

PROJECT FINDINGS FOR CONDITIONS OF APPROVAL FOR SUMMERHILL HOMES (APPLICANT) AND SAM MENDES, ET. AL (OWNERS): COUNTY FILES #CDRZ21-03258, CDS21-09559, CDDP21-03001

A. General Plan Growth Management Element Findings

1. Traffic: Implementation Measure 4-c under the Growth Management Program (GMP) of the County's General Plan requires a traffic impact analysis be conducted for any project that is estimated to generate 100 or more AM or PM peak-hour trips. The project involves the construction of 125-unit townhouse condominiums and therefore, a Traffic Impact Assessment was prepared (TIA). According to the Contra Costa County Transportation Analysis Guidelines, a project is expected to result in a less-than-significant vehicle miles traveled impact if the proposed project is located within ½ mile of an existing major transit stop or an existing stop along a high-quality transit corridor. The Pleasant Hill BART station, which is an existing major transit stop, is located within ½ mile from the project site. In addition, there are bicycle and pedestrian facilities between the project site and the Pleasant Hill BART station. There are continuous sidewalks along Jones Road and Oak Road that connects to the project site and the Pleasant Hill BART station. Furthermore, a Transportation Demand Management Plan (TDM) is prepared as part of this project, which includes a range of TDM measures designed to reduce single-occupant vehicle trips and encourage residents to walk, bike or use transit services. The project is conditioned to require the review and approval of the TDM plan.

The project generated traffic would access the site via a new driveway connecting to Jones Road. There will also be a proposed driveway that will connect to the project site on Oak Road. The new driveway on Jones Road will be 26 feet wide, which can accommodate two-way traffic. The site plan shows that the Oak Road driveway would be approximately 26 feet. The 26 feet driveway width will be adequate for emergency vehicle access. Overall,, the project would not cause unacceptable traffic related impacts in the immediate vicinity or area.

2. Water: Water supply would be provided to the proposed project by the CCWD. Because the project site is currently served by the CCWD, its water consumption is factored into the UWMP's planning projections. Thus, adequate water supplies are available to serve the project and no new or expanded water treatment or

conveyance facilities would be required. CCWD provided a letter to the applicant dated November 10, 2020, confirming it could serve the project and providing standard requirements for new service connections (e.g., separate metering of domestic, fire, and irrigation). Thus, adequate water supplies would be available to serve the project from existing and planned supplies.

3. Sanitary Sewer: The project is within the service area of the Central Contra Costa Sanitary District (CCCSD) who provides wastewater services for the project. A new on-site sewer collection system consisting of 8-inch diameter pipes that would discharge via service lateral to an existing 18-inch diameter sewer line in Jones Road would be installed for the project. The CCCSD provided comments to the applicant dated August 4, 2020, confirming it could serve the project providing standard requirements for new service connections (e.g., payment of connection fees). Thus, the CCCSD Treatment facility would have sufficient capacity to serve all aspects of the project.
4. Fire Protection: Four fire stations are located within approximately 2 miles of driving distance of the project site: Station No. 1, located at 1330 Civic Drive in Walnut Creek, is approximately 1.7 miles (driving distance) south of the project site; Station No. 2, located at 2012 Geary Road in Pleasant Hill, is approximately 1.4 miles (driving distance) west of project site, Station No. 5, located 205 Boyd Road in Pleasant Hill, is approximately 1.9 miles (driving distance) north of the project site; and Station No. 10, located at 2955 Treat Boulevard in Concord, is approximately 2.2 miles (driving distance) northeast of the project site. The DEIR prepared identified response time from Station No. 2 to the project site would be in 2 minutes and 24 seconds, which is under the 5-minute response standard set by the County's General Plan. The project would comply with the California Building Standards Code (CBC), which is adopted by the Ordinance Code. In compliance with the California Fire Code, Part 9 of the CBC, during construction the project would follow standards for fire safety related to provision of fire apparatus access and acquisition of building permits. With an adequate fire engine response time to the project site, adherence to the CBC Codes, adequate project site access, and payment of impact fees to the CCCFPD, the project would

not create a need to construct new or expand existing fire protection or emergency medical services facilities.

5. Public Protection: The County General Plan Policy 7-57 indicates a Sheriff facility standard of 155 square feet of Sheriff station space per 1,000 persons of population. The square footage of the Valley Station is estimated to be approximately 5,372 square feet. The proposed project would increase the population of unincorporated Contra Costa County by approximately 357 persons. Accordingly, the project would require 55 square feet of Sheriff station space. This increased demand for Sheriff station space represents approximately 1 percent of the Valley Station's existing square footage and, thus, represents a nominal increase in demand. Additionally, the Office of the Sheriff did not indicate that the proposed project would result in the need for new or expanded Sheriff facilities in order to maintain acceptable service ratios, response times, or other performance objectives. As such, the project would not adversely affect service ratios or response times or increase the use of existing police protection facilities such that substantial physical deterioration, alteration, or expansion of these facilities would be required, thereby triggering environmental impacts. Furthermore, the Condition of Approval (COA) # 13 requires the formation of a police services district to provide funding to maintain and augment police services.
6. Parks and Recreation: As the project will add to the County's population, COA #10 and 11 requires the project proponent to pay applicable Park fees per unit. The Park Impact fee collected will be used for acquisition of parkland and development of parks and recreational facilities. The Park Dedication requirement allows the developer of land for residential use to dedicate land, pay an in-lieu fee, or a combination of both for neighborhood and community park or recreational purposes. Furthermore, the project includes outdoor recreational amenities, such as a dog park and outdoor seating areas within the courtyards to be used by the residents of the development.
7. Flood Control and Drainage: The project is in Zone X, as designated on the Federal Emergency Management Agency's Flood Insurance Rate Maps.

The project site is relatively flat, sloping gently northeast. Site drainage as proposed is directed to C.3 facilities and then conveyed to existing drainage lines along Jones Road and Oak Road. Prior to entering the existing the drainage is to be directed into hydromodification vaults. The existing drainage infrastructure in Jones Road and Oak Road are Line C and Line D-1 of Drainage 44B respectively. The site drainage may have to be revised to accommodate for the treatment of the proposed private roads.

B. Rezoning Findings (County Code Section 26-2.1806)

1. Required Finding: The change proposed will substantially comply with the general plan.

Project Finding: The project site is located within a Multiple-Family Residential-High Density (MH) General Plan land use designation. Primary land uses in the MH land use designation include attached single-family residences (such as duplexes or duets), multiple-family residences such as condominiums, town houses, apartments, and mobile home parks, and accessory buildings and structures normally auxiliary to the primary uses. The project is a use that is consistent with the MH land use designation.

The project requires a rezone of the project site to a Planned Unit District (P-1) to allow 125-unit townhouse condominiums. Table 3-5 of the County's General Plan indicates that a P-1 zoning district is consistent with the MH land use designation. The project is a transit-oriented and infill project that is consistent with other General Plan policies that promotes housing near the Pleasant Hill/Contra Costa Centre BART Station and encourages other modes of transportation (e.g., transit, bicycling), while providing additional units to the County's housing inventory. Thus, the rezoning of the 5.94-acre project site will substantially comply with the County's General Plan.

2. Required Finding: The uses authorized or proposed in the land use district are compatible within the district and to uses authorized in adjacent district.

Project Finding: The project site is approximately 0.25 miles south of the Pleasant Hill/Contra Costa Centre BART Station, and is surrounded by a number of multiple-family residential developments. The project is a use consistent with the MH General Plan land use designation. Overall, the project is in harmony with the surrounding area and the uses established in the area.

3. Required Finding: Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.

Project Finding: The 5.94-acre project site was the location of the former Palmer School for Boys and Girls, a private K-8 school that closed in 2020. The project is an infill project that is located within an area that is developed with multiple-family residential and office uses. The project to construct the 125 townhouse condominium units will improve the current vacant use of the project site. Further, the 2005-2020 Contra Costa County General Plan contains policies related to providing an adequate supply of housing and encouraging infill development on under-utilized sites within urbanized areas where necessary utilities already are installed. This project is consistent with the surrounding area consisting of residential development near transit. Furthermore, the project is consistent with the MH General Plan land use designation.

C. Tentative Map Findings (County Code Section 94-2.806)

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

Project Finding: The project is located within the unincorporated Walnut Creek community, where the surrounding uses include primarily of residential developments and office uses. The tentative map would subdivide the 5.94-acre project site into 19 residential lots to construct 19 buildings for a total of 125 townhouse condominium units. The project is consistent with the proposed General Plan land use designation of Multiple-Family Residential- High Density (MH), which allows 22.0 – 29.9 units per net acre. The net acreage for the 5.94-acre site is 4.71 acres. The project to construct 125 units allows a density of 26.5 units per net acre, which results in a density of within the MH density range.

Overall, the project is consistent with the applicable policies for the MH land use designation, as well as transportation and housing policies of the General Plan.

2. Required Finding: The advisory agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements.

Project Finding: The project will comply with the collect and convey regulations, storm drainage facilities, and design standards for private roads. Additionally, compliance with the California Building Code and all applicable County Ordinances is required for grading of the property and construction of residential buildings.

D. Findings of Approval of P-1 Zoning District and Final Development Plan (County Code Section (84-66.1406))

1. Required Finding: The applicant intends to start construction within two and one-half years from the effective date of the zoning change and plan approval.

Project Finding: The applicant has indicated that they intend to commence construction within 2 ½ years off the effective date of the zoning change and plan approval.

2. Required Finding: The proposed planned unit development is consistent with the County General Plan.

Project Finding: The project site is located within a Multiple-Family Residential-High Density (MH) General Plan land use designation. Primary land uses in the MH land use designation include attached single-family residences (such as duplexes or duets), multiple-family residences such as condominiums, town houses, apartments, and mobile home parks, and accessory buildings and structures normally auxiliary to the primary uses. The project is a use that is consistent with the MH land use designation.

The project requires a rezone of the project site to a Planned Unit District (P-1) to allow 125-unit townhouse condominiums. Table 3-5 of the County's General Plan indicates that a P-1 zoning district is consistent with the MH land use designation. The project is a transit-oriented and infill project that is consistent with other General Plan policies that promotes housing near the transit such as

the Pleasant Hill/Contra Costa Centre BART Station and encourages other modes of transportation (e.g., transit, bicycling), while providing additional units to the County's housing inventory. Thus, the rezoning of the 5.94-acre project site will substantially comply with the County's General Plan.

The County's General Plan provides Housing goals and policies that promote and encourage projects, such as this project within the unincorporated Walnut Creek area. Goal 6 of the County's Housing Element identifies the need to provide adequate sites with the appropriate land use and zoning designations to accommodate the County's share of regional housing. The project site was the former location of the Palmer School for Boys and Girls, which closed in June 2020. The project would provide 125-units on a site that is underutilized and located within ½ mile of the Pleasant Hill/Contra Costa Centre BART Station. The project includes the rezoning of the property to P-1, which is consistent with the General Plan Land Use designation of MH. Policy 3-8 of the General Plan encourages infilling of already developed areas, where new development is preferred to vacant or under-used sites within urbanized areas, which have necessary utilities installed.

The County's General Plan also provides Transportation goals and policies that supports the project. The project is a transit-oriented, infill development project that provides the much-needed housing units near the Pleasant Hill/Contra Costa Centre BART Station. Overall, the project is consistent with the County's General Plan, especially the goal to reduce greenhouse gas emissions by providing housing within an area that provides multimodal access.

3. Required Finding: In the case of residential development, it will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community.

Project Finding: The surrounding area consists of residential uses, primarily of multiple-family residential development. The 125-unit townhouse condominiums will consist of 48 three-bedroom units and 77 four-bedroom units ranging in size from 1,362 – 2,281 square feet of living area. The project site is located within an established neighborhood that consisting primarily of multiple-family development within ½ mile of the Pleasant Hill/Contra Costa Centre BART Station

and walking distance to the Iron Horse Regional Trail. The project site is located within an area that is accessible to different modes of transportation (e.g. bicycle, transit, etc.). Overall, the proposed development will be in harmony with the surrounding area.

4. Required Finding: The development of a harmonious integrated plan justifies exceptions from the normal application of this code.

Project Finding: The project site is 5.94 acres in size that is currently zoned Multiple-Family Residential (M-17 and M-19) and Single-Family Residential (R-15). The MH General Plan land use designation permits multiple-family residences such as condominiums, town houses, and apartments, consistent with the project to establish 125 townhouse condominium units. Applying the required setbacks for the current zoning districts would not be feasible, as the 5.94-acre project site is smaller in size for the higher density that the site is planned for. Additionally, the project site has three different zoning districts, in which the R-15 zoning designation is not consistent with the MH General Plan land use designation. Directly northeast and directly south of the project site are developments that are also zoned a Planned Unit District (P-1). Overall, the project will remain for residential use consistent with surrounding area.

E. Tree Permit Findings (County Code Section 816-6.8010)

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

1. Reasonable development of the property will require the removal of 74 trees, relocation of one tree, and work within the dripline of an additional six trees will be necessary to construct the project. All feasible efforts have been made to retain the maximum number of trees, as well as, to preserve those trees, which are exceptional due to their visual prominence on the site.
2. Development of this project cannot be reasonably accommodated on other parts of the property due to the size of the project site.