

Resolution #8-2017

RESOLUTION NO. 8-2017

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING FINDINGS AND CONDITIONS OF APPROVAL FOR A 9-LOT SUBDIVISION AT 3198 GLORIA TERRACE IN THE UNINCORPORATED LAFAYETTE AREA OF SAID COUNTY.

WHEREAS, Gloria Terrace LLC (Applicant) & Gloria Terrace LLC and H.F. Layton (Owner) propose development of a 9 lot subdivision on two parcels within Assessor's Parcel Numbers: 166-200-032 and 166-210-008 (166-200-026/access easement) comprising 7.5 acres in the unincorporated Lafayette area of Contra Costa County, for which an application was received by the Community Development Division on February 17, 2016; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, an Initial Study/Mitigated Negative Declaration ("Initial Study") was prepared by the Department of Conservation & Development to determine the scope of the project's environmental impacts and whether or not an environmental impact report should be prepared; and

WHEREAS, the Initial Study identified potentially significant impacts related to aesthetics, biological resources, cultural, air quality and geology and the Initial Study recommended mitigation measures which would reduce each identified impact to a less than significant level; and

WHEREAS, on September 21, 2016, the Department of Conservation and Development published a Notice of Intent to Adopt a Mitigated Negative Declaration, which recited the foregoing facts, indicated that the project would not result in potentially significant impacts to the environment, and began the period for public review and comment on the adequacy of the environmental documentation that ended on October 21, 2016; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission for Wednesday, January 25, 2017, whereat all persons interested in the matter might appear and be heard; and

WHEREAS, on Wednesday, January 25, 2017, the County Planning Commission fully reviewed, considered, and evaluated all testimony and evidence submitted in this matter.

NOW, THEREFORE BE IT RESOLVED that the County Planning Commission:

1. FINDS 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 21, 2016, Mitigated Negative Declaration prepared for the project reflects the County's independent judgment and analysis;
2. ADOPTS the September 21, 2016, Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the project; and
3. APPROVES the requested Major Subdivision application, County File #SD16-9429, submitted by Gloria Terrace LLC, received by the Community Development Division on February 17, 2016.

BE IT FURTHER RESOLVED that the County Planning Commission finds that sufficient evidence has been provided to determine that the proposed project conforms with the County *Growth Management Performance Standards* (County General Plan 2005-2020, Growth Management Element, Section 4.4) and makes all of the findings required by County Code to allow approval of the proposed Vesting Tentative Map, as follows:

A. Tentative Map Findings

1. **Required Finding:** *The Planning Commission shall not approve a tentative map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general plan required by law.*

Project Finding: The project has been found to be consistent with the General Plan designation of Single-Family Residential-Low Density (SL). Per the SL designation, the allowable density range is 1.0 to 2.9 units per net acre. As the site consists of 6.5 net acres (7.5 total acres, minus 1.0 acre of roadway/drainage improvements), 18 lots are allowable for this site. However, according to the Land Use Element (Chapter 3) of the General Plan, residential densities of convention construction shall generally decrease as the natural slope increases. As the site is steep in multiple locations, the number of proposed lots have been reduced to 9 larger lots. Accordingly, these new home sites have gone through a geotechnical review and found to be feasible.

The Commission has also fully evaluated the extent to which the project is consistent with general plan policies pertaining to compatibility of land uses, compliance with principles of the Urban Limit Line and Measure C-1990, protection of open spaces, standards regarding geology, soils and earthquake risks, hazardous materials, flood hazards and drainage, protection of water quality, protection of biological resources, noise, protection of air quality, protection of visual resources, and protection of archeological and historical resources and found no evidence of inconsistencies. Additionally, the projected related traffic is not anticipated to negatively affect local traffic patterns or significantly diminish the Level of Service of key intersections in the area. The tentative map for the Gloria Terrace Estates subdivision is consistent with the applicable goals and policies as found in the County 2005-2020 General Plan.

Lastly, when appropriate, the General Plan encourages development to contribute to off-site improvements of pedestrian facilities to ensure safe and efficient connections from the development to major destination areas. As such, the applicant for this project has committed to improve various portions of Gloria Terrace to improve pedestrian safety. These improvements along with new housing options provided by this project are viewed as positive contributions to the area in general. Therefore, based on the entire record and as summarized herein, the tentative map is consistent with the County General Plan.

2. **Required Finding:** *The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements.*

Project Finding: As required by the conditions of approval and Mitigation Monitoring and Reporting Program, the project does not pose any significant traffic impacts and must comply with the “collect and convey” requirements and design standards for construction of private roads. Prior to issuance of building permits, the applicant is required to contribute fees for parks and recreation, school districts, child care and police services. Payment of these fees along with compliance with the applicable California Building Code, suggests that the project will fulfill all obligations related to construction of the project.

B. Tree Permit Findings

Required Finding: *The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied:*

1. Reasonable development of the property will require the removal of 16 trees and work within the dripline of 30 other trees will be necessary to construct the project. All feasible efforts have been made to retain the maximum number of trees, as well as, to preserve those trees which are exceptional due to their visual prominence on the site.
2. Development of this project cannot be reasonably accommodated on other parts of the property due to steep topographical conditions.

C. Growth Management Findings

1. **Traffic:** Streets that provide access to and around the project site include Reliez Valley Road, Taylor Boulevard, Pleasant Hill Road and Alhambra Avenue. Regional access to the project site is provided by Highway 4, Highway 24 and Interstate 680.

Traffic engineers and planners use the concepts of Level of Service (LOS) and Vehicle Miles Traveled (VMT) to qualitatively describe traffic conditions. Additionally, the Contra Costa Transportation Authority (CCTA) Growth Management Plan, the West Contra Costa Transportation Advisory Committee (WCCTAC) Action Plan and the County of Contra Costa (County) General Plan establish measures of effectiveness and requirements for the analysis and disclosure of circulation impacts associated with new land developments. Potential circulation impacts may be expected, and traffic impact analyses are required for projects that generate more than 100 or more net new peak-hour trips. A project generating less than 100 peak-hour trips generally will not create or exacerbate any current traffic patterns. Using standard Institute of Transportation Engineers (ITE) Trip Generation trip rates, the 9-unit project will generate 7 gross a.m. peak-hour trips and 9 gross p.m. peak-hour trips. Based on the reasonable expectation that other nearby residential projects will be completed, it is expected that a total of 26

a.m. and 34 p.m. total peak hour trips will be added to area roads in the near future. At these expected rates, the cumulative effect to local roadways will be negligible.

The project is also required by County Code, Chapter 82-32 Transportation Demand Management, to prepare and implement a Traffic Demand Management (TDM) program that complies with the applicable ordinance requirements. Consequently, Condition of Approval #34 requires the project sponsor to provide the TDM to homebuyers no later than close of escrow. The TDM will describe public transit and non-motorized commute opportunities available in the vicinity.

As part of project implementation, shoulder/pedestrian improvements (COA #36) will be constructed within the Gloria Terrace right-of-way. Currently, there are intermittent sidewalks and paths along this stretch of road. Once completed, the roadway improvements will improve pedestrian safety for current and future residents of the area. Additionally, these improvements will provide a safer means for neighborhood children to access the two school bus stops located on Gloria Terrace that serve local schools. This is viewed a positive contribution to the immediate vicinity and area in general.

2. **Water:** The proposed project is located at a suburban in-fill site that is currently serviced by public utility service systems. Proposed uses on-site would include 9 new residences and irrigation of landscaped areas. East Bay Municipal Utilities District provides water related services to the project site and have indicated that sufficient capacity exists for the project.
3. **Sanitary Sewer:** The project is within the service area of the Central Contra Costa Sanitary District who provides waste water services for the project. The project sponsor is required to pay all applicable fees associated with the connection to the existing sanitation system.
4. **Fire Protection:** The project is located within 4 miles of Contra Costa Fire Protection District Station 15. In a memorandum dated, March 16, 2016, the Fire District provided basic requirements for the development. Compliance with all applicable fire codes and regulations suggests that the project will not increase fire related risks beyond any acceptable levels.
5. **Public Protection:** As the project will add to the County's population, COA #9, requires that prior to the recording of the final map, the owner of the property shall participate in establishing a special tax for the parcels created by this subdivision. The collected tax money will be used to augment existing police services to accommodate for the incremental increase in population as a result of the Gloria Terrace Estates project.

6. **Parks and Recreation:** As the project will add to the County's population, COA #7 requires the project proponent to pay applicable Park Dedication in-lieu fees per unit. That fee in conjunction with all other Park Dedication fees collected for development within the County will be used in part to purchase new park land and upgrade existing community parks as determined appropriate by the Board of Supervisors.
7. **Flood Control and Drainage:** The project is required to meet collect and convey requirements of County Subdivision Ordinance Title 9, by constructing the necessary flood control improvements. The applicant must also comply with the County's NPDES Permit and Stormwater Management and Discharge Control Ordinance Title 10, for stormwater treatment. To comply, submittal of a final stormwater control plan, operation and maintenance plan, and actual construction of the necessary stormwater treatment facilities is required. Additionally, payment of drainage area DA 46 fees is required prior to filing of the Final Map. The collected fee will in part fund infrastructure within that drainage area. Therefore, compliance with all applicable codes and regulations suggests that the new drainage improvements will be able to accommodate all rainwater runoff generated by the project.

NOW BE IT RESOLVED that the secretary of this Commission will sign and attest the certified copy of this resolution and deliver the same to the Board of Supervisor, all in accordance with the Government Code of the State of California.

This Resolution was approved upon the motion of the County Planning Commission on Wednesday, January 25, 2017, with the following modifications to the conditions of approval by the following vote:

Modifications and Additional Conditions of Approval as Approved by the County Planning Commission on January 25, 2017

3. The Gloria Terrace Estates development shall be constructed as generally shown in the architectural drawings dated received June 16, 2016. Any modification to those approved architectural plans must be reviewed and approved by Community Development Division (CDD) staff at least 30-days prior to requesting a building permit. If the proposed modifications are determined to be substantial, approval of condition of approval modification application may be required.
 - At least 30 days prior to filing the Final Map, the applicant shall provide for review and approval of CDD staff, a parking plan for the subdivision. The parking plan shall provide for a minimum of three off-street parking spaces and three additional parking spaces (total of six) on each newly created lot.
4. ~~At least 30 days prior filing the Final Map, the applicant shall submit a letter stating the following:~~ Pursuant to Government Code Section 66474.9, the applicant (including the sub-divider or any agent thereof) shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees, to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided for in Section

66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

6. Prior to recordation of the Final Map, the applicant shall pay to the County the Inclusionary Housing Ordinance in-lieu fee of \$3,874.89 per unit, a total of \$34,874.00 for the proposed project.
11. Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review with the final map, and shall be subject to review and approval by the CDD. This document shall provide for establishment, ownership and maintenance of the common open spaces, parking, fire protection, fencing, private streets, drainage maintenance, and establishment of signs. Additionally, CC&R's shall require occupants to maintain garage spaces in a manner which makes them available for off-street parking.
36. Each new home shall be constructed with a fire suppression sprinkler system which is compliant with the applicable California Building Code.
39. Applicant shall construct pedestrian improvements, pavement widening and transitions, and necessary longitudinal and transverse drainage along Gloria Terrace as reviewed and approved by Public Works Department.
50. Applicant shall design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.

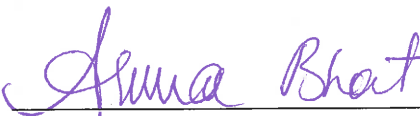
WHEREAS, following the January 25, 2017, decision to approve the requested subdivision application, on February 6, 2017, an appeal of the County Planning Commission decision was filed by Bruce A. Last and Hanna and Prem Cervenka.

AYES:	Commissioners -	Clark, Terrell, Wright, Swenson, and Steele
NOES:	Commissioners -	None
ABSENT:	Commissioners -	Allen
ABSTAIN:	Commissioners -	None

Duane Steele,
Chair of the Planning Commission,
County of Contra Costa, State of California

I, Aruna Bhat, Secretary of the County Planning Commission, certify that the foregoing was duly called and approved on January 25, 2017.

ATTEST:


Aruna Bhat,
Secretary of the Planning Commission
County of Contra Costa, State of California