



Department of Conservation and Development

County Planning Commission

Tuesday, October 14, 2014 – 7:00 .P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	14-Unit Apartment Complex
County File(s):	RZ12-3221 and DP12-3017
Applicant/Owners:	Herand Der Sarkissian/Heidi and Christina Kohler
General Plan/Zoning:	Multiple-Family Residential - Very High Density (MV)/Single-Family Residential (R-15)
Site Address/Location:	3010 Del Hombre Lane, Walnut Creek (APN: 148-170-001)
California Environmental Quality Act (CEQA) Status:	Mitigated Negative Declaration
Project Planner:	Jennifer Cruz, Project Planner (925) 674-7790
Staff Recommendation:	Approve (See Section II for complete recommendation)

I. PROJECT SUMMARY

The proposed project is to rezone the subject property from Single-Family Residential Zoning District, R-15 to Planned Unit District, P-1 to establish a 14-unit apartment complex. The proposed project also involves the removal of 19 trees (ranging in size from 5.5 inches to 72 inches in diameter) and work within the drip line of 21 trees (ranging in size from 15 inches to 40 inches in diameter) for the demolition of the existing residence and accessory buildings, and construction of the apartment complex. Variance requests to allow three guest parking spaces on Del Hombre Lane (where four spaces are required) and to allow the rezoning of a 0.53-acre property to P-1 (where a minimum of 5 acres is required for residential uses) are included in the project. A 20-foot wide driveway access is proposed through the middle of the property.

II. RECOMMENDATION

Staff recommends the following:

A. ADOPT a motion to recommend that the Board of Supervisors:

1. FIND that on the basis of the whole record before it, including the Initial Study and the comments received, the County Planning Commission finds that there is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the County's independent judgment and analysis.
2. CERTIFY the Mitigated Negative Declaration (MND) and Mitigation Monitoring Program dated August 15, 2014, finding it to be adequate and complete, finding that it has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, and finding that it reflects the County's independent judgment and analysis, and specify that the Department of Conservation and Development (located at 30 Muir Road, Martinez, CA) is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based.
3. APPROVE the request to rezone 0.53 acres from Single-Family Residential, R-15 to Planned Unit District, P-1.
4. ADOPT the findings and APPROVE the proposed Preliminary and Final Development Plan, including the request for a variance to allow 0.53 acres property to be rezoned to P-1 (where a 5 acre minimum is required) and to allow one guest parking space on Del Hombre Lane (where four spaces are required), and the removal of 19 trees and the work within the drip line of 21 trees. Approval is contingent upon Board approval of P-1 zoning and conforming development plan approval.

B. DIRECT staff to file a Notice of Determination.

III. GENERAL INFORMATION

- A. General Plan: The subject property has a General Plan Land Use designation of Multiple-Family Residential-Very High Density (MV).
- B. Zoning: The subject property is zoned Single-Family Residential Zoning District, R-15, minimum parcel lot size is 15,000 square feet.
- C. California Environmental Quality Act: A Mitigated Negative Declaration (MND) was prepared for the project. The MND identified seven impacts in the areas of Air Quality, Biological Resources, Cultural Resources, and Noise impacts, with mitigation measures proposed to reduce the impacts to a less-than-significant level. The public review comment period for the MND extended from August 15, 2014 to September 4, 2014. Two comments were received within the comment period and are discussed in Section VII of this document.
- D. Origin of Parcel: The existing residence was constructed in 1948 and according to County Assessor's records, there were two building permits issued on the property. Government Code Section 66499.34 states that the issuance of a permit or grant of approval for development of real property shall constitute "real property has been approved for development," for the purposes of subdivision (c) of Government Code Section 66499.35.
- E. Previous Applications: There are no previous applications filed on the property.

IV. SITE/AREA DESCRIPTION

Surrounding Land Use: The subject property is located in an existing commercial/residential area. Pleasant Hill Bay Area Rapid Transit (BART) station is located west of the subject property, while Contra Costa Centre is located southwest of the subject property. The Iron Horse Regional Trail is located directly across of the property (west). Del Hombre Lane borders the west edge and Honey Trail borders the south edge of the property. A single-family residence is located directly behind the property and a vacant property is also adjacent to the subject property. The surrounding area primarily consists of multiple-family units.

Existing Site Condition: The subject property is a 0.53-acre property located on Del Hombre Lane and is a flat piece of property. There is an existing two-story single-family residence and accessory buildings on the property. The residence is surrounded by landscaped ornamental plantings, non-native ruderal grasses, and a significant tree canopy cover. The property is accessed via Del Hombre Lane and there is a 12-foot access easement on the southern portion of the property, adjacent to Honey Trail.

V. PROJECT DESCRIPTION

The proposed project is to rezone the subject property from Single-Family Residential Zoning District, R-15 to Planned Unit District, P-1 to establish a 14-unit apartment complex. The proposed project also involves the removal of 19 trees (ranging in size from 5.5 inches to 72 inches in diameter) and work within the drip line of 21 trees (ranging in size from 15 inches to 40 inches in diameter) for the demolition of the existing residence and accessory buildings, and construction of the apartment complex.

The proposed apartments will be a modern design, with decks. The apartments will consist of stucco, horizontal wood siding hardiplank, and metal roofing. There is a barbecue, gazebo, and trash enclosure proposed at the rear of the property. A 20-foot wide driveway access is proposed through the middle of the property. Below is a summary of the proposed project:

Details of the 14-Unit Apartment Complex		
	<u>Each Unit</u>	<u>Total</u>
(10) Two bedrooms	1,348 square feet	
(4) Three bedrooms	1,904 square feet	
Building		21, 374 square feet
Garage (Parking Spaces)	2 spaces	28 spaces
Height		34 feet
Stories		3
Landscaping		3,600 square feet

Variance requests to allow three guest parking spaces on Del Hombre Lane (where four spaces are required) and to allow the rezoning of a 0.53-acre property to P-1 (where a minimum of 5 acres is required for residential uses) is included in the project.

VI. AGENCY COMMENTS

- A. Conservation and Development, Building Inspection Division: In a memo dated August 15, 2012, the Division indicated that the building shall comply with the California Building Code 2010 and housing accessibility.
- B. California Historical Resources Information System (CHRIS): In a memo dated September 24, 2012, CHRIS indicated the project area may contain unrecorded archaeological sites and recommend that the local Native American tribes be contacted. Additionally, CHRIS advises that if the property contains buildings or structures 45 years or older, that a qualified professional conduct a formal CEQA evaluation.

The applicant has submitted an archaeological and historic preservation report prepared by James Allan, William Self Associates dated March 29, 2013. The report concluded that the likelihood of encountering significant cultural resources within the project area is low. Further, it was determined that the building did not yield important information to history and the integrity of the house has been compromised by the modifications to the building. The applicant has also contacted the National American Heritage Commission and the recommendation of Native American individuals/organizations that may have knowledge of cultural resources in the project area by the Commission.

- C. Contra Costa County Fire Protection District: In a memo dated September 4, 2012, the District indicated that the applicant shall comply with their requirements related to access, and adequate water supply and fire sprinkler.
- D. Contra Costa Water District: In a memo dated August 28, 2012, the District indicated that the applicant shall comply with their requirements related to providing a separate meter for landscaping irrigation, separate fire service for each building, and location of water main in the street or right-of-way.
- E. Contra Costa Centre Municipal Advisory Council (MAC): At the MAC's September 18, 2012, meeting, the MAC voted on recommending approval of the project.
- F. Local Agency Formation Commission (LAFCO): In a memo dated January 28,

2014, LAFCO indicated that since the subject property is located within an urbanized area and within the service areas of various municipal service providers, no future LAFCO action is needed. However, LAFCO did note that the subject property is located in an island surrounded by the City of Walnut Creek and Pleasant Hill, and within the City of Walnut Creek's sphere of influence (SOI).

- G. Public Works Department, Engineering Services Division: In a memo dated June 24, 2014, the Department provided comments regarding their requirements for roadway improvements, access, utilities, drainage improvements, and stormwater management.
- H. Conservation and Development, Transportation Section: In a memo dated June 26, 2014, Transportation staff indicated a Transportation Demand Management (TDM) Plan is required and that the proposed three guest parking spaces should be eliminated due to the close proximity to the Pleasant Hill Bay Area Rapid Transit (BART) Station.
- I. Conservation and Development, Housing Section: In a memo dated August 16, 2012, Housing staff indicated that the applicant was required to complete Section D (in lieu fee) of the Inclusionary Housing Ordinance application and that the balance is zero, since it is a rental project.

No comments were received from the following agencies: Department of Fish and Wildlife, Native American Heritage Commission, Contra Costa Central Sanitary District, and City of Walnut Creek.

VII. ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) was prepared for the project. The MND identified Air Quality, Biological Resources, Cultural Resources, and Noise impacts and would be reduced to less-than-significant levels with the proposed mitigations. Two letters were received from Anita Bottari and Lura Asregadoo. Below is a summary of the comments received and staff's response.

- 1. Anita Bottari, 1263 Honey Trail, Walnut Creek: Ms. Bottari indicated concerns regarding the reduced number of parking spaces, existing shortage of parking spaces, and the size of the property.

Staff's Response: There will be a two car garage for each of the 14 units. The reduced number of parking spaces relates to guest parking. The requirement for guest parking is one-quarter space per unit. The proposed project of 14 units requires four spaces. The applicant proposes to provide three spaces on Del Hombre. In a letter dated June 26, 2014, from the Transportation Section of Conservation and Development, staff recommended that the proposed three parking spaces be eliminated. The reason being is that the property is within close proximity to transit and if the Pleasant Hill BART Station Area Specific Plan were implemented, then the project exceeds the parking requirement. The property is not within the Specific Plan boundaries, but is adjacent. The Specific Plan requires a minimum of 0.75 sleeping space or 1.0 space per unit, whichever is greater. Based on this requirement, the project would be required to provide 21 parking spaces. Based on this calculation, the project proposes to 31 spaces (two spaces per unit and three guest parking spaces). Public Works Department is also recommending that two guest parking spaces should be eliminated. The guest parking space near Honey Lane and the guest parking space near proposed driveway for the property would not provide adequate sight distance at these intersections, if cars are parked there. The northern most guest parking space would remain. In addition, no parking signs are required to be installed along the western portion of Del Hombre Lane (Condition of Approval #34).

The project is an example of a Transit Oriented Development (TOD); the property is located within one-half mile of transit. The applicant is also required to provide two short-term bicycle parking spaces. According to the Multiple-Family Residential-Very High Density (MV) General Plan land use designation, the assumed average per unit is two persons per unit. The 14 units will yield approximately 28 persons.

The property is less than the five acre requirement to rezone the property to Planned Unit District, P-1 for residential development. The applicant has approached the property owners of the remaining R-15 zoned properties to submit a collective rezoning application. Unfortunately, the property owners did not participate in the rezoning. Table 6-41 of the Housing Element in the County's General Plan indicates that there is consideration for removing the five-acre minimum parcel size for the P-1 district. Several properties along Treat Boulevard, south of the subject property are zoned P-1 and are less than the required five acres. Findings to grant the variance for the lot area are supported and can be found in Section D of the Findings.

2. Lura Asregadoo, 1260 Honey Trail, Walnut Creek: Ms. Asregadoo indicated concerns related to the size of the property for the development, parking concerns, air quality, noise, illegal garbage dumping, traffic, and impact on wild life.

Staff's Response: Response to concerns regarding the size of the property and parking have been addressed in the response to Ms. Bottari (see above). The MND prepared determined that construction activities for the project may have an impact to air quality related to exhaust emissions and fine particulate matter in the form of dust. This impact would be reduced to a less-than-significant level by requiring the applicant to implement standard construction dust control measures during construction (Condition of Approval #17). Additionally, the addition of a 14-unit apartment would be negligible to air quality.

The MND also determined that short-term noise levels would occur during construction. This impact would be reduced to a less-than-significant level by limiting the hours of construction activities, and requiring contractors to reduce equipment noise by having internal engine-driven equipment equipped with mufflers and use quiet gasoline-powered compressors (Condition of Approval #24B).

The applicant is required to comply with the Debris Recovery Ordinance. Additionally, a condition of approval (COA) has been included to require that the applicant removes all debris from the site once the construction activity has ended (COA #24H).

The County's Growth Management Program requires that a traffic impact analysis be prepared for any project that generates 100 or more peak hour vehicle trips. The proposed project is to allow the construction of 14 units and the assumed average per unit is two persons. Furthermore, the subject property is within close proximity to transit and provides multimodal access.

Potential impacts to Townsend's Western Big Eared Bat or Pallid Bat and to nesting birds are identified in the MND and mitigated to a less-than-significant level by surveying the trees and building prior to demolition or removal trees, and if the project commences between March 1st and September 1st (COA #18 and 19).

Additional Public Comments Received After Comment Period Ended

3. Toshiko McKeen, 3018 Del Hombre Lane, Walnut Creek: In a letter received on September 23, 2014, the McKeens indicated their objection to the project. The concerns are regarding the design of the building (e.g. number of stories, number of and size of units) and the size of the property for the development.

Staff's Response: The proposed project is a 14-unit apartment complex, consisting of two and three-bedrooms, approximately 1,348 square feet and 1,904 square feet of living space respectively. The proposed apartment buildings will be three stories tall, 34 feet in height. The project involves the rezoning of a 0.53-acre property to a Planned Unit District, P-1. The minimum lot area for residential uses in a P-1 District is five acres. A variance request to allow this 0.53-acre property to be rezoned to P-1 is included in the project. Findings to grant the variance can be found in Section D of the Findings and Conditions of Approval. Further, the proposed project is within the density range for Multiple-Family Residential-Very High Density General Plan land use designation.

VIII. STAFF ANALYSIS

- A. Consistency with General Plan: The subject property is within the Multiple-Family Residential-Very High Density (MV) General Plan land use designation. This land use designation allows for a density range of 30 and 44.9 multiple family units per net acre. Properties within the MV General Plan land use designation can range up to 1,451 square feet. According to the MV General Plan land use designation for this site, if the assumed average is two persons per unit, then the population densities would normally range from about 60 to about 90 persons per acre. The property is 0.53 acres (0.42 acres – net) and the density of the property would yield a range of 12-18 units. The proposal to establish an apartment complex of 14 units is within this density range.

The project is consistent with the goals and policies of the General Plan, specifically the Transportation Element. Policy 5-13 states that the use of pedestrian and bicycle facilities shall be encouraged. Policy 5-24 states that use of alternative forms of transportation, such as transit, bike, and pedestrian modes, shall be encouraged in order to provide basic

accessibility to those without access to a personal automobile and help minimize automobile congestion and air pollution. A condition requiring a TDM Plan shall be submitted (COA #11) and two bicycle parking spaces are also required (COA #12). As proposed, the project is consistent with the County General Plan, especially the goal to reduce greenhouse gas emissions by establishing housing within an area that provides multimodal access.

- B. Consistency with Zoning: The proposed project is to rezone the subject property from Single-Family Residential, R-15 to Planned Unit District, P-1 to allow the construction of a 14-unit apartment complex. The P-1 Zoning District requires a minimum lot size of five acres for residential use. The subject property is 0.53 acres and a variance request to the lot size is included in the project. Variance Findings to support the request can be found in Section D of the Findings and Conditions of Approval.

The P-1 Zoning District provides an opportunity for cohesive design, with flexible regulations. The proposed apartments are of modern and green building design that integrates the eclectic designs of existing buildings within the surrounding development. The proposed apartments will be three stories tall and approximately 21 trees will remain, with 10 additional trees required for planting to replace the 19 trees to be removed. Conditions of Approval #13, 14, and 15 have been included requiring review and approval of the proposed building design and materials, sign program, and lighting to ensure compatibility with the surrounding area. As proposed, the apartment complex is consistent with the following design objectives as required in Contra Costa Code Section 84-66.1402: building bulk, height, visual appearance from the adjacent land, and compatibility with the existing adjoining development and land.

- C. Appropriateness of Use: Primary land uses in Multiple-Family Residential-Very High Density General Plan land use designation include multiple family residences such as condominiums, apartments, and accessory structures normally auxiliary to the primary uses. The proposed 14-unit apartment complex is a use permitted under the General Plan. The surrounding development consists primarily by multiple-family residences, the Pleasant Hill BART Station and the Contra Costa Centre. The project is an example of Transit Oriented Development (TOD) due its close proximity to transit (BART and bus). The design of existing buildings in the surrounding area is eclectic. The immediate area consists of two story building with carports;

however, the newer development at the corner of Las Juntas Way and Coggins Drive, and the Contra Costa Centre are three story and four story buildings. Existing trees that will remain and the required tree plantings will provide additional screening of the building. Conditions of Approval #13, 14, and 15 have been included that requires review and approval of the proposed building design and materials, sign identification program, and lighting to ensure compatibility with the surrounding area. Overall, the proposed apartment complex is consistent with the surrounding area and the proposed zoning of P-1 is consistent with the MV General Plan land use designation.

- D. Traffic and Circulation: The subject property fronts Del Hombre, a public road. Del Hombre Lane is defined as an ultimate 40-foot roadway within a 60-foot right-of-way. The existing right-of-way width along the subject property is 40 feet. The applicant is required to dedicate to the County, by offer of dedication, 10 feet of additional right-of-way along the project frontage.

Frontage improvements have not been constructed along the subject property. However, frontage improvements have been constructed on Del Hombre Lane just south of the subject property, along Subdivision 5496. The applicant is required to construct similar pavement widening, curb, gutter, sidewalk, and curb ramps along the project frontage.

- E. Drainage: The subject property is located within Drainage Area 22, an “unformed” drainage area. In accordance with Division 914 of the Ordinance Code, the applicant will be required to collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse.

The nearest public drainage facility is an existing 84-inch diameter storm drain in Coggins Lane, west of the property. The applicant is required to verify its adequacy prior to discharging run-off. Off-site storm drain improvements extending as far north as Las Juntas Way may be necessary to install facilities within public right-of-way and avoid conflicts within existing utilities.

- F. Stormwater Management and Discharge Control Ordinance: In accordance with Provision C.3 of the County's National Pollutant Discharge Elimination System (NPDES) Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014), a Stormwater Control Plan has been submitted and determined to be preliminarily complete by the Engineering Services Division. The applicant is required to submit a Final Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to determine compliance with the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance.
- G. 60dBA Noise Control: The proposed project is located within the areas designated on the County's Projected Noise Levels map exceeding 60dBA level. The project is conditioned to mitigate noise levels through the use of construction materials which will maintain interior noise levels at below 60dBA.
- H. Parking: Although the property is not zoned Multiple-Family Residential Zoning District, M-29, the parking standards for M-29 are used to be consistent with the requirements for multiple family residences. The M-29 Zoning District requires two spaces for two or more bedroom units, plus one-quarter space per each dwelling unit for guest parking, which may include available curb parking along the subject property's street frontage, and fractional amounts of which shall be rounded out to the next higher whole number of spaces is required.

Each unit has a garage that provides two off-street parking spaces. Additionally, the project includes three guest parking spaces in front of the property on Del Hombre Lane. The project is within ½ mile of high capacity transit (BART and bus), which is a typical standard for classifying a project as "Transit Oriented Development" (TOD). Given the property's close proximity to BART, bus, and the Iron Horse Regional Trail, our Transportation staff has commented on the project and has recommended that the three guest parking spaces should be eliminated from the project. The Public Works Department has also recommended to staff that the two guest parking spaces closest to Honey Trail and the proposed driveway should be eliminated because of the inadequate sight distance at these intersections, if cars are parked there.

The letters from neighbors commenting on the MND indicated concerns

regarding limited guest parking spaces. Upon reviewing the comments received from the Department's Transportation Section and the recommendation from Public Works Department, staff finds that one guest parking is sufficient located on the northern portion of Del Hombre fronting the property. Further, the applicant will also be required to provide at least two short-term bicycle parking spaces.

- I. Variances: Variance requests to allow three guest parking spaces on Del Hombre Lane (where four spaces are required) and to allow 0.53 acres (where a minimum of 5 acres is required) for the rezoning of the property to P-1 is included in the project. Staff is recommending approval of one guest parking space, instead of the three guest parking spaces proposed. Staff has made the variance findings, which can be found in Section D of the Findings and Conditions of Approval.
- J. Trees: The trees proposed for removal include Eucalyptus, Valley Oak, Mexican Fan Palm, Pine, and Almond trees. These trees will be removed due to the footprint of the building and the location of the proposed driveway. The trees where work within the drip line will occur primarily include Valley Oak trees and several Coast Live Oak trees. These trees will remain around the footprint of the buildings, specifically the northern of the property near Del Hombre Lane and along the portions of the 12-foot access easement and Honey Trail.

The project is conditioned requiring replanting of trees and providing a bond for the trees to be removed (COA #5) and requires restitution for trees where work will occur within the drip line of, should these trees be damaged (COA #6). Further, COA #20 requires that the replacement trees are California native species, no larger than 15-gallon size and COA #21 requires that Best Management Practices and recommendations outlined in the arborist report are implemented for trees that are identified to be retained.

- K. Annexation to Lighting District: The subject property is already annexed into the L-100 lighting district. According to comments received from LAFCO, no additional annexation to a lighting district or other services is required.

IX. CONCLUSION

Staff recommends that the County Planning Commission recommend to the Board

of Supervisors approval of the Preliminary and Final Development Plan and recommend to rezone the property, subject to the attached findings and conditions of approval.