

# **County Planning Commission Staff Report**





# Department of Conservation and Development

## County Planning Commission

**Wednesday, June 28, 2017 – 7:00 .P.M.**

### **STAFF REPORT**

**Agenda Item # \_\_\_\_\_**

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<b>Project Title:</b>	Saranap Village Mixed-Use Project
<b>County File(s):</b>	GP13-0003, RZ13-3224, SD13-9359, DP13-3035
<b>Applicant/Owner:</b>	Hall Equities Group / Saranap Village Developers LLC. and Atrium Villa HOA
<b>General Plan/Zoning:</b>	Multiple-Family Residential Medium Density (MM), Commercial (CO)/ Planned Unit (P-1), Retail Business (R-B), Neighborhood Business (N-B), General Commercial (C), Multiple-Family Residential (M-29)
<b>Site Address/Location:</b>	1285, 1298, 1299, 1300, 1310, and 1326 Boulevard Way, and 1176 and 1180 Saranap Avenue, Walnut Creek / Assessor's Parcel Numbers: 184-010-035, 184-010-046, 184-450-025, 184-480-025, 185-370-010, 185-370-012, 185-370-018, 185-370-033
<b>California Environmental Quality Act (CEQA) Status:</b>	A Final Environmental Impact Report (FEIR) has been prepared and was distributed on June 16, 2017. The EIR identified potentially significant environmental impacts, for which recommended mitigation measures have been incorporated into the project to reduce all potential significant impacts to less than significant levels.
<b>Project Planner:</b>	Sean Tully, Senior Planner, (925) 674-7800  Will Nelson, Principal Planner, (925) 674-7791
<b>Staff Recommendation:</b>	Certify FEIR and Approve Project (See Section II for Details)

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### **I. PROJECT SUMMARY**

The applicant has submitted applications to allow the construction of the Saranap Village Mixed-Use Project. The project consists of requests for approval of 1) map and text amendments to the Land Use Element of the General Plan by way of amending the land use map to include a project-specific mixed-use designation (M-15) and the associated text description, 2) map and text amendments to the Transportation and Circulation Element of the General Plan by way of reclassifying Boulevard Way as a "Collector", amending the Roadway Network Plan to reflect the

reclassification, and amending text of Implementation Measure 5-w pertaining to parking and traffic flow, 3) a Rezoning of the project site to a project-specific Planned Unit (P-1) district with a modification to parking standards, and a variance to allow a mixed-use residential and commercial development on less than 15 acres, 4) a Vesting Tentative Map to subdivide the project site into three large parcels, each with multiple condominium units, 5) a Preliminary and Final Development plan to allow the construction of the Saranap Village Mixed-Use Project with associated roadway and infrastructure improvements, 6) Land Use Permits to allow three alcohol sales uses, an exclusive parking facility, and take-out food establishments, 7) a tree permit to allow the removal and work within the dripline of multiple protected trees, and 8) a Development Agreement between Contra Costa County and Saranap Village Developers LLC.

## **II. RECOMMENDATION**

Staff recommends that the County Planning Commission approve the Saranap Village Mixed-Use Project by adopting a motion to take the following actions:

- A. ACCEPT the recommendation by the County Zoning Administrator to certify the EIR.
- B. CERTIFY the EIR 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.
- C. CERTIFY that the Commission has considered the contents of the EIR prior to making a decision on the project.
- D. ADOPT the attached CEQA Findings (Attachment 1) and Mitigation Monitoring and Reporting Program (Attachment 2).
- E. RECOMMEND approval of the proposed General Plan Amendments and associated text amendments (County File #GP13-0003) by ADOPTING the attached findings and conditions of approval (Attachment 3).
- F. RECOMMEND approval of the proposed Planned Unit (P-1) Rezoning ordinance (#RZ13-3224) and associated variance by ADOPTING the attached findings and conditions of approval (Attachment 3).
- G. APPROVE the proposed Vesting Tentative Map (County File #SD13-9359) by ADOPTING the attached findings and conditions of approval (Attachment 3).

- H. RECOMMEND approval of the proposed Preliminary and Final Development Plan (#DP13-3035) along with the associated Land Use Permit and Tree Permit entitlements by ADOPTING the attached findings and conditions of approval (Attachment 3).
- I. RECOMMEND approval of the proposed ordinance approving a Development Agreement between the County and Saranap Village Developers LLC.
- J. RECOMMEND approval of the proposed Development Agreement between the County and Saranap Village Developers LLC.
- K. DIRECT staff to file a Notice of Determination with the County Clerk.

### **III. GENERAL INFORMATION**

- A. Environs: The project is located within the unincorporated community of Saranap in central Contra Costa County. The Saranap community is an unincorporated enclave located south of Highway 24, West of Interstate 680, north of the Walnut Creek city limits, and east of the City of Lafayette boundary. Olympic Boulevard, Boulevard Way, and Tice Valley Boulevard are a few of the major roadways which provide access to and through the Saranap region.

A vast majority of properties within the Saranap area consists of residentially-zoned parcels that have been developed with single-family residences and associated accessory structures. However, various multi-family zoned properties with apartment and condominium developments can be found along the Boulevard Way, Saranap Avenue, and Olympic Boulevard corridors. The primary location for Saranap's commercial uses are at the intersection of Boulevard and Olympic Boulevard, and at the eastern end of Boulevard Way between Saranap Avenue and Mount Diablo Boulevard.

- B. Existing Conditions: The Saranap Village Mixed Used Project is proposed for a location that is centered on the intersection of Boulevard Way and Saranap Avenue. The proposed Project Site currently consists of eight privately owned parcels that will be consolidated into three large sites (Site-A, -B/B-1, and -C), each with multiple commercial and residential condominium units.

The area of proposed Site-A is located at the northeast corner of the intersection of Boulevard Way and Saranap Avenue, and is the location of four existing parcels. These parcels consist of a mixture of commercial, office, multi-family residential, and single-family residential land uses. Existing land uses such as the Sandpiper Apartments, a single-family residence, two 2-story office/commercial buildings, and a vacant lot that was most recently the location for a gas station.

Site-B/B1 is located at the southeast corner of the intersection of Boulevard Way and

Saranap Avenue, and is comprised of three existing parcels. Developments and land uses in this area include a building and parking area that served as the former Sufism Reoriented sanctuary site, and a common area parcel for the Boulevard Terrace Condominium complex.

Site-C is located at the southwest corner of the intersection of Boulevard Way and Saranap Avenue, and is comprised of one existing parcel. This parcel has been developed with a multi-tenant commercial building that previously contained a market/delicatessen and other commercial tenants. The site and building are now utilized in a less intense and intermittent manner for uses such as Help-U-Sell, an art gallery, and spaces for charitable organizations.

- C. **Project Area:** The proposed Saranap Village Mixed Use Project consists of multiple areas described as follows:
- 1) **Project Area (5.28+/- acres):** The Project Area consists of the total acreage that will be affected by the proposed project. This area includes the acreage to be rezoned to P-1, all improvements on private property, and all roadway improvements associated with the project.
  - 2) **Project Site (4.6+/- acres):** The Project Site consists of the area to be rezoned to the project-specific P-1, all privately owned property to be improved, and all roadway improvements that will be implemented within the proposed Saranap Village P-1 district boundary.
  - 3) **Off-Site Improvement Area (0.69+/- acres):** The Off-Site Improvement area consists of all areas outside of the proposed P-1 boundary where physical roadway improvement will be implemented.
  - 4) **Gross Acreage (3.9+/- acres):** This area consists of all privately owned property including privately owned right-of way areas.
  - 5) **Net Acreage (3.44+/- acres):** This area consist of all private property designated for residential and commercial uses. This area excludes any public or private right-of-way areas.
- D. **Project Designs:** The overall design of the Saranap Village Mixed-Use project has changed multiple times throughout the County's review process. The changes have been as a result of the applicant's efforts to comply with applicable safety standards, adhere to recommended mitigation measures, and public comments. Elements such as the project location, overall area, and land use type have remained essentially the same through the different versions. However, there have been substantial changes with regard to the number of units, commercial square footage, maximum building height,

and number of provided parking spaces. The three primary project designs which are the Original Project, Mitigated Plan Alternative (MPA), and 2017 Plan; whose primary elements are described as follows:

- 1) Original Project: The initial project design submitted to the County in 2013 and analyzed in the Draft EIR.
- 2) Mitigated Plan Alternative: A smaller project design submitted in 2015 based on public comments received in response to the DEIR. This design consisted of reduced residential units counts, commercial square footage, and building heights from those of the Original Project. The potential impacts of this design were analyzed in the RDEIR.
- 3) 2017 Plan: A design that consisted of an overall smaller mass than that of the MPA. This design slightly increased the residential unit count, and further reduced both the commercial square footage and overall building height from those of the MPA. This project also incorporates recommended mitigation measures detailed in the RDEIR pertaining to the overall massing and height of the project.

Project Design Comparison			
	Original Project	MPA	2017 Plan
Residential Units	235	196	198
Commercial Area (sq. ft.)	43,541	22,260	21,522
Maximum Height <sup>1</sup>	75	62	55
Parking Spaces Provided	664	493	492

For purposes of this staff report, the applicant is requesting that the County decision-makers (Planning Commission and Board of Supervisors) consider the 2017 Plan as the proposed design for the Saranap Village Mixed-Use Project. All future references to the "proposed project" in this staff report pertain to the 2017 design, which is described in detail in the "Project Description" section below.

- E. **Project Description**: The applicant has submitted applications to the Department of Conservation and Development in relation to the Saranap Village Mixed-Use development. The proposed project consists of the following elements:

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<sup>1</sup> Maximum Heights shown are those as measured from the highest point on the lot

- 1) General Plan Amendments: Amendment to the Land Use Map of the Land Use Element by way of changing the existing Commercial (CO) and Multiple-Family Residential, Medium Density (MM) designations of the Project Site to a project-specific mixed-use designation (M-15), and amending the Roadway Network Plan of the Transportation and Circulation Element by way of changing the reflected roadway class for Boulevard Way from "Arterial" to "Collector".
- 2) General Plan Text Amendments: Amending text of the Land Use Element to describe the M-15 land use designation; and amending text of the Transportation and Circulation Element to reclassify Boulevard Way as a "Collector" roadway and modify the language of General Plan Implementation Measure 5-w to allow for flexibility in determining when the maximization of traffic flow on arterials and collector roadways is appropriate.
- 3) Request to rezone the existing General Commercial (C), Multiple-Family Residential (M-29), Retail-Business (R-B), Neighborhood-Business (N-B), and Planned Unit (P-1) zoning district within the project area to a new project-specific Planned Unit (P-1) zoning district with modifications to parking standards.
- 4) Request for approval of a Vesting Tentative Map to subdivide the project site into three (3) parcels; each with multiple residential and commercial condominium units.
- 5) Request for approval of a Land Use Permit to allow:
  - Alcoholic Beverage Sales Commercial Activities for up to three commercial tenants;
  - An Exclusive Parking Facility (Site-A Parking Garage)
  - Take Out Food Establishments
- 6) Request for approval of a Preliminary and Final Development Plan to allow for the construction of the Saranap Village Mixed-Use Project in phases, with associated infrastructure, utility, and roadway improvements consisting of the following primary elements:
  - Up to 122 rental apartment units;
  - Up to 76 residential condominium units for sale;
  - Approximately 21,522 square feet of commercial space;
  - Outdoor seating along Boulevard Way for commercial tenants;
  - Onsite parking garages
  - 492 on- and off-street parking spaces;
  - Narrowing of a portion of Boulevard Way from four lanes to two lanes;



- Installation of diagonal on-street parking along Boulevard Way and Saranap Avenue;
  - New traffic roundabout on Boulevard Way at Saranap Avenue;
  - New traffic median on Boulevard Way at Flora Avenue;
  - Roadway improvements within Boulevard Way and Saranap Avenue.
  - Earth moving activities consisting of approximately 26,500 cubic yards of cut and approximately 2,615 cubic yards of fill
- 7) Request for approval of a Variance to allow a mixed-use residential and commercial Planned Unit district of 4.6+/- acres where a minimum of 15 acres is required
- 8) Request for approval of a Tree Permit to allow the removal of 64 trees and work within the dripline of 3 trees, some of which are code-protected.
- 9) Request for approval of a Development Agreement between Contra Costa County and Saranap Village Developers LLC.
- F. General Plan: The project site is located partially within a Commercial (CO) and partially with a Multiple-Family Residential, Medium Density (MM) General Plan land use designation.
- G. Zoning: The project site is located partially within General Commercial (C), Multiple-Family Residential (M-29), Retail-Business (R-B), Neighborhood-Business (N-B), and Planned Unit (P-1) zoning districts.
- H. California Environmental Quality Act: The Department of Conservation and Development, Community Development Division (CDD) determined that an EIR was required for the project, and distributed a Notice of Preparation (NOP) on March 19, 2014. The Draft EIR (DEIR) was released for public review on September 18, 2014, and was available for public review and comment for a period of 60 days, through November 17, 2014. A public hearing to receive comments on the DEIR was held before the Zoning Administrator on November 3, 2014.

In response to comments received during the public comment period for the DEIR, the applicant submitted a plan for a smaller project known as the "Mitigated Plan Alternative" (MPA). On July 24, 2015 the CDD published an NOP indicating the intent to prepare a Recirculated Draft Environmental Impact Report (RDEIR) analyzing the MPA and addressing additional issues. A public hearing before the Zoning Administrator was held on June 20, 2016 to receive oral comments on the RDEIR.

The Final EIR was published and distributed on June 16, 2017. The EIR identifies potentially significant environmental impacts that would occur if the project is implemented, and recommends mitigation measures that would reduce all of the

potentially significant impacts to less than significant levels. All recommended mitigation measures are included within the Mitigation Monitoring and Reporting Plan, which describes the timing and responsibility for monitoring compliance with all mitigation measures. All mitigation measures are included in the recommended conditions of approval.

#### **IV. AGENCY COMMENTS**

- A. Department of Conservation and Development (Building Inspection): On an Agency Comment Request form dated October 2, 2013, the Building Inspection Division advised that they have no comments to provide regarding the proposed project.
- B. Department of Conservation and Development (Housing Programs): In an email dated March 13, 2017, Housing Programs staff advised that the applicant has proposed to pay the in-lieu fee for the for-sale condominium units within the development. Furthermore, it was advised that the proposal to pay an in-lieu fee has been accepted by the County, and that recommended conditions of approval regarding the applicable fees will be provided. The recommended conditions of approval have been incorporated as part of the project (COA #19 - #21). Please refer to the attached email for the details of their comments.
- C. Department of Conservation and Development (Transportation Planning): In a memo dated July 13, 2016, Transportation Planning staff note that the proposed project is providing the required number of parking spaces pursuant to the County Code Section 82-16 (Off-Street Parking) and provide strategies that may assist in reducing the amount of parking needed to support the development. The provided strategies include, but are not limited to, shared parking, unbundled parking, and the regulation of on-street parking. Please refer to the attached memo for the details of their comments.
- D. Health Services Department (Environmental Health): In correspondence dated October 24, 2013, the Environmental Health Division provide a list of regulations and permitting requirements that will apply to the proposed development. The letter indicates that a permit will be required for any well or soil boring, abandoned wells and septic tanks, retail food facilities, and public swimming pools/spas. In addition, the letter indicates that a hot/cold water supply and a drain to the sanitary sewer is required for dumpster areas serving retail food facilities. Please refer to the attached correspondence for the details of their correspondence.
- E. Public Works Department (Engineering Services, Flood Control, and Traffic): The County Public Works Department provided multiple sets of project comments as they worked with the applicant to achieve a project design meets applicable roadway, parking, and drainage standards. In their last correspondence dated June 15, 2017, the Public Works Department advise that the applicant may be required to maintain portions of the public

right-of-way if they are unable to secure off site land rights for the proposed metered parking. They go on to advise that parking enforcement will be limited to parking on private property, that overhead utilities along Saranap Avenue will need to be undergrounded, that the applicant's Storm Water Control Plan has been deemed preliminarily complete, and that the applicant will be required to pay Area of Benefit fees prior to issuance of building permits. Please refer to the attached correspondence for the details of their comments.

- F. Contra Costa County Fire Protection District: In correspondence dated October 23, 2013, the Contra Costa County Fire Protection District provide a list of standards and regulations that would be applicable to the project. The list of applicable standards includes, but is not limited to, references to minimum widths for fire apparatus access, dimensions for easements to allow emergency access from adjacent properties, firefighter access to rescue windows, water supply, and required fire hydrants. The applicant has made revisions to the project design to comply with the standards mentioned in the Fire District's correspondence. In addition, the applicant will be required to submit construction plans to the Fire District for approval prior to building occupancy. Please refer to the attached correspondence for the details of their comments.
- G. East Bay Municipal Utility District (EBMUD): In correspondence dated October 18, 2013, EBMUD advise that they own and operate 6-inch water distribution mains within Saranap Avenue, Boulevard Way, and an EBMUD right-of-way (R/W 3109) located within the boundary of the project. They go on to advise that any project within R/W 3109 or near their mains will need to be coordinated with their offices, and may require the relocation of pipelines or right-of-way at the applicant's expense. The letter also advises that separate meters will be required for each lot, and that off-site pipeline improvements such as pipeline replacement may be required. Please refer to the attached correspondence for the details of their comments.
- H. City of Walnut Creek: No comments were received from the City of Walnut Creek prior to the preparation of this report.
- I. Walnut Creek School District: No general project comments were received from the Walnut Creek School District prior to the preparation of this report.
- J. Acalanes Union High School District: No comments were received from the Acalanes Union High School District prior to the preparation of this report.
- K. California Historical Resources Information System (CHRIS): In correspondence dated October 3, 2013, CHRIS advised that "Study #35000 Miley Holman, 2008" covered approximately 20% of the project site, and that no cultural resources were identified. The correspondence goes on to state that the project site has the potential of containing

unrecorded archaeological sites, that the local Native American tribes should be contacted, and that an evaluation of structures older than 45 years old are recommended as they may be of historical value. Please refer to the attached correspondence for the details of their comments. A survey of the project site buildings was conducted in 2014. The resultant Historical Evaluation Report found that none of the evaluated buildings are eligible for placement on the California Register of Historical Resources because they are not significant under the significance criteria, or they lack historic integrity. Notice of the project has been forwarded to the Native American Heritage Commission on multiple occasions as part of the CEQA process, but no comments were received prior to the preparation of this report.

- L. California Department of Fish and Wildlife (CDFW): No official comments were received from the CDFW prior to the preparation of this report. However, staff has communicated with a representative of the CDFW who advised on October 14, 2013 that their comments would be limited to requiring pre-construction surveys of area trees and following appropriate mitigations. Pre-construction surveys and associated mitigations have been incorporated as part of the project and will be enforced via recommended conditions of approval.
- M. Parkmead Community Association: In an email dated October 16, 2013, a representative of the Parkmead Community Association advised that they had no comment on the project, and that the proposed development has more impact on the two Saranap neighborhood groups (Saranap Community Association, Saranap). Please refer to the attached email for the details of their comments.
- N. Saranap Community Association (SCA): The SCA has convened on the proposed project various times, and has provided County staff with many project comments throughout the review process. The most comprehensive set of comments from the SCA were provided during the public comments period for the Draft EIR in a letter dated November 17, 2014. The letter indicates that a count amongst attendees at their November 6, 2014, meeting was taken, and the results indicate that 68% were in support of the project and the remaining 32% were in opposition of the project. Please refer to Page 5-34 in Chapter 5 of the FEIR for the details of their correspondence.
- O. Saranap Homeowners Organization (SHO): The SHO has convened on the proposed project various times, and has provided County staff with many project comments throughout the review process. The most comprehensive comments from the SHO were provided during the public comments periods for the DEIR and RDEIR in correspondence dated November 17, 2014, and July 5, 2016. In summary, the members of the SHO were not in support of the project as proposed due to potential environmental impacts, impacts to the Cities of Walnut Creek and Lafayette, and growth-inducing impacts on the rest of Boulevard Way. Please refer to Page 5-42 and Page 6-46 of the FEIR for the details of their comments.

## **V. SUMMARY OF ENVIRONMENTAL IMPACTS**

The DEIR/RDEIR identifies environmental impacts which would occur if the project was implemented. Potentially significant impacts mitigated to less than significant were identified in the following DEIR/RDEIR areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation/Traffic, and Utilities and Service Systems.

- Aesthetics: Discussed in detail in DEIR Section 4.1 (pages 4.1-1 to 4.1-28), RDEIR Section 4.1 (pages 4.1-4 to 4.1-24), and in the Final EIR. Based on the proposed design and location, the project would result in the potential for substantial adverse effects on a scenic vista and the visual character or quality of the project site or its surroundings. All potentially significant impacts can be mitigated to a less than significant level.
- Air Quality: Discussed in detail in Draft EIR Section 4.3 (pages 4.3-1 to 4.3-16) and in the Final EIR. The construction phase of the proposed project would expose sensitive receptors to emissions of Toxic Air Contaminants. All potentially significant impacts can be mitigated to a less than significant level.
- Biological Resources: Discussed in detail in Draft EIR Section 4.4 (pages 4.4-1 to 4.4-16) and in the Final EIR. The construction of the project could have a substantial adverse effect on sensitive or special-status species located in the project area. All potentially significant impacts can be mitigated to a less than significant level.
- Cultural Resources: Discussed in detail in Draft EIR Section 4.5 (pages 4.5-1 to 4.5-17) and in the Final EIR. Implementation of the proposed project could result in substantial adverse changes in the significance of an undiscovered archaeological resource, destroy an undiscovered unique paleontological resource/site/geological feature, or disturb undiscovered human remains. All potentially significant impacts can be mitigated to less-than-significant levels.
- Greenhouse Gases: Discussed in detail in Draft EIR Section 4.7 (pages 4.7-1 to 4.7-17). The operation of the proposed project would result in emissions of greenhouse gases that could contribute to global climate change. All potentially significant impacts can be mitigated to less-than-significant levels.
- Hazards and Hazardous Materials: Discussed in detail in Draft EIR Section 4.8 (pages 4.8-1 to 4.8-14). The construction and operational phases of the project would involve the routine transport, use, and disposal of hazardous materials, which could create a significant hazard to the public or the environment. All potentially significant impacts can be mitigated to less-than-significant levels.
- Hydrology and Water Quality: Discussed in detail in Draft EIR Section 4.9 (pages 4.9-1 to 4.9-16) and in the Final EIR. Implementation of the proposed project could alter the

drainage pattern in a manner that could result in substantial erosion or siltation, and the additional storm water runoff created by the project could potentially exceed the capacity of existing drainage systems or provide additional sources of polluted runoff. All potentially significant impacts can be mitigated to less-than-significant levels.

- Noise: Discussed in detail in Draft EIR Section 4.12 (pages 4.12-1 to 4.12-21). Operation of the proposed development could result in the exposure of persons to noise levels in excess of applicable standards, and a significant permanent increase in ambient noise levels. Additionally, the construction phase of the project could potentially result in the exposure of persons to substantial ground borne vibration and noise, or a temporary or periodic increase in ambient noise levels. All potentially significant impacts can be mitigated to less-than-significant levels.
- Transportation and Traffic: Discussed in detail in Draft EIR Section 4.16 (pages 4.16-1 to 4.16-32). The construction phase of the proposed project has the potential for creating or increasing hazards, and the implementation of the project has the potential to conflict with adopted policies regarding site access by automobiles, pedestrians, and bicyclists. All potentially significant impacts can be mitigated to less-than-significant levels.
- Utilities and Service Systems: Discussed in detail in Draft EIR Section 4.17 (pages 4.17-1 to 4.17-14). Implementation of the proposed project could will increase storm water runoff at the site which could exacerbate the reported minor erosion in the Blade Court area. All potentially significant impacts can be mitigated to a less than significant level.

The attached CEQA Findings provide a summary of the environmental impacts, and contain the Mitigation Monitoring and Reporting Program for the project. All mitigation measures would be implemented through the conditions of approval.

Public Comments: Approximately 500 pieces of correspondence (letter or emails) were received during the public comment period for the DEIR and RDEIR. Prior to the application being deemed complete and throughout the application review process the County also received correspondence from residents, businesses, neighborhood groups, and other parties who oppose or support the project. Only those comments received during the public comment periods for the DEIR and RDEIR and the public hearings held on November 3, 2014 and June 20, 2016 are included and responded to in the Final EIR. All other comments have been attached to this report for review and consideration by County decision-makers (Planning Commission and Board of Supervisors).

## **VI. STAFF ANALYSIS**

### **A. General Plan:**

Background: The project site is located within Multiple-Family Residential, Medium Density (MM) and Commercial (CO) General Plan land use designations. As part of the proposed project, the applicant seeks approval of a General Plan Amendment to change

the designation of the entire project site to a new project-specific Mixed Use (M-15) land use designation in order to allow the integration of residential and commercial land uses on one site.

Land Uses: The MM designation allows for primary land uses such as attached single-family residences (duplexes or duets), multiple-family residences such as condominiums, townhouses, apartments, mobile home parks, and accessory structures normally auxiliary to them. The designation also allows for secondary land uses which do not conflict with the primary uses, which includes churches, second dwelling units, home occupations, and group care, and/or childcare facilities. The CO designation allows for a broad range of commercial uses typically found in smaller scale neighborhoods, community and thoroughfare commercial districts, including retail and personal service facilities, limited office, and financial uses. Although the applicant has requested approval of a General Plan amendment to create a new mixed-use designation, the uses proposed as part of the development would have been allowed in either the existing MM or CO designations.

Density: The MM designation allows for residential densities ranging between 12.0 and 21.9 multiple family units per net acre and population densities ranging between 30 and 55 persons per acre; and the CO designation allows for commercial densities up to 160 average employees per gross acre. As shown in the table below, all versions of the proposed project would increase the residential and population densities beyond that which is currently desired at the project site pursuant to the existing General Plan land use designations. However, available CDD and Tax Assessor's Office documentation indicate that there are existing residential developments in the surrounding area such as the Sandpiper Apartments (24 units) and the Spanish Castle Apartments (34 units), which have densities of 92 and 40 units/net acre (respectively), which also exceed the desired range for the MM designation. Furthermore, based on the County General Plan's assumed population of 2.5 persons per unit, both the Sandpiper (181 persons/net acre) and Spanish Castle (102 persons/net acre) apartment developments also exceed the desired population density for the MM designation. As designed the proposed project would fall below the desired Average Employee/Net Acre standard for the CO designation. Further discussion and findings to support the proposed increased densities for the project can be found in the "Findings" section of this report.

Density Comparison <sup>2</sup>			
	Allowed Under Existing General Plan		Saranap Village Project
	MM	CO	2017 Plan
Density (Units/Net Acre)	12 – 21.9	N/A	84 (Site-A) 36 (Site-B) 43 (Site-C) 58 (Project)
Population Density (Persons/Net Acre)	30 - 55	N/A	210 (Site-A) 91 (Site-B) 107 (Site-C) 144 (Project)
Avg. Employees / Gross Acre	N/A	160	6 (Site-A) 11 (Site-B) N/A (Site-C) 7 (Project)

**Size and Design:** The General Plan Land Use Element indicates a desired maximum site size of 3,349 square feet (0.07 acres) for parcels within MM land use designations. With respect to the CO land use designation, the Land Use Element identifies a maximum site coverage of 40%, Maximum Building Height of 35 feet, and Maximum Floor Area Ratio of 1.0. As shown in the table below, the proposed project consists of site coverage, building height, floor area ratio, and site area characteristics that exceed that which would be allowed under the current land use designations. However, the size of the proposed project is appropriate for this unique site as it is in an urban infill location, in an area that includes extensive transit facilities including Olympic Boulevard, two freeways, and a BART station approximately one mile away. The area also includes existing commercial and industrial uses who could thrive from additional patrons visiting the proposed development. By allowing the proposed height and lot coverages as shown in the table below, the currently underutilized parcels of the project site will be revitalized and developed in a manner that is cohesive with and employs the full potential of the surrounding land uses and transit facilities. Further discussion and findings to support the proposed increased densities for the project can be found in the "Findings" section of this report

<sup>2</sup> Figures in this table are based on the General Plan's assumed population of 2.5 persons per unit, a project size of 3.9 gross acres (3.44 net acres), and employee estimate methodology as described on page 4.13-3 of the DEIR.



Site and Design Standard Comparison			
	Existing General Plan		Proposed Project (M-15)
	MM	CO	2017 Plan
Max. Site Coverage (Percent)	N/A	40	71
Max. Building Height <sup>3</sup> (feet)	N/A	35	55
Max. Floor Area Ratio <sup>4</sup>	N/A	1.0	2.8
Max. Site Area (ft <sup>2</sup> )	3,349	N/A	Site-A: 63,162 Site-B: 62,291 Site-C: 24,394

**Implementation Measure 3-h (Job/Housing Balance):** General Plan Implementation Measure 3-h states that development applications for residential developments of 100 or more units shall address the impact of that development upon the sub regional housing balance.

The Central County Region had an estimated 193,097 households and 230,660 jobs in 2010 pursuant to the Association of Bay Area Governments (ABAG) Projections 2013. To meet the jobs/housing goals provided by ABAG, the Central County area is anticipated to add an additional 41,753 households and 79,820 jobs by 2040. More specifically, the proposed project is located within the Walnut Creek Sub-Regional Study Area (SSA). The Walnut Creek SSA had an estimated 38,115 households and 52,990 jobs per the ABAG Projections 2013. To meet the jobs/housing goals provided by ABAG, the Walnut Creek SSA is anticipated to add an additional 9,035 households and 19,110 jobs. Based on the proposed unit count and commercial square footage within the development, the proposed project contributes to the anticipated housing and jobs goals in the Central County subregion and Walnut Creek SSA.

**Specific Area Policies:** The Land Use Element of the County General Plan provides policies for specific geographic areas of the unincorporated County. These specific area policies focus on providing additional policies that pertain to the unique characteristics and needs of each identified area. Pursuant to Figure 3-2 of the County General Plan, the project site is located within the Saranap (Walnut Creek) specific policy area.

There is only one policy (Policy 3-110) provided for the Saranap area, and it pertains to

<sup>3</sup> Project heights provided are maximum heights as measured from the roof area to the highest point on any of the three sites.

<sup>4</sup> Project site net acreage of 3.44 acres (149,842ft<sup>2</sup>) utilized to calculate floor area ratio

the undeveloped hillside south of Olympic Boulevard and west of Tice Valley Boulevard. In summary, the policy indicates that the hillside is designated Single-Family Residential, Medium Density (SM) along the base and Agricultural Lands (AL) and Open Space (OS) in the remaining areas to reflect the steep unbuildable slopes. The proposed project is not located in this region of Saranap and thus has no potential for conflicting with this specific area policy.

Growth Management Element: The Growth Management Element of the General Plan establishes measures of effectiveness and requirements for the analysis of circulation impacts associated with new land developments. Based on the Institute of Transportation Engineers Trip Generation Manual's rate for land use types, the proposed development would generate more than 100 peak hour vehicle trips, and thus a Transportation Impact Analysis was administered for the project. The Growth Management Program (GMP) of the County General Plan utilizes Level of Service (LOS) data to analyze traffic service standards within the County. LOS is a grading system which qualitatively characterizes traffic conditions associated with varying levels of traffic ranging from LOS-A indicating free-flow traffic conditions, to LOS-F indicating congested conditions where traffic flows exceed design capacity and result in long queues and delays. Policy 4-1 of the GMP indicates that new development shall not be approved unless infrastructure can be provided which meets the traffic LOS and performance standards outlined in Policy 4-3, or an infrastructure funding mechanism has been established which will meet standards as stated in the GMP. Furthermore, Policy 4-3 of the GMP identifies minimum traffic standards based on specific land use types. Pursuant to Table 4-1 (Growth Management Performance Standards) of the GMP, the Peak Hour LOS for "Urban Areas" such as the project site shall be a LOS Level D or better. As discussed in DEIR Section 4.16 (Transportation and Traffic), fifteen intersections, four roadway segments, and three mainline (freeway) segments in the area of the project site were analyzed as part of the TIA completed for the project. The TIA found that all of the analyzed intersections, roadway segments, or mainline segments would continue to operate at a LOS-D or better with the additional project traffic.

As an element of regulating growth associated with development projects, the Growth Management Element of the County General Plan requires that new developments demonstrate that fundamental utilities and services can be provided to support the proposed project. Therefore, the availability of services such as fire protection and police protection, as well as the availability infrastructure for water, sanitary sewer, drainage, and recreational services are analyzed during the application review process. Such has also been done for the proposed project, and there has been no indication from the agencies providing those analyzed services and utilities that the project will exceed their capacity. The preexisting ability to accommodate the proposed project is partly due to the fact that the proposed project is of an in-fill nature, and is located in an urban area of the County that has been previously developed and connected to the necessary services. Agencies such as the Contra Costa County Fire Protection District, Contra Costa

County Sheriff, Walnut Creek and Acalanes Union High School Districts, East Bay Municipal Utility District (EBMUD), and Central Contra Costa Sanitary District (CCCSD) were consulted, and these agencies have provided information and additional guidance as to the procedures and improvements that will need to be made as part of the project to ensure their services can be provided to the project. Further discussion and details pertaining to the consulted agencies and their ability to provide services for the project are provided in Sections 4.14 (Public Services) and 4.17 (Utilities and Service Systems) of the DEIR, as well as in the Growth Management Findings Section of this staff report.

Traffic and Circulation Element: As mentioned in the Project Description section of this report, the proposed project includes a General Plan map text amendment to reclassify Boulevard Way as a "collector" roadway, an amendment of the Roadway Network Plan to reflect the reclassification, and a text amendment to the language of General Plan Implementation Measure 5-w. These proposed amendments have been included as part of the project scope as the proposed project-related modifications within Boulevard Way have alerted County staff to minor inconsistencies within the Traffic and Circulation Element of the General Plan.

The applicant proposes to modify Boulevard Way by narrowing a portion from four lanes to two lanes, constructing a roundabout and median, and the installation of on-street parking. Narrowing of the roadway is consistent with Boulevard Way's classification as an arterial. However, the addition of parking, roundabout, and median are not as they will likely slow traffic, which conflicts with the General Plan's description of the primary purpose of arterials.

The proposed reclassification of Boulevard Way as a "collector" will apply a roadway classification that is more consistent with the current function of Boulevard Way. In the 1960s the County anticipated heavier traffic volumes along Boulevard Way, and as a result the Board of Supervisors adopted a precise alignment for the roadway based on a four-lane arterial roadway standard consistent with the four-lane section from Saranap Avenue to Mt. Diablo Boulevard. However, the high traffic volumes that were anticipated never came to fruition primarily due to the construction of State Route 24. As a result the County Board of Supervisors rescinded the 1969 precise alignment acknowledging that the four-lane roadway was unnecessary and would not be constructed. Based on the above, the proposed reclassification would reclassify Boulevard Way in a manner that is more reflective of the roadway's function, but it will also eliminate project inconsistencies with the Transportation and Circulation Element in relation to the proposed roadway improvements and their intended slowing of traffic flows along the section of Boulevard Way adjacent the project.

In part, the language of General Plan Implementation Measure 5-w states "develop a parking program to *maximize traffic flow* on new and existing arterials and collectors by *reducing or eliminating on-street parking...*". This language is consistent with the General Plan's description of an arterial class roadway, but the maximization of traffic flow and

reduction or elimination of on-street parking elements are not entirely appropriate with the purpose of collector class roadways. Collectors are generally low speed roadways that at times are important segments of regional bicycle and low speed vehicle networks. Therefore, in some cases it may not be advantageous to maximize traffic flow on a collector. Based on the above, the proposed amendment to the language of Implementation Measure 5-w is warranted.

Further details regarding the proposed amendments to the Transportation and Circulation Element and can be found in RDEIR Section 4.18 (Analysis of Boulevard Way Reclassification and General Plan Text Amendment).

Housing Element: The Housing Element of the County General Plan has two purposes; which are to provide an assessment of both the current and future housing needs, and to provide a strategy that establishes housing goals, policies, and programs. To implement and address the County's housing needs and issues there are eight goals and goal-specific policies that are provided. The eight goals pertain to needs such as Housing/Neighborhood Conservation, Housing Production, Special Needs Housing, Housing Affordability, Provision of Adequate Residential Sites, Removal of Governmental Constraints, and the promotion of Equal Housing Opportunities. Some of these goals are implemented at a regional, policy, or program level, and thus would not be enforced at the planning review stage for each residential development project. As part of staff's development-level review of the proposed project, compliance with three of the eight goals were analyzed.

Two of the three Housing Element Goals staff will be analyzing as part of the development project review pertain to Housing and Neighborhood Conservation. The first goal is to "maintain and improve the quality of the existing house stock and residential neighborhoods in Contra Costa County". The proposed project is consistent with this goal in that it will increase the housing stock at the project site from 25 units (1 single-family residence and 24 apartments) to 198 units. Furthermore, the existing single-family residence (1176 Saranap Avenue) and the Sandpiper Apartment complex (1180 Saranap Avenue) were constructed in 1940's and 1950's, and as evidence in the Historical Evaluation Report administered for the project, have not been substantially upgraded since that time. The residential units proposed within the Saranap Village project will adhere to current building standards, and also consist of architectural designs and other amenities that are more consistent with the needs of today's families. The second goal is to "preserve the existing affordable housing stock in Contra Costa County". In compliance with the County's Inclusionary Housing Ordinance the applicant has consulted with County Housing Program staff to ensure the project will be in compliance with applicable standards of the ordinance. Pursuant to Section 822-4.402 of the County Ordinance, of the 76 for-sale residential units proposed within the development, at least fifteen percent (11.40 units) are to be constructed and sold as inclusionary units. As an alternative to the requirement to construct inclusionary housing,

the applicant has proposed the payment of an in-lieu fee. This alternative for the County to collect an in-lieu fee of \$294,492 has been accepted and will be implemented as a recommended condition of approval (COA #19). The third Housing Element goal pertains strictly to housing affordability. The focus of this goal is to "improve housing affordability for both renters and homeowners". As mentioned above, the applicant will be paying an in-lieu fee which will be utilized to implement pre-existing County programs pertaining to the quantity and availability of affordable housing. In addition, recommended conditions of approval have been incorporated into the project to require that inclusionary units be constructed on- or off-site in the event that the full in-lieu fee is not paid (COA #20), and that any proposed modification to the ratio or overall number of for-sale units proposed within the development be subject to the regulations of the Inclusionary Housing Ordinance (COA #21).

Safety Element: The Safety Element of the General Plan is coordinated with the Land Use Element, and as a result may at times justify the lowering of density or alternate design modifications for developments such as the proposed project based on safety hazards such as seismic and soil stability risks, among others. During the initial review of the proposed project, comments were solicited from agencies such as the County Sheriff, Contra Costa County Fire Protection District, and County Health Services Department to ascertain whether there are any potential project-related safety risks associated with the services and regulations that fall under their purview; and no significant safety risks were identified. During the environmental review phase of the County's review, existing characteristics of the project site were also analyzed for potential safety hazards. As part of the analysis it was found that existing structures at the project site contain hazardous materials such as lead-based paint (LBP), asbestos-containing materials (ACM), and polychlorinated biphenyls (PCBs). Despite the fact that all existing buildings at the project site will be demolished, there is a potential safety risk to existing and future residents in the project area if these materials are not disposed in a proper manner. As such, mitigations have been incorporated as part of the project to ensure that any existing LBP, ACM, and PCBs are removed from the site and disposed in a manner that is compliant with applicable Federal, State, and local regulations.

The safety analysis of the project site also found that the vacant parcel identified as 1299 Boulevard Way was formerly the site of a gasoline and automobile service station. Records indicate that the station had four underground storage tanks for gasoline and waste oil that were removed in 1987. Records indicate that all but one of the tanks were intact upon removal, and that one storage tank had holes. Although soil samples conducted subsequent to the storage tank removal indicated that the subsurface soils did not have concentrations of chemicals of concern that represent a threat, mitigations (MM HAZ-3) have been incorporated as part of the project to ensure that the correct

measures are taken in the event that construction activities encounter previously unidentified contamination associated with past uses of the site.

The Safety Element of the County General Plan also contains goals and policies pertaining to geologic hazards that may necessitate the modification of a project's design. As such, a geotechnical analysis of the project site was administered in 2013. The report found that there are potential geotechnical safety hazards related to expansive soils, a relatively shallow water table, providing adequate foundation support for buildings, providing adequate lateral support during excavation, and potential soil corrosivity. For new construction projects seismic and geotechnical hazards can often be mitigated through the application of current industry-standards geotechnical practices and seismic structural design in compliance with the California Building Code. That being said, the geotechnical report indicated that the project site is suitable for the proposed development provided that the design recommendations detailed within the report are incorporated into the project. Based on the findings of the geotechnical analysis, staff has incorporated a recommended condition of approval (COA #81) which require that the design-level recommendations detailed in the reports discussed above be incorporated in the project design.

Further details regarding the project's compliance with General Plan policies and goals regarding safety hazards can be found in DEIR Sections 4.6 (Geology and Soils) and 4.8 (Hazards and Hazardous Materials).

Noise Element: The Noise Element of the County General Plan identifies and works towards the mitigation of noise problems in the community. As part of the process, the Noise Element defines noise metrics and provides land use compatibility guidelines based on various noise levels. The Noise Element indicates that Community Noise Exposure Levels at or below 65 db (decibels)  $L_{dn}$  (Day-Night Average Level) are considered as "Normally Acceptable" for multi-family residential developments, and at or below 75 db  $L_{dn}$  for commercial land uses. A January 2014 noise assessment of the project site found that existing noise levels at the site range between a low of 57 db  $L_{dn}$  at the north end of Site A, and a high of 72 db  $L_{dn}$  along Boulevard Way's boundary with Site-A and Site-B.

With regard to noise generated from the project site as a result of operational activities, the proposed project will consist of residential and commercial land use types that are expected to produce noise levels that are substantially similar to those that already exist in the area. This includes, but is not limited to, vehicle traffic, cars parking, human voices, and site maintenance. Due to existing ambient noise levels at the site, nature of the proposed uses within the development, use of partially enclosed parking garages, and the findings of noise assessment studies completed for the project; it is anticipated that

the noise levels generated by the daily operation of proposed project will be consistent with the Compatibility Noise Exposure Levels of the General Plan.

Another type of anticipated noise to be generated at the site related to that which will be generated by construction activities. Construction of the proposed development will required the use of heavy equipment for excavation, grading, erection, and other activities. Heavy trucks will be used for transportation of materials and equipment, and smaller equipment such as jack hammers, pneumatic tools, and saws will be required for demolition and construction activities. Some of these activities and equipment have the potential for generating intermittent noise levels up to 90 db  $L_{dn}$ , which could adversely impact adjacent properties. Based on the potential noise impacts from construction-phase activities, noise related mitigation measures (MM NOI-2, NOI-4) have been incorporated as part of the project. These mitigations consist of, but are not limited to, restrictions on construction hours, requirements for noise reduction equipment such as mufflers and shrouds/shields, limits on the idling of internal combustion engines, strategic location for stationary noise sources, and consultation with a qualified acoustical professional.

Along with providing standards related to noise generated by land uses, the Noise Element also provides goals and policies pertaining to the acceptable noise levels that a new land use will be exposed to. County General Plan Policy 11-2 indicates that the standard for exterior noise levels for common outdoor-use areas is 60 db  $L_{dn}$  or less, but also notes that level may not be achievable in all residential areas due to economic or aesthetic constraints. As mentioned above, existing ambient noise levels at the site range between 57 db  $L_{dn}$  and 72 db  $L_{dn}$ . In an effort for the project to be as consistent as possible with Policy 11-2, Mitigation Measure NOI-1b has been incorporated as part of the project. This mitigation requires that an acoustical professional be retained by the applicant to recommend effective noise measures, and verify that such measures have been incorporated into the Site-A building design. In addition to the above mitigation, the applicant has also incorporated a project design that will achieve a standard of 45 db  $L_{dn}$  for the interior of all residential units, which is based on a former Title-24 building code standard that is no longer required.

Further discussion and details regarding the proposed project's consistency with goals and policies of the County General Plan can be found in DEIR Section 4.12 (Noise).

Based on the in-fill nature of the proposed project and its location within an urban area of Central Contra Costa County, there is no evidence in the record to suggest that the proposed project has a high potential for being inconsistent with other elements of the General plan such as the Conservation and Open Space Elements. However, further discussion and details regarding the proposed project's consistency with goals and

policies contained within those General Plan Elements can be found in DEIR Sections 4.11 (Mineral Resources) and 4.15 (Recreation).

B. Zoning:

The applicant proposes to rezone the project to a project-specific P-1 zoning district, which if approved will allow for flexibility and diversification of applicable development standards provided that substantial consistency with the General Plan and intent of the county Code is maintained with regard to public health, safety, and general welfare. The project currently consists of a mix of residential and commercial zoning and General Plan designations, is within an urban area of the County with available public services and infrastructure, is close to major highways and roadway networks, and is within close proximity to public transit routes such as a County Connection and BART. Based on the above, the project site has the potential for providing a great benefits to many residents and visitors of Contra Costa County and the specifically the Saranap area. However, due to the fact that the project site and surrounding area were initially developed in the 1950s and 1960s, the site is currently underutilized. Allowing the project site to be rezoned and developed under the proposed P-1 will allow for the establishment of land uses substantially similar to those that would be allowed under the current zoning, but in a manner that better utilizes the potential of the site. Furthermore, the recommended conditions of approval, project mitigations, and applicable building and safety codes will ensure that the project is constructed and maintained in a manner that preserves the health, safety, and general welfare of the public.

Lot Dimensions:

The project includes a request for approval of tentative map which will create three large parcels (Site-A, -B, and -C), which will each consist of multiple residential and commercial condominium units/lots. As evidenced in the table below three primary parcels will all meet the minimum area, average width, and depth standards that apply to the project site under the current zoning districts.



Lot Dimension Comparison <sup>s</sup>						
	Existing Zoning					Proposed Project (P-1)
	M-29	C	R-B	N-B	P-1	
Min. Area (sq. ft.)	6,000	2,500	3,500	3,500	-	63,162 (Site-A) 62,291 (Site-B) 24,394 (Site-C)
Min. Avg. Width (ft.)	N/A	N/A	35	35	-	202 (Site-A) 211 (Site-B) 129 (Site-C)
Min. Depth (ft.)	N/A	N/A	N/A	N/A	-	312 (Site-A) 295 (Site-B) 189 (Site-C)

### Height:

As mentioned throughout this report, the site currently consists of multiple zoning districts. Of those five districts, the maximum building height allowed at the project site is 50 feet. Pursuant to Section 84-50.802 (Building Height – Maximum) of the County Ordinance, which is the code Section which determines height for the N-B, R-B, and C districts, the 50-foot height limit mentioned above is to be measured from the highest point of ground elevation on the lot. The Height Zone Map provided in the FEIR (Figure 4-1) indicates that the tallest building in the development measures 71 feet in height. However, it must be noted that the 71-foot height provided in Figure 4-1 was calculated using roof heights as measured from the lowest point on the lot. When using the same method to measure height as prescribed in Section 84-50.802 mentioned above, the maximum building height within the development is 55 feet. Therefore, the proposed maximum height of the proposed project does exceed the maximum height that would be permitted under current zoning, but only by approximately 5 feet.

<sup>s</sup> Lot dimension standards not available for P-1 District as no minimum were identified when subject site was rezoned to P-1 under County Files #RZ99-3075 and DP99-3031

Maximum Height Comparison <sup>6,7,8</sup>							
	Existing Zoning					Proposed Project (P-1)	
	M-29	C	R-B	N-B	P-1	From Lowest Point On Lot	From Highest Point on Lot
Max. Height (ft.)	30	50	50	50	30	67 (Site-A) 67 (Site-B) 71 (Site-C)	53 (Site-A) 55 (Site-B) 51 (Site-C)

**Development Standards:**

As shown in the table below, the proposed improvements within the development would not comply with the development standards of the existing zoning districts at the site. However, the applicant proposes to rezone the project to a project-specific P-1 zoning district, which if approved will allow for flexibility and diversification of applicable development standards provided that substantial consistency with the General Plan and intent of the county Code is maintained with regard to public health, safety, and general welfare. With enforcement of the recommended conditions of approval, project mitigations, and applicable building and safety codes, the project will be constructed and maintained in a manner that preserves the health, safety, and general welfare of the public.

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<sup>6</sup> N-B district standards provided do not include allowances provided for Planned Neighborhood Business Districts pursuant to Section 84-52.14 of the County Code.

<sup>7</sup> R-B district standards provided do not include allowances provided for Special Retail Business Districts pursuant to Section 84-52.14 of the County Code.

<sup>8</sup> P-1 max height based on approved max height of proposed buildings when site was rezoned to P-1 under County Files #RZ99-3075 and DP99-3031

Development Standard Comparison <sup>9,10,11,12</sup>						
	Existing Zoning					Proposed Project (P-1)
	M-29	C	R-B	N-B	P-1	
Min. Front Setback (ft.)	20	10	10	25	-	5 (Site-A) 6 (Site-B) 5 (Site-C)
Min. Side Yard (ft.)	20	10 (aggregate)	N/A	N/A	-	5(Site-A) 5 (Site-B) 5 (Site-C)
Min. Rear Yard (ft.)	20	20	N/A	N/A	-	N/A (Site-A) 2 (Site-B) 5 (Site-C)
Max. Site Coverage (%)	35	N/A	N/A	N/A	-	77 (Site-A) 61 (Site-B) 78 (Site-C) (Project)
Max. Density (units/acre)	29	N/A	N/A	N/A	20	84 (Site-A) 36 (Site-B) 43 (Site-C) 58 (Project)
Min Lndscp. Area (%)	25	N/A	N/A	N/A	-	4 (Site-A) 3 (Site-B) 3 (Site-C) 3 (Project)
Min. Bldg. Spacing (ft.)	20	N/A	N/A	N/A	-	N/A

- C. Alcohol Sales: The applicant has indicated that the sale of alcohol is desired for at least three of the proposed commercial tenant spaces. It is anticipated that two of the three alcohol sales activities will take place in relation to the proposed market on Site-A and restaurant on Site-B. Pursuant to Section 82-38 (Alcoholic Beverage Sales Commercial Activities) of the County Code, approval of a land use permit is required prior to the establishment of these uses. In compliance with this requirement, the applicant has included a request for approval of a land use permit to allow this land use as part of the project. The findings required to allow this proposed use can be found in the "Findings" section of this staff report.

<sup>9</sup> Setback standards shown are those generally required primary structures, and do not include allowed exceptions for elements/structures such as garages, accessory buildings, etc.

<sup>10</sup> N-B district standards provided do not include allowances provided for Planned Neighborhood Business Districts pursuant to Section 84-52.14 of the County Code.

<sup>11</sup> R-B district standards provided do not include allowances provided for Special Retail Business Districts pursuant to Section 84-52.14 of the County Code.

<sup>12</sup> Setback, yard, coverage, landscape area and building, spacing not available for P-1 District. P-1 max density based on approved density of development when site was rezoned to P-1 under County Files #RZ99-3075 and DP99-3031.

- D. Take-Out Food: As part of the project the applicant has proposed the establishment of a market and a coffee shop as two of the commercial land uses. Section 88-16.004 (Definitions) of the County Code defines a take-out food establishment as any business selling perishable food and/or beverages in disposable containers or wrapping for consumption off the premises. Based on the nature of products that are typically sold in markets and coffee shops, the two proposed for the project would be considered as take-out food establishments and require the approval of a land use permit prior to their establishment. In compliance with this requirement, the applicant has included a request for approval of a land use permit to allow take-out food establishments within the development. The findings required to allow this proposed use can be found in the "Findings" section of this staff report. In connection with this proposed use staff has recommended that the project be conditioned to require that the applicant be responsible for litter collection generated by the take-out food uses, and that a security be submitted to ensure the litter collection is administered (COA #17).
- E. Parking: Pursuant to Section 82-16 (Off-Street Parking) of the County Code and Table 6-34 (Parking Requirements) of the County General Plan, the proposed project as designed will require a total of 485 parking spaces. This requirement includes 125 spaces for the employees and patrons of the proposed commercial uses, 309 spaces for residents, and 51 spaces for guests of residents. The proposed development will provide 505 on- and off-street parking spaces. However, 13 of those spaces are not counted towards the project fulfilling the required parking allotment because they are provided as a replacement for spaces removed from the Boulevard Terrace Condominium Complex adjacent to Site-B1. A total of 66 bicycle parking spaces will be required for the project. This total considers long-term and short-term bicycle parking for both the commercial and residential land uses. The applicant has accommodated this by providing a total of 100 bicycle parking spaces within secured areas of the three parking garages.

Required Parking Calculations				
	Required Parking	Required Guest Parking	Required Bicycle Parking	
			Long-Term	Short-Term
Site-A, Grocery (7,500 ft <sup>2</sup> )	38	N/A	1 space for each 10 employees or 2 spaces, whichever is greater  (26.3 Employees)	1 space for each 2,000ft <sup>2</sup> (restaurant)/5,000ft <sup>2</sup> (retail), or 2 spaces, whichever is greater
Site-A, Retail (1,200 ft <sup>2</sup> )	4	N/A		
Site-B, Coffee (1,200 ft <sup>2</sup> )	12	N/A		
Site-B, Restaurant (4,833 ft <sup>2</sup> )	48	N/A		
Site-B, Retail (3 tenants) (6,789 ft <sup>2</sup> )	23	N/A		
<b>Commercial Use Total</b>	<b>125</b>	<b>N/A</b>	<b>3</b>	<b>6</b>
Site-A, Studios (58)	58	14.5	Spaces for 15% of the # of bdrms., or 2 spaces, whichever is greater  (289 bdrms.)	Spaces for 5% of the # of bdrms., or 2 spaces, whichever is greater  (289 bdrms.)
Site-A, 1 Bdrm Units (46)	69	11.25		
Site-A, 2 Bdrm Units (18)	36	4.25		
Site-B, 1 Bdrm Units (11)	17	2.75		
Site-B, 2 Bdrm Units (36)	72	9		
Site-B, 3 Bdrm Units (5)	10	2.5		
Site-C, 1 Bdrm Units (3)	5	0.75		
Site-C, 2 Bdrm Units (15)	30	3.75		
Site-C, 3 Bdrm Units (6)	12	1.5		
<b>Residential Use Total</b>	<b>309</b>	<b>51</b>	<b>43</b>	<b>14</b>

The provided parking will be accommodated via off-street parking in private parking garages on each site, and on-street parking located along Saranap Avenue and Boulevard Way. The parking garages located at Sites-B/B1 and Site-C do not have the capacity to accommodate all the required parking necessary for the uses proposed on each site. As a result, spaces within the large parking structure on Site-A and on-street parking spaces will contribute towards accommodating the necessary parking for those sites. To ensure that the off-site parking for uses on Site-B/B1 and Site-C remain available in the event that any of the three sites changes ownership, staff has recommended that the project be conditioned to require that a deed notification, parking easement, or other instrument acceptable to the County, be recorded on each site to preserve the necessary parking and access rights of the land use for which the parking is needed (COA #25).

The applicant has proposed to locate the 268-space parking structure for Site-A on its own "condominium parcel" for that site. Based on the fact that this parking facility will be located on a separate condominium parcel and restricted to use by residents, guests of residents, and patrons of the Saranap Village Development; the structure is considered as an Exclusive Parking Facility as defined in the County's Off-Street Parking Ordinance. Pursuant to Section 82-16.408 (Exclusive Parking Facilities) of the County Ordinance, approval of a land use permit entitlement and submittal of an exclusive parking facility plan are required as part of the project. Request for approval of a land use permit to allow the parking facility has been included as part of the project and staff has recommended that the project be approved with a condition that requires that the applicant submit an exclusive parking facility plan prior to issuance of building permits for Site-A (COA #24).

The proposed on-street parking provided within the development will be metered parking that is located on private property and is privately enforced. The metered parking element has been included as part of the project to support the vitality of the proposed commercial uses within the development by encouraging turnover and discouraging long-term parking by residents in those areas. The applicant intends to use all or portions of the revenue from the privately-maintained parking meters to cover costs related to enforcement and maintenance of those areas. Staff has recommended that the project be conditioned to require that the applicant submit a parking plan prior to the issuance of building permits (COA #23). Submittal of the parking plan is partially to ensure that on-street metered parking is not dedicated as guest parking, or that some measure such as guest passes are incorporated.

- F. Project Phasing: The applicant has indicated a desire to construct the proposed development in phases. The applicant has indicated that construction will consist of three phases, one for each of the project sites (Site-A, -B/B1, and -C). To ensure that parking, access, and other associated elements necessary to adequately operate each site are available, staff has recommended that the permit be conditioned to require that the applicant submit a final detailed phasing plan prior to issuance of building permits (COA #26).
- G. Development Agreement: The applicant has requested that the County approve and enter into a Development Agreement with the property owner (Saranap Village Developers LLC.). Pursuant to the terms of the document, the County and property owner agree upon items including, but not limited to, approved elements of the project, vesting rights to develop, development standards, timing of construction and completion, life of approvals, funding obligations, and limitations on future discretionary actions.
- H. Roadway Improvements: The project proposes significant re-construction of

approximately 1000 feet of Boulevard Way from Flora Avenue to the limit of the project area approximately 300 feet southwest of Saranap Avenue. This reconstruction includes pavement narrowing to a single through lane in each direction, diagonal parking, a roundabout and widened sidewalk. Additional improvements are also proposed along Saranap Avenue, including sidewalks and diagonal parking. These improvements extend beyond the project frontage.

Some of these proposed improvements as outlined below are unprecedented within the unincorporated County and have necessitated lengthy discussions between the Applicant and County to assure adequate operation, safety and maintenance:

1. Diagonal parking is not generally permitted along collector streets.
2. Development of an on-street parking control plan.
3. A financing and maintenance plan for streetscape.
4. Determination of limits of right of way abandonment, dedication and license agreements for private maintenance of facilities within public rights of way.

Since many of the Applicant's goals are beyond the scope of standard County maintenance or oversight, the County is prepared to vacate much of the existing street right of way outside the vehicular travel way, and have the project maintain the sidewalks, street lighting, landscaping and on-street parking. If the Applicant can come to terms with the neighboring frontages affected by the diagonal parking and sidewalk reconstruction, the County may consider abandonment of the right of way along those frontages as well. In the event that the applicant does not obtain the land rights off-site for the development's proposed metered parking, then that property shall remain public right of way and maintained by the Applicant under license and maintenance agreements.

To that point, it is impractical to phase or piecemeal the dedication, vacation and construction of the improvements along Boulevard Way and Saranap Avenue. To facilitate and assure orderly development, the first phase of this project should include the filing of a Final Map over the project limits to dedicate/vacate public street rights of way and merge or realign existing property lines to conform with the subsequent development of the individual sites. The framework for funding and maintenance of privately maintained frontage improvements, reservations for public access, utility and other easements would also be completed in conjunction with this map filing, as would determination of any license agreements with the County for maintenance of private landscaping, signage or other neighborhood "identifiers" remaining within public right of way.

On street parking control will be limited to parking located on private property. If the County vacates right of way along the project frontage where diagonal parking is proposed, the Applicant could be allowed to initiate and enforce parking controls at

those spaces. If the Applicant cannot reach an agreement with neighboring properties wherein the neighbors agree to quitclaim their excess right of way, or partner with the Applicant, the diagonal parking spaces along those frontages may remain as public right of way and would not be subject to additional parking restrictions or enforcement unless otherwise approved by the Board of Supervisors. This issue does not affect the overall project under consideration, and could be re-visited at a later date.

- I. Drainage: Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm waters to an adequate natural watercourse.

As noted in the project's EIR (Mitigation Measure HYD-3: Pre-project stormflow levels), no construction shall be permitted anywhere on the project site unless the Applicant demonstrates, to the satisfaction of the Public Works Director, either of the following:

- 1) Upon completion of such construction, there will be sufficient detention capacity on the project site to detain the incremental increase in stormflow volume that occurs during the 24-hour, 10-year design storm, which incremental increase is due to the increase in impervious surface above pre-project levels. This standard could be met with a detention vault with capacity for approximately 12,300 cubic feet of stormwater on Site B, through smaller detention vaults, tanks or other facilities on each of the four privately-owned sites (Sites A, B, B1 and C), or through other means; or
- 2) Upon completion of such construction, the total square footage of impervious surface area throughout the project site will remain at or below pre-project levels.

This "no net increase" methodology is consistent with the drainage requirements imposed on the Sufism Reoriented sanctuary project nearby. A preliminary hydrology/hydraulic analysis prepared by Kier & Wright dated July 14, 2015 was submitted for review which indicates the proposed project will have a negligible, if any, impact on downstream drainage facilities. The final determination to verify compliance as noted above will be made in conjunction with the preparation of the final construction documents.

- J. Storm Water Management and Discharge Control Ordinance: A SWCP is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 square feet in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. The Applicant



submitted such a plan of September 8, 2016 and it has been deemed "preliminarily complete."

- K. Lighting District: Two of the subject parcels (APNs 184-450-025 and 185-370-033) are already annexed into a lighting district. The others are not. The Applicant shall, as a condition of approval (COA #101), annex those remaining parcels to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing.
- L. Area of Benefit Fee: The Applicant shall comply with the requirements of the Bridge/Thoroughfare Fee Ordinances for the South Walnut Creek Area of Benefit, as adopted by the Board of Supervisors. These fees shall be paid prior to issuance of building permits.
- M. Drainage Area Fee and Creek Mitigation: The subject property lies within Drainage Area 121. This is an "unformed" drainage area and does not have any associated drainage master plan or fee ordinance associated with it.
- N. Appropriateness of the Use: In the event that the proposed project is approved, it will allow for the establishment of a mixed-use development on a site that is currently underutilized. The uses allowed within the proposed development will be compatible with those in the surrounding area, and substantially similar in type to those that currently exist at the site. The proposed development will also likely improve property values in the area, and benefit residents and visitors of the Saranap area of Walnut Creek.

## **VII. CONCLUSION**

The proposed project will be consistent with applicable goals and policies of the General Plan, and also with the intent of the proposed P-1 district. All environmental impacts would be mitigated to a less-than-significant levels, and the health and safety of the public would not be threatened. Therefore, staff recommends that the County Planning Commission approve portions of the project that fall under their purview, and recommend approval of the project to the Boards of Supervisors for the remaining project elements.

