



Contra
Costa
County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: June 5, 2018

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

RECOMMENDATION(S):

1. OPEN the public hearing, RECEIVE testimony, and CLOSE the public hearing.
2. DENY the appeal of Discovery Builders, Inc., and 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. ADOPT findings in support of the denial of 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)
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.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **06/05/2018** ☒ 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: June 5, 2018

Contact: Sean Tully
(925) 674-7800

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.

Findings in Support of Decision to Deny the Proposed Modification to Final Development Plan #DP90-3030

The proposed modification to Final Development Plan DP 90-3030 involves combining lots 7, 8, and 9 (approximately 12.8 acres total) of the approved Alamo Springs subdivision and constructing a 13,888 square-foot single-family residence. The proposed modification is a request to modify the timing of roadway improvements. The applicant requests the amendment of Conditions of Approval No. 25 and No. 26 to allow construction of one single-family residence before constructing Alamo Summit Drive and before improving and widening Ridgewood Road.

The Board of Supervisors denies the proposed modification to Final Development Plan DP 90-3030 on the following grounds and finds as follows:

FINDINGS:

1. The proposed modification is not consistent with the General Plan because it would not comply with the Roadway and Transit Goals of the Transportation and Circulation Element listed below.

Goal 5-G: To provide access to new development while minimizing conflict between circulation facilities and land uses. Allowing construction traffic along Ridgewood Road in its current condition would provide access to the project site, but would greatly compromise safety along that route. This conflicts with goal 5-G because the residents of the adjacent subdivision along Upper Ridgewood Road would be forced to use an access route with hazardous conditions beyond that which existed without the project.

Goal 5-K: To provide basic accessibility to all residents, which includes access to emergency services, public services and utilities, health care, food and clothing, education and employment, mail and package distribution, freight delivery, and a certain amount of social and recreational activities.

The existing narrow roadway has the potential for creating situations where only small vehicles can pass large construction traffic traveling in the opposite direction. In these circumstances, emergency apparatus, parcel delivery trucks, and other large vehicle may not have access to the residents of Upper Ridgewood Road.

2. The proposed modification would not result in "residential development that will constitute a residential environment of sustained desirability and stability" (Section 84-66.1406(3) of the P-1 Ordinance), because the means of accessing the adjacent community would be adversely impacted. The residents of Upper Ridgewood Road currently have free-flowing access to and from their residences. In the event the proposed project is approved, residents would be forced to abandon or reschedule certain activities based on the schedule of the construction activity for the proposed residence.

3. The proposed modification would not result in "residential development that is in harmony with the character of the surrounding neighborhood and community" (Section 84-66.1406(3) of the P-1 Ordinance), because of the potential disruption that the proposed condition modification would cause. Without the required improvements to Ridgewood Road, additional construction personnel would be needed along the roadway to monitor and coordinate opposing traffic. Although some disturbance is expected for any development that would occur in the Alamo Summit development, the presence of added construction personnel along the roadway, rather than strictly at the construction site, would impact the semi-rural nature of the community that residents of the area have come to expect.

4. The proposed development plan modification is not "consistent with the intent and

purpose of the P-1 district" established for the Alamo Springs Subdivision (Section 84-66.1804(4)b of the P-1 Ordinance). The adopted EIR for the Alamo Summit subdivision 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 proposed development plan modification conflicts with this mitigation measure.

5. The proposed modification is not "compatible with other uses in the vicinity" (Section 84-66.1804(b) of the P-1 Ordinance), because it would increase safety hazards to residents and visitors of the adjacent community. In addition to exposing residents of Upper Ridgewood Road to increased safety hazards, the proposed modification would also expose visitors, service providers, and emergency personnel, including Sheriff and Fire personnel, to those same hazards.

6. The proposed modification would be detrimental to the health, safety, and general welfare of the county because of the impacts it would have on residents in the community along Upper Ridgewood Road. Residents traveling to and from the adjacent residential development would be required to navigate around trucks and other large construction equipment while compensating for existing narrow road widths, limited sight distances, and the lack of guardrails along Ridgewood Road. These hazard would be greatly reduced, or even eliminated, if the roadway improvements are implemented as currently required.

Request for Continuance to June 5, 2018

This appeal was initially scheduled to be heard before the Board of Supervisors on May 1, 2018. On April 27, 2018, the applicant contacted Community Development staff to advise that they would not be able to attend the hearing due a misunderstanding regarding the scheduled hearing date. The applicant requested that the matter be continued, and after further discussion confirmed in writing that they would be available to attend a June 5, 2018 hearing. At the May 1, 2018 hearing no testimony on the matter was received and a continuance was granted by the Board of Supervisors to June 5, 2018.

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 procedural hearings to approve the application.

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

Louis Parsons, Discovery Bay Builders, spoke on behalf of the appellant.

The following spoke in opposition to the building proposal: David Frane, resident of Alamo; Sandra Fink, resident of Alamo; Brenda Hepler, resident of Alamo; Diane C. Mader, resident of Walnut Creek; Randy Burkhammer, resident of Alamo; Kenneth Hoffman, Upper Ridgewood HOA ; Brant Free, Eagle Ridge Concerned Citizens; Dennis Danziger resident of Alamo; Clay Allen, resident of Alamo; Michael Gibson, resident of Alamo; Joe Bologna, resident of Alamo; Edward Moran, resident of Alamo; Jack Handling, resident of Alamo; Alicia Watson, resident of Alamo; Steve Mick, resident of Alamo; Amanda Cox, resident of Alamo; Anne Struthers, Alamo Munipal Advisory Council; Brian Grainger, resident of Alamo; Peter Wiebeus, resident of Walnut Creek; Paige Meyer, San Ramon Valley Fire Protection District; Gwen Gallagher, resident of Alamo. Written remarks were provided by: Kenneth Hoffman, Leslie Spellman, Lawrence Cahn and Brant W. Free (attached)

***DENIED** the appeal of Discovery Builders, Inc., and **AFFIRMED** 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);*

***ADOPTED** findings in support of the denial of 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); **DETERMINED** 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); and **DIRECTED** the Department of Conservation and Development to file a CEQA Notice of Exemption with the County Clerk.*

ATTACHMENTS

Appeal Letter

DP90-3030 COA

DP Modification Map

Alamo Summit Subdivision Map

Zoning Maps

Powerpoint Presentation