

**PROJECT FINDINGS FOR COUNTY FILES #CDRZ21-03260, CDS21-09588, CDDP21-03028, MONTE DAVIS FOR DISCOVERY BUILDERS INC (APPLICANT) AND JOSE AND MONICA LUIS (OWNERS)**

A. Government Code Section 65863(b) (No Net Loss)

Section 65863(b)(1) No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

- (A) The reduction is consistent with the adopted general plan, including the housing element.

Project Finding: The subject property has a General Plan land use designation of Single-Family Residential-High Density. The project is consistent with the proposed General Plan land use designation of Single-Family Residential- High Density (SH), which allows 5.0 – 7.2 units per net acre. The proposed project would subdivide the property into 15 residential lots on a net acre of 2.41 or a density of 6.0 dwelling units per net acre, consistent with the density allowed by the general plan. Thus, there is no reduction in the residential density allowed by the SH General Plan land use designation.

- (B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

Project Finding: The Regional Housing Needs Allocation (RHNA) was prepared by ABAG for the period of January 1, 2014 through October 31, 2022. As part of this process, ABAG requires each jurisdiction to plan for a certain number of housing units for this period. This requirement is satisfied by identifying adequate sites that could accommodate housing that is affordable to very low, low, moderate, and above moderate-income households. ABAG has determined that the unincorporated County's share of regional housing needs is a total of 1,367 new housing units, which includes the construction of 243 moderate-

income housing units. Based on the 2021 Annual Element Progress Report, the County has constructed an aggregate of 2,408 units across all income levels with 78 moderate-income units remaining to be constructed for the County's share of the 5<sup>th</sup> Cycle of the Housing Element RHNA.

The project would allow 15 single-family residential lots on the subject property which has been identified on the County's sites inventory for providing 14-moderate income units. Although the project does not provide moderate units, there are other parcels listed in the County's sites inventory where there remains a potential for the construction of moderate-income units

(<https://www.contracosta.ca.gov/DocumentCenter/View/33352/2014-Land-Inventory---Vacant-and-Underutilized-Sites-Analysis?bidId=>). There are several properties identified in the housing inventory that are vacant and designated for moderate-income units, including at least two other parcels (Assessor's Parcel Number: 403-030-005 and 032-112-007) with a capacity of 301 moderate units that have not been developed. Therefore, there is capacity of sites identified in the housing element to accommodate moderate-income units.

Section 65863(b)(2) If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction's housing element for that parcel, the city, county, or city and county shall make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

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**B. 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 consists of subdividing an approximately 2.88-acre property into 15 residential parcels. The project is expected to generate 11 AM and 15 PM peak hour trips. Therefore, a traffic study was not prepared.

The project site is located north of Pullman Avenue, a County maintained road. Pullman Avenue is approximately 32 feet paved within a 52-foot-right-of-way. No additional dedication of right-of-way along or further widen the pavement along Pullman Avenue will be required. However, installation of concrete curb ramps, curb, gutter, and minimum 5-foot-wide sidewalk (width measured from face of curb), longitudinal and transverse drainage, and street lighting, as necessary, along the project frontage will be required. Many of these improvements have

already been installed but may need to be modified to accommodate the proposed onsite improvements.

The subdivision will gain access via two private roads off Pullman Avenue. Street "B" is located north of the intersections of Fairview Avenue and Pullman Avenue and Street "A" is located north of the intersection of Gibson Avenue and Pullman Avenue. Both roads will have a paved width of 20 feet with right of way width varying from 25 feet to 30 feet. Both streets end in a hammerhead turnaround near the northern property line. Overall, the project would not cause unacceptable traffic related impacts in the immediate vicinity or area.

2. Water: The GMP requires new development to demonstrate that adequate water quantity can be provided. The project site currently receives water service from the Golden State Water Company (GSWC). The project was forwarded to the GSWC who did not provide any comments. The project should be submitted to GSWC for their review and approval. Furthermore, there has been no indication from GSWC that the project would exceed the capacity of their existing public water infrastructure.
3. Sanitary Sewer: The GMP requires that new development demonstrate that adequate sanitary sewer service is available. The project site is not currently served by Delta Diablo Sanitation District (DDSD) and would need to be annexed into the district. The applicant has initiated the process to annex the project site into the district for the 15 lots. Prior to the submittal of building permits, DDSD will review the submittal for conformance with their development standards and will require any potential upgrades at that time. By meeting the development standards of DDSD, the proposed project is expected to be accommodated by existing DDSD facilities without expansion of the wastewater treatment system.
4. Fire Protection: Fire protection and emergency medical response services for the project vicinity are provided by the Contra Costa County Fire Protection District. Fire protection to the project site would be provided by Station No. 86, which is located approximately 0.62 miles southwest from the site. The project is required to comply with the applicable provisions of the California Fire Code, the California Building Code, and applicable Contra Costa County Ordinances that pertain to emergency access, fire suppression systems, and fire detection/warning systems. Prior to the issuance of building permits, the construction drawings would be

reviewed and approved by the fire district. All homes will be equipped with an automatic fire suppression sprinkler system. The project site's close proximity to an existing fire station combined with the requirement for compliance with applicable building and fire codes ensures that the project will not result in an undue fire risk at the site; therefore, there is no need for expanded fire protection services.

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 project would increase the population of unincorporated Contra Costa County by approximately 43 persons, which is less than the facility standard and is a non-substantial increase. The addition of 15 single-family residences to the project area would not significantly affect the provision of police services to the area. Furthermore, the Condition of Approval (COA) #15 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 #12 and 13 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. Additionally, the project includes a common open space area to be used as a park by the residents of the 15 lots. The open space area is approximately 3,544 square feet and is identified as Parcel C. Thus, the combination of the common open space area and the per-unit in-lieu fees provided by the applicant will ensure that the project does not adversely impact the County's ability to maintain the standard of having three acres of neighborhood parks for every 1,000 members of the population.
7. Flood Control and Drainage: The project is not located within a Federal Emergency Management Agency-designated Special Flood Hazard (100-year) Zone, and thus flooding at the site is not a potential hazard.

The site generally slopes towards the north. A 30-inch storm drain is located along the northern property line, which discharges into the Delta. The project site

was originally zoned for industrial uses and storm drain was sized accordingly. The project proposes a less dense use; therefore, the receiving system is adequate to handle runoff from the development.

C. 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 Single-Family Residential-High Density (SH) General Plan land use designation. Primary land uses in the SH land use designation include detached single-family homes and accessory buildings and structures. The project is a use that is consistent with the SH land use designation.

The project site is located within the Heavy Industrial Zoning District (H-I), Railroad Corridor Combining District (-X), which is not consistent with the SH General Plan land use designation. The project includes a rezoning of the 2.88-acre site to a Planned Unit District (P-1). Table 3-5 of the County's General Plan indicates that a P-1 zoning district is consistent with the SH land use designation. The project is an infill project that is consistent with other General Plan policies that promotes housing opportunities and encourages other modes of transportation (e.g., transit, bicycling), while providing additional units to the County's housing inventory. Thus, the rezoning of an approximately 2.88-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 surrounded by a number of single-family residential developments directly south and west of the property. The project is a use consistent with the SH 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 approximately 2.88-acre project site is a vacant parcel. The project is an infill project that is located within an area that is developed with primarily with residential uses. The project to subdivide the property into 15 lots and construct the 15 residential 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. The project site is located approximately one mile north of the Pittsburg/Bay Point Bay Area Rapid Transit (BART) Station, which is served by the Tri Delta Transit. A bus stop is approximately 0.20 miles south of the subject property, approximately 138 west from the corner of Fairview Avenue and Willow Pass Road. Furthermore, the project is consistent with the SH General Plan land use designation.

D. 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 Bay Point area of the County, where the surrounding uses include primarily of residential developments. The tentative map would subdivide the approximately 2.88-acre project site into 15 residential lots to construct 15 residences. The project is consistent with the proposed General Plan land use designation of Single-Family Residential- High Density (SH), which allows 5.0 – 7.2 units per net acre. The proposed project would subdivide the property into 15 residential lots on a net acre of 2.41 or a density of 6.0 dwelling units per net acre, consistent with the density allowed by the general plan.

Overall, the project is consistent with the applicable policies for the SH 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.

E. 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 Single-Family Residential-High Density (SH) General Plan land use designation. Primary land uses in the SH land use designation include detached single-family homes and accessory buildings and structures. The project to allow a 15-lot subdivision and to construct 15 residences is a use that is consistent with the SH land use designation.

The project requires a rezone of the project site to a Planned Unit District (P-1) to allow a 15-lot subdivision. Table 3-5 of the County's General Plan indicates that a P-1 zoning district is consistent with the SH land use designation. The project is an infill project that is consistent with other General Plan policies that promotes housing opportunities and encourages other modes of transportation (e.g., transit, bicycling), while providing additional units to the County's housing inventory. Thus, the rezoning of an approximately 2.88-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 Bay Point 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 is a vacant and surrounded primarily of residential development. The project would provide 15 residential lots, with a residence on each lot. The project includes the rezoning of the property to P-1, which is consistent with the General Plan Land Use designation of SH. 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 approximately one mile from the Pittsburg/Bay Point Area BART Station, which is served by the Tri Delta Transit. A bus stop is located approximately 0.20 miles south of the project site, approximately 138 feet west from the corner of Fairview Avenue and Willow Pass Road. 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 primarily of residential uses. The 15-lots will consist of a residence on each lot. The residences will consist of four to five bedrooms, ranging in size from 1,829 – 2,559 square feet of living area, within a one or two-story building. The project site is located within an established neighborhood that consisting primarily of single-family developments. 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 approximately 2.88 acres in size that is currently zoned Heavy Industrial Zoning District (H-I), Railroad Corridor Combining District (-X). The SH General Plan land use designation permits detached single-family homes and accessory buildings and structures, consistent with the project to establish 15 single-family residences. Since the project site's current zoning designation is not consistent with the SH General Plan land use designation, the project includes a rezoning of the project site to a P-1, which is consistent with the SH General Plan land use designation. Overall, the project will remain for residential use consistent with surrounding area.

F. Variance Findings (County Code Section 26-2.2006)

Variance request from the five-acre minimum lot size requirement of the Planned Unit District (P-1) to allow the rezoning of the subject 2.88-acre property (Section 84-66.602 [1])

1. Required Finding: That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.

Project Finding: The project requires a variance to allow the rezoning of an approximately 2.88-acre project site from Heavy Industrial Zoning District (H-I), Railroad Corridor Combining District (-X) to a Planned Unit District (P-1). Under the P-1 Zoning District, a minimum of five acres is required. As found on Table 3-5 of the County's Land Use Element, the P-1 zoning is consistent with the SH General Plan land use designation.

Additionally, Table 6-39 of the County's Housing Element identifies the removal of the five-acre minimum lot requirement for the P-1 zoning. This would allow the development of small infill and under-utilized properties. Other properties in the County that are less than the required five acres have been rezoned to P-1. In 2020, the Board of Supervisors approved the rezoning to P-1 of a 2.37-acre parcel located on Del Hombre Lane and a 0.96-acre property located on Olympic Blvd., both projects in the unincorporated area of Walnut Creek. Thus, approval of

the variance to rezone a property less than the five acres required would not be a grant of special privilege.

2. Required Finding: That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.

Project Finding: The proposal to rezone the project site to P-1 on an approximately 2.88-acre property would allow a 15-lot subdivision and the construction of 15 residences on an under-utilized project site. The project is compatible with the surrounding development in the area consisting of single-family residential development. Properties less than five acres have been rezoned to P-1 since 1978. More recently, the Board of Supervisors in 2020 approved the rezoning to P-1 of a 2.37-acre parcel located on Del Hombre Lane and a 0.96-acre property located on Olympic Blvd., both projects in the unincorporated area of Walnut Creek. to P-1. The County's Housing Element identifies the removal of the minimum five-acre requirement to encourage development of infill properties. Thus, implementing the current zoning standards would deprive the subject property of rights enjoyed by other properties developed as single-family development.

3. Required Finding: That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

Project Finding: The proposal to rezone a property for residential use less than five acres will meet the intent of the P-1 Zoning District and the goal of the County's Housing Element to encourage small infill properties. The P-1 Zoning District provides an opportunity for a cohesive design with flexible regulations for the purpose of providing housing. Furthermore, the project will add to the County's housing inventory.

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

Required Finding: The County Planning Commission 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 five trees, all consisting of Ailanthus Altissima trees, commonly known as Tree of Heaven will be necessary to construct the project. All feasible efforts have been made to retain these trees; however, these trees are a noxiously weedy species. The branches are weak and prone to breakage, and the roots tend to resprout vigorously in response to damage.
2. Development of this project cannot be reasonably accommodated on other parts of the property due to the size of the project site. Approximately three trees are located at the southwest corner of the property, where a residence on Lot 1 will be located. The other two trees will be located approximately within proposed Street "A "and/or within Parcel B that consists of bioretention basin #2.