



Contra
Costa
County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: February 7, 2023

Subject: Loreto Bay Estates Project in the Bay Point area of the County (District V)

RECOMMENDATION(S):

1. OPEN the public hearing on the Loreto Bay Estates 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 the Project 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 and reporting program for the Project.
5. ADOPT Ordinance No. 2023-05, rezoning the subject property from Heavy Industrial Zoning District (H-I), Railroad Corridor Combining District (-X) to Planned Unit District (P-1) (County File #CDRZ21-03260).
6. APPROVE a variance from the five-acre minimum lot size required of the Planned Unit District to allow the rezoning of the subject 2.88-acre property.
7. APPROVE the preliminary and final development plan for the Project, including the associated tree removal program (County File #CDDP21-03028).
8. APPROVE the findings in support of the Project.
9. APPROVE the Project conditions of approval.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/07/2023** ☒ 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

Ken Carlson, 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: February 7, 2023

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

Contact: Jennifer Cruz, (925)
655-2867

By: June McHuen, Deputy

cc:

10. APPROVE the Loreto Bay Estates Project.
11. ACKNOWLEDGE that the Planning Commission approved the tentative map for the Project, and that no appeal of this approval was filed.
12. DIRECT the Department of Conservation and Development to file a CEQA Notice of Determination with the County Clerk.
13. SPECIFY 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.

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 DESCRIPTION

The applicant seeks approval of a rezoning of the subject property from Heavy Industrial Zoning District (H-I), Railroad Corridor Combining District (-X) to a Planned Unit District (P-1), a tentative map to subdivide the approximately 2.88-acre project site into 15 residential lots and four common area parcels for bioretention basins and a park, and a preliminary and final development plan to allow the construction of 15 residences and associated improvements.

The residential lots will range in size from approximately 3,821 – 6,114 square feet. The common area parcels for the bioretention basins (Parcels A, B, D) range in size from approximately 6,611 – 10,263 square feet. The proposed park will be located on Parcel C and will be approximately 3,590 square feet. The proposed residences will range in size from approximately 1,829 – 2,559 square feet of living area. There will be approximately five code-protected trees removed, all Ailanthus Altissima trees. A request for a variance to allow the rezoning of the 2.88-acre property to a P-1 (where 5 acres is the minimum) is included in the project. There will be approximately 2,000 cubic yards of cut and fill that will be balanced on-site. The subject property is not located within the Delta Diablo service boundary or any other sanitary district. Therefore, the project will require annexation into the Delta Diablo service area and approval from the Local Agency Formation Commission (LAFCO).

SITE/AREA DESCRIPTION

Surrounding Land Uses: The subject property is located in the Bay Point area of the County. The surrounding area immediately to the south and west primarily consists of single-family residential uses. However, further west and south of the subject property includes multiple-family residential uses. The Union Pacific Railroad (UPRR) line borders the entire length of the northern property line and the Burlington Northern and Santa Fe (BNSF) Railway exist further to the north of the site, running east and west. The land further to the north is designated as open space and is adjacent to the Sacramento/San Joaquin River. The land immediately to the east is currently vacant with residential uses within the City of Pittsburg further to the east. Highway 4 is approximately 0.75 miles south of the property.

Site Description: The approximately 2.88-acre triangular shaped vacant site is located at the corner of Fairview Avenue and Pullman Avenue in the Bay Point area of the County. Pullman Avenue is located to the south of the project site and Fairview Avenue is located to the west of the project site. The project site is relatively flat and located within the Urban Limit Line. The site has approximately five multi-stemmed Ailanthus Altissima trees, commonly known as Tree of Heaven.

ENVIRONMENTAL REVIEW

Staff conducted an Initial Study (IS) assessment of potentially significant adverse

environmental impacts that could result from the proposed Loreto Bay Estates 15-lot subdivision project. Staff determined that although the proposed project could have some environmental impacts, these impacts would be reduced to a less than significant level with mitigations incorporated. Thus, a Mitigated Negative Declaration (MND) was prepared and published for the proposed project. The public review period for the MND started on July 29, 2022 and ended on August 18, 2022.

GENERAL PLAN AND ZONING CONSISTENCY

General Plan

The project site has a General Plan land use designation of Single-Family Residential-High Density (SH), which allows 5.0 – 7.2 units per net acre. The proposed project would subdivide the property into 15 residential lots on a net acre of 2.41 or a density of 6.0 dwelling units per net acre, consistent with the density allowed by the SH general plan designation. Primary land uses permitted in the SH designation include detached single-family homes and accessory buildings and structures. The project is located within the Bay Point area of the county, where the surrounding uses are primarily of residential developments and some commercial uses. According to Table 3-5 of the County's Land Use Element of the General Plan, SH is consistent with the P-1 Zoning District.

The project site is located within the Urban Limit Line (ULL) and is designated for future urban uses. The project is an infill development, since it is surrounded primarily by other residential development and the project site has the necessary utility connections. The project is consistent with the Housing Goals and Policies of the Housing Element of the County's General Plan. The project site is a vacant property that would be rezoned to a P-1 to develop the site to allow 15 residences on 15 lots. The applicant will pay the in-lieu fee to comply with the Inclusionary Housing Ordinance.

The project is consistent with the Transportation Goals and Policies of the Transportation Element of the County's General Plan. The project encourages the use of transit, reduces greenhouse gas emissions, and encourages use of alternative forms of transportation. The project site is located approximately one mile north of the Pittsburg/Bay Point Bay Area Rapid Transit (BART) Station and is served by the Tri Delta Transit. A bus line runs along Willow Pass Road with a bus stop located approximately 138 feet west from the corner of Fairview Avenue and Willow Pass Road. This bus stop is approximately 0.20 miles south of the subject property. The project is also located in an area where future residents can access food and clothing, education, employment, and recreational activities. Willow Pass Road is located approximately 0.20 miles south of the subject property, where there are restaurants, drug stores, a park, and grocery stores. The applicant will be required to install concrete curb ramps, curb, gutter, and minimum 5-foot-wide sidewalk and street lighting, as necessary, along the project frontage. Many of these improvements have already been installed but may need to be modified to accommodate the proposed onsite improvements.

Zoning

The project site is located within the Heavy Industrial Zoning District (H-I) and the Railroad Corridor Combining District (-X), which is not consistent with the SH General Plan land use designation. The project includes a rezoning of the 2.88-acre site to a Planned Unit District (P-1), which includes a preliminary and final development plan to allow construction of the 15 residences and associated improvements. The P-1 zoning district is consistent with SH and 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 project is a single-family residential infill development, which will be in harmony with the single-family residential developments that primarily abut and surround the proposed project. An industrial use is located adjacent to the northwestern corner of the subject property. However, access roads, a bioretention basin and a small open space area with turf and a bench are proposed to be located in the northwestern corner between the nearest proposed homes and the industrial use. Other bioretention basins are proposed along the northwestern boundary of the project buffering the proposed homes from the adjacent railroad tracks (the two immediately adjacent railroad lines are a private spur line serving Criterion Catalyst and the defunct, no longer in use tracks that used to serve the Sacramento Northern Railway; the Union Pacific and BNSF lines are located more than 400 feet away from the closest point on the property). Overall, the project is consistent with the established neighborhood and will provide additional housing stock to the area.

Since the proposed project involves a rezone to a P-1 District, the design standards are evaluated for the proposed project. There are four floor plans for the project. Plans 1-3 will have a 10-foot front yard setback from the porch, 15 feet from the residence, and 18 feet from the garage. Plan 4 will have a 5-foot front yard setback from the porch, 9 feet 9 inches from the residence, and 7 feet 11 inches from the garage. Plans 1-3 will have a minimum side yard of 5 feet with a minimum aggregate of 15 feet and will have a minimum rear yard of 20 feet. Plan 4 will have a minimum side yard of 3 feet and the aggregate side yard will be approximately 8 feet. Plan 4 is designated for lot 15 and due to the triangular shape of the lot, there will be no rear yard setback. The residences will be one to two-story residences, range in size from 1,829 to 2,559 square feet, consist of 4 to 5 bedrooms and a two-car garage.

The proposed residential development is a traditional style consisting of stucco siding, and board and batten siding. The building includes gable roofing, consisting of composite roofing materials. Architectural features also include wood shutters and stucco trim. Properties in the area consist of one and two-story residences, where some residences are similar in architectural design as the proposed residences.

COUNTY PLANNING COMMISSION

The project was scheduled before the County Planning Commission (CPC) on December 14, 2022. A comment letter was received in support of the project and written comments were also received that expressed concerns of the negative effects of the rezoning on the

adjacent property that contains an industrial use. The CPC voted to approve (7-0) the tentative map (County File #CDSD21-09588), and recommended that the Board of Supervisors approve the remaining components of the project.

CONCLUSION

The proposed project is consistent with applicable goals and policies of the General Plan, and also with the intent of the SH General Plan designation and the P-1 Zoning district. The project is an underutilized site, and the project will be consistent with the uses nearby. The design and use of the project site for single-family residences is consistent with the other uses in the immediate area. Moreover, the project provides additional housing. All environmental impacts would be mitigated to a less-than-significant levels. Staff recommends that the Board of Supervisors approve the proposed rezoning and preliminary and final development plan, based on the attached findings and conditions of approval.

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 15-lot subdivision project in the Bay Point area.

CHILDREN'S IMPACT STATEMENT:

The project involves a 15-lot subdivision to construct 15 single-family residences. Pursuant to Condition of Approval #14, the applicant 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.

ATTACHMENTS

Project Findings

Conditions of Approval

Mitigated Negative Declaration

Mitigation Monitoring and Reporting Program

Ordinance No. 2023-05

Maps

Project Plans

Power Point Presentation