



Department of Conservation and Development

County Planning Commission

Wednesday, August 28, 2019 – 7:00 .P.M.

STAFF REPORT

Agenda Items #4a, 5a, 6a

As revised by County Planning Commission on August 28, 2019

(Additions shown with double underlining; deletions shown with double strikethrough)

Project Title:	Baltimore Court Single-Family Residential Project
County File:	SD17-9478, RZ17-3239, DP17-3054
Applicant/Owner:	1486 Investors, LLC (Applicant and Owner)
Zoning/General Plan:	R-6 and R-7 Single-Family Residential / SH, Single-Family Residential-High Density
Site Address/Location:	Northern terminus of Baltimore Court in the El Sobrante area in unincorporated Contra Costa County. (Assessor's Parcel Numbers 426-030-070, 426-030-071)
California Environmental Quality Act (CEQA) Status:	Mitigated Negative Declaration, SCH 2018122029
Project Planner:	Stan Muraoka, AICP, Senior Planner (925) 674-7781
Staff Recommendation:	Approve (See section II for full recommendation)

I. PROJECT SUMMARY

The applicant requests approval of the Baltimore Court Single-Family Residential Project, consisting of (A) a Rezoning of a vacant 6.44-acre residential property, (B) a 33-lot Subdivision including a Vesting Tentative Map, and (C) a Preliminary Development Plan for 30 single-family residences.

- A. Rezoning RZ17-3239: A Rezoning of a vacant 6.44-acre residential property, consisting of two Assessor's parcels, from the R-6 Single-Family Residential District and the R-7 Single-Family Residential District to a P-1 Planned Unit District. The Rezoning would allow clustering of the single-family homes while

setting aside land for hillside open space, storm drainage, and a restrictive riparian easement that was established in 2007.

- B. Subdivision SD17-9478: A Subdivision, including a Vesting Tentative Map, to subdivide the property into 33 lots, including 30 residential parcels, one hillside open space parcel, one storm drainage parcel, and a roadway parcel. A public street extension of Balmore Court would be constructed within the roadway parcel. The project includes the improvement of the private street section of Balmore Court between Lindell Drive and the Subdivision property to a public street, and on-site storm water drainage facilities to collect project-related storm runoff. The applicant also requests authorization of exceptions to the requirements of County Code Sections 98-4.002 (Minimum Width of Pavement and Right of Way – Collector Streets) and 99-6.016 (Horizontal Curves – Collector Streets).

- C. Preliminary Development Plan DP17-3054: A Preliminary Development Plan for the development of 30 single-family residences on the 30 residential parcels, accessed by a road extension of Balmore Court. The homes would be clustered with 20 homes accessed from the extension of Balmore Court via shared driveways. The remaining 10 homes would have individual driveway access to Balmore Court. The applicant also requests a Tree Permit to remove the few trees on the property that are outside of the 2007 restrictive riparian easement to accommodate development of the property.

II. RECOMMENDATIONS

Department of Conservation and Development, Community Development Division (CDD) staff recommends that the County Planning Commission:

- A. ADOPT Mitigated Negative Declaration/Initial Study (MND) SCH 2018122029 consisting of the draft MND and the Final MND, and the Mitigation Monitoring Program, based on the attached findings; 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.

- B. GRANT the exceptions to the requirements of County Code Sections 98-4.002 (Minimum Width of Pavement and Right of Way – Collector Streets) and 99-6.016 (Horizontal Curves – Collector Streets), as detailed in the attached findings.

- C. APPROVE Subdivision SD17-9478, including the Vesting Tentative Map, for the Balmore Court Single-Family Residential Project, based on the attached findings and subject to the attached conditions of approval.
- D. DIRECT staff to file a Notice of Determination.
- E. ADOPT a motion recommending that the Board of Supervisors:
 - 1. ADOPT Mitigated Negative Declaration/Initial Study (MND) SCH 2018122029, finding that: there is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment; the MND, consisting of the draft MND and Final MND, reflects the County's independent judgement and analysis, the MND is adequate and complete; and, the MND has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; 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 proposed Rezoning RZ17-3239 from the R-6 and R-7 Single Family Residential Districts to a P-1 Planned Unit District.
 - 3. APPROVE Preliminary Development Plan DP17-3054 for the P-1 District.
 - 4. DIRECT staff to file a Notice of Determination with the County Clerk.

III. GENERAL INFORMATION

- A. General Plan: SH, Single-Family Residential-High Density
- B. Zoning: R-6 Single-Family Residential, R-7 Single-Family Residential
- C. California Environmental Quality Act: A draft Mitigated Negative Declaration/Initial Study (MND), SCH 2018122029, was prepared and published for the application. The 34-day public review period for the draft MND started on December 12, 2018 and ended on January 14, 2019. The draft MND is included as Attachment 9. Five letters and one email were received in response to the

publication of the draft MND. A Final MND has been prepared that includes the written comments received on the draft MND, responses to the comments received, and two staff-initiated text changes, including two minor changes to correct typographical errors. The final MND is included as Attachment 10. A related Mitigation Monitoring Program is included as Attachment 11.

- D. Tribal Cultural Resources: On July 16, 2018, in accordance with Section 21080.3.1 of the California Public Resources Code, a Notice of Opportunity to Request Consultation was mailed and emailed to the Wilton Rancheria, the one California Native American tribe that has requested notification of proposed projects. Pursuant to Section 21080.3.1(d), there was a 30 day time period for the Wilton Rancheria to either request or decline consultation in writing for this project. To date, no response has been received from the Wilton Rancheria. However, the Wilton Rancheria previously requested tribal consultation in response to a consultation notice for a different project that led to a meeting between staff and a representative of the Wilton Rancheria. At that meeting, a tentative agreement was reached between staff and the Wilton Rancheria that the Native American tribe will be notified of any discovery of cultural resources or human remains on the site. Subsequently, the Native American Heritage Commission (NAHC) requested that pursuant to State law, the NAHC shall be notified of any discovery of human remains rather than the Native American tribe. The attached Conditions of Approval and Advisory Notes include conditions whereby the Wilton Rancheria will be notified of any discovery of cultural resources and the NAHC will be notified of any discovery of human remains on the site.

- E. Previous Applications:

LD153-62: A Land Division to create two lots on a 4.95-acre parcel at the northern terminus of Balmore Court, was approved on June 7, 1962.

LD261-62: A Land Division to create three lots on the 4.95-acre LD153-62 site, was approved on September 6, 1962. The three lots are historic parcels 35, 36, and 37 of Assessor's Book 426, Page 3.

RZ90-2898. This Rezoning, to rezone the 4.95-acre LD261-62 site, from the N-B Neighborhood Business District to a R-6 Single-Family Residential District, was approved by the Board of Supervisors on March 19, 1991. This R-6 zoning currently exists on historic parcels 35, 36, and 37 of Assessor's Book 426, Page 3.

SD90-7530: This 17-lot Subdivision was approved by the Board of Supervisors on March 19, 1991. SD90-7530 subdivided the 4.08-acre historic parcel 36 of Assessor's Book 426, Page 3 into 17 single family lots. Approval of the Tentative Map expired and the Final Map was never filed.

SD02-8647: This Subdivision, to subdivide the 4.08-acre SD90-7530 site into 17 single-family lots was submitted on April 18, 2002. The property was subsequently sold to KPR Balmore Manor, LLC, and the application was subsequently withdrawn on July 19, 2004.

PR04-0027: This Pre-Application Review was submitted by KPR Balmore Manor, LLC, on July 14, 2004. The application included a proposal for a subdivision to include 35 single-family residences on a 6.35-acre site that included the LD261-62 properties and adjoining historic parcels 6 and 7 of Assessor's Book 426, Page 3. Following the pre-application review, the developer submitted the SD04-8920 Subdivision application.

SD04-8920: This 25-lot Subdivision, submitted by KPR Balmore Manor, LLC, was approved by the Zoning Administrator on September 26, 2005. The Subdivision application included a Tree Permit to remove 30 protected trees on the property. The 25 residential lots on the PR04-0027 site were to be accessed by a private loop road off of Balmore Court. The existing private road section of Balmore Court north of Lindell Drive was to be improved as a public road and extended onto the Subdivision site. With the private loop road, the subdivision would have a density of 6.34 residential units per net acre and would meet the 5.0 to 7.2 residential units per net acre density requirement of the SH, Single-Family Residential-High Density, General Plan Land Use designation. The Final Map of Subdivision 8920 was filed on October 5, 2007 (505M47). The Final Map established the restricted development area along the riparian setback along the eastern boundary of the property. Although removal of existing structures and trees occurred subsequent to the filing of the Final Map, the subdivision was never constructed and no replacement trees were planted. On August 18, 2015, the Board of Supervisors approved a reversion to acreage of the Final Map. On September 3, 2015, a Map Reverting to Acreage for Subdivision 8920 was filed (526M1). The reversion dissolved the lots of the Final Map, created one legal lot, and retained the restricted development area along the riparian setback.

- F. PR17-0003: This Pre-Application Review was submitted by 1486 Investors, LLC, on March 16, 2017, with a Lotting Study for the SD04-8920 site that included 22

single-family residential lots along a roadway extension of Balmore Court. In developing this Lotting Study, the applicant had determined that the SD04-8920 loop road had substantial grading-related issues, and that the western and northwestern uphill portions of the site with slopes up to 30 percent should be retained as on-site open space. The March 2017 proposal had a density of 4.33 residential units per net acre, which would not meet the density requirement of the SH General Plan Land Use designation, and therefore, could not be approved. Subsequently, the applicant submitted a revised Lotting Study on May 12, 2017, that included 30 single-family residential lots that met the density requirement of the SH General Plan Land Use designation. Because the 30-unit project would not meet the development standards of the R-6 or R-7 Districts, staff advised the applicant that the project would need approval of a rezoning to a P-1 Planned Unit District, as provided for in the General Plan Land Use Element for properties in the SH designation.

IV. SITE/AREA DESCRIPTION

The 6.44-acre project site at the northern terminus of Balmore Court is the largest undeveloped property in the Balmore Court area, as shown on the aerial photo of the Balmore Court project vicinity in Attachment 2. There are a few other undeveloped or underdeveloped properties in the vicinity; however these properties are one acre or less in size. Balmore Court is a public street from Allview Avenue to approximately 60 feet north of Lindell Drive. Balmore Court continues north of the public street section as a private street for a distance of approximately 400 feet. The private street portion of Balmore Court has a pavement width of approximately 24 feet near Lindell Drive and tapers to approximately 17 feet six inches at the northern terminus.

Surrounding the project site to the south and west are single-family residences along Balmore Court, Lindell Drive, and Kelvin Road. Further south and west are single-family residences along Allview Avenue, St. Andrews Drive, and Mitchell Way. The residential buildings in this area are mostly one-story structures; some of the buildings are two-story structures or have two-story portions. The residential buildings do not have any predominant architectural style; however, the homes are similar in having either stucco or wood siding and tile or asphalt shingle roofing, with predominantly earth tone colors. The varying architectural styles add visual interest to the neighborhood, and give the area an overall positive semi-rural residential character.

The residential area is visually distinct from the commercial areas to the east and north along Appian Way and Fitzgerald Drive in the City of Pinole. The substantially larger commercial buildings include the Public Storage facility and Days Inn east of the project site along Appian Way. The parcels to the east are separated from the project site by an intermitted drainage channel along the eastern property boundary. The Pinole Vista shopping center along Fitzgerald Drive borders the project site to the north.

The project site has varying terrain. The site is relatively flat in the eastern portion near the intermittent drainage channel and slopes upward to the southwest, west and northwest towards Lindell Drive and the Pinole Vista shopping center. The drainage channel along the eastern property boundary leads to a storm drain facility at the northeast corner of the site. Elevations on the site range from 230 feet at the northeast corner to 300 feet at the westernmost corner. Slopes to the west are up to 30 percent, while slopes to the southwest and northwest are less steep.

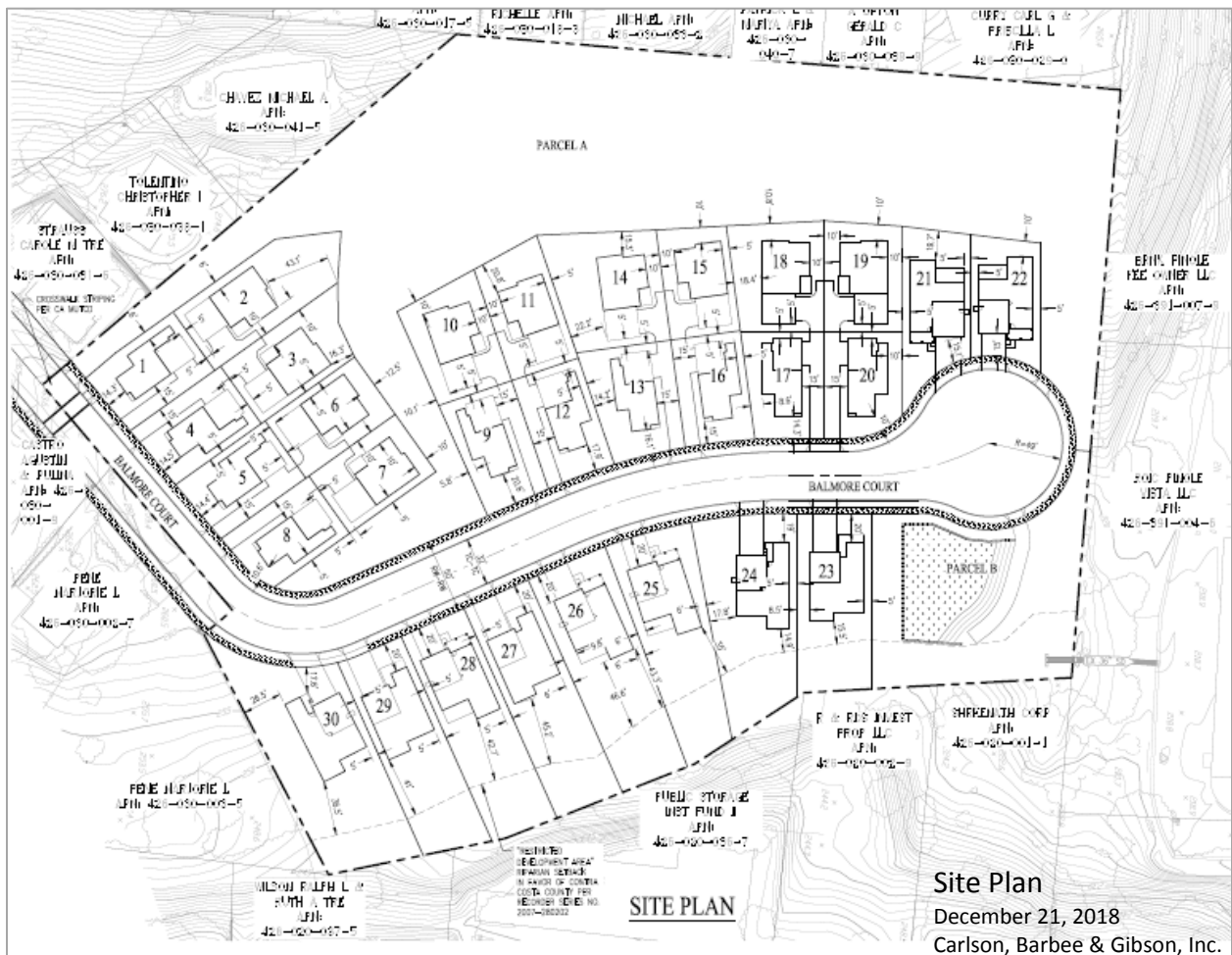
There is currently no structure or other impervious surface on the project site. Vegetation on the site consists a ruderal herbaceous plant community consisting of non-native plants and weeds on 95 percent of the site. The only significant habitat on the project site is the riparian woodland along the eastern boundary. The riparian habitat has been substantially compromised by prior development of parcels to the east and north of the property, such that the habitat now consists of a broken overstory of willow and walnut trees with an understory that is a mix of riparian and non-native landscape plants. There are a few trees on the project site outside of the riparian habitat, including a stand of seven redwood trees at the southwest corner of the site, a cluster of four willow and poplar trees near the redwoods, and a poplar tree and a stand of locust trees along the western boundary of the property.

V. PROJECT DESCRIPTION

The Balmore Court Single-Family Residential Project consists of proposed Subdivision SD17-9478, Rezoning RZ17-3239, and Preliminary Development Plan DP17-3054.

Subdivision SD17-9478: The project site consists of two Assessor's parcels that comprise one legal lot. The proposed project would create the 33-lot Balmore Court Subdivision out of the legal lot, as shown on the following page and on the Vesting Tentative Map Site Plan in Attachment 1. The Subdivision would include 30 single-family residential parcels, one hillside open space parcel (Parcel A), one storm

drainage parcel (Parcel B), and a roadway parcel that provides access to Balmore Court. The residential parcels would range in size from 3,254 sq. ft. to 10,231 sq. ft. with an average size of 4,832 sq. ft. The hillside open space parcel totaling 80,255 sq. ft. (1.84 acres) would be located generally west and northwest of the residential parcels. This parcel would collect storm water flowing downhill on the open space and direct it to a bio-retention area in the northeastern portion of the site. The 15,884 sq. ft. (0.36 acre) storm drainage parcel located in the northeast quadrant of the property would collect storm water from the subdivision in one large bio-retention area that would filter the runoff, allow percolation into the ground, and direct overflow to a City of Pinole storm drain inlet near the northeast corner of the site. The 0.91-acre roadway parcel would accommodate the extension of Balmore Court.



Twenty of the 22 residential parcels on the west side of the roadway parcel would be clustered with access to the street provided by five 20-foot wide shared driveways (private roads). Each shared driveway would provide access to four homes. The

remaining two residential parcels on the west side of the street and the eight residential parcels on the east side of the street would have direct access to the street. The storm drainage parcel and the residential parcels on the east side of the street include portions of the restrictive riparian easement that was established pursuant to a grant deed of development rights to the County in 2007 as part of the SD04-8920 Subdivision. The 0.91-acre restrictive riparian easement does not allow development within 25 feet of the intermittent drainage channel along the eastern boundary of the property, and thereby, would buffer project residences from offsite properties to the east.

As shown on the Preliminary Grading, Drainage & Utility Plan in Attachment 1, the Balmore Court Subdivision includes storm water drainage facilities that would collect storm runoff in storm drains along the street and in concrete ditches on Parcel A at the edges of the residential development. The runoff would be directed to a bio-retention area located near the northeast corner of the property on Parcel B. As described above, the eight residential parcels on the east side of the street include portions of the restrictive riparian easement. The applicant has requested an exception to the requirements of County Code Section 914-14.012 for the required structure setback for unimproved drainage channels. However the Public Works Department, Engineering Services Division has determined that because there is no definable bed or bank along the riparian easement, a creek structure setback is not necessary. Accordingly, this request for exception is also not necessary.

As part of the Subdivision, Balmore Court would be extended onto the roadway parcel. The public portion of Balmore Court is classified as a collector street, per County Code Section 94-4.012. This street serves as the principal entrance street from Allview Avenue to the homes along Balmore Court itself and along Lindell Drive. As a portion of a collector street, the Balmore Court extension is required to have a pavement width of 36 feet curb-to-curb within a 56-foot right-of-way, per County Code Section 98-4.002. The applicant has requested an exception to the requirements for a collector street and has proposed the road extension to be a public street with a pavement width of 32 feet within a 50-foot public right-of-way, with curbs, gutters, and sidewalks. In conjunction with this request for an exception, the applicant has also requested an exception to the requirements for the horizontal curve on a collector street. Pursuant to County Code Section 98-6.016, a collector street is required to have a radius of curvature in the centerline of the street to be at least 200 feet. The applicant has stated that due to the steep slopes on the western and northwestern portions of the property, and the riparian easement along the eastern boundary of the property, the alignment of the Balmore Court extension is

limited in its possible location. Consequently, allowing a centerline radius of 75 feet rather than 200 feet would facilitate a street alignment that fits the overall shape and topography of the project site.

An approximately 400-foot long section of Balmore Court north of Lindell Drive is currently a private street. On October 16, 2007, the County Board of Supervisors adopted Resolution No. 2007/588, whereby the County accepted offers of dedication from the six adjoining private property owners along this street section (see roadway offers of dedication in Attachment 8). As part of the current project, the applicant proposes to improve this section of Balmore Court to match the street improvement on the project site and have the improved section become a public street. Similar to the extension of Balmore Court, the improved section of the street will require the exception to the requirements for a collector street.

Rezoning RZ17-3239: The proposed Balmore Court Rezoning would change the zoning of the 6.44-acre project site from the R-6 and R-7 Single-Family Residential Districts to a P-1 Planned Unit District, to allow clustering of the single-family homes while setting aside land for hillside open space, storm drainage, and the restrictive riparian easement. The proposed P-1 Rezoning is shown on the Rezoning Map in Attachment 3. Attachment 3 also includes the RZ17-3239 Findings Map and the RZ17-3239 Pre-Ordinance.

Approximately $\frac{3}{4}$ of the 6.44-acre project site is in the R-6 District and approximately $\frac{1}{4}$ of the southwest portion of the site is in the R-7 District. However, residential development on the project site involves substantial constraints, including slopes of up to 30 percent on the western and northwestern portions of the site. Development of the uphill portions of the site would involve significant grading of the hillside, as well as installation of substantial infrastructure to minimize possible geotechnical issues related to such grading. In addition, the residential project would need to handle project-related increases in storm runoff, and maintain a buffer between project-related development and the restrictive riparian easement. These constraints significantly reduce the buildable portion of the site.

The SH General Plan Land Use designation has a density requirement of between the 5.0 and 7.2 residential units per net acre. As discussed in Section III.E (General Information, Previous Applications), the applicant submitted a Lotting Study in March 2017 for Pre-Application Review PR17-0003, for 22 single-family residences on the buildable portions of the site. Staff determined that this proposal could not be approved because it did not meet the General Plan density requirement.

As currently proposed, the Balmore Court extension would be located on 0.91 acres of the site, and the Balmore Court Subdivision would have 30 residential lots on the remaining 5.53 net acres, with a density of 5.42 residential units per net acre, and therefore, would be consistent with the SH General Plan Land Use density. However, given the 1.84 acres set aside for hillside open space, 0.36 acre set aside for project storm drainage, and the 0.91 acre within the restrictive riparian easement, the residential development would actually occur on 2.42 acres of the 6.44-acre site. Accordingly, the proposed Balmore Court Subdivision does not meet the development standards of the R-6 or R-7 Districts for lot size, lot width, lot depth, setbacks, and yards. As provided for in Section 307 of the General Plan Land Use Element (Land Use Designations), flexibility of development standards can be considered through a Planned Unit District zoning process, provided that the density is consistent with the General Plan designation.

The applicant has requested a rezoning to a P-1 Planned Unit District to allow for the clustering of homes, with reduced lot area, lot width, and lot depth requirements, reduced setbacks to a minimum of 10 feet, and reduced yards to a minimum of five feet. With respect to parking, the P-1 District would conform to the two off-street parking spaces requirement of the R-6 and R-7 District, and would add guest parking requirements that are not required for single-family residential uses in the R-6 and R-7 Districts. The standards of Balmore Court Proposed P-1 District are shown on the table on the following page. Attachment 4 includes a zoning comparison between the existing R-6 and R-7 Districts and the proposed P-I District.

Preliminary Development Plan DP17-3054: The applicant submitted a Preliminary Development Plan associated with Rezoning RZ17-3239. As shown on the preliminary architectural plans in Attachment 5, there are three basic architectural plans, including two plans for the single-family residences on Lots 1 to 20 that would have vehicular access via shared driveways, and one plan for the single-family residences on Lots 21 to 30 that have direct access onto the street extension.

The two plans for the “court homes” on the shared driveways include Plan 1 for the 10 single-family residences that would be adjacent to the Balmore Court extension. The Plan 1 homes would be 2,110 square-foot 4 bedroom 2½ bath two-story homes with 2-car garages. Plan 2 would be for the 10 single-family residences located west of the Plan 1 court homes. The Plan 2 homes would be 2,379 square-foot 3 bedroom 3 bath two-story homes with a den on the first floor, a loft on the second floor, and 2-car garages.

Baltimore Court - Proposed P-1 District

Item	P-1 District - Lots 1 to 20	P-1 District - Lots 21 to 30
Uses		
Permitted Uses	County Code Section 84-4.402, Uses - Permitted	County Code Section 84-4.402, Uses - Permitted
Conditionally Permitted Uses	County Code Section 84-4.404, Uses - Requiring Land Use Permit	County Code Section 84-4.404, Uses - Requiring Land Use Permit
Lots		
Lot Area	3,200 sq. ft. minimum	3,500 sq. ft. minimum
Lot Width	40 ft. average width minimum	40 ft. average width minimum
Lot Depth	60 ft. minimum	80 ft. minimum
Lot Coverage	50 percent (excludes porches)	50 percent (excludes porches and outdoor rooms)
Building Height	2½ stories or 35 ft. maximum	2½ stories or 35 ft. maximum
Yards		
Setback	15 ft. minimum to garage 10 ft. minimum to residence minimum to porch N.A.	20 ft. minimum to garage 15 ft. minimum to residence 10 ft. minimum to porch
Side Yard	5 ft. minimum 10 ft. aggregate minimum 3ft. minimum for accessory structure with a 50 ft. minimum setback	5 ft. minimum 10 ft. aggregate minimum 3ft. minimum for accessory structure with a 50 ft. minimum setback
Rear Yard	5 ft. minimum 3 ft. minimum for accessory structure	10 ft. minimum 3 ft. minimum for accessory structure
Other Improvements	Fence, wall, and hedge heights, swimming pools, portable buildings, shade structures, projections into yards and courts shall be consistent with the County Ordinance Code	Fence, wall, and hedge heights, swimming pools, portable buildings, shade structures, projections into yards and courts shall be consistent with the County Ordinance Code
Parking		
Off-Street Parking	2 parking spaces per lot	2 parking spaces per lot
Parking Requirements	9 ft. x 19 ft. minimum, covered, outside of setback and side yard areas	9 ft. x 19 ft. minimum, covered, outside of setback and side yard areas
Guest Parking	15 on-street parking spaces	2 parking spaces per lot, on driveways within setback areas
Parking of Boats, Recreation Vehicles, Motor Homes	Prohibited in setback areas	Prohibited in setback areas

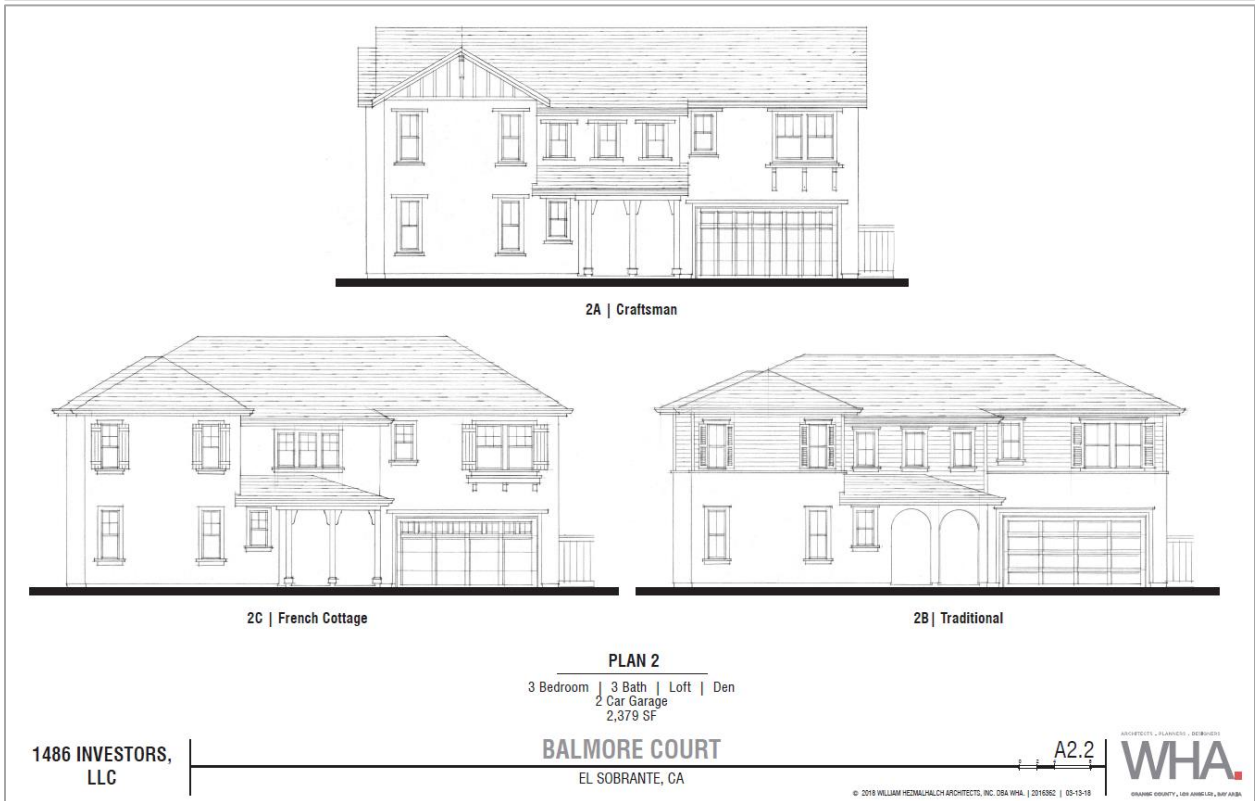
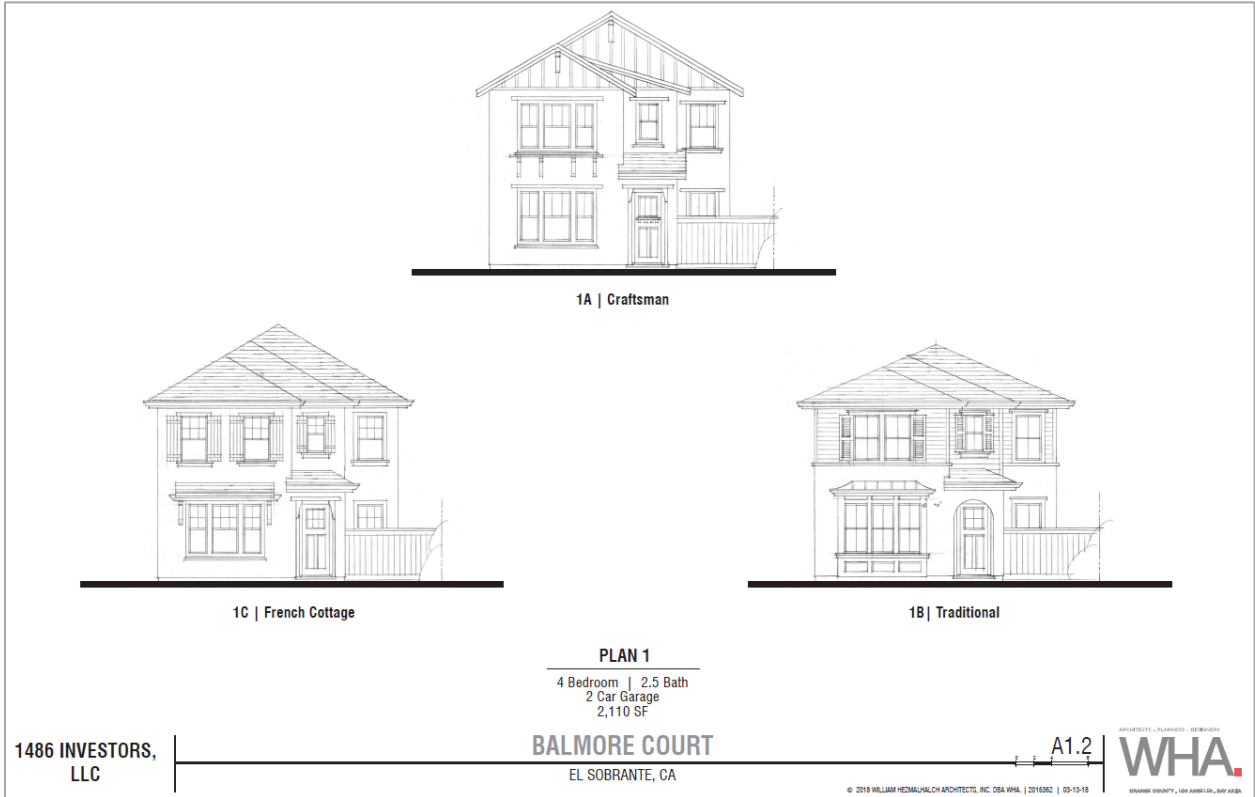
Plan 3 would be for the 10 single-family residences with direct access onto the Balmore Court extension. The Plan 3 homes would be 2,645 square-foot 4 bedroom 3 bath two-story homes with a bonus room on the second floor and 2-car garages. Each single-family residence would have an integrated 2-car garage. The garage would provide access into the combined kitchen-dining room-great room.

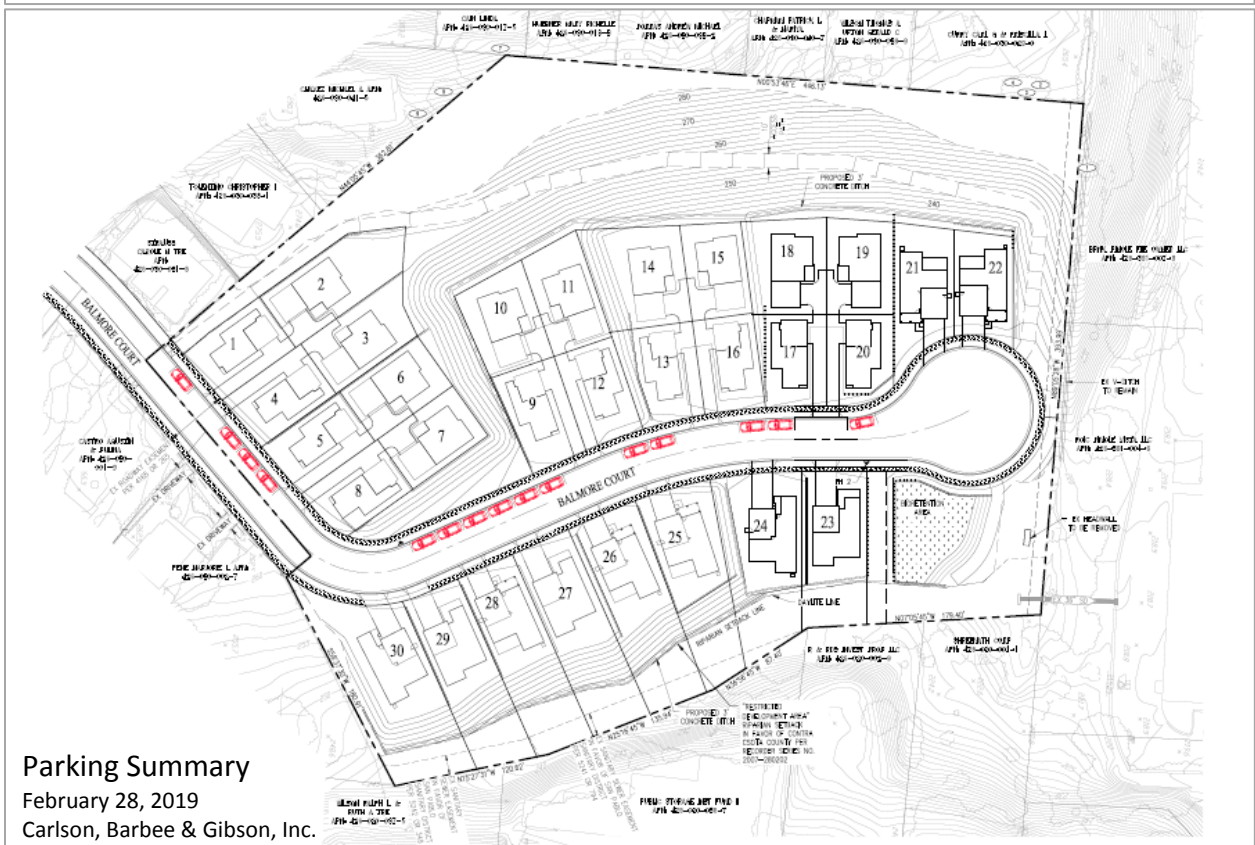
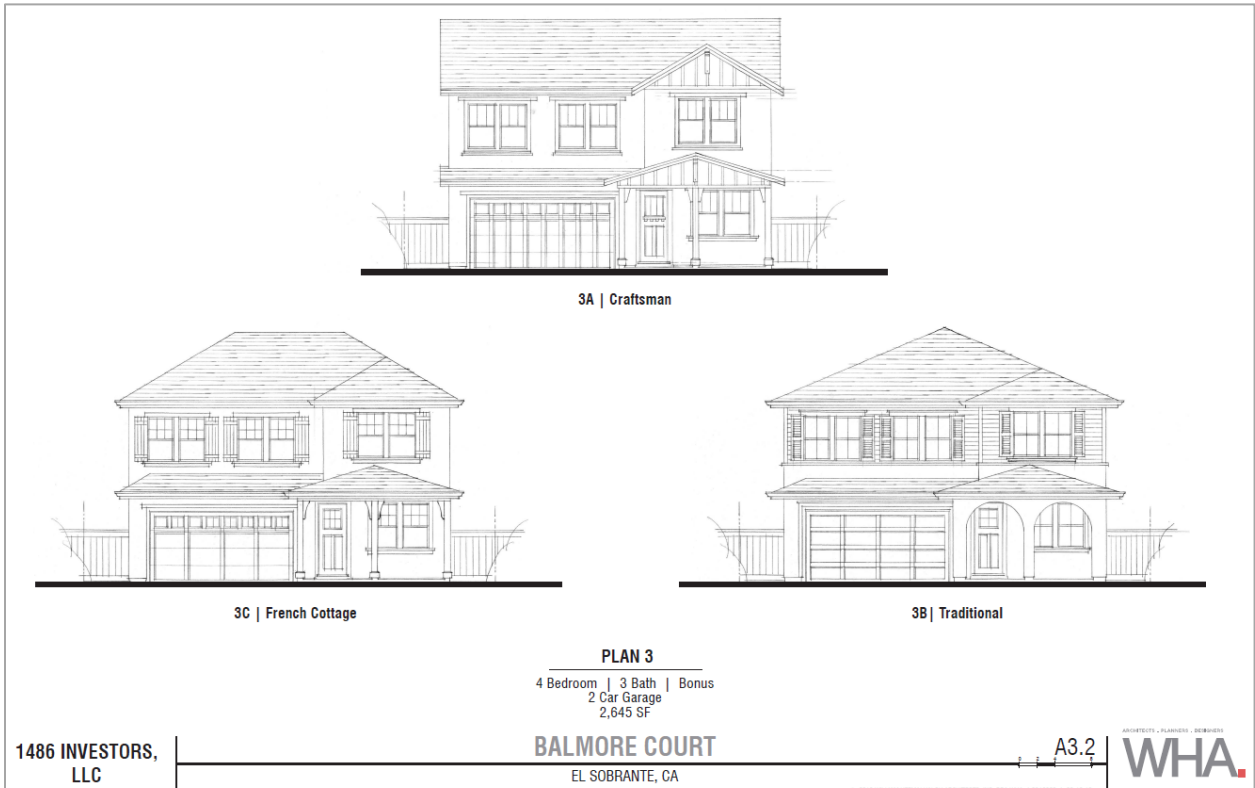
As shown on the following two pages, All homes would be offered in three architectural styles, including craftsman, traditional, and French cottage. The homes would have stucco walls with wood siding at select locations and asphalt shingle roofing, and would have earth tone colors. Use of such materials and colors is prevalent in the surrounding neighborhood.

As set in the proposed P-1 development standards, the maximum height of the two-story homes would be 35 feet. The building pads for the homes would be located on the site where existing elevations are a maximum of 260 feet. Given that the elevation at the westernmost corner is 300 feet, the maximum height of the new homes would generally be lower than elevations along the western site boundary.

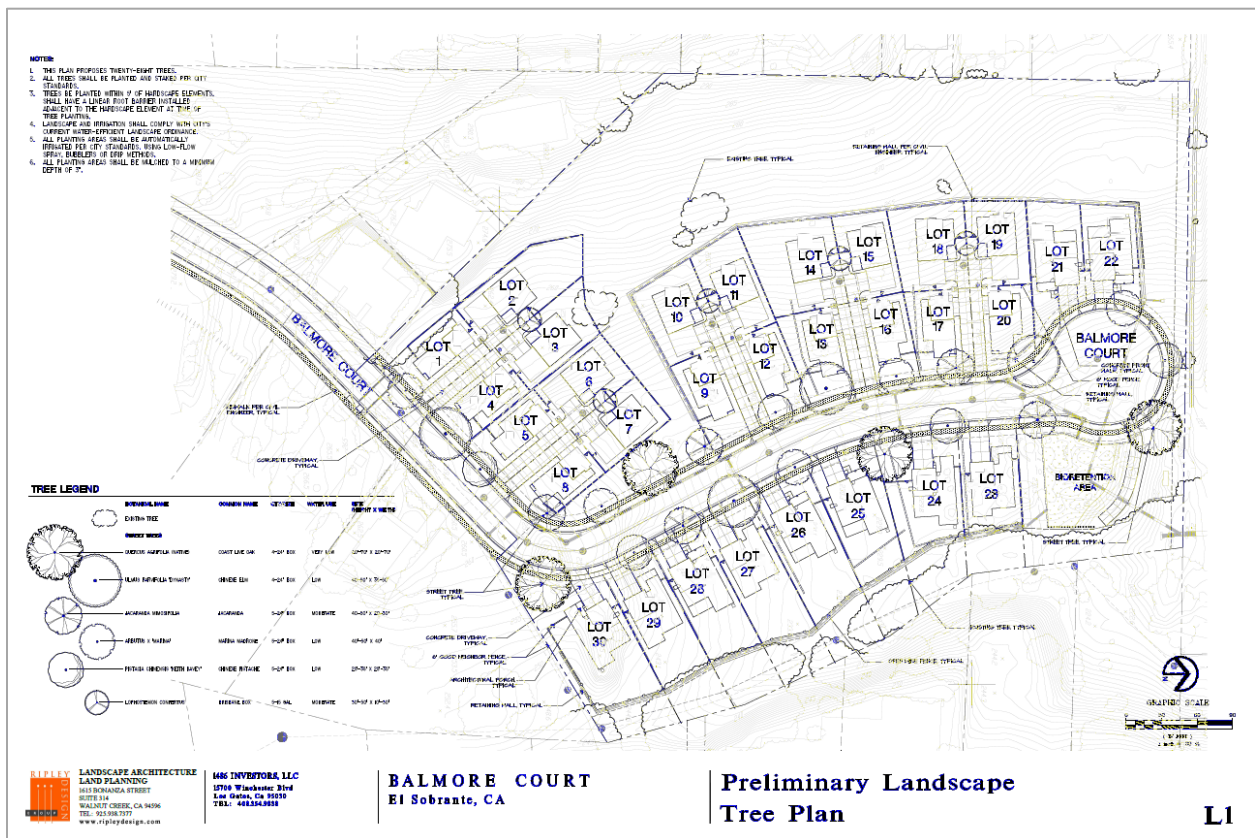
As shown on page 15 and on the Parking Summary in Attachment 1, the Balmore Court extension would allow on-street parking on the west side of the street, which would provide a total of 15 on-street guest parking spaces. Space would be available for an additional 20 guest vehicles on the driveway aprons of the 10 homes with direct driveway access to Balmore Court.

As part of the Preliminary Development Plan, the applicant has requested approval of a Tree Permit to remove 13 of the 20 protected trees on the project site outside of the restrictive riparian easement to accommodate development on the site. The trees proposed to be removed include a stand of seven redwood trees at the southwest corner of the site, a cluster of four willow and poplar trees near the redwoods, and a poplar tree and a stand of locust trees along the western boundary of the property. Previously, 30 trees were removed on the site under the SD04-8920 Tree Permit; however, none of the 16 trees required to be planted as restitution for the removed trees have been planted.





The applicant has proposed planting 28 trees as replacement for the trees to be removed and to fulfill the tree planting requirements of the SD04-8920 permit. As shown below on the Preliminary Landscape Tree Plan, which is also included in Attachment 1, 23 trees would be planted along the Balmore Court extension to provide street ambience and character, and five trees would be planted at the western end of the shared driveways to soften views of the Subdivision from offsite locations to the west. The overall tree planting ratio across the current SD17-9478 Subdivision and the SD04-8920 Subdivision would be 65 percent (28 trees to be planted for 43 removed). This ratio is higher than the 53 percent ratio for the previous SD04-8920 project (16 trees to be planted for 30 removed).



Construction of the Balmore Court Single-Family Residential Project would be staged. The applicant anticipates the initial state to consist of grading, installation of underground utilities, and construction of the Balmore Court extension and the upgrade of the offsite private section of Balmore Court to public street standards. Upon completion of the street, the initial set of single-family residences would be constructed, on Lots 1-4, 29, and 30. The Lots are shown on the Vesting Tentative

Map Site Plan shown on page 8 and in Attachment 1. The initial set of residences include homes built to each of the three architectural plans. The applicant proposes to move the construction gate down the street as additional homes are built, sold, and occupied, in order to delineate between completed homes and homes under construction, and to provide a safe and visually appealing streetscape.

VI. AGENCY COMMENTS

An Agency Comment packet was sent on December 1, 2017 to a number of public agencies, including the Building Inspection Division, the Housing and Community Improvement Division, the Environmental Health Division of the Health Services Department, the Engineering Services Division of the Public Works Department, the Contra Costa County Flood Control and Water Conservation District, the Contra Costa County Fire Protection District, the West County Wastewater District, the East Bay Municipal Utility District, the City of Pinole, the West Contra Costa Unified School District, Contra Costa Local Agency Formation Commission, the El Sobrante Municipal Advisory Council, the Contra Costa Mosquito & Vector Control District, the California Historical Resources Information System, and the California Department of Fish and Wildlife, and a community organization, the El Sobrante Valley Planning and Zoning Advisory Committee. Comments received by staff are included in Attachment 6. Following are summaries of the comments on the Balmore Court Single-Family Residential Project and staff responses to the comments.

- A. Building Inspection Division: On December 8, 2017, the Building Inspection Division returned the Agency Comment Request form with no comment.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is required to submit building plans to the Building Inspection Division and to comply with Division requirements.

- B. Contra Costa Mosquito and Vector Control District: On December 8, 2017, the Mosquito and Vector Control District submitted a letter stating that measures should be employed to prevent the creation or maintenance of a public nuisance.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is responsible for contacting the Contra Costa Mosquito and Vector Control District regarding the District's requirements and permits.

- C. Contra Costa County Fire Protection District: On December 12, 2017, the Fire Protection District submitted a letter stating that the Balmore Court Extension shall be marked as a fire lane with no parking on one side of the street, the shared driveways be marked as fire lanes with no parking on both sides of the driveways, and that the Balmore Court turnaround be marked as a fire lane with no parking along the turnaround. The District also stated that two fire hydrants of an approved type be located at District-approved locations, that site improvement plans are subject to review and approval by the District, and roadway improvements and hydrants are to be inspected by the District.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is required to submit development plans to the Fire Protection District and comply with District requirements, and that plans submitted for a building permit must receive prior approval and be stamped by the District.

- D. El Sobrante Valley Planning and Zoning Advisory Committee: The Advisory Committee submitted an email on December 14, 2017, with a number of comments and questions on the proposed project.

Staff sent an email response to the community organization on December 15, 2017 that staff would look into the items, and referred the information request to the applicant.

- E. East Bay Municipal Utility District: The Utility District submitted a memorandum on December 18, 2017, stating that separate meters for each lot would be required and that the applicant should contact the District requesting a water service estimate, that no water meters are allowed to be located in driveways, and that water efficiency measures are required.

The District also submitted a letter on January 2, 2019, with comments on the draft MND, including water service, a District right-of-way near the southeastern boundary of the project site, minimization of landslide impacts on water main extensions on the site, and incorporation of water conservation measures. The Final MND in Attachment 10 includes this letter along with responses to the District comments.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant must comply with the requirements of the Utility District.

- F. West County Wastewater District: On December 18, 2017, the Wastewater District submitted a letter stating that wastewater service is available for the proposed project, the plot plan and construction plans must be reviewed and approved by the District; and District fees would need to be paid.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant must comply with the requirements of the Wastewater District, and building plans must receive prior approval and be stamped by the District.

- G. Northwest Information Center of the California Historical Resources Information System: Northwest Information Center submitted a letter on December 19, 2017 stating that a 2004 archaeological resources study of the project site identified no cultural resources, and therefore, no further study is recommended. The Center recommended that local Native American tribes be contacted regarding Native American resources, and that any existing structures 45 years or older be evaluated for potential historic value.

As discussed in Section III.D (General Information, Tribal Cultural Resources), a Notice of Opportunity to Request Consultation was sent to the Wilton Rancheria, the one California Native American tribe that has requested notification of proposed projects in the County. To date, no response has been received from the Wilton Rancheria. As discussed in Section IV (Site/Area Description), there are no structures on the project site.

The Northwest Information Center also submitted a letter on December 19, 2018, commenting on the draft MND, repeating the comments in the December 2017 letter, and adding a recommendation in the event archaeological resources are encountered during construction. The Final MND in Attachment 10 includes this letter along with responses to the Northwest Information Center comments. As discussed in the Final MND, the Cultural Resources 1 mitigation measure incorporates the Center's recommendation.

- H. City of Pinole: The Agency Comment Request packet was routed to the City of Pinole on December 1, 2017.

To date, no comments from the City have been received.

- I. West Contra Costa Unified School District: The Agency Comment Request packet was routed to the School District on December 1, 2017.

To date, no comments from the School District have been received.

- J. Contra Costa Local Agency Formation Commission (LAFCO): The Agency Comment Request packet was routed to the Contra Costa LAFCO on December 1, 2017.

LAFCO has not submitted any comment in response to the Agency Comment Request; however, the agency submitted an email on January 2, 2019, commenting on the draft MND, stating that the project will not need LAFCO approval. This email is included in the Final MND in Attachment 10.

- K. California Department of Fish and Wildlife: The Agency Comment Request packet was routed to the Department of Fish and Wildlife on December 1, 2017.

To date, no comments from the Department have been received.

On December 12, 2018, a copy of the draft MND was sent to the Department. The Department has not submitted any comments on the draft MND.

- L. Contra Costa County Health Services Department, Environmental Health Division: The Environmental Health Division submitted a letter on January 4, 2018, stating that: a permit was required for any well or soil boring, abandoned wells and septic tanks must be destroyed under a permit from the Division; a permit is required for public swimming pools and spas, and approved restrooms are required for swimming pools and spas. The Division also stated applicable requirements for the handling of construction and demolition materials.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is responsible for contacting the Environmental Health division regarding its requirements and permits.

- M. El Sobrante Municipal Advisory Council: The El Sobrante Municipal Advisory Council (MAC) submitted an email on January 14, 2018, stating that the MAC did not recommend approval of the proposed project. The MAC listed 12 points of concern about the proposed project.

Following are the 12 points of concern and staff responses:

Point 1. The map shows 30 homes on a dead end cul-de-sac. According to the following ordinance only 16 homes are allowed on a dead end Cul-de-sac.

92-4.018 - Cul-de-sac. "Cul-de-sac" is a street which connects to another street only at one end, and serves sixteen dwelling units or less, with a maximum length of seven hundred feet.

Staff Response: The proposed extension of Balmore Court is a collector street, per the definition in County Code Section 92-4.012.

92-4.012 - Collector street. "Collector street" is any street within a subdivision or adjacent thereto which, because of its location with reference to other streets or other sources of traffic, carries or will carry traffic from minor streets to the major system of arterial streets; and includes the principal entrance streets for residential developments and streets for circulation of traffic within such developments and serves, or will serve, twenty-four or more dwelling units.

Point 2. Too much traffic for the narrow streets of Balmore, Allview and Appian Way in addition to streets leading to and from Juan Crespi School, Elementary schools and work locations...

The 30 homes proposed according to the ordinance below would generate 600 or more peak hour trips. Too many trips for these narrow streets with no sidewalks.

Ordinance 78-5. Subdivisions of five or more lots estimated to generate one hundred or more peak hour trips.

The current location of local narrow streets could not handle the increase.

Staff Response: Implementation Measure 4-c of the General Plan Growth Management Element requires a "traffic impact analysis for any project which is estimated to generate 100 or more AM or PM peak-hour trips based on the trip generation rates as presented in the Institute of Transportation Engineers (ITE) Trip Generation, 6th edition, 1997, or the most current published edition."

Although the proposed project was estimated to generate less than 100 peak-hour trips, staff contracted with TJKM, the transportation consultants on retainer with the Department to prepare a traffic study for the proposed project. As reported in the draft MND, TJKM estimated that the proposed project would generate 22 AM peak hour vehicle trips and 30 PM peak hour trips. This estimate is consistent with the ITE peak period trip generation rate of 0.99 trips per dwelling unit for single-family residences. Also as discussed in the draft MND, project traffic would not result in significant impacts at intersections closest to the project site, at either the Baltimore Court/Allview Avenue intersection or the Baltimore Court/Lindell Drive intersection. As shown in the MND table below, with the project, the Baltimore Court/Allview Avenue intersection would be at Level of Service B, and the Baltimore Court/Lindell Drive intersection would be at Level of Service A.

Table 1: Intersection Level of Service

Intersection	Control	Peak Hour	Existing Conditions		Existing plus Project Conditions		
			Delay (seconds)	LOS	Delay (seconds)	LOS	Change in Delay
Baltimore Court & Allview Avenue	Side Street Stop Control	AM	11.2	B	11.7	B	0.5
		PM	9.7	A	10	B	0.3
Baltimore Court & Lindell Drive	Uncontrolled	AM	8.4	A	8.5	A	0.1
		PM	8.4	A	8.6	A	0.2

Source: TJKM, 2018.

Point 3. The packet contained a page of a layout of 44 homes for a previously proposed subdivision that was in around 2005. According to neighbors of Baltimore, the project was reduced to 24 homes before and was never acted upon. Why wasn't the 24 home layout included instead of the 44 home layout?

Staff Response: The proposed Baltimore Court Single-Family Residential Project includes 30 single-family residences on 30 residential lots, a hillside open space parcel, a storm drainage parcel, and a roadway parcel that would be dedicated to the County as a public street extension of Baltimore Court. As discussed previously, the proposed project would have a density of 5.42 units per net acre, which is within the 5.0 to 7.2 single-family units per net acre allowed in the SH, Single-Family Residential-High Density, General Plan Land

Use designation. If the project were to be reduced to 24 single-family residences, the resultant density would be 4.34 units per net acre. This reduced project could not be approved as it would not meet the minimum SH General Plan density.

Point 4. No sidewalks included even though students may be walking to school.

Staff Response: As described in Section V (Project Description), the proposed Balmore Court Single-Family Residential Project includes sidewalks. Sidewalks would also be included along the improved portion of Balmore Court between Lindell Drive and the project site.

Point 5. In case of fire there is no other way out of the project.

Staff Response: The MAC is correct in pointing out that ingress to and egress from the project site would be via Balmore Court, which is the collector street for both Balmore Court and Lindell Drive; however, this condition is similar to all other properties located along Balmore Court and Lindell Drive. As described in Section IV (Site/Area Description), single-family residences border the project site to the south and west. Commercial properties are east of the site, beyond the restrictive riparian easement along the eastern boundary of the site. The Pinole Vista shopping center along Fitzgerald Drive borders the project site to the north. Thus, there is no other public access to the site.

As described in Section V (Project Description), the proposed project would extend Balmore Court onto the project site and improve the existing private street portion of the street. With the project, Balmore Court north of Lindell Drive would be a 32-foot wide paved roadway within a 50-foot wide right-of-way and would meet the Fire Code requirement for a 20-foot wide clear travel path with parking on one side of the street. The Balmore Court extension on the project site would also be a 32-foot paved roadway within a 50-foot wide right-of-way. Thus, the proposed project would improve Balmore Court such that there would not be any impairment for emergency ingress or egress along Balmore Court. The Contra Costa Fire Department has commented on the project and has required provision of fire hydrants and residential fire sprinklers in addition to the Fire Code-compliance access road. In addition, Condition of Approval #12 is included in the Conditions of Approval and

Advisory Notes requiring a Vegetation Management Plan for open space Parcel A, storm drainage Parcel B, and the restrictive riparian easement. The Plan is intended to address wildfire risks of the undeveloped areas on the project site and is subject to review and approval by the CCD.

Point 6. No tot lot or playgrounds included for the children.

Staff Response: As discussed in the draft MND, the proposed project would be subject to the General Plan Land Use Element *Policies for the El Sobrante Area*, which cites the relative lack of sufficient recreation space in the area, and requires new development to collaborate on increasing recreational opportunities for area residents. Accordingly, the draft MND includes a mitigation measure that is included in the Conditions of Approval and Advisory Notes as Condition of Approval #42 that requires the applicant to provide an area on the project site for recreational facilities or contribute a fair share to nearby recreational facilities. As proposed, the subdivision includes a hillside open space parcel totaling 80,255 sq. ft. and a storm drainage parcel totaling 15,884 sq. ft. Inclusion of a tot lot, playground, or other recreational facility on a portion of either parcel could be used to meet this requirement.

Point 7. No mitigation for the removal of trees.

Staff Response: As described in Section V (Project Description), the applicant has requested approval of a Tree Permit to remove 13 of the 20 protected trees on the project site outside of the restrictive riparian easement to accommodate subdivision development. The applicant has submitted a Preliminary Landscape Tree Plan (shown above), which includes the planting of 28 trees. The trees to be planted include the 16 trees that were required to be planted under previously approved Subdivision SD04-8920. The Conditions of Approval and Advisory Notes includes Condition of Approval #24 that requires the submittal of a final landscaping and irrigation plan that includes the 28 trees for CDD review and approval. Also, the irrigation plan must be compliant with the State Model Water Efficient Landscape Ordinance.

Point 8. No homeowners association proposed.

Staff Response: Submittal of Conditions, Covenants and Restrictions, Articles of Incorporation, and By-Laws for a mandatory homeowners association is

included as Condition of Approval #10 in the Conditions of Approval and Advisory Notes. The documents provide for maintenance of open space Parcel A, storm drainage Parcel B, drainage facilities, shared driveways, landscaping easements, and the restrictive riparian easement, as well as for implementation of the Vegetation Management Plan required per Condition of Approval #12. The trees planted per the Balmore Court Landscape Tree Plan would be located either on Parcel A, Parcel B, or within landscaping easements that would be established per Condition of Approval #25 in the Conditions of Approval and Advisory Notes.

Point 9. No plan for the maintenance of the area that is undeveloped which according to the plan is a considerable amount of space and how would you get equipment in to maintain the area?.

Staff Response: As discussed above, maintenance of open space areas would be included in the CC&Rs of the subdivision. As shown on the Preliminary Grading, Drainage & Utility Plan in Attachment 1, a maintenance roadway traverses the open space parcel and provides access to the bio-retention basin in the storm drainage parcel.

Point 10. The configuration shows folks in each section having cars passing their home on the sides for pedestrians and cars to have access to the units in back.

Staff Response: As discussed in Section V (Project Description) and shown on the preliminary architectural plans in Attachment 5, the 20 court homes on the shared driveways would be of two different architectural plans. The 10 Plan 1 homes that that would be adjacent to the Balmore Court extension have entries facing Balmore Court and may have pedestrian paths from the street to the entry that are separate from the shared driveway. The 10 Plan 2 homes that would be located west of the Plan 1 homes have entries that provide direct access from the shared driveway. The Conditions of Approval and Advisory Notes includes Condition of Approval #20 that requires CDD evaluation of the relation of the vehicular and pedestrian paths to the final design and orientation of the court homes at the time the Final Development Plan is submitted.

Point 11. Parking is non existing for visitors or commercial access.

Staff Response: As discussed in Section V (Project Description), a total of 15 on-street guest parking spaces would be provided on the west side of the Balmore Court extension. An additional 20 guest vehicles would be accommodated on the driveway aprons of the 10 homes with direct driveway access to Balmore Court.

Point 12. No Negative Declaration or EIR is proposed in the initial packet although I understand from Tom Owens ESVP&ZAC Chair that you are now proposing a Negative Dec.

Staff Response: A negative declaration or EIR is never part of the initial application packet, as it is the lead agency that determines whether the California Environmental Quality Act applies to a proposed project or if the project qualifies for an exception from CEQA. For this project, CDD published a draft MND on December 12, 2018. A Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration was mailed and emailed on December 12, 2018 to public agencies, adjacent property owners, and interested parties that submitted comments to the CDD prior to publication of the draft MND, including the El Sobrante MAC.

The MAC also submitted a letter on January 14, 2019, commenting on the draft MND, including project access, traffic impact, parking, community park, replacement trees, roadway dedication, inappropriate rezoning, the MND comment period, and the availability of the MND. The Final MND in Attachment 10 includes this letter along with responses to the MAC comments.

In addition, the MAC submitted an email on February 25, 2019 that was not in response to the Agency Comment Request. This email is included in Attachment 7 and discussed in Section VII (Public Comments).

- N. Contra Costa County Flood Control and Water Conservation District: On December 21, 2017, the Flood Control District returned the Agency Comment Request form with no comment.

On January 23, 2019, the Flood Control District submitted a letter stating that the application was incomplete as the applicant has not demonstrated discharge into an adequate storm drain system, that the detention basin shown on the Vesting

Tentative Map be designed for 100-year peak flows, and that the project is located in Drainage Area 111, which has no drainage area fees. This issue is addressed in Section VI.O below.

- O. Contra Costa County Public Works Department, Engineering Services Division: 666666The Engineering Services Division submitted a letter on January 4, 2018, stating that the subdivision application was incomplete and that the applicant needed to provide information on the adequacy of the downstream drainage infrastructure, an adequate Stormwater Control Plan, and submit requests for exceptions from the County Code subdivision requirements, if applicable.

On January 28, 2019, the Engineering Services Division submitted a letter, commenting that the Stormwater Control Plan generally complies with County requirements, but that the off-site reconstruction of drainage infrastructure be included in the Plan. The Division also commented that the proposed roadway may require exceptions from some of the requirements of the County Code related to the pavement width and right-of-way width of a collector street, and horizontal curve standards for a collector street. In response, the applicant has submitted requests for exceptions from County Code Section 98-4.002 for the pavement and right-of-way widths, and from County Code Section 98-6.016 for the horizontal curve.

The Engineering Services Division submitted a letter on April 8, 2017, describing the regulatory programs that applied to the project site and included a number of conditions of approval and advisory notes to be applied to the proposed project. The Division recommended approval of the requests for exceptions to County Code Sections 98-4.002 and 98-6.016. The Division also included requirements for drainage improvements and stormwater management in the Public Works conditions of approval.

The April 8, 2019 Engineering Services Division conditions of approval and advisory notes are incorporated in the Conditions of Approval and the Advisory Notes.

- P. Housing and Community Improvement Division: On December 26, 2017, the Housing Division returned the Agency Comment Request form with a comment that the project is subject to the Inclusionary Housing Ordinance and an Inclusionary Housing Plan is required to be submitted to the Division for review and approval. In response, the applicant submitted an Inclusionary Housing Plan.

On November 2, 2018, the Housing Division submitted an email stating that the applicant's Inclusionary Housing Plan proposal to pay an in-lieu fee instead of constructing the required 4.5 affordable housing units was acceptable and that the Division would forward its Conditions of Approval.

On May 14, 2019, the Housing Division submitted an email transmitting its findings and conditions of approval. The Division's findings are included in the findings herein, and its conditions of approval are incorporated in the Conditions of Approval and Advisory Notes.

VII. PUBLIC COMMENTS

In addition to Agency Comments in Section VI above, staff received a number of public comments. These comments are included in Attachment 7. Following are summaries of the public comments on the Balmore Court Single-Family Residential Project and staff responses to the comments.

- A. Xina Ash: On January 11, 2018, staff received an email asking about the environmental review of the proposed project.

Staff responded with an email reply on January 16, 2018, that staff will be preparing an MND on the proposed project and that the commenter would be provided notice when the MND is published.

- B. Andre Larouche: On January 12, 2018, staff received an email expressing support for the proposed project.

Staff acknowledged the email in a reply on January 16, 2018.

- C. Renee Gulatto: On February 5, 2018, staff received a voice message in which the commenter expressed concerns about traffic on Balmore Court.

Staff called the commenter on February 13, 2018 and left a voice message stating that staff was responding to the phone call and that staff will be preparing an MND on the proposed project.

- D. Julie Haselden: On February 8, 2018, staff received an email that included concerns about project access, traffic safety, increased traffic, and funding for the maintenance of the new streets and street lighting.

Staff responded with an email reply on February 12, 2018, that staff will be preparing an MND on the proposed project and that the commenter would be provided notice when the MND is published.

- E. Linda Cain: On February 10, 2018, staff received an email that included concerns about sloping land, the number of homes proposed, increased traffic, project access and safety, and decreased property values.

Staff responded with an email reply on February 13, 2018, that staff will be preparing an MND on the proposed project and that the commenter would be provided notice when the MND is published.

- F. Ben Zarrin: On February 21, 2018, staff received an email inquiring about the process for subdividing a lot and asking about how the proposed Balmore Court project would impact their lot.

Staff responded with an email reply on February 21, 2018, briefly describing the subdivision and offering to meet with the commenter when his potential development was ready to proceed. Staff also described the proposed project, and stated that staff will be preparing an MND on the proposed project and that the commenter would be provided notice when the MND is published.

- G. Steve Johnson: On March 5, 2018, staff received an email that included concerns about traffic conditions on Balmore Court, low income housing, and overcrowding.

Staff responded with an email reply on March 6, 2018, that staff will be preparing an MND on the proposed project and that the commenter would be provided notice when the MND is published.

- H. Chris Tolentino: On March 11, 2018, staff received an email that included concerns about parking, the number of proposed houses, traffic safety, and emergency access.

Staff responded with an email reply on March 12, 2018, that staff will be preparing an MND on the proposed project and that the commenter would be provided notice when the MND is published.

- I. Carole Strauss: On January 25, 2019, staff received an email that thanked staff for sending a copy of the draft MND. The email included concerns about project access, traffic safety, increased traffic, and the status of the currently private section of Balmore Court as a public street or a private street.

Staff acknowledged the email in a reply on January 28, 2018. The draft MND addresses the concerns raised by the commenter. The commenter had previously submitted a letter on January 10, 2019, during the December 12, 2018 to January 14, 2019 public review period for the draft MND, commenting on increased traffic, parking, improvement of the private section of Balmore Court, retention of neighborhood character, and the seven redwood trees that the applicant proposes to remove. The commenter also requested a copy of the draft MND. Staff sent the commenter a copy of the draft MND on January 16, 2019. The Final MND in Attachment 10 includes the commenter's January 10, 2019 letter along with responses to the comments therein.

- J. Carole Strauss: On January 27, 2019, staff received an email commenting on the redwood trees, that one of the trees was not on the project site.

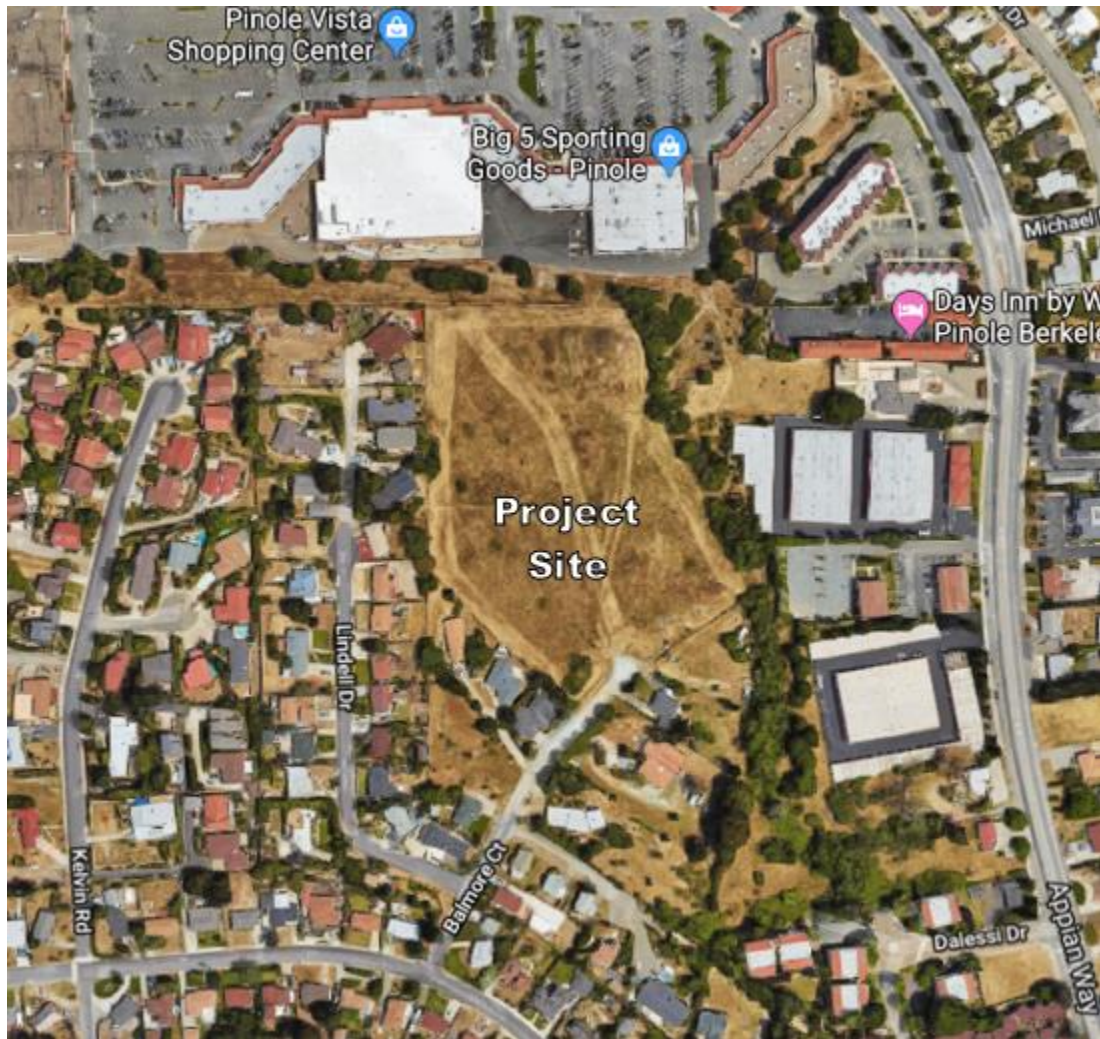
Staff acknowledged the email in a reply on January 28, 2018, stating that the comment about the tree not on the project site would be forwarded to the applicant. The seven redwood trees were included in the Tree Survey submitted for the SD04-8920 Subdivision on April 7, 2005. As shown on the Tree Survey map, all of the redwood trees are located on the project site. The applicant has subsequently confirmed the redwood tree locations.

- K. El Sobrante Municipal Advisory Council: The MAC submitted an email on February 25, 2019, after the end of the public review period for the draft MND on January 14, 2019. In the February 2019 letter, the MAC stated that it opposes the draft MND and that the environmental document did not address the points of concern expressed in the January 2018 MAC letter. The email included a list of 6 concerns about the proposed project.

The January 2018 letter, its points of concern, and staff responses to the concerns are included in Section VI.M (Agency Comments, El Sobrante Municipal Advisory

Council).

Following are the 6 concerns included in the February 2019 email and staff responses:



Balmore Court project vicinity
Source: Google Maps, accessed February 21, 2019

Concern 1. The lack of a secondary egress with the large increase in housing presents a potential serious fire and safety hazard for the present and future residents of Balmore court and Lindell Drive (both substandard roads). The county web site still shows a “planned” route that exits to the parking lot of the Pinole shopping center on Fitzgerald drive and we wonder why this isn’t being included for this new proposal and why it was dropped from previous proposals.

Staff Response: As described in Section IV (Site/Area Description) and shown above on the aerial photo of the Balmore Court project vicinity, the site is bordered by the restrictive riparian easement to the east, the Pinole Vista shopping center to the north, and single-family residential lots along Lindell Drive and Balmore Court to the west. Thus, other than Balmore Court, there is no available public access to the project site.

As discussed in the draft MND, the proposed project would extend Balmore Court onto the project site and improve the existing private street portion of the street. With the project, Balmore Court north of Lindell Drive would be a 32-foot wide paved roadway within a 50-foot wide right-of-way and would meet the Fire Code requirement for a 20-foot wide clear travel path with parking on one side of the street. The proposed project would improve Balmore Court such that there would not be any impairment for emergency ingress or egress. The Contra Costa Fire Department has commented on the project and has required provision of fire hydrants and residential fire sprinklers in addition to the Fire Code-compliance access road.

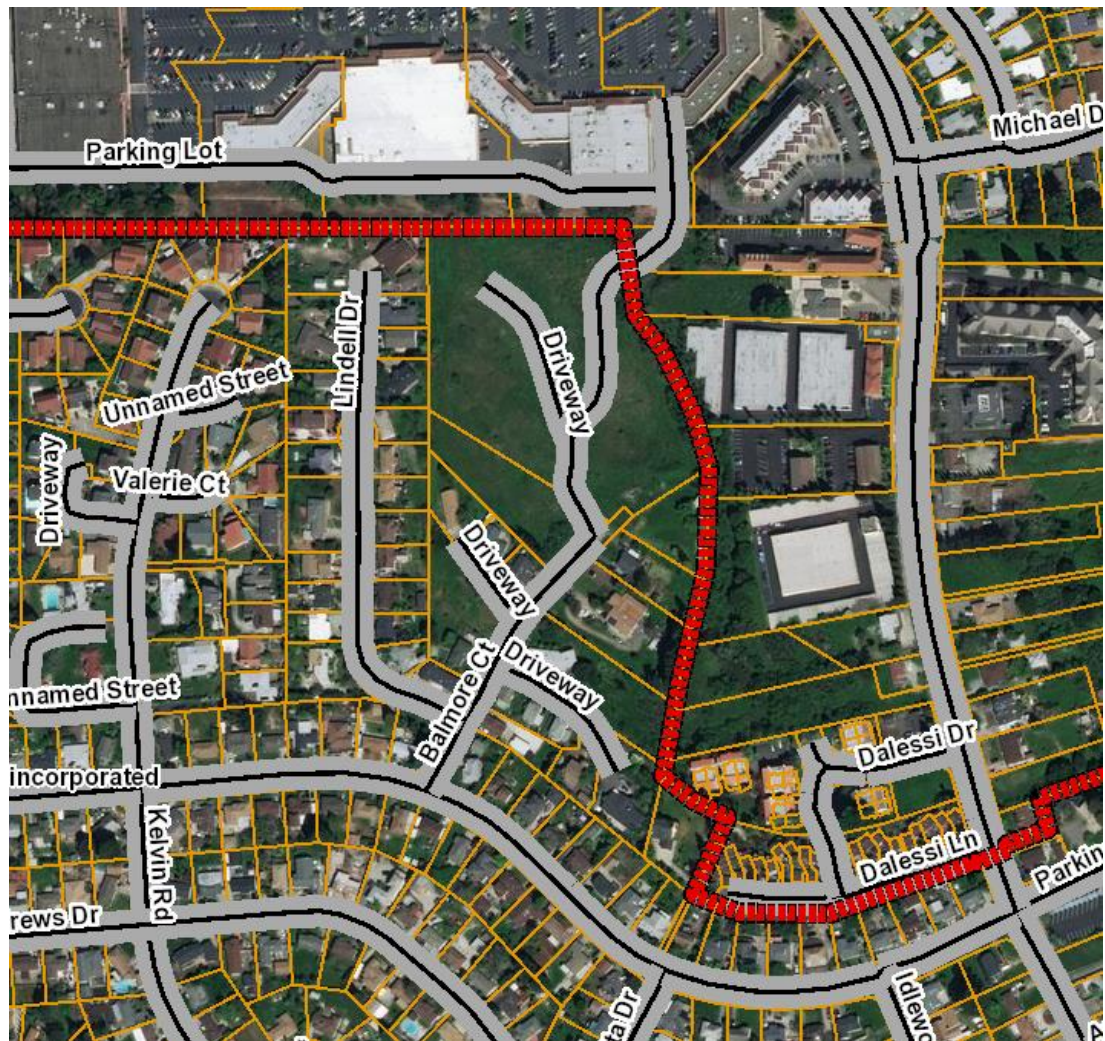
As discussed in Section VI.M (Agency Comments, El Sobrante Municipal Advisory Council), Condition of Approval #12 is included in the Conditions of Approval and Advisory Notes requiring a Vegetation Management Plan for open space Parcel A, storm drainage Parcel B, and the restrictive riparian easement that would minimize wildfire risks on the project site.

Regarding a route through the site that is shown on CCMAP (see following page), CDD staff has asked Public Works staff why the route is shown. Public Works staff looked into this and did not find any roadway dedications on the project site for the route.

Concern 2. The increased traffic on Allview, an already heavily impacted substandard road leading to Juan Crespi Middle School, and which exits onto Appian Way which is already a clogged arterial road during commute hours. Current residents of Allview are wondering what can be done to moderate the traffic even before this proposed increase in housing.

Staff Response: As discussed in Section VI.M (Agency Comments, El Sobrante Municipal Advisory Council), staff contracted with TJKM, the transportation consultants on retainer with the Department to prepare a traffic study for the

proposed project. As reported in the draft MND, project traffic would not result in significant impacts at either the Balmore Court/Allview Avenue intersection or the Balmore Court /Lindell Drive intersection. Moreover, existing conditions, as observed by TJKM show traffic on Allview Avenue at Balmore Court to be at Level of Service B in the morning and Level of Service A in the evening. (Level of service reflects the relative ease of traffic flow on a scale of A to F.)



Roadways shown on CCMAP in the Balmore Court project vicinity

Source: CCMAP, accessed August 14, 2019

Concern 3. The lack of assurance that the private road part of Balmore Court will become a public road and that the current residents ceded an easement with the understanding that with this improvement the county would actually

guarantee acceptance as a public road, potentially leaving them with increased (liability?) costs for maintaining the “improved roadway”.

Staff Response: As discussed in Section V (Project Description), Balmore Court north of Lindell Drive would be a 32-foot wide paved public roadway within a 50-foot wide right-of-way with the proposed project. A collector street would normally be a 36-foot-wide paved roadway within a 56-foot-wide right-of-way; however, the applicant has requested an exception from the County Code requirements. As discussed in Section IX.C (Staff Analysis, Circulation) findings can be made to support this request for an exception.

Concern 4. Lack of appropriate parking within the project unrelated to street parking (which would be imposed on the current residents).

Staff Response: The R-6 and R-7 Single-Family Residential Districts require each single-family residence to have two off-street parking spaces on the same lot, pursuant to County Code Section 84-4.1202; however, no guest parking is required. The proposed project would include two garage parking spaces for each single-family residence, and thereby, would be consistent with the R-6 and R-7 parking requirements.

The proposed Balmore Court P-1 Planned Unit District would also require guest parking. As discussed in Section V (Project Description), the proposed project would include 15 on-street parking spaces and 20 off-street parking spaces on the driveway aprons of the 10 homes with direct driveway access to Balmore Court. The guest parking provided in the proposed project, while not normally required in a single-family residential district, would be considered to be adequate per the multiple-family residence requirements of the County Code. If the proposed project were to consist of multiple-family residences instead of single-family residences, pursuant to County Code Section 84-26.1202(a)(2), the project would be required to provide 8 guest parking spaces, which may be either on-street or off-street parking spaces.

Concern 5. A guarantee that the proposed replacement trees will be planted prior to issuing any cutting permits on any more existing trees. Previous approved development plans removed trees before replacement and then failed to plant the replacements. There has been a plea to attempt to save the 6(?) large redwood trees on the property.

Staff Response: Tree permits allow tree removal with the issuance of a grading or building permit, so that grading or construction occurs at one time to minimize construction-related disruption of the neighborhood, rather than requiring construction activity to be stretched out over a period of many months. Trees would be removed as necessary to accommodate grading and construction activity. Further, replacement trees would be planted after the grading is complete and much of the residential and infrastructure construction is complete. That way the trees, once planted, would not be disturbed by ongoing construction activity and would not need to be uprooted and/or replaced.

The six redwood trees referenced by the MAC are located at the southern corner of the project site and would affect construction on Lots 1 and 2 of the proposed subdivision.

Concern 6. Finally we were asked to comment on a proposed negative declaration without actually being given the final document.

Staff Response: Staff mailed and emailed copies of the Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration on December 12, 2018 to public agencies, including the El Sobrante MAC, as well as to adjacent property owners and interested parties who submitted comments to DCD prior to publication of the draft MND. The Notice, which is included in Attachment 9, states that “[t]he period for accepting comments on the adequacy of the environmental document will extend to 5:00 p.m., Monday, January 14, 2019.” The Notice does not ask for comments from the MAC.

The Notice also states that a copy of the MND and all documents referenced therein may be reviewed at DCD at 30 Muir Road in Martinez. The commenter sent staff an email on December 12, 2018 stating that he had received the Notice and requested a copy of the draft MND. Staff sent the commenter a pdf copy of the draft MND on December 12, 2018.

VIII. ENVIRONMENTAL REVIEW

Staff conducted an Initial Study assessment of potentially significant adverse environmental impacts that could result from the proposed Balmore Court Single-Family Residential Project. Staff determined that although the proposed project

could have potentially significant adverse environmental impacts, with implementation of mitigation measures that have been agreed to by the applicant, the project would not result in significant environmental impacts. The identified significant impacts include:

- Construction period air quality and odors;
- Construction effects on nesting raptors and passerine birds;
- Accidental discovery of buried archaeological and paleontological resources, and human remains;
- Geotechnical risks of soil erosion;
- Geotechnical and hydrological risks of potential landslides and of expansive soil;
- Grading or construction prior to obtaining coverage under the State Water Resources Control Board's General Permit;
- Maintenance of the bio-retention area;
- Construction of a recreational facility on the site;
- Noise levels on the northern portion of the site due to traffic on Interstate 80;
- Construction period noise and vibration; and,
- Potential adverse impacts on Native American cultural resources.

A draft MND, SCH 2018122029, was prepared and published for the proposed project. The draft MND is included as Attachment 9. The public review period for the draft MND started on December 12, 2018 and ended on January 14, 2019.

A Final MND has been prepared that includes the written comments received on the draft MND, responses to the comments received, and two staff-initiated text changes, including two minor changes to correct typographical errors. The text changes are not the result of any new significant adverse environmental impact, do not alter the effectiveness of any mitigation included in the pertinent section, and do not alter any findings in the section. The Final MND is included herein as Attachment 10.

Written comments from six commenters were received during the public review period for the draft MND, including letters and emails from (1) the California Historic Resource Information System, (2) the East Bay Municipal Utility District, (3) the Contra

Costa Local Agency Formation Commission, (4) Marjorie Pene (5) Carole Strauss, and (6) the El Sobrante MAC. The written comments have been coded by commenter and the commenter's numbered comment, as shown in Attachment A of the Final MND. The comments are related to the project description, California Native American tribes, aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, land use and planning, public services, recreation, transportation and traffic, tribal cultural resources, utilities and service systems, and other comments. Neither the comments nor the staff responses to the comments result in any substantial changes to the draft MND, and the impacts, mitigation measures, and findings of the MND are unchanged.

Pursuant to CEQA Section 15097, a Mitigation Monitoring Program has been prepared, based on the identified significant impacts and mitigation measures in the MND. The Mitigation Monitoring Program is intended to ensure that the mitigation measures identified in the MND are implemented. The Mitigation Monitoring Program is included in Attachment 11 herein. All mitigation measures are included in the Conditions of Approval and Advisory Notes.

IX. STAFF ANALYSIS

- A. General Plan Consistency: The proposed Balmore Court Single-Family Residential Project is consistent with the General Plan, as discussed below.

Land Use Element: The project site is in the SH, Single-Family Residential-High Density, General Plan Land Use designation. This designation allows between 5.0 and 7.2 single-family units per net acre. Subdivision SD17-9478, as proposed, includes 30 units on 5.53 net acres (6.44 gross acres - 0.91 acre for the roadway parcel), for a density of 5.42 units per net acre. Thus, the proposed project would be consistent with the SH General Plan designation.

The application is subject to the "Policies for the El Sobrante Area", Policies 3-165 through 3-187 of the Land Use Element. The proposed Balmore Court Single-Family Residential Project would be consistent with many of these policies. Three of the policies are highlighted below.

Policy 3-165(a): Change should be harmonized to enhance El Sobrante's unique semi-rural/suburban character and to preserve its scenic environment.

Policy 3-165(b): Growth and economic development should be targeted in a manner to preserve open space and agricultural land, to meet community needs, to help revitalize the commercial core, and generally to enhance the quality of life of area residents.

Policy 3-182: This Plan calls for residential development to be directed primarily to areas where infilling of previously “passed over” property can occur, as well as to a limited number of larger parcels of undeveloped acreage...

The proposed project would be consistent with these policies, because it is a “conservation subdivision” on the site of the previously approved SD04-8920 single-family residential subdivision that was never built. As defined by the American Planning Association (PAS QuickNotes No. 81, August 2019, Conservation Subdivision Design), a conservation subdivision is a residential subdivision with at least half of its potentially buildable area set aside as permanently protected open space, which provides potential wildlife habitat, filters and retains stormwater runoff, requires less new infrastructure, and better maintains a “rural” sense of place. The conservation subdivision encourages the preservation of open space areas without reducing residential densities. The proposed project qualifies as a conservation subdivision, because its 30 single-family residences would be located on 2.42 ~~2.24~~ of its 5.53 buildable acres, and while the 1.84 acres open space Parcel A, 0.36 acre storm drainage Parcel B, and 0.91 acre restrictive riparian easement would be permanently protected open space. The restrictive riparian easement was established pursuant to a grant deed of development rights to the County in 2007. Condition of Approval #11 that is included in the Conditions of Approval and Advisory Notes requires a conservation easement on Parcel A and Parcel B to ensure the permanency of the open space, while allowing for storm drainage infrastructure.

As disclosed in the draft MND, the proposed project is potentially inconsistent with the following policy, because, as proposed, the project does not include construction of any recreational facility on the site.

Policy 3-175: The El Sobrante community values healthy living and places great value on local opportunities for outdoor recreation. According to the 2001 El Sobrante Valley Parks Study, the community lacks sufficient park and recreation space to adequately serve area residents...New development projects will be evaluated in terms of the contribution to public recreation and

their support of parks and open space. Developers will be encouraged to collaborate on the development of parks and open space in order to optimize recreational opportunities for area residents.

The draft MND includes Mitigation Measure Recreation 1 to address this potentially significant impact on General Plan policies for recreational facilities in the El Sobrante area.

Recreation 1: At the time of application for a grading permit, the applicant shall provide an area on the project site for recreational facilities or contribute a fair share to nearby recreational facilities. As proposed, the subdivision includes a 77,697 sq. ft. open space parcel and a 15,884 sq. ft. storm drainage parcel. Inclusion of a tot lot, playground, or other recreational facility on a portion of either parcel could be used to meet this requirement. CDD and Public Works staff shall review the onsite recreational facility for compliance with the County C.3 requirements to ensure that the impact of the onsite recreational facility on storm water drainage would be less than significant. The onsite recreational facility shall be included on all construction drawings.

This mitigation measure is included in the Conditions of Approval and Advisory Notes as Condition of Approval #42. As conditioned, the proposed project would be consistent with Policy 3-175.

Housing Element: The project is also consistent with the following General Plan Housing Element goals and policy.

Goal 1: Maintain and improve the quality of the existing housing stock and residential neighborhoods in Contra Costa County.

Goal 6: Provide adequate sites through appropriate land use and zoning designations to accommodate the County's share of regional housing needs.

Policy 6.1: Maintain an up-to-date site inventory that details the amount, type, and size of vacant and underutilized parcels, and assist developers in identifying land suitable for residential development

The Housing Element complies with California Government Code Section 65863 that calls for each local jurisdiction to maintain an inventory of sites necessary to

meet its share of regional housing needs.

The project site is listed in the housing site inventory that is maintained by the Housing and Community Improvement Division, as a site suitable for residential development. As discussed above, the site is the location of the previously approved SD04-8920 single-family residential subdivision that was never built. The current Balmore Court project includes 30 market-rate (above-moderate) units, which exceeds the projected housing estimate for the site. However, the site is located within the Single-Family Residential-High Density General Plan Land Use designation, which allows for 5 to 7.2 residential units per net acre. The project would provide 5.42 units per net acre, which is within the permitted density range for this land use designation. According to Housing Division staff, the County has already exceeded the number of above-moderate units identified by the Association of Bay Area Governments in its regional housing needs allocation, and therefore, the project will add to the surplus of units in this category.

Noise Element: The General Plan Noise Element includes the following goals and policies that are applicable to the proposed project:

Goal 11-A: To improve the overall environment in the County by reducing annoying and physically harmful effects of noise for existing and future residents and for all land uses.

Goal 11-C: To ensure that new developments will be constructed so as to limit the effects of exterior noise on the residents.

Policy 11-1: New projects shall be required to meet acceptable exterior noise level standards as established in the Noise and Land Use Compatibility Guidelines contained in Figure 11-6. These guidelines, along with the future noise levels shown in the future noise contour maps, should be used by the County as a guide for evaluating the compatibility of “noise sensitive” projects in potentially noisy areas.

Policy 11-8: Construction activities shall be concentrated during the hours of the day that are not noise-sensitive for adjacent land uses and should be commissioned to occur during normal work hours of the day to provide relative quiet during the more sensitive evening and early morning hours.

The Community Noise Exposure Levels on Figure 11-6 of the General Plan Noise Element show that levels of 60 dB or less are normally acceptable and 70 dB or less are conditionally acceptable for single-family residential land uses. As reported in the draft MND (see Attachment 9), future noise levels on the northern portion of the project site would exceed the 60 dB normally acceptable level for single-family residents, and would result in a potentially significant impact on project residents. The draft MND included mitigation measures to address this impact, including installation of a noise barrier along the northern property boundary, and requiring sound-reducing wall construction and sound-reducing windows. These mitigation measures are included in the Conditions of Approval and Advisory Notes as Conditions of Approval #37, #38, and #39. With respect to project construction, the draft MND included mitigation measures for precluding excessive groundborne vibration and construction noise, by prohibiting use of vibration rollers and restricting construction to the hours of 8:00 AM to 5:00 PM, Monday through Friday. These mitigation measures are included in the Conditions of Approval and Advisory Notes as Conditions of Approval #40 and #41. As conditioned, the proposed project would be consistent with the applicable goals and policies of the Noise Element.

Transportation and Circulation Element: The Transportation and Circulation Element of the General Plan shows designated arterials and expressways that are part of the County roadway network. Appian Way, which intersects Allview Avenue approximately 0.25 mile from the project site, is the nearest designated arterial. Appian Way moves traffic through the El Sobrante area, from the eastern portions of the city of Richmond to the south, and the City of Pinole to the north. Given the distance between the project site and Appian Way, and the projected trip generation of 22 AM peak hour vehicle trips and 30 PM peak hour trips, the proposed project would not have any substantial effect on the arterial. Thus, the Balmore Court Subdivision would be consistent with General Plan transportation policies for arterials.

- B. Zoning Compliance: As discussed previously in Section V (Project Description), approximately $\frac{3}{4}$ of the 6.44-acre project site is in the R-6 District and approximately $\frac{1}{4}$ of the southwest portion of the site is in the R-7 District. In order to implement the proposed SD17-9478 conservation subdivision, the project includes Rezoning RZ17-3239, to rezone the site from R-6 and R-7 to the Balmore Court P-1 Planned Unit District, to allow clustering of the single-family homes while setting aside land for hillside open space, storm drainage, and the restrictive riparian easement. Compared to the R-6 and R-7 development

standards, the proposed P-1 District would include reduced lot area, lot width, and lot depth requirements, reduced setbacks to a minimum of 10 feet, and reduced yards to a minimum of five feet. The Balmore Court P-1 District standards are shown on page 12 of Section V and in Attachment 4. With the P-1 standards, 30 single-family residences could be built on 2.42 ~~2.24~~ of the 5.53 net acres on the project site, and while setting aside the 1.84 acres in Parcel A, 0.36 acre in Parcel B, and the 0.91 acre restrictive riparian easement as permanently protected open space. Application of the P-1 District would allow the Balmore Court Subdivision to meet the SH General Plan residential density requirement.

As shown in Attachment 5, Preliminary Development Plan DP17-3054 includes 30 single-family residences that would include three basic architectural plans. The two plans for the “court homes” on the shared driveways include Plan 1 for the 10 single-family residences that would be adjacent to the Balmore Court extension. The Plan 1 homes would be 2,110 square-foot 4 bedroom 2½ bath two-story homes with integrated 2-car garages. Plan 2 would be for the 10 single-family residences located west of the Plan 1 court homes. The Plan 2 homes would be 2,379 square-foot 3 bedroom 3 bath two-story homes with a den on the first floor, a loft on the second floor, and integrated 2-car garages. Plan 3 would be for the 10 single-family residences with direct access onto the Balmore Court extension. The Plan 3 homes would be 2,645 square-foot 4 bedroom 3 bath two-story homes with a bonus room on the second floor and integrated 2-car garages. All homes would be offered in three architectural styles, including craftsman, traditional, and French cottage, and would have a maximum height of 35 feet.

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 District is intended to provide flexibility of site design, building massing, setbacks, and height. The proposed Balmore Court conservation subdivision sets aside 3.11 ~~3.29~~ of its 5.53 buildable acres as permanently protected open space that would provide potential wildlife habitat, filter and retain stormwater runoff, require less new infrastructure, and better maintain the sense of place that defines the character of the El Sobrante neighborhood. The project, thereby, preserves open space areas without reducing the residential density of the site, because its 30 single-family residences would be located on the remaining 2.42 ~~2.24~~ buildable acres. The 30 residences would have stucco walls with wood siding at select locations and asphalt shingle roofing, and would have earth tone colors. Use of such

materials and colors is prevalent in the surrounding neighborhood. The building pads for the homes would be located on the site where existing elevations are a maximum of 260 feet. Given that the elevation at the westernmost corner is 300 feet, the maximum height of the new homes would generally be lower than elevations along the western site boundary. Accordingly, the proposed project would be consistent with the surrounding neighborhood.

- C. Inclusionary Housing: The proposed project is also subject to the Inclusionary Unit Requirement of County Code Section 822-4.402, whereby, at least fifteen percent of the for-sale units are required to be inclusionary units (units that are required to be sold at an affordable sales price to lower and moderate income households). Alternatively, the applicant can pay a For-Sale Housing In-Lieu Fee. The applicant has proposed payment of the In-Lieu Fee. Accordingly, Conditions of Approval #7 and #8 in the Conditions of Approval and Advisory Notes address the payment of the In-Lieu Fee.

- D. Parking: As described above in Section IX.B, each single-family residence would have an integrated 2-car garage. Thus, resident parking would be 2 parking spaces per lot, as listed on the proposed P-1 development standards. The 2 parking space requirement is consistent with the off-street parking requirement in the R-6 and R-7 Districts. Neither the R-6 District nor the R-7 District requires guest parking; however, as discussed in Section V (Project Description), the proposed project would include 15 on-street parking spaces and 20 off-street parking spaces on the driveway aprons of the 10 homes with direct driveway access to Balmore Court. As discussed in Section VII.K (Public Comments, El Sobrante Municipal Advisory Council), the guest parking provided, would be considered to be adequate per the multiple-family residence requirements of the County Code. Pursuant to County Code Section 84-26.1202(a)(2) for the M-29 Multiple-Family Residential District, 0.25 space per residence would be required for guest parking. The guest parking may consist of be either on-street or off-street parking spaces. The project would provide 1.17 spaces per residence for a total of 35 guest parking spaces. Pursuant to the proposed P-1 development standards, all parking spaces would be 9 ft. by 19 ft. spaces.

- E. Traffic and Circulation: As discussed in Section VI.M (Agency Comments, El Sobrante Municipal Advisory Council), staff contracted with TJKM, the transportation consultants on retainer with the Department to prepare a traffic study for the proposed project. As reported in the draft MND, TJKM estimated that the proposed project would generate 22 AM peak hour vehicle trips and 30

PM peak hour trips. The project traffic would not result in significant impacts at intersections closest to the project site, at either the Balmore Court/Allview Avenue intersection or the Balmore Court/Lindell Drive intersection. With the project, the Balmore Court/Allview Avenue intersection would be at Level of Service B, and the Balmore Court/Lindell Drive intersection would be at Level of Service A.

As discussed in Section V (Project Description), the applicant has requested (1) an exception to the requirements of County Code Section 98-4.002 for the pavement width and right-of-way of a collector street, and (2) an exception to the requirements of County Code Section 98-6.016 for the horizontal curve on a collector street.

1. Request for Exception from County Code Section 98-4.002: Balmore Court is classified as a collector street, which would be required to have a pavement width of 36 feet curb-to-curb within a 56-foot right-of-way, per County Code Section 98-4.002. The proposed project would (a) extend Balmore Court onto the 0.91-acre roadway parcel, and (b) improve the 400-foot long section of Balmore Court north of Lindell Drive to the project site. These roadway sections would be constructed to public street standards with a pavement width of 32 feet within a 50-foot right-of-way, with curbs, gutters, and sidewalks.
2. Request for Exception from County Code Section 98-6.016: At approximately 170 feet northeast of the southwesternmost corner of the project site, the Balmore Court extension would curve westward. Pursuant to County Code Section 98-6.016, the radius of curvature in the centerline of the street is to be at least 200 feet. The Balmore Court extension at the curve would be constructed to have a centerline radius of 75 feet.

Staff recommends granting the exceptions for the following reasons.

- (1) An unusual circumstance exists in that the steep slopes on the western and northwestern portions of the property, and the restrictive riparian easement along the eastern boundary of the property, limits where development can occur without significant grading and slope stabilization, and thereby, constrains the location and alignment of the street extension.

- (2) The exceptions are necessary to facilitate single-family residential development of the project site. Providing the street width and right-of-way per County Code Section 98-4.002 and the radius of curvature per County Code Section 98-6.016 adversely affects the proposed project, due to the slope constraints of the site. As shown on the Preliminary Grading, Drainage & Utility Plan in Attachment 1, construction of the residences would require several retaining walls for stable construction pads as well as to maintain existing geotechnical conditions on adjoining properties. Increasing the street width and horizontal curve will increase the height and number of retaining walls to maintain acceptable geotechnical conditions on the project site and on neighboring properties. The geometry of the property boundaries in conjunction with the setback from the restrictive riparian easement also limit the alignment of the Balmore Court extension. Further, requiring the full street width, right-of-way, and radius of curvature reduces the buildable area of the site, such that the side yards between the residences would be reduced to less than the 5-foot minimum in order to meet the required SH General Plan residential density.
- (3) The granting of the exceptions would not be materially detrimental to the public welfare or injurious to other property. The portion of Balmore Court that is currently a private street varies in width from 24 feet approximately 60 feet north of Lindell Drive to 17 feet six inches at its northern terminus with no curbs, gutters, or sidewalks. The proposed project would create a street section with a pavement width of 32 feet with curbs, gutters, and sidewalks. The extension of Balmore Court on the project site would match the improved section of the street and would have a pavement width of 32 feet, with curbs, gutters, and sidewalks. By improving conditions of the street, the reduction in the pavement width and right-of-way from collector street standards would not pose risk to the public or hinder the ability of the public to use the street as intended; rather, the street improvements would reduce circulation risks and improve the ability of the public to use the street.

Allowing the pavement width on the project site to be 32 feet and the horizontal curve centerline radius to be 75-ft, facilitates a street alignment that better fits the overall shape of the project site. The curve in the street would function more as a street knuckle than as a horizontal curve, which would be suitable at this location due to the speed at which vehicles would be travelling to and from the street cul-de-sac.

With the requested exceptions to the County Code, the proposed SD17-9478 Subdivision would be consistent with County circulation requirements.

- F. Drainage: Pursuant to Division 914 of the County Code, all storm water entering and/or originating on the project site must 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. The applicant has provided an analysis of the downstream drainage infrastructure that would serve the project site. Public Works Department staff has reviewed this analysis and determined the proposed conveyance to the existing storm drain facility at the northeast corner of the site is acceptable and in conformance with County Code drainage requirements.

- G. Stormwater Management: Pursuant to County Code Section 1014-4.004 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. In the Preliminary SWCP, which was submitted on March 4, 2019, the applicant proposes to direct on-site stormwater runoff to a bio-retention area located near the northeast corner of the site prior to discharge to the downstream storm drain. Most of the stormwater runoff flowing onto the site from adjacent properties would be diverted in a separate storm drain system bypassing the bio-retention area. Portions of the runoff from the adjacent westerly properties, would be collected and treated. Public Works Department staff has reviewed the SWCP, and has determined that it generally conforms to the technical aspects of the County's stormwater management requirements.

- H. Tree Permit: As described in Section V (Project Description), Preliminary Development Plan DP17-3054 includes a request for a Tree Permit to remove 13 of the 20 protected trees on the project site outside of the restrictive riparian easement to accommodate development on the site. The trees proposed to be removed include a stand of seven redwood trees at the southwest corner of the site, a cluster of four willow and poplar trees near the redwoods, and a poplar tree and a stand of locust trees along the western boundary of the property.

Staff has determined that in order to accommodate development on Lots 1 and 2 of Subdivision SD17-9478, and the storm water drainage facilities on open space Parcel A, the trees would need to be removed. Thus, staff recommends

approval of the requested Tree Permit, subject to applicable Conditions of Approval #23 and #24 in the Conditions of Approval and Advisory Notes.

Previously, 30 trees were removed on the site under the SD04-8920 Tree Permit; however, none of the 16 trees required to be planted as restitution for the removed trees have been planted. The applicant has proposed planting 28 trees as replacement for the trees to be removed and to fulfill the tree planting requirements of the SD04-8920 permit. As shown on the Preliminary Landscape Tree Plan in Attachment 1, 23 trees would be planted along the Balmore Court extension to provide street ambience and character, and five trees would be planted at the western end of the shared driveways to soften views of the Subdivision from offsite locations to the west.

X. CONCLUSION

The proposed SD17-9478 Balmore Court Subdivision would be consistent with the SH, Single-Family Residential-High Density, General Plan Land Use designation, and, as conditioned, would be consistent with the applicable goals and policies of the General Plan. The SD17-9478 Subdivision would set aside 3.11 ~~3.29~~ of the 5.53 buildable acres as permanently protected open space that would provide potential wildlife habitat, filter and retain stormwater runoff, and require less new infrastructure, and provide 30 single-family residential home sites on 2.42 ~~2.24~~ acres. The proposed RZ17-3239 Balmore Court Rezoning would establish a P-1 Planned Unit District that would facilitate development of the 30 single-family residences. The 30 residences would be constructed pursuant to Preliminary Development Plan DP17-3054. The residences, with stucco walls with wood siding at select locations and asphalt shingle roofing, and earth tone colors, would have materials and colors that are comparable to and compatible with the surrounding neighborhood. The building pads for the homes would be located on the site where existing elevations are a maximum of 260 feet. Thus, maximum height of the new homes would generally be lower than elevations along the western site boundary. Accordingly, the proposed project would be consistent with the surrounding neighborhood and would maintain the semi-rural character of the neighborhood. Staff recommends that the County Planning Commission approve Subdivision SD17-9478 and recommend approval of Rezoning RZ17-3239 and Preliminary Development Plan DP17-3054 by the Board of Supervisors.