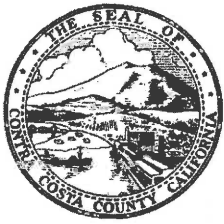


County Planning Commission Staff Reports

October 25, 2017

September 27, 2017



Department of Conservation and Development

County Planning Commission

Wednesday, October 25, 2017 – 7:00 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Olympic Boulevard Five-Lot Major Subdivision
County File(s):	#GP15-0002, RZ16-3231, SD16-9432, DP16-3018
Applicant/Owner:	Atri Macherla (Applicant)/Silicon Valley Home Builders, LLC. (Owner)
Zoning/General Plan:	Single-Family Residential (R-10) to Planned Unit District (P-1) Single-Family Residential-Medium Density (SM)
Site Address/Location:	2424 Olympic Blvd., Walnut Creek, CA APN: 185-220-023
California Environmental Quality Act (CEQA) Status:	A Mitigated Negative Declaration (MND) indicating no significant environmental impacts was prepared for the project.
Project Planner:	Jennifer Cruz, Senior Planner (925) 674-7790
Staff Recommendation:	Approve (See Section II for Complete Recommendation)

CONTINUED PUBLIC HEARING

I. PROJECT SUMMARY

The applicant requests a General Plan Amendment to change the designation of the subject property from Single-Family Residential-Medium Density (SM) to Single-Family Residential-High Density (SH) and to rezone the subject property from Single-Family Residential (R-10) to a Planned Unit District (P-1). The request also includes the subdivision of a 0.96-acre parcel into five single-family residential lots and two common parcels designated for a private road and a guest parking area. The residential lots range in size from 4,727 to 9,660 square feet. The existing residence will be demolished to allow the construction of five new residences

ranging in size from 1,677 to 2,419 square feet of living area. Removal of 11 code-protected trees and work within the drip line of 20 trees are included in the project. Grading on-site involves movement of approximately 510 cubic yards of dirt. A variance to allow the rezoning of a 0.96-acre property to P-1 (where five acres is the minimum) and an exception to the creek structure setback requirements of the County Subdivision Ordinance are also included in the project.

II. RECOMMENDATION

Staff recommends that the County Planning Commission:

- A. FIND that on the basis of the whole record before the County (Department of Conservation and Development, 30 Muir Road, Martinez, CA 94553), including the Initial Study and the comments received, the County Planning Commission finds that there is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment and that the July 20, 2017, Mitigated Negative Declaration reflects the County's independent judgment and analysis.
- B. ADOPT the Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Plan (MMRP) prepared for the project.
- C. APPROVE the revised Vesting Tentative Map (County File #SD16-9432) dated received October 5, 2017, with a tree permit to allow the removal of 11 trees and work within the drip line of 20 trees, based on the attached findings and subject to the conditions of approval.
- D. ADOPT a motion recommending that the Board of Supervisors:
 1. CERTIFY the MND and MMRP dated July 20, 2017, 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.
 2. ADOPT the MND and MMRP prepared for the project.

3. APPROVE the proposed General Plan Amendment (County File #GP15-0002) to Single-Family Residential-High Density (SH).
4. APPROVE the proposed Rezoning (County File #RZ16-3231) to Planned Unit District (P-1) and variance request to the required five-acre minimum lot size.
5. APPROVE the Final Development Plan (County File #DP16-3018) dated received October 5, 2017.
6. DIRECT staff to file a Notice of Determination with the County Clerk.

III. BACKGROUND

The County Planning Commission heard the project at the September 25, 2017, meeting. The Commission opened the public hearing and received testimony from the applicant, property owners, and seven speakers. The seven speakers included six neighboring property owners and the attorney who represents the neighbors – all whom are in opposition of the project. Testimony from the neighbors and the attorney addressed concerns related to density of the project, the creek, tree removal, and the privacy of the neighbors. The Commission provided comments at the hearing indicating that the project is too dense, does not have driveways to accommodate parking, needs to be compatible with the neighborhood, and concerned with the number of trees removed. The Commission recommended that the applicant return before the Commission with a revised project.

On October 5, 2017, the applicant submitted a revision to the project proposing a five-lot subdivision that includes a total of 12 guest parking spaces, removal of 11 trees and work within the drip line of 20 trees.

IV. REVISED PROJECT DESCRIPTION

Site Plan: The proposed project has been reconfigured to address the concerns from the Commission and the adjacent neighbors regarding density of the project and to address the concerns of trees proposed for removal.

Access to and from the property would remain from Olympic Boulevard. There will be two 24-foot wide driveways providing access to the property. The driveways connects in a horseshoe shape for the 20-foot wide private road, which will be

parallel to Olympic Boulevard. The proposed private road has not changed as a result of the revised project.

The biggest change to the project is the elimination of one lot, thereby reducing the project to a five residential lot subdivision. The reconfiguration involves the interior lots (Lots 3 and 4). These lots will be accessed from Parcel A, then by a reciprocal easement between Lots 3 and 4. The proposed residences on Lots 3 and 4 have been reoriented, where both garages are now facing one another. The proposed residences are located closer to the private road, since there is an existing creek along the entire rear yard of the property and the property is long and narrow. The interior lots (Lots 3, and 4) remain the closest to the front property line at 4 feet 5 inches.

There are four floor plans proposed for the residential development. Below are the details for Plans One, Two, Three, and Four.

	Living Area (sq. ft.)	Number of Bedrooms	Number of Bathrooms	Height
Plan One	1,840	4	4	26' - 2"
Plan Two	1,677	4	4	26' - 10"
Plan Three	2,419	5	4	23' - 4"
Plan Four	1,819	4	4	25' - 8"

The proposed residences are two stories and will have two car garages. The proposed residences are traditional in design, with stucco siding and a concrete tile roof.

The guest parking area (Parcel B) will now be located between Lots 4 and 5, which now provides seven parking spaces 8 feet wide by 17 feet deep. Additional parking spaces will also be provided between Lots 3 and 4 and along Parcel A between the meandering sidewalk. Two parking spaces (8 feet by 18 feet) will be located between Lots 3 and 4, and three parking spaces (8 feet by 22 feet) will be located along Parcel A. The project is not required to provide guest parking spaces; however, given the limitations and inability to accommodate street parking on Olympic Boulevard, the applicant has included guest parking for the subdivision.

There are no sidewalk improvements on the property and in order to comply with the County's Subdivision Ordinance, a required sidewalk along the entire frontage shall be installed. The applicant has proposed a meandering sidewalk that extends beyond the existing street-right-of-way in order to preserve mature trees along the

frontage of the property.

Trees: A total of 53 trees were surveyed, which includes several large mature native oaks, bays, buckeyes, English walnuts, and a few non natives as well around the perimeter of the property. In response to the concerns heard at the September 27, 2017, County Planning Commission hearing, the applicant has reduced the number of trees proposed for removal from 13 tree to 11 trees. However, the additional work within the dripline of trees will increase from 18 to 20 trees. An Arborist Report has been submitted providing recommendations for the trees to be saved during the construction activities. A condition of approval (COA #22) has been included to require that the applicant comply with the recommendations in the report. Additionally, conditions of approval requiring restitution for the tree removed and contingency restitution for the trees to be protected during construction activities are also required (COA #20 and 21).

IV. CONCLUSION

The proposed project will be consistent with applicable goal and policies of the General Plan, and also with the intent of the proposed P-1 district. 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 Board of Supervisors for the remaining project elements.

Attachments:

1. Findings and Conditions of Approval
2. Revised Vesting Tentative Map and Residential Plans



Department of Conservation and Development

County Planning Commission

Wednesday, September 27, 2017 – 7:00 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Olympic Boulevard Six-Lot Major Subdivision
County File(s):	#GP15-0002, RZ16-3231, SD16-9432, DP16-3018
Applicant/Owner:	Atri Macherla (Applicant)/Silicon Valley Home Builders, LLC. (Owner)
Zoning/General Plan:	Single-Family Residential (R-10) to Planned Unit District (P-1) Single-Family Residential-Medium Density (SM)
Site Address/Location:	2424 Olympic Blvd., Walnut Creek, CA APN: 185-220-023
California Environmental Quality Act (CEQA) Status:	A Mitigated Negative Declaration (MND) indicating no significant environmental impacts was prepared for the project.
Project Planner:	Jennifer Cruz, Senior Planner (925) 674-7790
Staff Recommendation:	Approve (See Section II for Complete Recommendation)

I. PROJECT SUMMARY

The project involves the subdivision of a 0.96-acre parcel into six single-family residential lots and two common parcels designated for a private road and a guest parking area. The residential lots range in size from 3,196 to 9,660 square feet. The existing residence will be demolished to allow the construction of six new residences ranging in size from 1,677 to 2,419 square feet of living area. Removal of 13 code-protected trees and work within the drip line of 18 trees are included in the project. Grading on-site involves movement of approximately 510 cubic yards of dirt. A variance to allow the rezoning of a 0.96-acre property to P-1 (where five acres is the minimum) and an exception to the creek structure setback requirements of the County Subdivision Ordinance are also included in the project.

II. RECOMMENDATION

Staff recommends that the County Planning Commission:

- A. FIND that on the basis of the whole record before the County (Department of Conservation and Development, 30 Muir Road, Martinez, CA 94553), including the Initial Study and the comments received, the County Planning Commission finds that there is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment and that the July 20, 2017, Mitigated Negative Declaration reflects the County's independent judgment and analysis.
- B. APPROVE the proposed Vesting Tentative Map (County File #SD16-9432) along with the associated Tree Permit entitlement by ADOPTING the attached findings and conditions of approval.
- C. ADOPT a motion recommending that the Board of Supervisors:
 - 1. CERTIFY the Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Plan (MMRP) dated July 20, 2017, 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.
 - 2. APPROVE the proposed General Plan Amendment (County File #GP15-0002) to Single-Family Residential-High Density (SH) I.
 - 3. APPROVE the proposed Rezoning (County File #RZ16-3231) to Planned Unit District (P-1) and variance request to the required five-acre minimum lot size.
 - 4. APPROVE the Final Development Plan (County File #DP16-3018).

5. DIRECT staff to file a Notice of Determination with the County Clerk.

III. GENERAL INFORMATION

- A. General Plan: The subject site has a Single-Family Residential-Medium Density (SM) General Plan designation.
- B. Zoning: The subject site is located in a Single-Family Residential, R-10 Zoning District.
- C. California Environmental Quality Act (CEQA) Compliance: A Mitigated Negative Declaration (MND) was prepared for the project. The MND identified potentially significant impacts in the areas of Aesthetics, Biological Resources, Air Quality, Cultural Resources, and Noise, with mitigation measures proposed to reduce the impacts to a less-than-significant level. The public review comment period for the MND extended from July 20, 2017 to August 21, 2017. Three comments were received within the comment period and are discussed in Section VI of this document.
- D. Origin of Parcel: Previous land use entitlements and building permits were issued for the property (see previous applications section below for a description of the entitlements). Government Code Section 66499.34 states the issuance of a permit or grant of approval for development of real property shall constitute "real property has been approved for development," for the purposes of subdivision (c) of Government Code Section 66499.35.
- E. Previous Applications:
 - 1. MS15-0006: A minor subdivision to subdivide the subject property into four lots is currently on hold pending on the decision of this project.
 - 2. RZ03-3139: A rezoning application to rezone the subject property from Two-Family Zoning District (D-1) to Single-Family Residential Zoning District (R-10) was approved on May 24, 2005.
 - 3. TP03-0001: A tree permit to remove one Valley Oak and one Coast Live Oak was approved on March 3, 2003.
 - 4. MS02-0003: A minor subdivision to subdivide a parcel into three parcels was approved on April 27, 2004.

5. PR00-0022: A preapplication for a 4-lot minor subdivision was submitted to the County.
6. 358-61: A land use permit to establish a second and third residence was approved on September 11, 1961.

IV. SITE/AREA DESCRIPTION

Surrounding Land Use: The subject site is a 0.96-acre property is located west of the intersection of Olympic Boulevard and Tice Valley Boulevard, within an urbanized area surrounded by commercial uses and residential uses. Directly east is a small neighborhood shopping center and southeast of the subject property are commercial uses (i.e. gas station, retail businesses, etc.). Directly north, west, and southwest are residential uses.

Existing Site Condition: The 0.96-acre property is a long flat rectangular shaped property that is accessed from Olympic Boulevard. There is an existing residence and a tributary to Las Trampas Creek is located at the rear of the property. There are approximately 53 trees on the subject property, where several large mature native oaks, bays, buckeyes, English walnuts, and a few nonnatives are located around the perimeter of the property.

IV. PROJECT DESCRIPTION

The applicant requests a General Plan Amendment to change the designation of the subject property from Single-Family Residential-Medium Density (SM) to Single-Family Residential-High Density (SH) and to rezone the subject property from Single-Family Residential (R-10) to a Planned Unit District (P-1). The request also includes an approval of a Vesting Tentative Map to subdivide an approximately 0.96-acre property into six single-family residential lots (ranging in area from 3,196 - 9,660 square feet), and two common parcels, Parcel A (6,348 square feet) for the driveway and Parcel B (1,348 square feet) for six guest parking spaces, and a request to establish a Final Development Plan for the six residential lots and Parcels A and B. The existing residence will be demolished to allow the construction of six new residences (ranging in size from 1,677 – 2,419 square feet of living area).

There are three floor plans proposed for the residential development. Below are the details for Plans One, Two, and Three.

	Living Area (sq. ft.)	Number of Bedrooms	Number of Bathrooms	Height
Plan One	1,840	4	4	26' - 2"
Plan Two	1,677	4	4	26' - 10"
Plan Three	2,419	5	4	23' - 4"

The proposed residences are two stories and will have two car garages. The proposed residences are traditional in design, with stucco siding and a concrete tile roof.

The subject property is accessed from Olympic Boulevard and will continue to serve the property. There will be two 24-foot wide driveways providing access to the property. The driveways connects in a horseshoe shape for the 20-foot wide private road (Parcel A), which will be parallel to Olympic Boulevard. The guest parking area (Parcel B) will be located between Lots 5 and 6, which provides six parking spaces 8 feet wide by 17 feet deep.

The existing curb and gutter along the property frontage will be replaced in portions. There are no sidewalk improvements on the property and in order to comply with the County's Subdivision Ordinance, a required sidewalk along the entire frontage will be installed that connects the existing sidewalks fronting the adjacent property to the west and to the east. The applicant is proposing a meandering sidewalk that extends beyond the existing street-right-of-way in order to preserve mature trees along the frontage of the property.

The applicant requests a variance to allow the rezoning of a 0.96-acre property to P-1 (where 5 acres is the minimum for residential uses). An exception to the creek structure setback of 30 feet from the top of bank to allow the development of the residences is also proposed. Removal of 13 code-protected trees from the property, and work within the drip line of 18 trees located on the property are included in the project. Grading on-site involves 510 cubic yards of dirt. A permit for a Streambed Alteration is required for the grading between the common lot line for Lots 2 and 3 along the creek. Trenching is minimal, estimated to be less than five cubic yards to install a small section of pipe and rip rap.

V. AGENCY COMMENTS

- A. Conservation and Development, Building Inspection Division: In a memo dated February 17, 2017, the Division provided comments requiring the buildings and

accessible pathways to meet current codes.

- B. Conservation and Development, Transportation Planning: In a memo dated April 27, 2016, staff provided comments on the implementation of bicycle and pedestrian improvements along Olympic Boulevard and the frontage improvements to the subject property along Olympic Boulevard should conform to the standards identified in the Olympic Corridor Trail Connector Study.
- C. Conservation and Development, Housing Programs: In an updated memo dated August 15, 2017, staff provided comments regarding the Inclusionary Housing Plan for the project indicating that payment of the in-lieu fee has been accepted as the alternative to constructing the inclusionary housing. Therefore, as a Condition of Approval (COA) the applicant shall pay the Ordinance in-lieu fee of \$23,249 for the entire project (COA #7). In addition, COA #8 requires that the applicant comply with the County Ordinance Code Chapter 822-4 and construct the required number of inclusionary units on-site, off-site or a combination of both, if the applicant chooses not to pay.
- D. Conservation and Development, Advance Planning: In a memo dated August 24, 2016, staff responded with no comments.
- E. Health Services Department, Environmental Health Division: In a memo dated April 13, 2016, the Division provided comments indicating that abandoned wells and septic tanks must be destroyed under a permit from Environmental Health. Also, a permit from Environmental Health is required for any well or soil boring.
- F. Central Contra Costa Sanitary District (CCCSD): In a memo dated April 21, 2016, the District provided comments indicating that the property is within the CCCSD's service area. Additionally, the District provided additional comments indicating compliance with their requirements.
- G. Contra Costa County Fire Protection District: In a memo dated February 14, 2017, the Fire District provided comments indicating that the land development plans submitted to the District were accepted and approved.
- H. East Bay Municipal Utility District (EBMUD): In a memo dated April 19, 2016, EBMUD provided comments requiring separate meters for each lot and compliance with applicable water-efficiency measures.

- I. Local Agency Formation Commission (LAFCO): In a memo dated May 15, 2017, LAFCO indicated that the property has all necessary services (fire, sewer, water).
- J. California Historical Resources Information System (CHRIS): In a memo dated April 20, 2016, CHRIS provides recommendations for an archaeological study and an architectural report for any building or structure over 45 years old prior to commencement of project activities. CHRIS also recommends the applicant contacting Native American tribes for traditional, cultural, and religious heritage values.
- K. Public Works Department, Engineering Services Division: A letter dated May 18, 2017, provided the Department's conditions and approval.
- L. County Geologist Darwin Myers: In a letter dated March 10, 2017, Mr. Myers peer reviewed of the project and provided his recommendation that geotechnical mitigation measures or conditions of approval will be needed to confirm (or modify) the opinion on the hazard posed by liquefaction and corrosivity of soils. Therefore, the project geotechnical engineer can provide updated comments on the construction drawings (grading and drainage plans, along with foundation details).
- M. Saranap Homeowners Organization (SHO): In a letter dated May 19, 2016, the SHO Board of Directors are concerned about the drip line of oak trees, lack of any off-street parking and guest parking, the density, and the lack of yards.
- N. California Department of Fish and Wildlife (CDFW): In a memo dated June 27, 2016, the CDFW submitted comments on the project requiring restrictive language in the Covenants, Conditions, and Restriction (CC&Rs) prohibiting uses of the Creek Setback area.
- O. Wilton Rancheria: In a memo dated January 11, 2017, Wilton Rancheria submitted comments indicating that a response will be sent if they would like to further consult.

No comments were received from the Cities of Lafayette and Walnut Creek, Lafayette School District, and Acalanes Union High School District, and Saranap Community Association.

VI. ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) was prepared for the project. The MND

identified impacts to Aesthetic, Biological Resources, Air Quality, Cultural Resources, and Noise impacts, which would be reduced to less-than-significant levels with the proposed mitigations. Three letters were received from the Kaisa and Adam Lyon, Rik and Elizabeth Lee, and Mike and Sarah Johnson. Below is a summary of the comments received and staff's response.

- A. Kaisa and Adam Lyon of 3300 Freeman Road, Walnut Creek: The Lyon residence is located approximately 133 feet from the subject property. In a letter received August 16, 2017, the Lyons indicated their concerns regarding the following: Opposed to the amendment from Single-Family Residential-Medium Density (SM) to Single-Family Residential-High Density (SH); Construction of six lots instead of 2-3 lots, which is more consistent with the aesthetics of the Saranap neighborhood; Would like single story instead of two stories, as it will create light pollution and privacy concerns; Removal of 13 trees, which reduces privacy, increases noise and light pollution from the new residences, and the possibility of wildlife nesting in the trees; Opposed to the altering of the natural creek that flows through the property; and traffic hazard created by the new residences.

Staff's Response: A feasibility study was authorized by the Board of Supervisors in December 2015 for a General Plan Amendment from the current SM land use designation to SH to allow for a higher density project. The property is an underutilized lot and is long and narrow located approximately 200 feet west of the intersection of Olympic Boulevard and Boulevard Way/Tice Valley Boulevard. Between the property and the intersection is a small strip mall. Immediately north and west are single-family residences. Across Olympic Boulevard to the south are a gas station, additional single-family residences, and an undeveloped hillside. A higher-density project would be appropriate immediately adjacent to a commercial cluster and a high-volume arterial such Olympic Boulevard. The project is an infill project in an already-developed area. The aesthetics of this area of Saranap includes properties with commercial uses and properties that are residential uses, including duplexes. The proposed subdivision will be consistent with the surrounding neighborhood, as it is a transition from commercial to single-family residences.

The current zoning of Single-Family Residential (R-10) allows 2 ½ stories or 35 feet in height. The proposed zoning of a Planned Unit District (P-1) allows flexibility of site design, building massing, setbacks, and height provided that the residential development will be in harmony with the character of the surrounding neighborhood and community. Two story residences can be found

across of the subject property, southwest on Olympic Boulevard and north on Boulevard Way. While the adjacent rear properties are single-story residences, the proposed two-story residences will be setback 30 feet from the rear property line. The location of the proposed residences will provide a larger setback compared to the 15 feet minimum requirement in the R-10 Zoning District. Thus, the fact the proposed residence is located further away from the rear property line coupled with the existing and required vegetation should reduce the privacy concern.

The initial study prepared for this project identified exterior lighting as an impact to nighttime views in the area. A mitigation measure requiring a lighting plan to be reviewed and approved by the Department of Conservation and Development, Community Development Division CDD has been included. Additionally, a mitigation measure requiring exterior lighting shall be directed down so that lights shine onto the subject property and away from adjacent properties. Implementation of the mitigation measure would reduce the impact to a less-than-significant level. The mitigation measure is identified as condition of approval (COA #17).

The removal of 13 trees will require replanting of eight trees as mitigation (COA #20) and these trees may be replanted within the rear yard of the property, as there is limited areas to replant along the front of the lots. A landscaping plan is also required as a condition that requires screening of the proposed residences from the adjacent properties located to the north (COA #26). The replanting of trees and required landscaping would reduce the impacts of light pollution and privacy concerns.

The initial study also identified potential impacts of tree removal related to the removal or disturbance of nests. As a result, a mitigation measure requiring a qualified site biologist conduct a site evaluation of the trees for potential habitat is included (COA #18). In addition, a mitigation measure requiring a pre-construction nesting survey to be conducted to determine if special-status birds are nesting in or near trees within the grading zone or within trees proposed for removal is also required (COA #19).

The applicant proposes minimal grading between common lot line for Lots 2 and 3 along the creek to allow trenching of less than five cubic yards to install a small section of pipe and rip rap. Proposed work within the creek requires a Streambed Alteration Permit from the California Department of Fish and Wildlife.

The construction of six residences and associated improvements may cause a temporary increase to noise. Therefore, a mitigation measure was incorporated to reduce the potential construction noise impacts. This multi-part mitigation restricts the hours of construction activities, minimizes project-related disruptions to adjacent properties, requires all internal combustion engines to be fitted with mufflers and to locate stationary noise-generating equipment away from existing residences (COA #33). Additionally, noise in the area is primarily from vehicles traveling on Olympic Boulevard and the close proximity of the Olympic Boulevard and Tice Valley Boulevard intersection. The addition of six residence would not substantially increase the noise levels in the area.

The proposed six residential lot subdivision would not create traffic hazard. The property is close to the Olympic Boulevard and Tice Valley Boulevard intersection. The project is designed only to have two driveways to limit the number of access from the subject property to Olympic Boulevard. Further, the Public Works Department and the Consolidated Fire Protection District has commented on the project and has not raised concerns regarding traffic hazard.

- B. Rik and Elizabeth Lee of 3303 Freeman Road, Walnut Creek: In a letter dated August 20, 2017, the Lees indicated their concerns regarding the following: Opposed to subdivision of the property into six residential lots; Proposed development is inconsistent with the surrounding homes and is out of character for the area, as the area consists of larger lots more than half acres and in a low density area; Proposed two story residence that is more than 26 feet tall, which will be an invasion of privacy and create unobstructed views over the fence; Substantial damage to scenic resources, including the removal of 13 trees, which would reduce privacy and increase noise and light pollution from the new residences and Olympic Boulevard; Project creates new source of glare affecting day and nighttime views; and proposal will produce more noise. The Lees would like to see mature trees planted to address the privacy, noise, and light concerns.

Staff's Response: *A majority of the concerns from the Lees have been addressed in the response above to the Lyons. The remaining concerns are regarding substantial damage to scenic resources and creation of new source of glare affecting day. The initial study did not identify an impact to scenic resources as the site is not located along a designated scenic route and does not contain rock outcroppings or historic buildings. Although trees would be removed, replanting of trees is required (COA #20). The proposed residences*

would not create new source of glare affecting day, as the design of the residences do not include reflective materials. In addition to the trees replanted, additional landscaping will be required to screen the proposed residences (COA #26).

- C. Mike and Sarah Johnson of 3319 Freeman Road, Walnut Creek: In a letter dated August 20, 2017, the Johnsons indicated their concerns regarding the following: Opposed to amendment from SM to SH to allow six residential lots; Proposal too cramped with six residential lots; Privacy invasion of two-story building and butting against neighbors on Freeman would be intrusive; Opposed to the removal of 13 trees, since it would reduce privacy, increase noise and light pollution from new residences and Olympic Blvd; Opposed to altering a natural creek that flows through property; and project will create traffic hazard with cars entering and exiting properties close to a major intersection.

Staff's Response: The concerns indicated by the Johnsons are similar to those raised by the Lyons and the Lees. Responses to these concerns have addressed above.

VII. STAFF ANALYSIS

- A. General Plan Consistency: The current General Plan land use designation for the subject property is Single-Family Residential-Medium Density (SM). The project involves an amendment to the General Plan designation from SM to Single-Family Residential-High Density (SH). Per the SH designation, a density range of 5.0 to 7.2 single-family units per net acre is allowed. The subject property is 0.96 acres (gross) and 0.79 acres (net). Based on the net acreage, a maximum of six units would be allowed. The proposed subdivision would be within the density allowed for the property. The applicant originally proposed seven lots at the time of submittal for the General Plan Amendment Feasibility Study in December 2015. However, the applicant has since reduced the proposal to six lots to comply with the density range allowed for the subject property. Furthermore, the project involves the construction of single-family residences, which is consistent with the uses allowed in SH.

The subject property is located within the Urban Limit Line (ULL) and is consistent with the following policy:

- *Policy 3-8: Infilling of already developed areas shall be encouraged. In accommodating new development, preference shall generally be given*

to vacant or under-used sites within urbanized area, which have the necessary utilities installed with available remaining capacity, before undeveloped suburban lands are utilized.

The subject property is under-utilized, where at one time there were three residences. Additionally, a three-lot minor subdivision was approved in 2004, which was never exercised. A higher-density project would be appropriate immediately adjacent to a commercial cluster and a high-volume arterial such Olympic Boulevard. The project is an infill project in an already-developed area sandwiched between commercial uses and residential uses. The project would be a good transition from commercial properties at the intersection to the less-dense single-family residence to the north and west.

The following Transportation Policies of the County's Transportation Element also supports the project.

- *Policy 5-13: The use of pedestrian and bicycle facilities shall be encouraged. Property facilities shall be designed to accommodate bikes, pedestrians, and transit.*
- *Policy 5-24: Use of alternative forms of transportation, such as transit, bike, and pedestrian modes, shall be encouraged to provide basic accessibility to those without access to a personal automobile and help minimize automobile congestion and air pollution.*

According to comments from staff of the Transportation Planning Section, the County will be implementing bicycle and pedestrian improvements along Olympic Boulevard, as identified in the Olympic Corridor Trail Connector Study, near the subject property. Frontage improvements to the subject property along Olympic Boulevard are required to conform to the standards identified in the study. According to Figure 5-3 of the Transportation and Circulation Element, the subject property is located within a Transit Network Plan and within Local Transit Service Area. Alternative modes of transportation are within close proximity to the property and are accessible for the housing provided. As proposed, the project is consistent with the County's General Plan, especially the goal to reduce greenhouse gas emissions by establishing housing within an area that provides multimodal access.

The project is also consistent with the following Housing Goal and Policy of the County's Housing Element.

- Goal 6: Provide adequate sites through appropriate land use and zoning designations to accommodate the County's share of regional housing needs.
- Policy 7.3: Encourage P-1 zoning areas with concentrations of applicants seeking variances.

The subject property is located within the Saranap area of the County. This area is an established neighborhood. Lots located north of the subject property were created through the Sunny Valley Orchard Farms Subdivision recorded in 1946. Lots southwest of the property were created through the Hillside Terrace Tract recorded in 1946. The subject property is not part of the subdivision to the north or any other subdivision. A previous three-lot minor subdivision was approved for the subject property in 2004, which has not been implemented. This lot is under-utilized and the subdivision is an infill project, which would be appropriate for the location. Rezoning of a property less than the required five acres for residential uses in a P-1 Zoning District was approved in 2015 for a 1.12-acre property located south of the subject property off Tice Valley Boulevard (Westborough Condominium).

The six residential lot subdivision with two parcels designated for the private road for the subdivision and six guest parking spaces complies with the SH General Plan land use designation and applicable General Plan policies.

Housing Element Compliance: In order to assess whether this residential development application is in any way subject to the requirements of California Government Code Section 65863, staff reviewed the site inventory for the adopted 2009 Housing Element and determined that the subject property is not among the parcels listed in the inventory of residential sites, which were relied upon to meet the County's share of regional housing needs.

- B. Zoning Compliance: The subject property is located within the Single-Family Residential (R-10) Zoning District. The project involves a rezoning of the property from R-10 to a Planned Unit District (P-1). The project involves the subdivision of the subject property into six residential lots with two parcels for the private road that will serve the property and for six guest parking spaces. The properties will range from 3,196 to 9,660 square feet in size. Parcel A provides access to the properties and will be 6,348 square feet. Parcel B provides guest parking spaces and will be 1,348 square feet. There are three

floor plans proposed. Plans One and Two consist of four bedrooms and four bathrooms with a two-car garage. Plan Three consists of five bedrooms and four bathrooms, with a two-car garage. The proposed residences will be two stories, with Plan Two being the tallest at 26 feet 10 inches.

There are no minimum lot sizes, height, or setback requirements in the P-1 Zoning District. However, in approving a Planned Unit District, the development must be a residential environment of sustained desirability and stability, and in harmony with the character of the surrounding neighborhood. Further, the P-1 zoning is intended to provide flexibility of site design, building massing, setbacks, and height. The proposed subdivision is found to be consistent with the neighborhood that includes one-story and two-story homes, within a residential developed area, as well as adjacent to commercial uses. The proposed project is located on a property that is a good transition from commercial properties at the intersection of Olympic Boulevard and Tice Valley Boulevard/Boulevard Way to the less-dense single-family residences to the north and west.

Site Plan Analysis: The subject property is accessed from Olympic Boulevard and will continue to serve the property. There will be two 24-foot wide driveways providing access to the property. The driveways connect in a horseshoe shape for the 20-foot wide private road, which will be parallel to Olympic Boulevard. The proposed residences are located closer to the private road, since there is an existing creek along the entire rear yard of the property and the property is long and narrow. The interior lots (Lots 3, 4, and 5) are the closest to the front property line at 3 feet, 8 feet and 5 feet, respectively.

The guest parking area will be located between Lots 5 and 6, which provides six parking spaces 8 feet wide by 17 feet deep. The project is not required to provide guest parking spaces; however, given the limitations and inability to accommodate street parking on Olympic Boulevard, the applicant has included guest parking for the subdivision. Although the six parking spaces is for the subdivision, Lots 2, 3, 4, and 5 will likely use the spaces, as these lots do not have a driveway that can accommodate guest parking. The exterior lots (Lots 1 and 6) have driveways that can accommodate guest parking.

There are no sidewalk improvements on the property and in order to comply with the County's Subdivision Ordinance, a required sidewalk along the entire frontage shall be installed. The applicant has proposed a meandering sidewalk that extends beyond the existing street-right-of-way in order to preserve

mature trees along the frontage of the property.

- C. Appropriateness of Use: The project involves the subdivision of a parcel into six residential lots and two common parcels. Each lot will have a new residence – six new residences and the two parcels will be used for guest parking and the private road. There is one existing residential building on-site that will be demolished. Use of the site for residential buildings is a permitted use, consistent with the surrounding area that consists of a variety of uses such as single-family residences, duplexes, retail businesses and commercial uses. Furthermore, the project will provide additional housing to the area.
- D. Stormwater Management and Discharge Control Ordinance: A Stormwater Control Plan (SWCP) is required for applications if at least 10,000 square feet of area can be identified for development. A SWCP was received February 13, 2017, for the review and approval of the Public Works Department, in compliance with the Stormwater Management and Discharge Control Ordinance (§1014), and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This report has been deemed "preliminarily complete".

Provision C.10, Trash Load Reduction, of the County's NPDES permits requires control of trash in local waterways. To prevent or remove trash loads from municipal storm drain systems, trash capture devices should be installed in catch basins (excludes those located within a bioretention/stormwater treatment facility). Devices must meet the County's NPDES permits and be approved by the Public Works Department. The location must be approved by the Public Works Department.

- E. 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. There are existing drainage facilities near the southeast corner of the subject property that are part of the Drainage Area 15A infrastructure. These intercept the runoff from the site and convey it to Las Trampas Creek.

Chapter 914-14, Rights of Way and Setbacks, of the County Subdivision Ordinance requires relinquishment of development rights over that portion of the site that is within the structure setback area of the adjoining creek. This prescribed setback will have an enormous impact on the developable area of these parcels. The prior subdivision requested and received an exception from these requirements provided they submitted geotechnical reports addressing potential soil and bank instability and recommendations to mitigate any such concerns. Similarly, the applicant has submitted a similar exception request dated July 14, 2016. The Public Works Department has reviewed this exception request and is not opposed to it.

- F. Traffic and Circulation: The property lies along the north side of Olympic Boulevard west of the intersection with Boulevard Way/Tice Valley Boulevard. A small neighborhood shopping center lies adjacent to the east, between the subject property and the intersection.

Curb has been installed along the entire frontage, but there are no sidewalk improvements. The sidewalk terminates at the east property line and continues along the adjacent western frontage. The County Subdivision Ordinance requires sidewalk construction along the entire frontage. In an attempt to preserve some of the mature trees along the frontage, the applicant proposes to construct a meandering sidewalk that extends beyond the existing street right of way. A public easement to encumber this sidewalk/path will be required.

The applicant proposes to construct a 20-foot wide private road parallel to Olympic Boulevard on-site to provide access to the proposed lots with driveway cuts at each end to allow through access to the public street. The channelization striping at the eastern intersection will limit it to right turn ingress/egress only. The striped island and channelization will be replaced with a paved median to prohibit illegal turning movements at this intersection.

Due to the abrupt turning motions coming from Olympic Boulevard and around the interior curves, concern was raised as to whether emergency vehicles and single unit trucks could adequately negotiate the road. A turning exhibit was prepared by the applicant, which was conditionally approved by the Fire District per their letter dated February 14, 2017.

The applicant will be required to remove and replace any broken, cracked and

displaced curb, gutter, and sidewalk along the project frontage of Olympic Boulevard. Concrete should be saw cut prior to removal. Existing lines and grade should be maintained. New curb, gutter and sidewalks should be doveled into existing improvements.

No on-street parking is allowed on Olympic Boulevard. Provisions for guests, etc., will need to be accommodated on-site.

- G. Trees: A total of 53 trees were surveyed, which includes several large mature native oaks, bays, buckeyes, English walnuts, and a few non natives as well around the perimeter of the property. The project involves the removal of 13 trees and additional work within the dripline of 18 trees. An Arborist Report has been submitted providing recommendations for the trees to be saved during the construction activities. A condition of approval (COA #22) has been included to require that the applicant comply with the recommendations in the report. Additionally, conditions of approval requiring restitution for the tree removed and contingency restitution for the trees to be protected during construction activities are also required (COA #20 and 21).
- H. Variance/Exceptions: A request for a variance to the required minimum lot size of five acres (0.96 acres proposed) for the rezoning of a property to a Planned Unit District for residential use is included in the project. Findings to support approval of the variance requests are discussed in the attached Findings and Conditions of Approval section.

Additionally, a request for an exception to the creek structure setback is also included in the project. Findings to support the approval of the exceptions are discussed in Section VII (e) above and in the attached Findings and Conditions of Approval section.

VIII. CONCLUSION

The proposed project will be consistent with applicable goal and policies of the General Plan, and also with the intent of the proposed P-1 district. 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 Board of Supervisors for the remaining project elements.

Attachments:

1. Findings and Conditions of Approval
2. Maps (General Plan, Zoning, Aerial Photograph)
3. Comments Received During Public Review Period
4. Mitigated Negative Declaration
5. Mitigation Monitoring Reporting Plan
6. Agency Comments
7. Vesting Tentative Map and Residential Plans

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