



Contra  
Costa  
County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: May 1, 2018

Subject: Alamo Summit - Modification to Final Development Plan #DP90-3030 for a Single Family Residence

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**RECOMMENDATION(S):**

1. OPEN the public hearing, RECEIVE testimony, and CLOSE the public hearing.
2. AFFIRM the Planning Commission decision to deny a proposal to merge three lots, defer road improvements, and allow a 13,888-square-foot single family residence in the Alamo Summit subdivision (DP15-3039).
3. DENY the appeal of Discovery Builders, Inc.
4. DETERMINE that the Board's decision is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15270(a), projects that a public agency rejects or disapproves.
5. DIRECT the Department of Conservation and Development to file a CEQA Notice of Exemption with the County Clerk

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☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **05/01/2018** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS** I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 1, 2018

Contact: (925)  
674-7798

David Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

## **FISCAL IMPACT:**

None. The applicant has paid the initial application deposit, and is obligated to pay supplemental fees to cover any and all additional staff time and material costs associated with the processing of this application.

## **BACKGROUND:**

### **Project Description:**

Discovery Builders, the applicant is requesting modification to Final Development Plan #DP90-3030 to allow the merger of three lots for construction of a single family residence. The applicant also requests to amend Conditions of Approval (COA) #25 and #26 to modify the construction timing of Alamo Summit Drive and the required improvements to Ridgewood Road. These roadway improvements would be postponed until a future date when the developer elects to build out the remainder of the subdivision. The applicant proposes a gravel roadway along the alignment of Alamo Summit Drive for use as a construction route to the home site. Construction vehicles would access the gravel construction route via Ridgewood Road, which the applicant indicates will be monitored and repaired as necessary during construction of the proposed residence.

### **Site Description:**

The project site is located within the boundaries of Alamo Summit, a 37-lot subdivision (SD 7553) that was previously approved by the County. The Alamo Summit subdivision is located on a hillside at the southern terminus of Castle Crest Road, approximately ½ mile west of Danville Boulevard at Livorna Road. The project site overlooks the Rossmoor community to the west, and the Alamo community to the south and east. Surrounding land uses are predominantly residential with the exception of open space to the north of the Alamo Summit subdivision. Vehicular access to the subdivision is available via Castle Crest Road from the north, and Ridgewood Road to the east. The project approval was conditioned to require Alamo Summit Drive, a paved road connecting these two existing access points, be constructed prior to the first phase of development. None of the 37 approved lots have been developed to date.

### **General Plan:**

The project site has a General Plan land use designation of Agricultural Lands (AL). Single-family residences are a compatible use within the AL designation. The proposed merger of three lots, resulting in a 12.8-acre home site is consistent with the allowed density of one dwelling unit per five acres for the AL land use designation.

### **Zoning:**

The project site is within a Planned Unit District (P-1), a zoning district that was specifically adopted for the 177-acre Alamo Summit subdivision. Residential development within this P-1 development is subject to design guidelines, which were also adopted with the approved Final Development plan for the Alamo Summit Subdivision.

### **Environmental Review:**

Pursuant to the California Environmental Quality Act (CEQA) guidelines § 15270(a), CEQA does not apply to projects for which a public agency disapproves. Staff is presenting this application with a recommendation for denial, thus, no environmental review has been performed.

### **Staff Analysis of the Proposed Project:**

The project proposal involves combining lots 7, 8, and 9 of the approved subdivision (approximately 12.8 acres total) and constructing a 13,888 square-foot single-family residence at this location. This location is at one of the higher points within the subdivision boundaries. Alamo Summit Drive is to be located along the eastern boundary of the proposed home site.

The primary issue regarding this application is the requirement for roadway improvements and a request to modify the timing of roadway improvements. The applicant requests to amend COA's #25 and #26 to allow construction of one single-family residence prior to the construction of Alamo Summit Drive and improving/widening Ridgewood Road. As noted, the applicant has requested to construct these roads at a future date when the remaining lots of the subdivision are developed.

The applicant's request to modify the timing for constructing required roadway improvements is a substantial modification to the Final Development Plan that was approved with the subdivision in 1992. The adopted EIR for the Alamo Summit project concluded that the use of either of the existing access routes, Ridgewood Road and Castle Crest Road, by construction traffic would add significantly to existing safety hazards for normal traffic on the route. These hazards were mitigated to a less than significant level by requiring improvements to Ridgewood Road, prior to development. It was also required that Alamo Summit Road be constructed to provide a temporary means of access for those residences located on Upper Ridgewood Road, during lower Ridgewood Road improvements. Mitigation Measure 3(d) required the construction of improvements and widening of Ridgewood Road as part of the first construction phase. The applicant's request to construct a single-family residence is the first construction phase of the project. Additionally, Mitigation Measure 3(d) stipulated that construction vehicles would only be allowed access to the site via the improved Ridgewood Road. Mitigation Measure 3(d) was incorporated into the Final Development Plan approval as COA's #25 and #26.

Pursuant to County Ordinance Code 84-66.1804(b), the County must find the proposed modification to the Final Development Plan is consistent with the intent and purpose of the P-1 district adopted for the site. The proposed modification does not comply with approved COA's #25-27, or Mitigation Measure 3(d). As previously stated, these conditions were a major element of the project approval, without which safe development of any portion of the Alamo Summit subdivision is not possible. Therefore, the proposed modification is not consistent with the intent and purpose of the P-1 district adopted for the Alamo Summit Subdivision and should be denied.

### **County Planning Commission (CPC) Hearing and Decision on February 14, 2018**

The proposed Development Plan modification was presented to the CPC on February 14, 2018 with a recommendation for denial from staff. Dozens of residents from the Alamo community appeared to voice their opposition to the project. The concerns raised were primarily over the narrow configuration of the existing roads that are located on steep terrain. There is great concern amongst local residents that these roads cannot safely accommodate existing residential traffic and the added construction traffic without the access improvements that the original subdivision was conditioned to perform prior to the first phase of development on Alamo Summit. Neither representative of the applicant appeared to present to the CPC in support of this application. The CPC voted unanimously (5-0) to deny the requested modification to the approved Final Development Plan.

### **Appeal of County Planning Commission's February 14, 2018 Decision**

The County received an appeal of the County Planning Commission's decision on February 22, 2018, from Louis Parsons, President of Discovery Builders Inc. Below is a summary of the appeal points along with staff's response.

- *Appeal Point: We are asking for the timing of the improvements to be modified. We are not requesting deletion of any of the conditions.*

Staff Response: As already stated previously, the adopted EIR for the Alamo Summit project concluded that the use of either of the existing access routes, Ridgewood Road and Castle Crest Road, by construction traffic would add significantly to existing safety hazards for normal traffic on the route. These hazards were mitigated to a less than significant level by requiring improvements to Ridgewood Road, and requiring all construction traffic to use the improved Ridgewood Road. In order to reduce the impact of closing Ridgewood Road to perform these improvements, it was required that Alamo Summit Road first be constructed to provide a temporary means of access for those residences located on Upper Ridgewood Road.

The adopted EIR for the Alamo Summit project also found that utilizing Ridgewood Road in its existing condition "would add significantly to existing safety hazards for

normal traffic on the route”. The applicant has proposed to assess the condition of Ridgewood Road during the construction phase and promptly repair any damage caused by construction activities. This proposal is inadequate in that it fails to address the primary intent of the Ridgewood Road improvements, which was to improve the road’s ability to safely accommodate construction traffic for the Alamo Summit subdivision. There have been no significant improvements to Ridgewood Road since the approval of the Alamo Summit subdivision that may have reduced these hazardous conditions, and that may warrant consideration of the requested modified timing of improvements. Thus, the preexisting hazardous situation for construction traffic and residents on upper Ridgewood Road remains.

- *Appeal Point: We have offered a solution for construction traffic through the project site, and we are simply proposing the construction of a single home. We are proposing to merge 3 lots into 1, which will lessen the ultimate overall development impact.*

Staff Response: Monitoring Ridgewood Road and repairing damage caused by construction traffic does not alleviate or mitigate hazards that would be posed by the routing construction traffic on this roadway given its current hazardous conditions. Furthermore, the current proposal does not provide a paved alternative access route for residents on upper Ridgewood Road in the event that lower Ridgewood Road needs to be closed to repair construction damage. The proposed gravel road may provide construction vehicles access through the project site, but it fails to provide an alternative access point for those residences most likely to be impacted by construction activity on lower Ridgewood Road. Lastly, it is the existing hazardous conditions of Ridgewood Road combined with its proposed use as a construction access that necessitates the required improvements; not the scale of the proposed construction. Therefore, a decrease in the number of lots for the entire subdivision does not eliminate the need to improve Ridgewood Road prior to construction activities.

#### CONSEQUENCE OF NEGATIVE ACTION:

If the Board is inclined to approve the applicant's appeal, it should direct staff to perform necessary environmental review and take necessary steps to approve the request.

#### CHILDREN'S IMPACT STATEMENT:

This application is a request for approval of modifications to a Final Development Plan to allow for construction of a single-family residence. The proposed project will not impact children’s programs within the County. The applicant’s requirement to contribute to childcare facilities will still be required as a condition of approval for the subdivision.

#### CLERK'S ADDENDUM

***CONTINUED the hearing to June 5, 2018 at 9:30 a.m.***

## ATTACHMENTS

Appeal Letter

DP90-3030 COA

DP Modification Map

Alamo Summit Subdivision Map

Zoning Maps

Power Point- Alamo Summit