



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: March 1, 2022

Subject: Oak Road Townhouse Condominium Project (125 Units) in the unincorporated Walnut Creek Area (District IV)

RECOMMENDATION(S):

1. OPEN the public hearing on the Oak Road Townhouse Condominium Project, RECEIVE testimony, and CLOSE the public hearing;
2. CERTIFY that the Environmental Impact Report (EIR) prepared for the Oak Road Townhouse Condominium Project was completed in compliance with the California Environmental Quality Act (CEQA), was reviewed and considered by the Board of Supervisors before project approval, and reflects the County's independent judgment and analysis;
3. CERTIFY the Oak Road Townhouse Condominium Environmental Impact Report (EIR);
4. ADOPT the CEQA findings for the Project;
5. ADOPT the mitigation monitoring and reporting program for the Project;
6. ADOPT Ordinance No. 2022-10, rezoning the project site from Multiple-Family Residential District (M-17 and M-29), Single-Family Residential District (R-15) to Planned Unit District (P-1) (County File #CDRZ21-03258);
7. APPROVE the Oak Road Townhouse Condominium Preliminary and Final Development Plan and Tree Permit (County File #CDDP21-03001);
8. APPROVE the findings in support of the Project;
9. APPROVE the Project conditions of approval;

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **03/01/2022** ☒ 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: March 1, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Jennifer Cruz, (925)
655-2867

cc:

10. APPROVE the Oak Road Townhouse Condominium Project;
11. APPROVE the Inclusionary Housing Agreement with SummerHill Oak Road LLC requiring the construction and sale of 10 on-site units affordable to moderate income households and payment of an in-lieu fee in the amount of \$387,753.52.
12. ACKNOWLEDGE that the Planning Commission approved the vesting tentative map for the Project, and that no appeal of this approval was filed;
13. DIRECT staff to file a Notice of Determination with the County Clerk;
14. 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;

FISCAL IMPACT:

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

BACKGROUND:

PROJECT SUMMARY

The project, known as the “Oak Road Townhouse Condominium Project” involves the development of 125 townhouse condominium units within 19 three-story buildings (some of which will have rooftop decks) on an approximately 5.94-acre site located on Jones Road and Oak Road in the unincorporated Walnut Creek area of the County. The project includes a preliminary and final development plan to develop the site with the 125 townhouse units, along with complete site improvements, a rezone of the project site to a Planned Unit District (P-1), and a subdivision of the property into 19 residential common lots and 11 private roadway lots (to be owned and maintained by the future homeowners association). In order to develop the site, demolition of the all of the existing buildings and structures of the former Palmer School is required. Approximately 278 on-site parking spaces will be provided, including 34 bicycle spaces. The project includes the removal of approximately 74 trees, relocation of one tree, and work within the dripline of approximately six trees. There will be grading of approximately 9,300 cubic yards of cut and approximately 8,700 cubic yards of fill.

GENERAL INFORMATION

1. General Plan: The project site has a Multiple-Family Residential- High Density (MH) General Plan land use designation.
2. Zoning: The project site is located in a Multiple-Family Residential (M-17 and M-29) and Single-Family Residential (R-15) Zoning Districts.
3. California Environmental Quality Act (CEQA) Compliance: The Department of Conservation and Development, Community Development Division (CDD) determined that an EIR was required for the project and distributed a Notice of Preparation (NOP) on April 28, 2021. The Draft EIR (DEIR) was released for public review on October 21, 2021 and was available for public review and comment for a period of 45 days, through December 6, 2021.

The Final EIR was published and made available for public review on January 12, 2022. The EIR identifies potentially significant environmental impacts that would occur if the project were implemented and identifies mitigation measures that would reduce potentially significant impacts to less than significant levels. The recommended mitigation measures are included within the Mitigation Monitoring and Reporting Plan, which describes the timing and responsible agency for monitoring compliance with all mitigation measures. The mitigation measures have also been incorporated into the recommended conditions of approval.

SITE/AREA DESCRIPTION

Surrounding Land Uses: The project site is surrounded to the east by the City of Walnut Creek, to the north by unincorporated County, to the west by I-680 and the City of Walnut Creek beyond it, and south by unincorporated County, the Contra Costa Canal, and the City of Walnut Creek. The project site is bound by residential uses to the north and south, by Oak Road to the east with residential uses across Oak Road, and by Jones Road to the west and north. Office uses are located north of Jones Road, while I-680 is located directly 180 feet west of Jones Road. The Contra Costa Canal is approximately 470 feet south of the project site. The nearest Bay Area Rapid Transit (BART) station (Pleasant Hill/Contra Costa Centre Station) is located approximately 0.25-mile northeast of the site.

Site Description: The 5.94-acre project site is relatively flat (approximately 90 to 95 feet above mean sea level), with a topographic gradient that slopes gently to the northeast. The project site consists of eight parcels and is developed with structures associated with the former Palmer School for Boys and Girls, a private K-8 school for approximately 400 students that operated from 1939 until its closure in June 2020. The former school consists of 14 vacant buildings as well as associated structures, including classrooms, an auditorium, a front office, a paved courtyard, a grass field, tennis courts, basketball courts, playgrounds, a swimming pool, parking lots and planters. Multiple storage sheds are present on the school site. A landscaped area is located behind the classrooms along the southern boundary of the property and includes planter boxes, storm drain lines, power boxes, and a partially uncovered pipe that appears to be related to storm drainage. In the southeast corner of the property is a 2-story auditorium formerly used as a storage area, containing a kitchen, stage, water heater, and empty storage rooms on the second floor. Several of the existing structures in the northern portion of the project site have been associated with residential uses, including those at 2771, 2747, and 2751 Oak Road. To the east of these buildings is an unpaved lot and a paved driveway. These units are occupied by the property owners' family members who provide caretaker security services for the property and existing improvements. These units will be vacated in conjunction with the applicant's acquisition of the property. All other buildings are vacant.

PROJECT DESCRIPTION

The proposed project includes rezoning of the project site from Multiple-Family Residential (M-17 and M-29) and Single-Family Residential (R-15) Zoning Districts to a Planned Unit District (P-1). The proposed project also includes a preliminary and final development plan to allow the demolition of all existing improvements currently present on-site, including buildings, foundations, asphalt, concrete, fence poles, and landscaping to allow the construction of 19 new three-story buildings (some of which will have rooftop decks) containing 125 condominium units. The approval of a vesting tentative map to reconfigure the current eight parcels into 19 new residential (common) lots and 11 private roadway lots was approved by the County Planning Commission on January 26, 2022.

The major project component includes the following: approximately 237,697 square feet of new residential living area (293,507 total gross building square feet), approximately 92,120 square feet of landscaped area, the removal of approximately 74 trees, relocation of one tree, and work within the dripline of approximately six trees, 278 on-site parking spaces and 34 bicycles spaces, internal street, courts, walkways, and drainage improvements, and construction of off-site improvements that include frontage sidewalk, driveway curb/gutter improvements (including retaining existing on-street parking) and street tree planting. The project will involve grading of approximately 9,300 cubic yards of cut and approximately 8,700 cubic yards of fill.

Residential Uses

The proposed 19 buildings will be approximately 293,507 gross square feet, covering approximately 127,768 square feet (or 50 percent) of the 5.94-acre site. The units will consist of three or four bedrooms and two to three and a half baths. Most of the units will have a two-car garage, except for six units that will have a one-car garage and a parking space designated for each of the six units. The units will have a balcony and private fenced yard. Units along Oak Road will have a roof deck that faces into the development, away from Oak Road.

The unit breakdown for the townhouse condominiums is provided on the table below.

Proposed Dwelling Unit Summary

Number of bedrooms/bathrooms	Unit Net Sq. Ft.	Garage Sq. Ft.	Number of Units
3 bedroom/3 bath	1,362	436	14
3 bedroom/3 bath	1,362	436	13
3 bedroom/3 bath	1,430	436	1
4 bedroom/2 bath	1,523	289	6
3 bedroom/3.5 bath	1,844	478	15
3 bedroom/3.5 bath	1,891	478	5
4 bedroom/3.5 bath	2,038	462	28
4 bedroom/3.5 bath	2,098	462	5
4 bedroom/3.5 bath	2,250	449	32
4 bedroom/3.5 bath	2,281	449	6
Total Units			125

Ancillary Facilities and Recreation Uses

Amenities to serve residents will also be provided. The project proposes a total of approximately 92,120 square feet of landscaped area (25 percent of the site), including a

central open space area, paseo/walkways, and a dog park.

The outdoor recreation area includes a turf area between Buildings P, Q, R, and S, which also includes benches and tables between Buildings Q and S. There is also another area with benches and tables located between Buildings D and E. The dog park will be located on the northwestern corner of the project site, directly north of Building C.

Circulation and Access

Jones Road and Oak Road border the project site. Jones Road is a two-lane public street that runs north/south along the site's western boundary. Oak Road is a four-lane public street that runs north/south along the site's eastern boundary. Primary access to the site would be from two driveways: one along Jones Road and one along Oak Road.

Two parking slots between Buildings D and E would be designated as ADA parking. Fire access routes, providing 25-foot inside turning radii and 45-foot outside turning radii, would be provided through the internal loop roads around the central buildings (Buildings P, Q, R, and S). Emergency vehicle access would be provided via the two proposed driveways on Jones Road and Oak Road.

Building Design and Height

The proposed project includes 19 three-story buildings, including three buildings on Oak Road with roof decks. Building height will range from 37 feet to a maximum of 43 feet; buildings with a roof-top deck may extend up to 45 feet in height. The buildings will be setback 15 feet from Jones Road and 10 feet from Oak Road.

Exterior features of the buildings would include board and batten sidings, horizontal fiber cement lap siding, exterior stucco, architectural composition roofing shingles, metal awnings, vinyl windows, and painted metal railing. The exterior color palette would be comprised of whites and grays.

Lighting and Signage

A monument sign is proposed at the entrance from Oak Road. The monument sign would include metal letters atop a 4-foot wall with a stone veneer finish. An 11-foot-tall structure, with pitched roof and siding matching the general architecture of the residential buildings, would be installed adjoining this wall, and a plaque with the Oak Road logo would be installed on this structure.

Proposed lighting would include exterior lighting for the buildings and pole-mounted lighting throughout the parking areas. Specifically, exterior lighting would include four new streetlights along the Oak Road frontage, matching existing streetlights along this street; eight private street pole lights near the two project entrances and along the public streets and sidewalks, approximately 20 feet tall with shielding to direct lighting

downward; forty 3.5-foot bollard lights strategically located throughout the site along pathways, common open space and paseos; and 125 wall pack lights above the garages for each home, to illuminate the driveways. Additionally, each of the 125 residential units would have a front porch light.

INCLUSIONARY HOUSING AGREEMENT

In accordance with the County's Inclusionary Housing Ordinance and as required in conditions of approval numbers 49-58 for the project, the applicant/developer is required to construct and sell 10 on-site units affordable to moderate income households and to pay an in-lieu fee in the amount of \$387,753.52. The applicant/developer proposes to comply with this requirement by complying with the terms of the attached Inclusionary Housing Developer Agreement. Staff has assisted in the development of the agreement and recommends that the Board approve this agreement.

ENVIRONMENTAL REVIEW

The Department of Conservation and Development (DCD) determined that an Environmental Impact Report (EIR) was required for the project and distributed a Notice of Preparation (NOP) on April 28, 2021. The Draft EIR (DEIR) was released for public review on October 21, 2021 and was available for public review and comment for a period of 45 days, through December 6, 2021. The responses to the comments received during the DEIR comment period are addressed in the Final EIR (FEIR). The FEIR and the mitigation monitoring and reporting program (MMRP) were made available to the public on January 12, 2022.

Summary of Environmental Impacts

The DEIR prepared for the project identified the environmental impacts which would occur if the project was implemented and proposed mitigation measures that would reduce impacts to a less than significant level. Potential significant impacts mitigated to less than significant were identified in the following areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources and Tribal Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Recreation and are summarized below:

- Aesthetics: Discussed in detail in DEIR Section 3.1. The project could create a new source of substantial light or glare. All potentially significant impacts can be mitigated to a less than significant level (See Mitigation Measure AES-4).
- Air Quality: Discussed in detail in DEIR Section 3.2. The project could result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment under an applicable federal or State ambient air quality standard and would expose sensitive receptors to substantial pollutant concentrations. All potentially significant impacts can be mitigated to less-than-significant levels (See Mitigation Measures AIR-2 and Air-3).

- Biological Resources: Discussed in detail in DEIR Section 3.3 and in the Final EIR. The construction of the project could have a substantial adverse effect on sensitive or special status species located within the project site, and on trees protected by the County's Tree Protection Ordinance. All potentially significant impacts can be mitigated to less-than-significant levels (See Mitigation Measures BIO-1a, 1b, 5a, and 5b).
- Cultural Resources and Tribal Cultural Resources: Discussed in detail in DEIR Section 3.4. Implementation of the project could potentially cause a substantial adverse change in the significance of a historical resource and archaeological resource as defined in Section 15064.5, cause a substantial adverse change in the significance of a Tribal Cultural Resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1 (k), cause a substantial adverse change in the significance of a Tribal Cultural Resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, and the project could disturb human remains. All potentially significant impacts can be mitigated to less-than-significant levels (See Mitigation Measure CUL-1 and CUL-3).
- Geology and Soils: Discussed in detail in DEIR Section 3.6. The project could directly or indirectly cause potential substantial adverse effects, could result in substantial soil erosion or the loss of topsoil, could be located on a geologic unit or soil that is unstable, could be located on expansive soil, and could directly destroy a unique paleontological resource or site or unique geologic feature. All potentially significant impacts can be mitigated to less-than-significant levels (See Mitigation Measures GEO-1a, GEO-1b, GEO-1c, GEO-2, and GEO-6).
- Hazards and Hazardous Materials: Discussed in detail in DEIR Section 3.8. The project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and located on a site which is included on a list of hazardous materials. All potentially significant impacts can be mitigated to a less than significant level (See Mitigation Measure HAZ-1a, HAZ-1b, HAZ-1c, HAZ-1d).
- Hydrology and Water Quality: Discussed in detail in DEIR Section 3.9. The project could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces. All potentially significant impacts can be mitigated to less-than-significant levels (See Mitigation Measure HYD-3).
- Noise: Discussed in detail in DEIR Section 3.11. T The project could cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and could generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. All potentially significant impacts can be mitigated to less-than-significant levels (See Mitigation Measures NOI-1 and NOI-2).

- Recreation: Discussed in detail in DEIR Section 3.13. The project could include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. All potentially significant impacts can be mitigated to less-than-significant levels (See Mitigation Measures AIR-2, AIR-3, and NOI-2).

GENERAL PLAN AND ZONING CONSISTENCY

The project is located within the unincorporated Walnut Creek community, where the surrounding uses are primarily residential developments and office uses. The vesting tentative map would subdivide the 5.94-acre project site into 19 residential lots to construct 19 buildings for a total of 125 townhouse condominium units. The project is consistent with the proposed General Plan land use designation of Multiple-Family Residential-High Density (MH), which allows 22.0 – 29.9 units per net acre. The net acreage for the 5.94-acre site is 4.71 acres. The project to construct 125 units would have a density of 26.5 units per net acre, which is within the MH density range. Furthermore, the project is also consistent with General Plan Policies related to Growth Management, 65/35 Land Preservation Standard, Urban Limit Line, Transportation Goals and Policies, and Housing Goals and Policies.

The project site is located within the Multiple-Family Residential (M-29 and M-17) and Single-Family Residential (R-15) Zoning Districts. The project includes a rezoning of the 5.94-acre site to P-1. The P-1 zoning district allows flexibility with respect to use, building types, lot size, and open space, while ensuring the project complies with the County's General Plan and requirements of the County's Ordinance. The buildings will be setback 15 feet from Jones Road and 10 feet from Oak Road. In order to address comments from the adjacent property owners directly northeast of the project site, the applicant has provided a greater setback than initially proposed. Buildings G and H abut this northeastern residential development and will be setback approximately 26 feet. The buildings located along the southern property line will be at a minimum 15 feet.

The proposed three-story residential development is a modern farmhouse style design consisting of stucco siding, horizontal lap siding, and board and batt siding. The building includes vinyl windows and composition roofing shingles. Architectural features also include corbels and metal awnings. The proposed townhouse condominium buildings will be approximately 37 feet to a maximum of approximately 43 feet tall, except for the buildings fronting Oak Road, which contains roof decks. The height for the buildings with roof decks will be approximately 45 feet tall. The project is a multi-family residential infill development, which will be in harmony with the surrounding multi-family residential and transit-oriented developments.

COUNTY PLANNING COMMISSION

The project was scheduled before the County Planning Commission (CPC) on January 26, 2022. The CPC received testimony from neighbors expressing concerns about

building setbacks in the plans presented to the CPC. The applicant indicated that the setbacks had been changed in updated plans and confirmed the agreed upon setbacks from Buildings G and H to the northern property line. No other public testimony was received. The CPC voted to approve (7-0) the vesting tentative map (County File #CDS21-09559) based on staff's recommendations and recommended that the Board of Supervisors approve the remaining components of the project.

CONCLUSION

The project will be consistent with applicable goals and policies of the General Plan and with the intent of the MH General Plan designation and the P-1 Zoning district. The project includes 125 townhouse condominium units, which will provide 10 inclusionary housing units and payment for the remaining 8.75 units, and open space area amenities on-site. The subject property is an underutilized site located near high quality transit station (BART), the Iron Horse Regional Trail and the Contra Costa Canal Trail, with extensive office and commercial uses nearby. Overall, the project is consistent with the established surrounding area. The design and use of the project site for townhouse condominium units is consistent with the other uses in the immediate area. Staff recommends that the Board of Supervisors approve the proposed rezoning, and preliminary and final development, based on the attached findings and conditions of approval. Staff also recommends approval of the attached Inclusionary Housing Developer Agreement.

CONSEQUENCE OF NEGATIVE ACTION:

In the event that the proposed project is not approved, the applicant will not obtain approval of the required Rezoning, and Development Plan entitlements needed to allow development of the proposed 125-unit townhouse condominium project in the unincorporated Walnut Creek area.

CHILDREN'S IMPACT STATEMENT:

The project involves a subdivision to construct 125 townhouse condominium units. Pursuant to Condition of Approval #12, the applicant shall either contribute funds to CocoKids, directly to childcare center or family care providers, or shall pay the required fee established by the Board of Supervisors per unit for childcare facility needs in the area. Therefore, the recommendation supports one or more of the following children's outcomes: (1) Children Ready for and Succeeding in School; (2) Children and Youth Healthy and Preparing for Productive Adulthood; (3) Families that are Economically Self Sufficient; (4) Families that are Safe, Stable and Nurturing; and (5) Communities that are Safe and Provide a High Quality of Life for Children and Families.

CLERK'S ADDENDUM

Speakers: Kiera, local resident. Written material provided by Mansel Carr, HOA Board President, Station West HOA, Walnut Creek (attached).

ATTACHMENTS

CEQA Findings and MMRP

Project Findings

Conditions of Approval

Ordinance No. 2022-10

Maps

Draft EIR

Draft EIR Appendices

Final EIR

County Planning Commission Staff Report

Final Plans

Inclusionary Housing Developer Agreement

PowerPoint Presentation