



Department of Conservation and Development

County Planning Commission

Wednesday, February 23, 2022 – 6:30 .P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Bayview Estates Residential Project
County Files:	CDGP04-00013/CDRZ04-03148/CDSD04-08809/CDDP04-03080
Applicant/Owner:	Discovery Builders Inc. (Applicant and Owner)
Zoning/General Plan:	Heavy Industrial District (H-I) / Heavy Industry (HI)
Site Address/Location:	Located at the south termini of Central Avenue and Palms Drive and east of Interstate 680, in the Vine Hill/Pacheco Boulevard area of unincorporated Contra Costa County (Assessor Parcel Number: 380-030-046).
California Environmental Quality Act (CEQA) Status:	An Environmental Impact Report (EIR), SCH# 2008032074, was prepared and published for the project. (See Section VIII.)
Project Planner:	Gary Kupp, Senior Planner, (925) 655-2871, email: gary.kupp@dcd.cccounty.us
Staff Recommendation:	Approve (See section II. for full recommendations.)

I. PROJECT SUMMARY

The applicant requests approval of the Bayview Estates Residential Project that proposes **1)** a General Plan Amendment (GPA), and **2)** to rezone a vacant 78.2-acre industrially zoned property for single-family-residential use. The project also includes **3)** a phased 144-lot Subdivision including a Vesting Tentative Map, **4)** a Preliminary and Final Development Plan for 144 single-family residences, **5)** a Tree Permit to remove up to 30 code-protected trees, **6)** a Grading Permit to grade 900,000 cubic yards of earth material, and **7)** requests for exceptions to Sections 98-4.002, 92-4.012, 92-4.056, and 914-12.010 of Title 9 relating to roadway and detention basin standards. The proposal consists of the following applications: CDGP04-00013; CDRZ04-03148; CDSD04-08809; CDDP04-03080

II. RECOMMENDATIONS

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

1. OPEN the public hearing on the Bayview Estates Residential Project, RECEIVE testimony, and CLOSE the public hearing.
2. CERTIFY that the Environmental Impact Report for the Bayview Estates Residential Project (State Clearinghouse #2008032074) was completed in compliance with the California Environmental Quality Act (CEQA), was reviewed and considered by the County Planning Commission before project approval, and reflects the County's independent judgment and analysis.
3. CERTIFY the Environmental Impact Report prepared for the Bayview Estates Residential Project.
4. ADOPT the CEQA findings for the project.
5. ADOPT the Mitigation Monitoring and Reporting Program for the project.
6. ADOPT the statement of overriding considerations for the project.
7. 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 the decision of the County Planning Commission is based.
8. APPROVE the Vesting Tentative Map for the project and the associated exceptions to minimum pavement and right-of-way width and detention basin requirements (File# CDSD04-08809).
9. APPROVE the findings in support of the project.
10. APPROVE the project conditions of approval.
11. RECOMMEND that the Board of Supervisors take the following actions:

- a) CERTIFY the Bayview Estates Residential Project Environmental Impact Report prepared for the project and take other related CEQA actions.
- b) APPROVE the proposed General Plan Amendment (File# CDGP04-00013) to redesignate the project site to Single-Family Residential-High Density (SH) and Open Space (OS).
- c) APPROVE the proposed Rezoning (File# CDRZ04-03148) of the project site to Planned Unit District (P-1).
- d) APPROVE the Preliminary and Final Development Plan for the project (File# CDDP04-03080) and the associated tree permit.
- e) APPROVE the Bayview Estates Residential Project, based on the attached findings and subject to the attached conditions of approval.
- f) DIRECT staff to file a CEQA Notice of Determination with the County Clerk.

III. BACKGROUND

In 2004, the applicant (Discovery Builders) submitted applications for the Bayview Estates Residential Project. Initially, the applicant proposed a 163-lot subdivision development. The County analyzed the 163-lot proposal in a 2008 Draft EIR. In response to comments received on the Draft EIR, in November 2010, the applicant submitted a "Lesser Intensity Project Alternative" to the project analyzed in the 2008 Draft EIR. The Lesser Intensity Project Alternative consisted of the current 144-lot revised layout and a revised grading plan that retained the existing top elevation of Vine Hill. This 144-lot alternative project proposal was also designed to alleviate potential water pressure issues identified in the original project by lowering the elevation of residential development on the project site. The project applicant continued to coordinate with the County to further refine the project's stormwater plan, grading in certain development areas and wetlands on the project site, as well as utility infrastructure alignments; and accordingly in 2017, the County reinitiated the CEQA process based on the currently proposed 144-lot subdivision and issued a new Notice of Preparation. The currently proposed project analyzed in the new Draft EIR incorporates the aforementioned refinements to the original proposal. The new Draft EIR presents an independent, stand-alone analysis of the project; it is not a recirculation of the 2008 Draft EIR, nor is the

recent EIR analysis a comparative assessment of the current project and the original proposal.

IV. GENERAL INFORMATION

1. General Plan: Heavy Industry (HI)
2. Zoning: Heavy Industrial District (H-I)
3. California Environmental Quality Act: An Environmental Impact Report (EIR) was prepared and published for the project (State Clearinghouse# 2008032074). The 45-day public review period for the Draft EIR started on May 13, 2021 and was scheduled to close on June 28, 2021, but was extended an additional 14 days until July 12, 2021. The County received 21 comment letters during the comment period on the Draft EIR for the proposed project. A Final EIR has been prepared that includes the comments received on the Draft EIR and the County's responses to those comments. The Final EIR also includes associated text changes relating to the comment responses. A Mitigation Monitoring Reporting Program has also been prepared. (See also Section VIII. of this report.)
4. Tribal Cultural Resources: In 2017, pursuant to the requirements of Public Resources Code (PRC) Section 21084.3, the County solicited tribal consultation. The County sent letters to the Native American tribes provided by the Native American Heritage Commission as having an interest in the proposed project vicinity. The letter included a project description and a map of the project site. The County also sent previous cultural analyses to the Wilton Rancheria, who requested by letter (dated June 16, 2017) information regarding cultural resources studies completed for the project. At that point, no response was received requesting further consultation.
5. Previous Applications:
174-64. Application for a land use permit to establish a cement products manufacturing plant and contractors yard. The application was denied by the Board of Supervisors on September 17, 1964.

V. SITE/AREA DESCRIPTION

The project site is located along the northern I-680 corridor in Contra Costa County. It is within the Vine Hill/Pacheco Boulevard Area, of the County's unincorporated communities, as shown in the General Plan. The Vine Hill/Pacheco Boulevard Area is located in North Central Contra Costa County, east of the City of Martinez and northwest of the City of Concord. The project site is a single 78.2-acre parcel and is bounded by the Contra Costa Canal and Burlington Northern Santa Fe Railroad (BNSF) Railway tracks to the southwest and south, residential development to the northwest, Pacheco Creek to the east, and Central Avenue to the northeast. The project site is currently undeveloped and consists of relatively flat wetland and marsh areas in the east, rising sharply to the summit of the prominent hill (Vine Hill) in the western part of the site. Elevations on the site range from 4 to 283 feet above mean sea level (msl). The property supports permanent and seasonal wetlands and an extensive band of freshwater marsh in the eastern and southern part of the site. A Valley Oak woodland grove of 34 native oak trees covers a small area mid-slope on the north-facing side of the hill.

The immediate surrounding area is developed with roads, trails and residential communities, as well as industrial uses including gas pipelines, a landfill and wastewater treatment facilities, and also includes areas of open space. The vicinity of the project site is characterized by a variety of land uses. I-680 extends in a northwest-southeast direction west and south of the project site.

To the West: The area directly west of the freeway supports a mix of residential, commercial, and light industrial uses, including a self-storage facility. Further west the uses are primarily residential development, including the County's unincorporated Mountain View neighborhood and suburban areas of the City of Martinez.

To the Northwest: Parcels to the northwest of the site and east of the freeway are characterized by single-family homes within the General Plan land use designation Single Family High Density (SH). Further northwest is the Waterbird Regional Preserve, which is an approximately 198-acre wetland and associated upland area managed jointly by the East Bay Regional Park District (EBRPD), the Mountain View Sanitary District (MVSD), the Contra Costa County Mosquito and Vector Control District and the California Department of Fish and Wildlife (CDFW).

To the Northeast, East and South: Lands to the northeast, east and south are mostly undeveloped properties zoned for heavy industrial purposes. Undeveloped lands and recreational vehicle storage occupy areas immediately south of the railroad tracks. The Maltby sanitary sewer pumping station, operated by the Central Contra Costa Sanitary District (CCCSD), is directly adjacent to the project site to the east. The Conco construction and trucking yard is also located east of the site and Pacheco Creek. The majority of the land to the north and northeast of the project site is property of the Acme Landfill. While the landfill is currently mostly inactive, a fully operational refuse transfer station is located approximately 0.3 miles north of the project site. In addition, heavily industrialized land areas supporting Shell Martinez Refinery and the Marathon Refinery (previously Tesoro Golden Eagle and Tosco) are located approximately one mile northwest and east respectively. Underground pipelines carrying crude oil and refined petroleum products (gasoline, diesel fuel, and jet fuel) run under Central Avenue and the project site along a wetland area on the northeastern boundary of the site.

VI. PROJECT DESCRIPTION

The project sponsor proposes to develop a phased 144-unit residential subdivision on approximately 78.2-acres of vacant land in the Vine Hill/Pacheco Boulevard area of unincorporated Contra Costa County. The proposed project includes the following major components on and adjacent to the project site:

1. A Vesting Tentative Map (VTM) for development of up to 144 detached single-family homes and associated new internal roadways on approximately 31.8 acres of the project site;
2. Approximately 42 acres of open space, marshes and undeveloped land, including:
 - The preservation of approximately 20.1 acres of the upper hill area shown as "Parcel A" on the VTM;
 - The preservation of approximately 19.8 acres of the lower site areas (containing wetlands, coastal salt marsh, freshwater marsh, open water, and alkali meadow) shown as "Parcel B" on the VTM;
 - The development of a new 2.0-acre stormwater treatment basin, in accordance with the County's C.3 Guidebook, and shown as "Parcel F" on the VTM;

3. Development of an approximately 4.5-acre private neighborhood park in proximity to "Parcel B" and "Parcel F";
4. A grading permit for onsite grading of approximately 900,000 cubic yards of earth material for residential subdivision development, including substantial grading of the lower hill area and limited grading of the upper hill area in order to balance overall project cut and fill earthwork volumes;
5. Extension of new utility lines to and throughout the project site, and the repair and upgrade of existing off-site utility lines;
6. Improvement of two existing off-site roadways, Central Avenue and Palms Drive, to better accommodate two lanes of moving vehicular traffic to/from the project site;
7. A tree permit to remove up to 30 code-protected trees; and
8. The project also includes requests for exceptions to Title 9 relating to roadway and detention basin standards.

To support the proposed land use and density, the project proposes to amend the existing Contra Costa County General Plan land use map to change the existing Heavy Industrial (HI) land use designation to the Single Family Residential High Density (SH)(5.0-7.2 units/acre) and Open Space (OS) land use designations. Also, the project proposes to rezone the existing Heavy Industrial (H-I) zoning designation on the project site to the Planned Unit District (P-1) designation. The applicant is also requesting exceptions to Division 98 (Streets) and Division 914 (Drainage) of Title 9 of the County Ordinance Code. The project includes the following applications:

- 1) CDGP04-00013. Proposal for a General Plan Amendment to change the General Plan land use designation from Heavy Industry (HI) to Single Family Residential-High Density (SH)(5.0-7.2 units/acre) and Open Space (OS) land use designations.
- 2) CDRZ04-03148. Proposal to rezone a vacant 78.2-acre property currently zoned Heavy Industrial District (H-I) to Planned Unit District (P-1) for predominantly single-family-residential use. The rezoning would allow

development of single-family homes on the site, which currently allows only heavy industrial uses under the existing zoning designation.

- 3) CDSD04-08809. A phased Major Subdivision application, including a Vesting Tentative Map, to subdivide the property into 144 lots and four (4) open space parcels including a private park, one hillside open space parcel, one storm drainage parcel, and a roadway parcel. The subdivisions streets will be private but would be constructed to public road standards. This application also includes requests for exceptions to Sections 98-4.002, 92-4.012, and 914-12.010 of Title 9 relating to roadway and detention basin standards.

- 4) CDDP04-03080. A proposal for a Preliminary and Final Development Plan for the development of 144 single-family residences to be accessed by way of southern portions of Palms Drive and Central Avenue. The project proposes open space parcels, one of which is proposed as a private neighborhood park. This application also includes requests for a Tree Permit to remove up to 30 code-protected trees, and a Grading Permit for proposed onsite grading of approximately 900,000 cubic yards of earth material for residential subdivision development, including grading of the lower hill area and limited grading of the upper hill area in order to balance overall project cut and fill earthwork volumes.

VII. AGENCY COMMENTS

The project applications were filed in 2004. Comments were initially received at that time from the Public Works Department, the Fire District, the Transportation Planning Section, the Flood Control District, the California Historical Resources Information System, the Mt. View Sanitary District, the Central Contra Costa Sanitary District, the Contra Costa Water District, and the California Department of Fish & Wildlife. Due to the age of the initial agency comments on the original project applications, they are considered outdated. Therefore, only key comments relating to aspects of the project that have been ongoing priorities for particular agencies throughout the process are cited here.

1. Public Works Department (PWD): The PWD has provided several project comment letters since 2004 relating to project access, required public road standards, traffic and circulation, drainage, and stormwater control and

water quality. The final PWD staff report and conditions of approval for the project was submitted on November 17, 2021.

2. Mt. View Sanitary District (MVSD): The MVSD has provided several project comments since 2004. The comments have generally related to information requests to confirm the capacity of the project's proposed sewer system, plan submittal for engineering and design review by MVSD of the proposed sanitary system, hydraulic analysis relating to sewer pumps sanitary pump stations that will service the project, and upgrade requirements to existing abandoned upstream sewer pipes and manholes that will be put back into service in order to implement the project. MVSD issued a "Will Serve" letter confirming its plan to provide wastewater utility service to the project site. MVSD is in the process of preparing an updated capacity study that will include the Bayview project site; the study is expected to be available sometime in 2022. Final project improvement plans will have to be prepared in accordance with current MVSD standards and will be evaluated against the updated capacity study and models.
3. Contra Costa Water District (CCWD): The CCWD has also provided several project comments since 2004. These comments have pertained to potential project impacts on CCWD property and Contra Costa Canal right-of-way, CCWD regulations and requirements relating to project water service, proposed locations of water lines, and the design elevations of development potentially affecting water pressure.

VIII. ENVIRONMENTAL REVIEW

The County prepared an Environmental Impact Report (EIR) for the project (State Clearinghouse# 2008032074). The project EIR is composed of both a Draft EIR and Final EIR. The Notice of Preparation (NOP) of the EIR was posted on June 7, 2017 and a public Scoping Meeting was held on July 17, 2017. Both written and oral comments were received during the NOP public comment period and the Scoping Meeting; the comments were responded to in the Draft EIR, which was released for public review on May 13, 2021 with a Notice of Availability. A 45-day comment period for the Draft EIR began on May 13, 2021 through June 28, 2021 and was extended at the request of the public for an additional 2 weeks until July 12, 2021. During the comment period, the County received 21 comment letters on the Draft EIR for the proposed project. The comment topics included concerns about traffic

congestion, views, tree removal, impacts to wildlife, adequacy of emergency services, sanitary and water service, and petroleum pipelines. The County's Responses to the comments received are provided in the Final EIR that has been prepared for certification by the County Planning Commission.

The EIR for the proposed project identified two significant and unavoidable effects related to vehicle miles traveled (VMT) for the project, including:

- 1) Total Home Based VMT per resident generated by the project would be greater than 15 percent below the regional VMT for similar uses in Contra Costa County, resulting in a significant impact for the project.

- 2) Total Home Based VMT per resident generated by the project would be greater than 15 percent below the regional VMT for similar uses in Contra Costa County, resulting in a significant impact for the project.

When a public agency determines that a project will have significant and unavoidable effects, Public Resources Code section 21081(b) requires that the public agency make findings of overriding considerations to demonstrate that economic, legal, social, technological, or other benefits of the project outweigh the significant environmental effects of the project. Accordingly, the County has made the requisite findings of overriding consideration and has found that the potential benefits of the project do in fact outweigh the environmental impacts. The project's benefits include, Jobs-housing balance, provision of parks and open spaces, new housing inventory, street improvements for Palms Drive and Central Avenue, and upgraded water and sanitary services, and public nuisance abatement of illegal uses of the project site. The County's findings of overriding consideration are attached to this staff report in the project's findings and proposed conditions of approval (Exhibit #1).

In addition, other potentially significant impacts were also identified, all of which can be mitigated to a less-than-significant level. These impacts affect the environmental topics of:

- aesthetics,
- air quality,
- biological resources,
- cultural & tribal cultural resources,
- geology & soils,

- GHG emissions,
- hazards & hazardous materials,
- hydrology/water quality,
- noise,
- public services,
- transportation,
- and utilities/service systems.

Environmental analysis contained in the EIR determined that measures were available to mitigate these potential adverse impacts to less-than-significant levels.

As discussed previously, a Final EIR has been prepared that includes the written comments received on the Draft EIR and the County's responses to the comments received. The Final EIR also includes County-initiated updates and errata to the Draft EIR. These errata constitute minor text changes to the Draft EIR and occurred in Section 4.3: Biological Resources, Section 4.6: Greenhouse Gas Emissions and Energy, Section 4.12: Public Services and Recreation, Section 4.13: Transportation and Circulation, and Section 4.14: Utilities and Service Systems (see chapter 4 in the Final EIR). The changes were made primarily to correct grammatical and typographical errors, as well as to improve accuracy and readability of certain passages. The text changes are not the result of any new significant adverse environmental impact, and do not alter the effectiveness of any mitigation included in the pertinent section, and do not alter any findings in the Draft EIR. Pursuant to CEQA Guidelines Section 15088.5(a), recirculation of a Draft EIR is required only if:

- 1) a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;*
- 2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;*
- 3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or*
- 4) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded."*

None of the text edits or changes to the Draft EIR meet any of the above conditions;

therefore, recirculation of any part of the Draft EIR is not required. The information presented in the project EIR supports this determination by the County.

Pursuant to CEQA Guidelines Section 15097, a Mitigation Monitoring Program has been prepared, based on the identified significant impacts and mitigation measures in the project EIR. The Mitigation Monitoring Program is intended to ensure that the mitigation measures identified in the EIR are implemented. The Mitigation Monitoring Program is attached to this staff report (Exhibit #6). All mitigation measures are included in the Conditions of Approval and Advisory Notes.

IX. STAFF ANALYSIS

1. **General Plan Consistency:** The proposed Bayview Estates Residential Project is consistent with the General Plan. The project sponsor proposes to develop a 144-lot residential subdivision on approximately 78.3-acres of vacant land. To support the proposed land use and density, the project proposes to amend the existing Contra Costa County General Plan land use map to change the existing Heavy Industry (HI) land use designation to the Single-Family Residential-High Density (SH)(5.0-7.2 units/net acre) and Open Space (OS) land use designations. The proposed change of the land use designation of the project site from HI to SH is compatible with the contiguous existing residential neighborhood to the north along Palms Drive and Central Avenue, which the General Plan also designates as SH.

The SH designation allows between 5.0 and 7.2 units per net acre. 144 detached single-family homes and associated new internal roadways and a neighborhood park will be developed on approximately 36.3 acres, and the remaining acreage will comprise open space, wetlands, and undeveloped land. Subdivision CDSD04-08809, as proposed, includes 144 units on 27.2 net developable acres of the project site. The density range of the SH land use designation in the General Plan is 5.0 to 7.2 units per net acre, which allows the project site a minimum of 136 units and a maximum of 196 units, which translates to 5.3 units per net acre, and is therefore within the allowable SH density range. Thus, the proposed project with 144 single-family units is consistent with the SH General Plan designation.

- A. **General Plan Policies:** The application is subject to the General Plan's

“Policies for the Vine Hill/Pacheco Area” (policies 3-105 through 3-107).
These policies are highlighted below:

- *3-105. The scenic assets and unstable slopes of the Vine Hill Ridge are to be protected for open space/agricultural use.*
- *3-106. The residential neighborhood east of I-680 shall be buffered from the industrial/landfill-related uses.*
- *3-107. Approximately 40 acres of land south of the Burlington Northern Santa Fe tracks, between Morello and Pacheco, is designated Agricultural Lands, to encourage the continued operation of the Viano family vineyards and winery.*

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

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.

Goal 9. Promote energy efficient retrofits of existing dwellings and exceeding building code requirements in new construction.

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. The project would allow for additional housing opportunities on a vacant underutilized property that may be developed to meet the housing demands and needs of the County and region. The development of 144 market-rate units on the property is expected to contribute towards meeting the County's future 6th Cycle Housing Element Regional Housing Needs Allocation (RHNA). The 6th Cycle Housing Element covers the planning period from 2023 to 2031 and includes a RHNA of 7,610 housing units as determined by ABAG/MTC as the unincorporated County's fair share of development towards the regional housing need. The subject

property is listed in the current 5th Cycle Housing Element sites inventory as available land for the potential development of housing. The total number of market rate units that the County is responsible for development is 3,133, and this project would provide a significant contribution towards meeting that goal.

- C. 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. Due to the proximity of Interstate 680 immediately to the east of the project site and the Burlington Northern Santa Fe rail corridor on the southern boundary, future noise levels on the project site would exceed the 60 dB normally acceptable level for single-family residents and could result in noise impacts on project residents. Modern construction materials and design techniques generally mitigate such “environment-on-project” impacts to non-significant levels; therefore, the new residences should not

experience excessive noise issues.

With respect to project construction, the project EIR included mitigation measures for avoiding excessive groundborne vibration and construction noise, by requiring the applicant to create and implement a development-specific noise-reduction plan to reduce noise at sensitive receptors along Central Avenue to below 75 dBA Lmax. Contractors may elect any combination of legal, non-polluting methods to maintain or reduce construction-related noise to threshold levels or lower, as long as those methods do not result in other significant environmental impacts or create a substantial public nuisance. Examples of measures that can effectively reduce noise impacts include locating equipment in shielded and/or less noise-sensitive areas, selection of equipment that emits low noise levels, and/or installation of noise barriers such as enclosures to block the line of sight between the noise source and the nearest receptors. Other feasible controls could include, but shall not be limited to, fan silencers, enclosures, and mechanical equipment screen walls.

In addition, the project has been conditioned to limit construction activities to daytime hours between 8:00 am and 5:00 pm Monday through Friday. The aforementioned development-specific noise-reduction plan for attenuating construction-related noises shall be implemented prior to the initiation of any work that triggers the need for such a plan. These mitigation measures are included in the conditions of approval #s 78, 96, 97, and 98. As conditioned, the proposed project would be consistent with the applicable goals and policies of the Noise Element.

- D. 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. Arthur Road is a southwest-northeast oriented collector and extends from Pacheco Boulevard to a residential area north of the project site. West of the project site, the roadway has one travel lane in each direction. The I-680/Arthur Road interchanges provides access to/from points north along I-680.

Central Avenue is a local road with one travel lane in each direction north of the project site. This roadway is maintained by the County between Arthur Road and Darcie Way and becomes an unpaved private road as it extends to

the project site and CCCSD Maltby pump station. This road would be widened and paved as part of the project, serving as the main access roadway to the project site. The posted speed limit between Arthur Road and Darcie Way is 25 miles-per hour and has a suggested speed limit of 5 miles-per-hour on the privately owned segment. Central Avenue currently is not a through street and would serve as a main access roadway to the project site. Palms Drive is a local road with one travel lane in each direction north of the project site. The surface pavement conditions are poor with uneven and missing pavement. The road is not a through street and would be extended to the project site as a secondary access. The speed limit is not posted.

Analysis in the project EIR indicates that the project's projected trip generation of 1,360 additional daily trips with 107 AM peak hour vehicle trips and 143 PM peak hour trips would increase traffic volumes on residential roadway segments near the project site resulting in obstacles (or hazards) for project vehicle traffic. Therefore, in accordance with County requirements and design standards, the project has been conditioned to mitigate these impacts by providing even surface pavement, appropriate signage, delineation, and other features on Palms Drive (and Central Avenue if it becomes a public street) to improve vehicle transportation conditions and eliminate obstacles (or hazards). The project EIR did not find that the project's traffic volumes would have any substantial congestive effect on the area arterials.

The project EIR did identify that the project would have significant impacts on VMT ("Vehicle Miles Traveled") for the project. CEQA Guidelines §15064.3(a) states that VMT "refers to the amount and distance of automobile travel attributable to a project." These impacts were analyzed in the EIR based on the project's effect on VMT and its effects on the pedestrian, bicycle, and transit modes of travel, and it was found that the total Home-Based VMT per resident generated by the project would be greater than 15 percent below the regional VMT for similar uses in Contra Costa County, and that the cumulative Countywide VMT would also increase as a result of the project. These VMT impacts were identified as significant and unavoidable in the EIR. Notwithstanding the significant and unavoidable level of the project's impacts on VMT, the project has nonetheless been conditioned to mitigate these impacts the maximum extent feasible by

requiring prior to issuance of building permits for the project applicant to develop a transportation and parking demand management plan (TDM). The applicant shall submit the TDM program to the County Department of Conservation and Development for review and approval. The TDM program shall identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. The TDM program shall be designed to achieve the trip reduction, as required to reduce the VMT per resident from 20.6 to 16.5, to the extent feasible, consistent with a 20 percent reduction in the near-term. Thus, the project would be consistent with General Plan transportation policies.

- E. Open Space Element: The Open Space Element of the General Plan contains goals and policies pertinent to the preservation and management of open spaces within the County. Approximately 44.5 acres of the 78.3-acre project site will be designated open space, natural wetlands, and park areas. Therefore, the project is consistent with the following goals and policies of the Open Space Element.

Goal 9-A. To preserve and protect the ecological, scenic, cultural/historic, and recreational resource lands of the county.

Goal 9-B. To conserve the open space and natural resources of the county through control of the direction, extent, and timing of urban growth.

Goal 9-C. To achieve a balance of open space and urban areas to meet the social, environmental, and economic needs of the county now and for the future.

Policy 9-1. Permanent open space shall be provided within the county for a variety of open space uses.

Policy 9-2. Historic and scenic features, watersheds, natural waterways, and areas important for the maintenance of natural vegetation and wildlife populations shall be preserved and enhanced.

Policy 9-13. Providing public facilities for outdoor recreation should remain an important land use objective in the county, as a method of promoting high scenic quality, for air quality maintenance, and to enhance outdoor

recreation opportunities of all residents.

Policy 9-21. Any new development shall be encouraged to generally conform with natural contours to avoid excessive grading.

2. **Zoning Consistency:** The project site is currently zoned Heavy Industrial District (H-I), which allows heavy industrial manufacturing uses of all kinds, including, but not limited to, lumber, steel, chemicals, explosives, fertilizers, gas, rubber, paper, cement, sugar, and all other industrial or manufacturing products including the processing of petroleum and the manufacturing of petroleum products (i.e. crude oil refinery). No such industrial uses, or other uses of any kind, exist on the subject property which is entirely vacant land. The proposed 144-lot Bay View Estates Residential Project is incompatible with the current heavy industrial zoning designation. In order to implement the subdivision, the project includes an application to rezone the subject property (File# CDRZ04-03148) from Heavy Industrial District (H-I) to the Bay View Estates Planned Unit District (P-1).

3. **Development Standards:** The P-1 zoning designation will allow single-family homes while setting aside land for hillside open space, storm drainage management, a neighborhood park, and protected wetlands. Compared to the largely unrestricted development standards of the Heavy Industrial District, the proposed P-1 district would have reduced lot area, lot width, lot depth, and building height requirements. The proposed development standards are presented below in Table 1:

Table 1. Bayview Estates Development Standards

Min. Lot Size	6,000 sf
Max. Building Height	2.5 stories or 32 ft
Front Setback (House)	15 ft
Front Setback (Garage)	20 ft (front access)
Front Setback (Garage)	15 ft (side access)(Plan 5)
Front Setback (Porch)	10 ft
Side Setback	5 ft (10 ft Street side on corner lots)
Rear Setback	15 ft

4. **Development Plan:** The proposed Preliminary and Final Development Plan (File# CDDP04-03080) for Bayview Estates includes 144 single-family residences

that will be constructed in five basic architectural plans with four 2-story designs and one 1-story design (Exhibit #4). Each of the five plans has three themes (i.e. Tuscan, French Country, and Traditional), which allows for 15 different home-design variations in the subdivision.

- **Plan 1** proposes approximately 2,137-square-foot, 4-bedroom, 2½ bath, 1-story homes with integrated 2-car garages.
- **Plan 2** proposes approximately 2,378-square-foot, 5-bedroom plus loft, 2½ bath, 2-story homes with integrated 2-car garages.
- **Plan 3** proposes approximately 2,678-square-foot, 5-bedroom (or 4-bedroom plus loft), 2½ bath, 2-story homes with integrated 2-car garages.
- **Plan 4** proposes approximately 2,745-square-foot, 4-bedroom plus loft, 2½ bath, 2-story homes with integrated 2-car garages.
- **Plan 5** proposes approximately 3,101-square-foot, 5-bedroom (or 4-bedroom plus loft), 3½ bath, 2-story homes with integrated 2-car garages.

A Planned Unit District (P-1) must be a residential environment of sustained desirability and stability, and be 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 Bayview Estates Residential Project will set aside permanently protected open space and wetlands that will provide potential wildlife habitat, filter and retain stormwater runoff, and maintain and enhance the overall character of the Vine Hill neighborhood. Thus, the proposed project would be consistent with the surrounding neighborhood.

5. **Inclusionary Housing:** The inclusionary unit requirement found in Section 822-4.402 of the Affordable Housing Ordinance requires at least fifteen percent of the for-sale units are required to be inclusionary units (i.e. units that are required to be sold at an affordable sales price to lower and moderate income households). The effective date of the inclusionary unit requirement was November 23, 2006, and the project applications were deemed complete on October 17, 2006; therefore, the project is not subject to the inclusionary unit

requirement of the Affordable Housing Ordinance.

6. **Off-Street Parking:** As described above in Section IX.4, each single-family residence would have an integrated 2-car garage. Thus, resident parking would be 2 parking spaces per lot, as shown on the proposed Preliminary and Final Development Plan. The 2-parking space requirement is consistent with the County's off-street parking requirements for new single-family residences.

7. **Traffic and Circulation:** The project site is accessed from Palms Drive, an existing private paved road that links to Arthur Road, a public street 1400 feet to the west; and Central Avenue, which is a mostly paved public street, but terminates to a private gravel road some 475 feet west of the Project site. Both Palms Drive and Central Avenue west of the Project site currently provide two-way passage but are generally too narrow to meet current County Public Works standards. Off-site road improvements to Palms Drive and Central Avenue are part of the overall project scope. Mitigation measures were identified in the project EIR to mitigate the project's traffic and circulation impacts. These measures include:
 - Provide continuous sidewalks on at least one side of Palms Drive to connect the project site to the existing pedestrian facilities on Arthur Road and to improve pedestrian transportation conditions.
 - Provide continuous sidewalks on at least one side of Central Avenue to connect the project site to the existing pedestrian facilities that terminate approximately 100 feet east of Darcie Way to improve pedestrian transportation conditions.
 - Provide even surface pavement, appropriate signage, delineation, and other features on Palms Drive and Central Avenue to improve bicycle transportation conditions.
 - Provide even surface pavement, appropriate signage, delineation, and other features on Palms Drive and Central Avenue to accommodate emergency vehicles.
 - Provide sidewalks for all streets within the project site including facilities on both sides of each street and curb ramps at each street intersection.

The applicant intends to improve these off-site roadways to meet the minimum standards necessary to have them accepted by the County as public streets. However, in addition to improvement of the streets, the underlying property

would have to be dedicated to the County by the fee title owner, which is an action outside of the control of the applicant. Public Works has no objection to the roads remaining private, but emphasizes that they should be improved to public street standards to satisfy the project EIR mitigation requirements and allow for the possibility of future acceptance by the County in the event that the right of way is dedicated. *It should be noted that the internal subdivision streets shall remain private and cannot be accepted by the County as public streets until improvement and dedication of the private road portions of Palms Drive or Central Avenue are accepted by the County.*

Exceptions to the County Ordinance Code's street design requirements were requested by the applicant. The exception requests were from Section 98-4.002 (Minimum Requirements) and by reference, 92-4.012 (Collector Street) and 92-4.056 (Minor Street). Public Works has reviewed these requests relative to the specific streets cited in the applicant's request and have found them to be comparable with the most recently approved project in the area, the Vinehill Meadows subdivision adjacent to I-680. The Public Works Department has no objection to these street configurations, with one minor exception. The applicant requested a 44-foot wide right of way for portions of C Drive whereas prior tentative maps (e.g. VTM dated March 26, 2020) indicated 46 feet. The 44-foot right of way only provides 1-foot from the back of sidewalk to the top or toe of the embankment slope, whereas the rest of the streets have 2 feet. The additional foot will provide additional buffer to prevent undermining of the sidewalk or sloughing of embankment material onto the sidewalk, depending on the applicable cut or fill situation at the roadway section. The findings for these exceptions are attached to this staff report in the project's findings and proposed conditions of approval.

8. **Drainage:** Pursuant to the County Ordinance Code, the applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to a natural watercourse. Furthermore, the applicant shall verify the adequacy of any downstream drainage facility accepting stormwater from this project prior to discharging runoff. The drainage plan for the project essentially collects the runoff from the developed portions of the site into a combined detention and treatment basin then discharges the runoff to the creek. The detention elements of the basin

will reduce project runoff rates below the current undeveloped rates. The applicant has requested an exception to Section 914-12.010 (Detention Basins – Maintenance). This section requires detention basins to be maintained by a public entity such as a Geological Hazard Abatement District (GHAD) or Community Services District. Similar exceptions have been granted in the recent past for these smaller detention basins. Public Works has no objection to the granting of this exception request and the findings for these exceptions are attached to this staff report in the project’s findings and proposed conditions of approval.

9. **Stormwater Management and Discharge Control:** In compliance with Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) Permit and the County’s Stormwater Management and Discharge Control Ordinance (§1014), the applicant submitted a Stormwater Control Plan (SWCP) prepared by Balance Hydrologics, dated May 29, 2020, which has been deemed to be “preliminarily complete”. Note that the SWCP remains subject to future revision based on any changes made during the preparation of improvement plans to better address compliance with C.3 stormwater requirements. There are also certain aspects of the stormwater treatment basin, such as geotechnical stability, outlet works, maintenance access, controlled emergency overflow, etc. that will need to be resolved as the project proceeds through final design prior to construction. Specifically:
- The Flood Control District does not recommend construction of bioretention basins next to creeks or other water facilities subject to inundation as depicted on the revised Tentative Map. Due to the potential impacts of over saturation of the creek embankment (basin levee) and possible failure where groundwater gradients exit the creek-bank slope, this basin location is not recommended. Therefore, prior to allowing this configuration, a geotechnical report signed and stamped by a registered geotechnical engineer should be provided to the County for review. The geotechnical report should demonstrate that the through seepage, under seepage, oversaturated soil conditions, and steep levee side slope will not impact the basin embankment stability.
 - The stability of the steep 2:1 slope embankment on the eastern side of the development, along Drive “C” (and bioretention basin), and adjacent to wetlands in an area prone to flooding, remains a concern to the Flood

Control District. Due to the impacts a failure of the proposed embankment would have on the Pacheco Creek flood control channel and adjacent wetlands, it is recommended that a geotechnical report substantiating the steep embankment's stability, signed and stamped by a registered geotechnical engineer, be submitted to the County for review.

10. **Tree Permit:** As described in Section VI. (Project Description) of this report, a tree permit to remove up to 30 code-protected trees will be required to accommodate the development. A valley oak woodland occurs on the north-facing slope of the hill within the project site. Disturbance to this valley oak woodland may be necessary during grading and may require removal of approximately 30 trees. The oak woodland is considered a sensitive natural community by California Department of Fish & Wildlife for its local rarity. Additionally, valley oak, coast live oak, and California bay trees on the hill are protected under the Contra Costa County Tree Protection and Preservation Ordinance. Permanent impact to this valley oak woodland community as a result of the project through removal of protected trees is potentially significant. Accordingly, the project EIR identified measures to mitigate the project's impact on trees to a less-than-significant level that include the following:
- Planting replacement trees within the project site on areas of the hill that will be preserved as open space following development. The project sponsor shall contract with a qualified restoration ecologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP) for oak woodland habitat to be restored as part of the project. The HMMP would be subject to approval by Contra Costa County.
 - Paying an in-lieu fee to a natural resource agency or a non-profit organization that would use the fees to protect or enhance oak woodland habitat of the region. The amount of an in-lieu fee will be determined either by calculating the value of the land with oak woodland habitat proposed for removal, or by some other calculation. An alternate calculation shall reflect differences in the quality of habitat proposed for removal and may consider the cost of comparable habitat (fee title or easement) in nearby areas. The amount of the in-lieu fee and the entity receiving the funds shall be subject to review and approval by the County.

The full mitigation measures cited in the project EIR for tree removal and restitution are included as conditions of approval for the project. Staff recommends approval of the tree permit and the findings for approval of a tree permit are attached to this staff report in the project's findings and proposed conditions of approval.

X. CONCLUSION

The proposed Bayview Estates Residential Project would be consistent with the proposed Single-Family Residential-High Density (SH) General Plan land use designation (File# CDGP04-00013), and as conditioned, would be consistent with the applicable goals and policies of the General Plan. The Subdivision (File# CDSD04-08809) would provide 144 single-family-residential home sites on the subject property and set aside permanently protected open space and wetlands that would provide potential wildlife habitat, filter and retain stormwater runoff. The proposed Rezoning (File# CDRZ04-03148) would establish a P-1 Planned Unit District that would facilitate development of the 144 single-family residences. The proposed residences would be constructed pursuant to the proposed Preliminary and Final Development Plan (File# CDDP04-03080), which reflects the proposed development standards for the Bayview Estates Planned Unit District. As such, the proposed project would be consistent with the surrounding neighborhood. Staff therefore recommends that the County Planning Commission approve Subdivision CDSD04-08809 and the proposed Preliminary and Final Development Plan CDDP04-03080. Staff also requests that the Planning Commission recommend approval by the Board of Supervisors of the proposed General Plan Amendment CDGP04-00013 and Rezoning CDRZ04-03148.

EXHIBITS

- Exhibit 1 – Project Findings & Conditions of Approval
- Exhibit 2 – Site Maps
- Exhibit 3 – Vesting Tentative Map
- Exhibit 4 – Development Plan
- Exhibit 5 – Other Agencies' Project Review Comments
- Exhibit 6 – Mitigation Monitoring Reporting Program