



**Contra  
Costa  
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: December 17, 2019

Subject: Balmore Court Single-Family Residential Project (RZ17-3239, DP17-3054)

**RECOMMENDATION(S):**

1. OPEN the public hearing on the Balmore Court Project, RECEIVE public testimony, and CLOSE the hearing.
2. FIND that the mitigated negative declaration prepared for the Balmore Court Project (SCH 2018122029) 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 for the Project.
4. ADOPT the mitigation monitoring program for the Project.
5. SPECIFY that the Department of Conservation and Development, located at 30 Muir Road, Martinez, California, is the custodian of the documents and other material which constitute the record of proceedings upon which the decision of the Board of Supervisors is based.
6. ADOPT Ordinance No. 2019-38, rezoning the subject property from Single-Family Residential Districts (R-6 and R-7) to Planned Unit District (P-1) (RZ17-3239).
7. ACKNOWLEDGE that the County Planning Commission approved the vesting tentative map for the Project and the associated tree permit (SD17-9478), and no appeal of these

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **12/17/2019** ☐ 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: December 17, 2019

Contact: Stan Muraoka,  
925-674-7781

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

By: , Deputy

cc:

approvals was filed.

## RECOMMENDATION(S): (CONT'D)

8. APPROVE the Balmore Court Project.
9. APPROVE the preliminary development plan for the Project (DP17-3054).
10. APPROVE the findings in support of the Project.
11. APPROVE the Project conditions of approval.
12. DIRECT the Director of Conservation and Development to file a CEQA Notice of Determination with the County Clerk.

## FISCAL IMPACT:

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

## BACKGROUND:

Project Description. The Balmore Court Single-Family Residential Project, as detailed below and in the CPC staff report of August 28, 2019, consists of: (A) a Rezoning of a vacant 6.44-acre residential property, (B) a 33-lot Subdivision including a Vesting Tentative Map, and (C) a Preliminary Development Plan for 30 single-family residences. The subject property is in the SH Single-Family Residential-High Density General Plan land use designation.

A. Rezoning RZ17-3239: A Rezoning of a vacant 6.44-acre residential property, consisting of two Assessor's parcels, from the R-6 Single-Family Residential District and the R-7 Single-Family Residential District to a P-1 Planned Unit District. The Rezoning would allow clustering of the single-family homes to meet the required residential density of the SH designation, while setting aside land for hillside open space, storm drainage, and the restrictive riparian easement that was established in 2007. Adoption of Ordinance No. 2019-38 will implement Rezoning RZ17-3239.

B. Subdivision SD17-9478: A Subdivision, including a Vesting Tentative Map, to subdivide the property into 33 lots, including 30 residential parcels, one hillside open space parcel, one storm drainage parcel, and a roadway parcel. A public street extension of Balmore Court will be constructed within the roadway parcel. The project includes the improvement of the private street section of Balmore Court between Lindell Drive and the subject property to a public street, and on-site storm water drainage facilities to collect project-related storm runoff. The subdivision includes exceptions to the requirements of County Code Sections 98-4.002 (Minimum Width of Pavement and Right of Way – Collector Streets) and 99-6.016 (Horizontal Curves – Collector Streets).

On August 28, 2019, the County Planning Commission (CPC) approved Subdivision SD17-9478, with a condition (Condition of Approval #34) that the approval is contingent on approval of Rezoning RZ17-3239 and Preliminary Development Plan DP17-3054.

C. Preliminary Development Plan DP17-3054: A Preliminary Development Plan for the

P-1 District to include development of 30 single-family residences on the 30 residential parcels, accessed by a road extension of Balmore Court. The P-1 District includes development standards for lots, building height, yards, other improvements, and parking as listed on Table 1, Balmore Court P-1 District in Condition of Approval #22. The homes would be clustered with 20 homes accessed from the extension of Balmore Court via shared driveways. The remaining 10 homes would have individual driveway access to Balmore Court. The applicant also requests a Tree Permit to remove the 13 trees on the property that are outside of the 2007 restrictive riparian easement to accommodate development of the property.

Site/Area Description. The subject property is a 6.44-acre undeveloped site at the northern terminus of Balmore. Balmore Court is a public street from Allview Avenue to approximately 60 feet north of Lindell Drive. Balmore Court continues north of the public street section as a private street for a distance of approximately 400 feet. The private street portion of Balmore Court has a pavement width of approximately 24 feet near Lindell Drive and tapers to approximately 17 feet six inches at the northern terminus. On October 16, 2007, the Board of Supervisors adopted Resolution No. 2007/588, whereby the County accepted offers of dedication from the six adjoining private property owners along this street section. As part of the current project, the applicant proposes to improve this section of Balmore Court to match the street improvement on the project site, except for that portion subject to the traffic calming plan as explained below, and have the improved section become a public street.

Surrounding the project site to the south and west are single-family residences along Balmore Court, Lindell Drive, and Kelvin Road. Further south and west are single-family residences along Allview Avenue, St. Andrews Drive, and Mitchell Way. The residential area is visually distinct from the commercial areas to the east and north along Appian Way and Fitzgerald Drive in the City of Pinole. The substantially larger commercial buildings include the Public Storage facility and Days Inn east of the project site along Appian Way. The parcels to the east are separated from the project site by an intermittent drainage channel along the eastern property boundary. The Pinole Vista shopping center along Fitzgerald Drive borders the project site to the north.

County Planning Commission. On August 28, 2019, the County Planning Commission held a public hearing on the Balmore Court Single-Family Residential Project. After receiving public testimony from five individuals, the CPC closed the hearing. Subsequently, the CPC approved Subdivision SD17-9478, with a condition that staff review traffic calming measures such as street width reduction and speed limit signage to slow traffic along Balmore Court near the subdivision. The CPC approval included a recommendation to the Board of Supervisors to approve Rezoning RZ17-3239 and Preliminary Development Plan DP17-3054.

Traffic Calming. Pursuant to the August 2019 direction received from the CPC, the applicant submitted a conceptual traffic calming plan that included a 28-foot wide section of improved roadway on Balmore Court with a raised crosswalk. The conceptual

plan has been reviewed by Public Works staff, who have revised Condition of Approval #48 to account for the traffic calming plan.

Environmental Review. Pursuant to the *Guidelines for California Environmental Quality Act* (California Code of Regulations, Title 14, Chapter 3, Sections 15000 – 15387), Conservation and Development staff prepared an Initial Study assessment of potentially significant adverse environmental impacts that could result from the proposed Balmore Court Single-Family Residential Project. The identified potential impacts include:

- Construction period air quality and odors;
- Construction effects on nesting raptors and passerine birds;
- Geotechnical risks of soil erosion;
- Geotechnical and hydrological risks of potential landslides and of expansive soil;
- Noise levels on the northern portion of the site due to traffic on Interstate 80;
- Construction period noise and vibration; and,
- Potential adverse impacts on Native American cultural resources.

Staff determined that although the proposed project could have potentially significant adverse environmental impacts, with implementation of mitigation measures that have been agreed to by the applicant, the project would not result in significant environmental impacts.

A draft Mitigated Negative Declaration/Initial Study, SCH 2018122029, was prepared and published for the proposed project. The public review period for the draft MND started on December 12, 2018 and ended on January 14, 2019. `

Subsequently, a Final MND was prepared that includes the written comments received on the draft MND, responses to the comments received, and two staff-initiated text changes, including two minor changes to correct typographical errors. Written comments from six commenters were received during the public review period for the draft MND. Neither the comments nor the staff responses to the comments result in any substantial changes to the draft MND, and the impacts, mitigation measures, and findings of the MND are unchanged. The text changes are not the result of any new significant adverse environmental impact, do not alter the effectiveness of any mitigation included in the pertinent section, and do not alter any findings in the section.

Pursuant to CEQA Section 15097, a Mitigation Monitoring Program has been prepared, based on the identified significant impacts and mitigation measures in the MND. The Mitigation Monitoring Program is intended to ensure that the mitigation measures identified in the MND are implemented. All mitigation measures listed in the Mitigation Monitoring Program are included in the CPC Approved Findings and COAs.

Rezoning and Preliminary Development Plan. The August 28, 2019 CPC staff report includes findings for Rezoning RZ17-3239 and Preliminary Development Plan DP17-3054. The project site has a General Plan Land Use designation of SH, Single-Family Residential-High Density. This designation allows between 5.0 and 7.2 single-family units per net acre. Subdivision SD17-9478 includes 30 units on 5.53 net

acres (6.44 gross acres - 0.91 acre for the roadway parcel), for a density of 5.42 units per net acre. Thus, the proposed project is consistent with the SH General Plan designation, the General Plan policies for the El Sobrante area, and General Plan Housing Element policies related to providing an adequate supply of housing and encouraging infill development of suitable vacant and under-utilized sites within urbanized areas where necessary utilities already are installed. 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 is projected to generate 22 AM peak hour vehicle trips and 30 PM peak hour trips, which will not significantly affect the nearby Allview Avenue/Baltimore Court and Baltimore Court/Lindell Drive intersections. Thus, the project will not have a significant impact on Appian Way, which is the nearest arterial designated in the General Plan Transportation and Circulation Element. Accordingly, the project is consistent with General Plan transportation policies for arterials.

The project site has varying terrain. The site is relatively flat in the eastern portion near the intermittent drainage channel and slopes upward to the southwest, west and northwest. As a result, residential development of the project site involves substantial constraints, including slopes of up to 30 percent on the western and northwestern portions of the site that significantly reduce the buildable portion of the site. The project includes a 1.84 acre hillside open space parcel located uphill and generally west and northwest of the residential parcels and a 0.36 acre storm drainage parcel located in the northeast quadrant of the property. The storm drainage parcel and the residential parcels on the east side of the street include portions of the 0.91-acre restrictive riparian easement that was established pursuant to a grant deed of development rights to the County in 2007. These areas of the site will be permanently protected open space that will provide potential wildlife habitat, filter and retain stormwater runoff, require less new infrastructure, and better maintain the semi-rural sense of place of the Allview Avenue residential neighborhood.

The Contra Costa County Fire Protection District has commented on the project and has required provision of fire hydrants and residential fire sprinklers in addition to the Fire Code-compliance roadway. In addition, Condition of Approval #12 requires a Vegetation Management Plan for the open space and storm drainage parcels, and the restrictive riparian easement. The Plan is intended to minimize wildfire risks of the undeveloped areas on the project site.

Approximately  $\frac{3}{4}$  of the 6.44-acre project site is in the R-6 District and approximately  $\frac{1}{4}$  of the southwest portion of the site is in the R-7 District. However, given the 1.84 acres set aside for hillside open space, 0.36 acre set aside for project storm drainage, and the 0.91 acre within the restrictive riparian easement, the residential development occurs on 2.42 acres of the site. Accordingly, the project does not meet the development standards of the R-6 or R-7 Districts for lot size, lot width, lot depth, setbacks, and yards. The Baltimore Court P-1 Planned Unit District allows for the clustering of homes, with reduced

lot area, lot width, and lot depth requirements, reduced setbacks to a minimum of 10 feet, and reduced yards to a minimum of five feet. With the P-1 development standards, the project preserves open space areas, as described above, without reducing the residential density of the site.

The 30 residences in the proposed project will have stucco walls with wood siding at select locations and asphalt shingle roofing, and will have earth tone colors. Use of such materials and colors is prevalent in the neighborhood.

The surrounding neighborhood has a semi-rural character, with primarily one-story homes on 7,000 to 8,000 square-foot lots with established landscaping including a number of large trees. The project includes the planting of 28 trees, including 23 trees along the Balmore Court extension to provide street ambience and character, and five trees at the western end of the shared driveways to soften views of the project from offsite locations to the west. Thus, the project will be in harmony with the surrounding area and the uses established in the area.

Conclusion. County staff has analyzed the proposed Balmore Court Single-Family Residential Project in terms of consistency with the surrounding neighborhood, appropriateness of use, and conformance with the County General Plan and zoning regulations. Completion of the MND identified potentially significant adverse environmental impacts, and mitigation measures that have been agreed to by the applicant, such that the project will not result in any significant environmental impact. Persons in the El Sobrante community have submitted comments to staff that have been addressed in the CPC staff report and/or the Final MND.

Five individuals from the community spoke at the August 28, 2019, CPC public hearing on the proposed project about concerns related to the improvement of the currently private portion of Balmore Court, lack of a second access, fire safety, the need for a rezoning, existing traffic, lack of parking, trees, biological resources, and an onsite recreational facility. The CPC took these concerns into consideration and directly addressed the improvement of the private road section of Balmore Court by requiring traffic calming, as discussed above. The other concerns are addressed in the CPC staff report or Final MND. Notably, the issue of the second access is driven by wildfire risks, which are addressed by the Fire Protection District requirements and the mandatory Vegetation Management Plan. The CPC unanimously approved Subdivision SD17-9478 and recommended that the Board of Supervisors approved Rezoning RZ17-3239 and Preliminary Development Plan DP17-3054, based on the CPC Approved Findings and COAs.

#### CONSEQUENCE OF NEGATIVE ACTION:

If the recommended actions are not approved, the subject property will remain in the R-6 and R-7 Single-Family Residential Districts and the Project will not be constructed.

#### CHILDREN'S IMPACT STATEMENT:

The recommendation supports one or more of the following children's outcomes: Children Ready for and Succeeding in School; Children and Youth Healthy and Preparing for Productive Adulthood; and Communities that are Safe and Provide a High Quality of Life for Children and Families. The Project involves the rezoning of the subject property from the R-6 and R-7 Single-Family Residential Districts to a P-1 Planned Unit District and construction of 30 single-family residences pursuant to Preliminary Development Plan DP17-3054. Pursuant to Condition of Approval #42, the applicant is required to provide an area on the subject property for recreational facilities (e.g., tot lot, playground, other recreational facility) or contribute a fair share to nearby recreational facilities.

#### CLERK'S ADDENDUM

**Carl Curry, resident of El Sobrante; Bill Roland, resident of El Sobrante, Dan Shaw, Owner.**

**CLOSED the hearing; ADOPTED recommendations as presented; and DIRECTED staff to condition the project to include a provision to require occupants to utilize their garage to park cars.**

#### ATTACHMENTS

Parcel Page

General Plan Map

Zoning Map

Aerial Photographs

Ordinance No. 2019-38

Zoning Comparison

Architectural Plans

CPC Staff Report 082819

Findings COAs 8.28.19 CPC

Conceptual Traffic Calming Plan 100819

Vesting Tentative Map

CEQA - Draft Mitigated Negative Declaration

CEQA - Final Mitigated Negative Declaration

CEQA - Mitigation Monitoring Program

PowerPoint Presentation