

County Planning Commission Staff Report



Department of Conservation and Development

County Planning Commission

Wednesday, February 27, 2019 – 7:00 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Eight-Unit Townhome Subdivision in Pacheco
County File(s):	County Files #GP16-0007, RZ17-3237, SD17-9466, DP17-3010
Applicant:	AYM, LLC.
Owner:	AYM, LLC.
Zoning:	Single-Family Residential (R-6) to Planned Unit District (P-1)
General Plan:	Office (OF) to Multiple-Family Residential-Medium Density (MM)
Site Address/Location:	214 Center Avenue, Pacheco, CA APN: 125-120-017
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 applicant requests for approval of a General Plan Amendment, Rezoning, Final Development Plan, and Subdivision to develop a 0.49-acre parcel into eight townhome style residences, with a private road, and guest parking. The residential lots range in size from 1,349 to 1,836 square feet, with the proposed townhomes ranging in size from 2,199 to 2,203 square feet of living area. The townhomes will consist of three two-unit buildings and two single-unit buildings. The buildings will be three stories, with two-car garages. The residences will be accessed via a "T"

shaped private road accessed from Center Avenue. The project will include the installation of site improvements including, landscaping improvements, clean water facilities, roadway and storm drain improvements. The applicant also requests a variance to the minimum lot size requirement of 5 acres of the Planned Unit Zoning District, P-1 and a variance to the 10-foot public road setback for Lots 4-8. An exception to the private roads design requirements of Title 9 is also requested. Removal of five code-protected trees from the property and two additional trees on Center Avenue is proposed. Grading on-site involves exporting of approximately 2,424 cubic yards of dirt. The request for a General Plan Amendment is to change the designation of the subject property from Office (OF) to Multiple-Family Residential-Medium Density (MM) and to rezone the subject property from Single-Family Residential (R-6) to a Planned Unit District (P-1).

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 December 12, 2018, Mitigated Negative Declaration reflects the County's independent judgment and analysis.
- B. APPROVE the proposed Vesting Tentative Map (County File #SD17-9466) and Title 9 exception 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 December 12, 2018, 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 #GP16-0007) to Multiple-Family Residential-Medium Density (MM).
3. APPROVE the proposed Rezoning (County File #RZ17-3237) to Planned Unit District (P-1) with a variance request to the required five-acre minimum lot size.
4. APPROVE the Final Development Plan (County File #DP17-3010) along with the associated Tree Permit and variance entitlements.
5. DIRECT staff to file a Notice of Determination with the County Clerk.

III. GENERAL INFORMATION

- A. General Plan: The subject site has an Office (OF) General Plan designation.
- B. Zoning: The subject site is located in a Single-Family Residential (R-6) 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 Air Quality, Cultural Resources, Geology and Soils, and Noise, along with mitigation measures that would reduce the impacts to a less-than-significant level, which the applicant has agreed to. The public review comment period for the MND extended from December 12, 2018 to January 2, 2019. Two comments were received within the comment period and are discussed in Section VI.
- D. Origin of Parcel: It is not clear how the subject property was created; however, the applicant has filed a subdivision application and through this process will comply with the requirements of the State's Subdivision Map Act and the County's Title 9 – Subdivision Ordinance.
- E. Previous Applications:
 1. PR12-0002: A preapplication for a proposed six-lot subdivision was submitted to the County.

2. PR06-0002: A preapplication for a proposed multiple-family residential development was submitted to the County.

IV. SITE/AREA DESCRIPTION

Surrounding Land Uses: The subject property is a vacant property is located west of the intersection of Center Avenue and Aspen Drive, within an urbanized area surrounded by office and residential uses. The Pentecostal Church of God and parking lot is directly north of the subject property. The William T. Hendrick House, a historically designated building is located on a property that is directly west and a multiple-family residential development is located directly northwest of the subject property. Contra Costa County Fire Protection District – Station 9 is located south of the subject property across Center Avenue. Grayson Creek is approximately 164 feet east of the property. Residential uses are further west and south of the subject property.

Site Description: The subject site is an approximately 0.49-acre vacant irregular shaped parcel that fronts on Center Avenue. The property slopes upward from Center Avenue to the rear of the property. There are approximately seven trees on the subject property, where several are small trees that are not considered code-protected trees. Five trees that will be removed consist of several large mature native oaks, almond, and ailanthus trees. There are two street trees on Center Avenue that are directly in front of the subject property and other trees near the western and northern property line, located on the boundaries of the neighboring William T. Hendrick House and multiple-family residential development, and the Pentecostal Church of God property.

V. PROJECT DESCRIPTION

The applicant requests a General Plan Amendment to change the designation of the subject property from Office (OF) to Multiple-Family Residential-Medium Density (MM) and to rezone the subject property from Single-Family Residential (R-6) to a Planned Unit District (P-1). The request also includes an approval of a Vesting Tentative Map to subdivide the 0.49-acre vacant property into eight residential lots (ranging in area from 1,349 to 1,836 square feet) and a common lot - Lot 9 (9,789 square feet) for the private driveway and six guest parking spaces, and approval of a final development plan for the entire project including the eight townhomes, private roadway, landscaping improvements, and all other related improvements. Living areas range in size from 2,199 to 2,203

square feet and will include a two-car garage for each residential unit. Lots 2 and 3, 4 and 5, 6 and 7 consists of attached townhomes. Lots 1 and 8 will each consist of a detached residential building.

There are two floor plans for the proposed project. The buildings will be three stories and will have two car garages with a maximum height of approximately 38 feet 3 ¹⁵/₁₆". The proposed residences are generally traditional in design and incorporate features from a Queen Anne design to provide some consistency with the adjacent William T. Hendrick house, a nationally registered historic building. The features of the Queen Anne design incorporated in the design of the proposed residences include gabled roofs, double hung style windows, and corbels. The residence will also include composition shingle roofing, horizontal lap siding, vertical siding on the first floor, and stone veneer at the front of the residence. A balcony will be located on the second floor. The details of the floor plans are described below.

	Living Area (sq. ft.)	Number of Bedrooms	Number of Bathrooms	Height
Plan One (Lots 1 & 8)	2,203	4	4	38' – 3 ¹⁵ / ₁₆ "
Plan Two (Lots 2, 3, 4, 5, 6, 7)	2,199	4	4	36' – 6 ¹⁵ / ₁₆ " 38' – 3 ¹⁵ / ₁₆ " (Lots 4 & 5)

The subject property is accessed from Center Avenue and will continue to serve the property. A proposed 20-foot wide "T" shaped driveway will provide access to the property. The private road, identified as part of Lot 9 consist of approximately 9,789 square feet. In addition to containing the private road, Lot 9 will also contain four guest parking spaces located between Lots 1 and 2 and two additional guest parking spaces located east of Lot 3. All guest parking spaces will be 9 feet wide by 19 feet deep.

In order to provide some amenities for future residents, a bench and a picnic table will be provided north of the four parking spaces between Lots 1 and 2. An additional picnic table will be provided north of the two parking spaces area located east of Lot 3. A retaining wall varying in height from 5 inches to a maximum height of 7 feet 3 inches will be provided along the western, northern, eastern property lines. A 4-foot tall fence on top of the retaining wall will be added to the portion along the western, northern, and northeastern property lines. The project will include approximately 6,435 square feet of landscaping on the subject property. Replacement trees will be provide along the perimeter of the northeastern portion of the subject property, along Center Avenue. Smaller sized

accent trees and shrubs will be located throughout the property.

The applicant requests a variance to allow the rezoning of a 0.49-acre property from R-6 to P-1 (where 5 acres is the minimum lot size for residential uses) and a variance to the public road setback requirement for Lots 4 to 8 to allow down to 3 feet (where 10 feet is required) for the closest portion of the building, which is the porch. County Code Section 98-6.010 requires changes of grade in vertical alignment of street shall be made with parabolic vertical curves. However due to the required location of the site access relative to existing roadways, the difference in elevation between the back of the property and the front and the required minimum length of the vertical curves, it is impossible to fit a road using the two necessary vertical curves on the parcel. Therefore, an exception to this design requirement for a private road is also requested. Removal of five code-protected trees from the property and two additional trees on Center Avenue is proposed. There will be grading on-site involving approximately 2,424 cubic yards of dirt will be exported.

VI. AGENCY COMMENTS

- A. Conservation and Development, Building Inspection Division: In a memo dated May 15, 2018, the Division provided comments requiring compliance with current building codes.
- B. Conservation and Development, Housing Programs: In an updated memo dated May 22, 2018, staff has accepted the housing plan submitted and has provided conditions of approval (COAs# 8, 9, and 10).
- C. Conservation and Development, Advance Planning: In a memo dated April 23, 2018, staff responded with no comments.
- D. Health Services Department, Environmental Health Division (CCEH): In a memo dated May 23, 2018, the Division provided comments indicating a permit is required for any well or soil boring, and abandoned wells and septic tanks must be destroyed under a permit from Environmental Health. CCEH also indicated that debris from construction or demolition activity must go to a solid waste or recycling facility and non-source separated waste materials must not be brought back to the contractor's yard, unless the facility has appropriate solid waste permit or EA notification.
- E. Central Contra Costa Sanitary District (CCCSD): In a memo dated May 9, 2018,

the District provided comments indicating that the property is within the CCCSD's service area.

- F. Contra Costa County Fire Protection District: In a memo dated April 30, 2018, the Fire District provided comments indicating compliance with the 2016 California Fire Code (CFC), 2016 California Building Code (CBC), 2016 California Residential Code (CRC), and Local and County Ordinances.
- G. Contra Costa Water District (CCWD): In a memo dated May 16, 2016, CCWD provided comments indicating that CCWD provides water services to the subject property and indicated their requirements related to separate connection and meter for each lot, separate meter for landscape irrigation, relocation and/or abandonment of CCWD facilities, and appropriate backflow prevention for all services where sprinkler systems are installed.
- H. Local Agency Formation Commission (LAFCO): In a memo dated May 18, 2018, LAFCO indicated that the property has all necessary services (fire, sewer, water).
- I. California Historical Resources Information System (CHRIS): In a memo dated May 7, 2018, CHRIS recommends the preparation of an archaeological study. Since the subject property is located adjacent to a parcel containing a recorded building with the National Register and the California Register, and if the project area contains any building or structure over 45 years, a report prepared by a qualified professional familiar with the history and architecture of Contra Costa County shall also be prepared. CHRIS also recommends the applicant contacting Native American tribes for traditional, cultural, and religious heritage values.
- J. Public Works Department, Engineering Services Division: A letter dated July 16, 2018, provided the Department's conditions and approval.
- K. Public Works Department, Transportation Engineering: A letter dated April 27, 2017, provided the Department's comments that includes the following: street-type connection with Center, abutter's rights of access, turn-around on-site, parking impacts on Center Avenue, and no stairs on road right-of-way.
- L. County Geologist Darwin Myers: In a letter dated January 15, 2018, Mr. Myers peer reviewed the project and recommended mitigation measures.
- M. Wilton Rancheria: In a memo dated October 23, 2018, Wilton Rancheria

submitted comments indicating that there is a possibility that ground disturbance could uncover Native American artifacts and/or human remains and recommends that the applicant should immediately stop construction and notify Wilton Rancheria and the appropriate Federal and State agencies.

This recommendation is included in the conditions of approval (COA) #29.

- N. Pacheco Municipal Advisory Council (PMAC): In a memo dated February 13, 2019, the PMAC provided comments indicating concerns about the traffic flow on Aspen and Center Avenue should not be disrupted more than what is necessary during construction.

A condition of approval (COA #35) is included that limits the hours of construction and requires the applicant to minimize project-related disruptions to the adjacent properties.

No comments were received from the City of Pleasant Hill, Mt. Diablo Unified School District.

VII. ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) was prepared for the project. The MND identified impacts to Air Quality, Cultural Resources, Geology and Soils, and Noise impacts, which would be reduced to less-than-significant levels with the proposed mitigations. Two letters were received from the Local Agency Formation Commission (LAFCO) and the Contra Costa County Fire Protection District. Below is a summary of the comments received and staff's response.

- A. Local Agency Formation Commission (LAFCO): In a memo dated January 2, 2019, LAFCO indicated that since the project is located within the boundaries of the Contra Costa County Fire Protection District, Contra Costa Water District, and Central Contra Costa Sanitary District, and therefore would not need LAFCO's approval.

Staff's Response: *Comment noted.*

- B. Contra Costa County Fire Protection District: In a letter dated August 20, 2017, the Fire District provided their comments indicating compliance with the 2016 California Fire Code, 2016 Building Code, and the 2016 California Residential Code, and Local and County Ordinances.

Staff's Response: The applicant is required to comply with the requirements of the Fire District.

VIII. STAFF ANALYSIS

- A. General Plan Consistency: The current General Plan land use designation for the subject property is Office (OF). The project involves an amendment to the General Plan designation from OF to Multiple-Family Residential-Medium Density (MM). Per the MM designation, a density range of 12.0 to 21.9 multiple-family units per net acre is allowed. The subject property is 0.49 acres (gross) and according to the applicant, 0.41 acres (net). The applicant originally proposed nine lots at the time of submittal for the project. However, the applicant has since reduced the proposal to eight lots to allow a more feasible design of the project, including the design of the access and circulation for the subject property. A maximum of nine units would be allowed based on the net acreage. As such, the eight-residential lot subdivision would be within the density allowed for the property. Primary land uses allowed in the MM land use designation include attached single-family residences (such as duplexes or duets), multiple family residences such as condominiums, townhouses, apartments, mobile home parks, and accessory structures normally auxiliary to the primary uses. The project involves establishing townhomes with two standalone buildings. Overall, the project involves the construction of multiple-family residences, which is consistent with the uses allowed in MM.

The following policies for the Center Avenue (Pacheco) Area are applicable for the subject property and the project is consistent with these policies.

- *Policy 3-103: The Plan for the area in Pacheco located generally along Center Avenue west of the flood control channel is designated for Multiple-Family Residential-Medium and High Density. The Plan endorses efforts to consolidate smaller parcels into logical groupings for the private redevelopment of areas from single-family homes to multiple-family residential uses.*

Although it would be ideal if the subject property were to be consolidated with smaller parcels, the adjacent parcels are developed either for an office use or a church.

- *Policy 3-104: The Plan recognizes the historical significance of the W.T.*

Hendrick house (218 Center Avenue) and encourages its continued preservation. Developments that surround the house should be designed in a fashion that compliments the structure and works toward its continued preservation.

The proposed buildings considered design elements of the Hendrick house. For example, the residential buildings will have gabled roofs, double hung windows, and corbels.

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 vacant and under-utilized. It is located between a dental office and a newly constructed office building, and a church is located directly north of the subject property. The project is an infill project and is consistent with similar development patterns in the surrounding area.

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 Figure 5-3 of the Transportation and Circulation Element, the subject property is located within a Transit Corridor and within Local Transit Service Area. Alternative modes of transportation are within close proximity to the property and are accessible for the housing provided. The County Connection route is located on Pacheco Blvd., which is approximately 570 feet

east of the subject property. The County Off-Street Parking Ordinance requires long-term and short-term bicycle parking to serve each land use to meet the bikeway goals of the Transportation and Circulation Element of the County General Plan. Based on the housing type, no long-term bicycle spaces are required. However, spaces for five percent of the number of bedrooms, or two spaces is required for short-term bicycle spaces. Based on the total number of bedrooms for the entire project (32 bedrooms), two spaces will be required. As a condition of approval (COA) #39 requires the applicant to identify the location for the required number of short-term bicycle spaces in accordance with County Code Section 82-16.412. 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 access to alternatives forms of transportation.

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 Pacheco area of the County. This area is an established neighborhood. An existing church is located directly north, a dental office is located west, and a newly constructed office building is located east of the property. Multiple-family residential development are located within the surrounding area of the property, more specifically a development located directly northwest of the subject property. This is an infill project similar to other projects on properties less than the required 5-acre minimum approved in the other areas of the County, more recently in the unincorporated areas of Walnut Creek.

The eight residential-lot subdivision with a parcel designated for the private road and six guest parking spaces complies with the MM 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-6) Zoning District. The project involves a rezoning of the property from R-6 to a Planned Unit District (P-1). The project involves the subdivision of the subject property into eight residential lots with a parcel for the private road and for six guest parking spaces. The lots will range from 1,349 to 1,836 square feet in size. Lot 9, approximately 9,789 square feet in size provides access to the properties and guest parking spaces. There will be three townhome buildings (Lots 2, 3 and 4-7) and two standalone buildings (Lots 1 and 8). There are two floor plans proposed. Both floor plans consist of four bedrooms and four bathrooms with a two-car garage. The proposed buildings will be three stories, with a maximum height of approximately 38 feet.

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 infill project is found to be consistent with the neighborhood that includes primarily of two-story homes, within a residential developed area, as well as adjacent to commercial uses.

- C. Site Plan Analysis: The subject property is accessed from Center Avenue, which will continue to serve the property. There will be one 20-foot wide driveway providing direct access to the property. Five of the eight units will front on Center Avenue, with varying setbacks from 3 to 5 feet to the closest point of the building, which is the porch. The remaining lots have entryways that are located on the northern portion of the property.

The project is not required to provide guest parking spaces; however, given the limitations and inability to accommodate street parking on Center Avenue and within the development, the applicant has included guest parking for the project. There will be four guest parking spaces located between Lots 1 and 2 and two additional guest parking spaces located east of Lot 3. All guest parking spaces will be 9 feet wide by 19 feet deep and located on the common parcel

- D. Appropriateness of Use: The project involves a general plan, rezoning, final development plan, and subdivision of a parcel into eight residential lots and one common area parcel. Each lot will have a new residence – eight new residences and one parcel will be used for the private road and guest parking. 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, multiple-family residences, office and commercial uses. Furthermore, the project will provide additional housing and the proposed general plan amendment and rezoning will remain consistent with the established development in the area.
- E. Stormwater Management and Discharge Control Ordinance: A Stormwater Control Plan (SWCP) is required for applications to subdivide land where the resulting project may result in a total amount of impervious surface area exceeding 10,000 square feet. Based on the buildable areas of Lots 1 through 8, and the impervious surface area for the private road (Lot 9), the total new impervious surface area will exceed the 10,000-square foot threshold. An adequate preliminary SWCP has been submitted with this application. However, the applicant will be required to revise the Final SWCP in the permit processing phase to use the newer revised template.

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 shall be installed in catch basins (excludes those located within a bioretention/stormwater treatment facility). Devices and locations must meet the County's NPDES permits and approved by Public Works Department.

- F. Drainage: The property is currently located within Drainage Area 88 and the Grayson Creek watershed. The site generally drains to Grayson Creek, which is east of the property. It appears that there are existing drainage facilities located along the project frontage on Center Avenue. The applicant will be required, as a condition of approval, to verify the adequacy of any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system is inadequate to handle the additional stormwater generated from the development, the applicant will be required to construct improvements to make the system adequate in order to satisfy the collect and convey requirements of the Ordinance code and be in compliance with Public Works Department design standards. The applicant will be required to obtain

access rights to make any necessary improvements to off-site facilities.

According to the applicant, it is anticipated that the existing drainage system will have adequate capacity to accept the storm runoff from the proposed infill project. If the existing drainage system is found not to have adequate capacity to convey the post-development storm runoff, the on-site storm drainage collection system will be designed such that the post-development storm runoff will not exceed the pre-development storm runoff flow. This would result in no negative net change to the capacity of the off-site storm drainage collection system. This would be accomplished by providing an on-site flow control structure, providing additional volume to the proposed bio retention areas, and providing larger pipe diameters for the on-site drainage collection system.

Three primary private storm drain lines will be constructed. One will be located in the private street and will take overflow from the bioretention basins serving as IMPs 6 and 7 on the north side of the property to the existing storm drain line in Center Avenue. The second will be located within the private road, will take runoff from the roofs of buildings 1, 2, 3, and 5 to the bioretention basin serving as IMP 8. The third will take overflow from the bioretention basins along the frontage of Center Avenue to the existing storm drain line in Center Avenue. A private "stormwater treatment" easement is proposed over the line along the project frontage on Center Avenue to ensure the line will be maintained and remain operational.

- G. Traffic and Circulation: The subject site is located on the north side of Center Avenue, west of Aspen Drive; both are public roads. The property is across the street from the Contra Costa County Fire Protection District Station No. 9.

Center Avenue is defined as an ultimate 64-foot wide road within an 84-foot right-of-way. The ultimate pavement width, alignment and right-of way alignment is based on the County precise alignment drawing. It appears that adequate right-of-way was obtained for the ultimate road design for a Center Avenue road project in the late 1970's. Therefore, additional right-of-way dedication is not required. Frontage improvements, which include curb, gutter, and sidewalk, appear to have been completed along this portion of Center Avenue.

The applicant is proposing a private on-site roadway system (Lot 9), to be owned and maintained by a Home Owners Association, that will have access from Center Avenue. The intersection with Center Avenue is proposed to align

with Blackwood Drive. The applicant proposes to construct minimum 20-foot wide private roads within a 25-foot wide Emergency Vehicle and Private Access easement on-site, which meets County standards for private roads.

Based on the Plot Plan Preliminary Grading Plan, it appears that the proposed road will not meet the requirements of Section 98-6.010 requiring parabolic vertical curves be used at changes of grade. It appears that the applicant has designed the portion of the private road between Center Avenue and the private cross-street within the site to County driveway standards, utilizing grade breaks rather than vertical curves. The applicant has requested an exception to the Section 98-6.010 requirement.

- H. Trees: A total of 13 trees were surveyed on the subject property, which includes two mature Valley oaks, Hindis Walnut, and other non-natives as well, located around the perimeter of the property. The project involves the removal of 5 code-protected trees on the subject property and two trees on Center Avenue. A condition of approval (COA) requiring restitution for the trees removed is included (COA #20). Two trees located outside the property, but are located along the northern and eastern property line have been assessed and recommendations by the arborist Darren Edwards, Advance Tree Service and Landscaping has provided recommendations to preserve the trees and to protect from the installation of the retaining wall along the northern and eastern portion of the property. Additionally, COA #22 has also been included to require that the applicant comply with the recommendations in the report.
- I. Landscaping: The project will include approximately 6,435 square feet of landscaping on the subject property. Replacement trees will be provided along the perimeter of the northeastern portion of the subject property, along Center Avenue, and smaller sized accent trees and shrubs throughout the property. The proposed landscaping is required to comply with the State's Model Water Efficient Landscaping Ordinance (MWEL), which is included as a condition of approval (COA #26).
- J. Variance/Exceptions: A request for a variance to the required minimum lot size of five acres for the rezoning of a 0.49-acre property to a Planned Unit District for residential use and a variance to the public road setback varying per lot from 3-5 feet for Lots 4-8 (where 10 feet is required) 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 Title 9 private roadway design

requirements (parabolic vertical curves) is also requested in the project. Findings to support the approval of the exceptions are discussed in the attached Findings and Conditions of Approval section.

IX. CONCLUSION

The proposed project will be consistent with applicable goal and policies of the General Plan, and also with the intent of the proposed General Plan (MM) designation and 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 (Parcel Page, 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