center of the site which will automatically enhance the aesthetic appeal of the project once completed.

VIII. CONCLUSION

After analyzing the proposed Westborough condominium project in terms of neighborhood compatibility, environmental impact, appropriateness of use and conformance with the County General Plan and zoning code, it has been determined that the project should be approved. The project will provide attractive, thoughtfully planned, residential units in an area with high demand for this type of use.

Therefore, staff is recommending that the Planning Commission adopt the mitigated negative declaration prepared for the project, approve the tentative map, and adopt a recommendation that the Board of Supervisors approved the Westborough final development plan and rezoning to Planned Unit District (P-1).