



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: May 7, 2019

Subject: General Plan Amendment, Rezoning, and Final Development Plan for an Eight-Unit Townhome Subdivision Project in Pacheco (District V)

RECOMMENDATION(S):

1. OPEN the public hearing on the Eight-Unit Townhome Subdivision Project, RECEIVE testimony, and CLOSE the public hearing.
2. FIND that the mitigated negative declaration prepared for the Project adequately analyzes the Project's environmental impacts, that there is no substantial evidence that the Project with the proposed mitigation measures will have a significant effect on the environment, and that the mitigated negative declaration reflects the County's independent judgment and analysis.
3. ADOPT the mitigated negative declaration prepared for the Project.
4. ADOPT the mitigation monitoring program for the Project.
5. DIRECT the Department of Conservation and Development to file a CEQA Notice of Determination with the County Clerk.
6. SPECIFY that the Department of Conservation and Development, located at 30 Muir

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/07/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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 7, 2019

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

By: Jami Napier, Deputy

Contact: Jennifer Cruz, (925)
674-7790

cc:

Street, Martinez, California, is the custodian of the documents and other material that constitutes the record of proceedings upon which the decision of the Board of Supervisors is based.

RECOMMENDATION(S): (CONT'D)

7. ADOPT Resolution No. 2019/157, amending the General Plan to change the land designation of the subject property from Office (OF) to Multiple-Family Residential-Medium Density (MM) (#GP16-0007).
8. ADOPT Ordinance No. 2019-12, rezoning the subject property from Single-Family Residential (R-6) to a Planned Unit District (P-1) (#RZ17-3237).
9. APPROVE a variance from the minimum lot size requirement to allow for the rezoning of the subject property to a Planned Unit District (P-1).
10. ACKNOWLEDGE that the Planning Commission approved the vesting tentative map for the Project and no appeal of this approval was filed.
11. APPROVE the Eight-Unit Townhome Subdivision Project.
12. APPROVE the final development plan for the Project (#DP17-3010).
13. APPROVE the attached findings in support of the Project.
14. APPROVE the attached Project conditions of approval.

FISCAL IMPACT:

The applicant has paid the necessary application deposit, and is obligated to pay supplemental fees to cover all additional costs associated with the application process.

BACKGROUND:

Project Summary:

This hearing is to consider the General Plan Amendment, Rezoning, and Final Development Plan in order to develop a vacant 0.49-acre property into an eight-unit residential subdivision located on Center Avenue in the Pacheco area of the County. On February 27, 2019, the County Planning Commission heard the project and approved the vesting tentative map (County File #SD17-9466). The County Planning Commission provided recommendations of approval for County Files # GP16-0007, #RZ17-3237, and #DP17-3010 that require Board approval.

Project Description:

The applicant requests a General Plan Amendment to change the designation of the subject property from Office (OF) to Multiple-Family Residential-Medium Density (MM) and to rezone the subject property from Single-Family Residential (R-6) to a Planned Unit District (P-1). The request also includes an approval of a vesting tentative

map to subdivide the 0.49-acre vacant property into eight residential lots (ranging in area from 1,349 to 1,836 square feet) and a common lot - Lot 9 (9,789 square feet) for the private driveway and six guest parking spaces, and approval of a final development plan for the entire project including the eight townhomes, private roadway, landscaping improvements, and all other related improvements. Living areas range in size from 2,199 to 2,203 square feet and will include a two-car garage for each residential unit. Lots 2 and 3, 4 and 5, 6 and 7 consists of attached townhomes. Lots 1 and 8 will each consist of a detached residential building.

There are two floor plans for the proposed project. The buildings will be three stories and will have two car garages with a maximum height of approximately 38 feet 4". The residences are generally traditional in design and incorporate features from a Queen Anne design to provide some consistency with the adjacent William T. Hendrick house, a nationally registered historic building. The features of the Queen Anne design incorporated into the design of the residences include gabled roofs, double hung style windows, and corbels. The residences will also include composition shingle roofing, horizontal lap siding, vertical siding on the first floor, and stone veneer at the front of the residence. A balcony will be located on the second floor. The details of the floor plans are described below.

	Living Area (sq. ft.)	Number of Bedrooms	Number of Bathrooms	Height
Plan One (Lots 1 & 8)	2,203	4	4	38' – 4"
Plan Two (Lots 2, 3, 4, 5, 6, 7)	2,199	4	4	36' – 7" 38' – 4" (Lots 4 & 5)

The subject property is currently accessed from Center Avenue, which will continue to serve the property via a proposed 20-foot wide “T” shaped driveway. The private road, identified as Lot 9, will also contain four guest parking spaces located between Lots 1 and 2 and two additional guest parking spaces located east of Lot 3. All guest parking will be standard 9 feet wide by 19 feet deep spaces.

In order to provide some amenities for future residents, small open spaces with a bench and a picnic table will be provided north of the four parking spaces between Lots 1 and 2 and an additional picnic table will be provided north of the two parking spaces area located east of Lot 3. A retaining wall varying in height from 5 inches to a maximum height of 7 feet 3 inches will be provided along the western, northern, eastern property lines. A 4-foot tall fence on top of the retaining wall will be added to the portion along the western, northern, and northeastern property lines. The project will include approximately 6,435 square feet of landscaping on the subject property. Replacement trees will be provided along the perimeter of the northeastern portion of the subject

property, along Center Avenue. Smaller sized accent trees and shrubs will be located throughout the property.

The applicant requests a variance to allow the rezoning of a 0.49-acre property from R-6 to P-1 (where 5 acres is the minimum lot size for residential uses). Approval of variances to the P-1 five-acre minimum lot requirement were previously approved by the County and the Department intends to develop code changes to eliminate that requirement.

County Planning Commission Hearing

The County Planning Commission heard the project at the February 27, 2019, hearing. The Commission opened the public hearing and received testimony from the applicant who presented his project. The Commission also commented on the sight distance from the private road to Center Avenue. The concern was whether there was sufficient sight clearance provided at the subject property. As a result, condition of approval (COA) #46 has been modified to require that the project will be heard before the Planning Commission if the sight distance design does not meet the required standard. The vesting tentative map was approved by the Commission who also recommended approval of other elements of the project. No appeals were received for the subdivision approval of the project.

In response to the Commission's concern regarding the sight distance, the applicant submitted information on March 1, 2019, for the review and approval of the Public Works Department. On March 7, 2019, the Public Works Department determined that the submittal demonstrated that adequate distance can be provided at this location and is acceptable.

Consistency with the General Plan and Zoning

General Plan Consistency: The current General Plan land use designation for the subject property is Office (OF). The project involves an amendment to the General Plan designation from OF to Multiple-Family Residential-Medium Density (MM). Per the MM designation, a density range of 12.0 to 21.9 multiple-family units per net acre is allowed. The subject property is 0.49 acres (gross), with a net acreage of 0.41 acres. A maximum of nine units would be allowed based on the net acreage. As such, the eight-residential lot subdivision would be within the density allowed for the property. The applicant originally proposed nine lots; however, the applicant has since reduced the proposal to eight lots to allow a more feasible design of the project, including improving the design of the access and circulation for the project. Primary land uses allowed in the MM land use designation include attached single-family residences (such as duplexes or duets), multiple family residences such as condominiums, townhouses, apartments, mobile home parks, and accessory structures normally auxiliary to the primary uses. The project involves establishing attached townhomes with two standalone units.

The following General Plan policies for the Center Avenue (Pacheco) Area are applicable

for the subject property and the project is consistent with these policies.

- *Policy 3-103: The Plan for the area in Pacheco located generally along Center Avenue west of the flood control channel is designated for Multiple-Family Residential-Medium and High Density. The Plan endorses efforts to consolidate smaller parcels into logical groupings for the private redevelopment of areas from single-family homes to multiple-family residential uses.*

Although it would be ideal if the subject property were to be consolidated with smaller parcels, the adjacent parcels are developed either for an office use or a church.

- *Policy 3-104: The Plan recognizes the historical significance of the W.T. Hendrick house (218 Center Avenue) and encourages its continued preservation. Developments that surround the house should be designed in a fashion that compliments the structure and works toward its continued preservation.*

The proposed buildings considered design elements of the Hendrick house. For example, the residential buildings will have gabled roofs, double hung windows, and corbels.

The subject property is a vacant and under-utilized property located within the Urban Limit Line (ULL). It is located between a dental office and a newly constructed office building, and a church is located directly north of the subject property. The project is an infill project and is consistent with similar development patterns in the surrounding area. Multiple-family residential developments are located within the surrounding area of the property, including one such development located directly northwest of the subject property. This is an infill project similar to other projects on properties less than the required 5-acre minimum for P-1 zoning approved in the other areas of the County, including recently approved projects in the unincorporated areas of Walnut Creek. According to Figure 5-3 of the Transportation and Circulation Element, the subject property is located within a Transit Corridor and within Local Transit Service Area. Alternative modes of transportation are within close proximity to the property and are accessible for the housing provided. The County Connection route is located on Pacheco Blvd., which is approximately 570 feet east of the subject property. The County Off-Street Parking Ordinance requires long-term and short-term bicycle parking to serve each land use to meet the bikeway goals of the Transportation and Circulation Element of the County General Plan. Based on the housing type, no long-term bicycle spaces are required. However, two short-term spaces are required. Overall, the eight residential-lot subdivision with a parcel designated for the private road and six guest parking spaces complies with the MM General Plan land use designation and applicable General Plan policies.

A General Plan Amendment is warranted because the eight housing units will provide much-needed new housing on an infill property adjacent to transit and neighborhood-serving commercial businesses.

Zoning Compliance: The project involves a rezoning of the property from R-6 to a Planned Unit District (P-1). The project involves the subdivision of the subject property into eight residential lots with a separate parcel for the private road and common areas. The residential lots range from 1,349 to 1,836 square feet in size, and Lot 9, approximately 9,789 square feet in size includes the private roadway, guest parking spaces, and common areas. There will be three townhome buildings (Lots 2, 3 and 4-7) and two standalone buildings (Lots 1 and 8). There are two floor plans proposed. Both floor plans consist of four bedrooms and four bathrooms with a two-car garage. The proposed buildings will be three stories, with a maximum height of approximately 38 feet.

There are no minimum lot sizes, height, or setback requirements in the P-1 Zoning District. However, in approving a Planned Unit District, the development must be a residential environment of sustained desirability and stability, and in harmony with the character of the surrounding neighborhood. Further, the P-1 zoning is intended to provide flexibility of site design, building massing, setbacks, and height. The proposed infill project is found to be consistent with the neighborhood that includes primarily two-story homes, within a residential developed area, as well as adjacent to commercial uses.

Conclusion

The project is consistent with applicable goals and policies of the General Plan, including providing greatly needed housing units on an infill property adjacent to transit and neighborhood-serving commercial businesses. The project is also consistent with the intent of the proposed P-1 district, as explained more fully above. Therefore, staff recommends the Board of Supervisors approve the General Plan Amendment, Rezoning, Final Development Plan and related actions, as recommended by the County Planning Commission

CONSEQUENCE OF NEGATIVE ACTION:

In the event that the proposed project is not approved, the applicant will not obtain approval of the required General Plan Amendment, Rezoning, and Development Plan entitlements needed to allow the proposed eight-unit townhome subdivision project in Pacheco.

CHILDREN'S IMPACT STATEMENT:

The project to allow the General Plan Amendment, Rezoning, and Development Plan The project to allow the General Plan Amendment, Rezoning, and Development Plan entitlements for the subject property is consistent with the following outcome established in the Children's Report Card: 5 - Communities are safe and provide a high quality of life for children and families.

CLERK'S ADDENDUM

Opened the public hearing on the Eight-Unit Townhome Subdivision Project, received testimony, and closed the public hearing.

Found that the mitigated negative declaration prepared for the Project adequately analyzes the Project's environmental impacts, that there is no substantial evidence that the Project with the proposed mitigation measures will have a significant effect on the environment, and that the mitigated negative declaration reflects the County's independent judgment and analysis. **Adopted mitigated negative declaration prepared for the Project. Adopted the mitigation monitoring program for the Project. Directed the Department of Conservation and Development to file a CEQA Notice of Determination with the County Clerk. Specified that the Department of Conservation and Development, located at 30 Muir Street, Martinez, California, is the custodian of the documents and other material that constitutes the record of proceedings upon which the decision of the Board of Supervisors is based. Adopted Resolution No. 2019/157, amending the General Plan to change the land designation of the subject property from Office (OF) to Multiple-Family Residential-Medium Density (MM) (#GP16-0007). Adopted Ordinance No. 2019-12, rezoning the subject property from Single-Family Residential (R-6) to a Planned Unit District (P-1) (#RZ17-3237). Approved a variance from the minimum lot size requirement to allow for the rezoning of the subject property to a Planned Unit District (P-1). Acknowledged that the Planning Commission approved the vesting tentative map for the Project and no appeal of this approval was filed. Approved the Eight-Unit Townhome Subdivision Project. Approved the final development plan for the Project (#DP17-3010). Approved the attached findings in support of the Project. Approved the attached Project conditions of approval.**

ATTACHMENTS

Resolution 2019/157

Findings and Conditions of Approval

RZ17-3237 Findings

Ordinance 2019-12

Maps

County Planning Commission Staff Report

Mitigated Negative Declaration

Mitigation Monitoring Reporting Plan

MND Comments

Agency Comments

Plans

Presentation