Attachment B-2
WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing on the proposed PUD and Concept Plan, General Plan Amendment, Major Subdivision, Development Plan Permit and Architectural Review Permit was held by the City Council on __, 2018, where all interested persons might appear and be heard;

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing on the proposed PUD and Concept Plan was held by the Planning Commission on April 24, 2018 and continued to May 22, 2018, where all interested persons might appear and be heard and the Planning Commission adopted Resolution No. _-18 recommending that the City Council approve the PUD Rezoning and Concept Plan and recommendations were made to the City Council to adopt the Mitigated Negative Declaration and associated Mitigation Monitoring Program and approve all related land use and design review entitlements; and

WHEREAS, the Architectural Review Commission adopted Resolution No. 01-18 recommending that the Planning Commission and City Council approve the PUD and Concept Plan; and

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing on the proposed project on February 28, 2017 and July 11, 2017; and

WHEREAS, in accordance with the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., as further governed by the Guidelines to the California Environmental Quality Act, 14 California Code of Regulations §§ 15000, et seq., collectively, “CEQA”), a Draft Initial Study/Mitigated Negative Declaration (IS/MND) was prepared by the City’s environmental consultant (Michael Baker International) and circulated for public review between March 13, 2018 and April 2, 2018; and

WHEREAS, the Planning Commission held two study sessions on the proposed project on February 28, 2017 and July 11, 2017; and

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing on the proposed PUD and Concept Plan was held by the Architectural Review Commission on April 19, 2018, where all interested persons might appear and be heard and a recommendation was made to the Planning Commission and City Council to approve the PUD and Concept Plan; and

WHEREAS, the Architectural Review Commission adopted Resolution No. 01-18 recommending that the Planning Commission and the City Council approve the PUD and Concept Plan; and

WHEREAS, the applicant, Mt. Diablo View Associates LLC., submitted a Planned Unit Development District application (PLN 17-0013) for a single family home subdivision project at 2150 and 2189 Pleasant Hill Road, APN Assessor Parcel Number 149-051-002, 003, 004, 009, 011, that includes a Rezoning and Major Subdivision (not reviewed by the ARC), for the project; and

WHEREAS, the proposed Planned Unit Development District (PUD) includes a Concept Plan (the “Concept Plan”): for the Project pursuant to Section 18.30.050 and

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing on the proposed PUD and Concept Plan was held by the Planning Commission on April 24, 2018 and continued to May 22, 2018, where all interested persons might appear and be heard and the Planning Commission adopted Resolution No. ___-18 recommending that the City Council approve the PUD Rezoning and Concept Plan and recommendations were made to the City Council to adopt the Mitigated Negative Declaration and associated Mitigation Monitoring Program and approve all related land use and design review entitlements; and

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing on the proposed PUD and Concept Plan, General Plan Amendment, Major Subdivision, Development Plan Permit and Architectural Review Permit was held by the City Council on __, 2018, where all interested persons might appear and be heard;
NOW, THEREFORE, the City Council of the City of Pleasant Hill does ordain as follows:

Section 1. The City Council finds on the basis of the whole record before it, including the CEQA review document entitled Reliez Terraces Subdivision Project Initial Study/Mitigated Negative Declaration, dated March, 2018 and prepared by Michael Baker International, that the following findings can be made:

CEQA Findings

1. On the basis of the whole record before it (including the Initial Study and any comments received during the public review process) there is no substantial evidence that the project will have a significant effect on the environment and that the Final Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

2. The Final Mitigated Negative Declaration is complete and in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City's local CEQA Guidelines, and adequately addresses the expected environmental impacts of the proposed project.

3. The Final Initial Study/Mitigated Negative Declaration and all related records of proceedings upon which the decision is based shall be maintained and kept on file by the Zoning Administrator in the City of Pleasant Hill Public Works and Community Development Department in the City of Pleasant Hill City Hall, 100 Gregory Lane, Pleasant Hill, California.

4. Through implementation of mitigation measures and through compliance with applicable laws, ordinances and regulations, there is no substantial evidence supporting a fair argument that the project will have a significant adverse effect on the environment. By providing appropriate measures, in order to mitigate any potential impacts, the project would have a less than significant impact in the following eleven categories:

- **Air Quality** – To maintain acceptable air quality standards the applicant shall implement Best Management Practices (in accordance with BAAQMD – Bay Area Air Quality Management District) during all construction activities.

- **Biological Resources (1)** – During breeding/nesting season (February through August) construction activities shall comply with the federal Migratory Bird Treaty Act and California Fish and Wildlife Code to include, but not be limited to, conducting a survey by a qualified biologist.

- **Biological Resources (2)** – During breeding/nesting season (December through August) prior to construction activities pre-construction surveys shall be completed and if appropriate, nest protection measures shall be implemented.

- **Cultural Resources (1)** – The applicant shall cease work and retain a qualified archeologist or paleontologist to evaluate and make recommendations should any archeological or paleontological resources are discovered.
The project does not propose to significantly alter the current topographic features of the site. The site would still mainly slope from the northwest corner to the east. The proposed conceptual design of the homes would be a mix of one and two story structures, similar to surrounding residences. The placement of the homes on the site would generally follow the existing topography of the site. While the project does propose to remove almost all of the trees at the site, the conceptual landscape plan...

- **Cultural Resources (2)** – The applicant shall cease work and comply with California Health and Safety Code Section 7050.5 if any unidentified human remains are discovered during project construction and if the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission.

- **Geology & Soils** – The applicant will have a qualified geotechnical engineer evaluate the potential for effects pertaining to the Contra Costa Canal embankment. Results of the assessment shall be used to identify potential hazards and ensure appropriate design is incorporated into the final project plans.

- **Hazardous Materials (1)** – Prior to the start of construction activities the applicant shall complete additional soil testing to determine whether unknown compact fill on the project poses environmental and/or health hazards and a limited Phase II Environmental Site Assess shall be completed and recommendations incorporated into final project plans.

- **Hazardous Materials (2)** – Approximately 400 cubic yard of soil at a depth of one foot tall be removed and remediated prior to any work, subject the approval of the City.

5. Pursuant to Title XIV, California Code of Regulations ("CCR"), after considering the record as a whole, including the proposed mitigation measures, the proposed project will not have the potential for any adverse effects on wildlife resources or the habitat upon which the wildlife depends as defined in Fish and Game Code § 711.2.

6. The revisions to the Initial Study and Final Mitigated Negative Declaration reflected in the errata are minor changes which clarify, amplify and/or make insignificant modifications to the Final Mitigated Negative Declaration and therefore recirculation of the Mitigated Negative Declaration is not required pursuant to Section 15073.5 of the Guidelines for the Implementation of the California Environmental Quality Act.

**Section 2.** The City Council hereby adopts the Planned Unit Development District (PLN 15-0339) Concept Plan (Exhibit A-1) and Map (Exhibit A-2), each of which are incorporated herein, based on the following findings according to Chapter 18.30 of the Pleasant Hill Municipal Code:

A. **Per Pleasant Hill Municipal Code § 18.30.060(A),** in order for the Architectural Review Commission to recommend approval of the proposed PUD request for rezoning, that body must be able to make the following findings, all of which the Architectural Review Commission made by passage of a resolution to that effect on April 19 2018:

1. **The design of the structures conforms to the topographic features of the particular site.**

The project does not propose to significantly alter the current topographic features of the site. The site would still mainly slope from the northwest corner to the east. The proposed conceptual design of the homes would be a mix of one and two story structures, similar to surrounding residences. The placement of the homes on the site would generally follow the existing topography of the site. While the project does propose to remove almost all of the trees at the site, the conceptual landscape plan...
shows replacement of trees throughout the site with heavier landscaping at the perimeter of the site and the inclusion of multiple trees on the front yard areas of each residence.
As noted above, staff is also recommending preservation of additional existing trees, if feasible.

2. *The design of the structures enhances the natural attributes of the particular site.*

The proposed Concept Plan includes architecture that is similar to styles found in the neighborhood, including a mix of farmhouse, modern ranch, prairie and contemporary craftsman styles with prominent front porch elements. In addition, proposed residences would have a mix of materials including board and batten, stone and brick veneer. Building colors are expected to be a mix of earth-tone beiges and grays. While the site has an easterly slope, without any prominent natural features, development with single family homes with designs that complement surrounding development would enhance the attributes of the site.

3. *The scale and bulk of the structures are appropriate to the particular site.*

The proposed project would provide a mix of one and two story detached single family residences. The surrounding neighborhood includes a mix of one and two story residences, thus, the project from a model type will be similar to the surrounding area. The site proposes to have lots smaller than 10,000 square feet, however, the density would be similar to the surrounding neighborhood. Lastly, the project proposes to have lot coverage that exceeds the R-10 zoning district by 3% (30% to 35%), however, similar lot coverage of up to 35% is allowed in the same General Plan designated area within the R-10A zone district.

4. *The landscape plan is appropriate to the particular site.*

The proposed conceptual landscape plan would provide improved landscaping throughout the project site, particularly, along the frontage of Pleasant Hill Road. The surrounding area does not have a particular landscape theme, however, the mix of oak trees, redbuds and crape myrtle can often be found in recently approved projects and in the surrounding area. The proposed conceptual front yard landscaping would be similar to other single family residences in the area with a logical tiered layout from the private street. Thus, the proposed conceptual landscaping would be appropriate for the site, within an existing single family residential neighborhood.

B. Per Pleasant Hill Municipal Code § 18.30.060(B), in order for the Planning Commission to recommend approval of the proposed PUD request for rezoning, that body must be able to make the following findings, all of which the Planning Commission made by passage of a resolution to that effect on February 14, 2017:

1. *The PUD plan or specific plan is consistent with the general plan and other applicable policies and is compatible with surrounding development;*
The proposed project proposes to underground facilities on the site, however, the project does not propose to underground the existing overhead facilities along Pleasant Hill Road. The applicant notes that undergrounding is costly and is not completed elsewhere north and south on Pleasant Hill Road. The City is requiring a small subdivision across the street from the site to underground their small portion of overhead facilities.

In addition, the applicant has not provided adequate information that undergrounding these facilities are infeasible. Lastly, overhead Community Development Policy 24A. Achieve undergrounding of utilities when and where feasible.

The proposed project includes enhanced landscaping along the Pleasant Hill road frontage, including a new landscape median with the public right-of-way, both would improve the appearance of this section of the street. In addition, staff is recommending that the project underground overhead utilities along Pleasant Hill Road that will improve and result in an attractive appearance for the site.

The proposed project is improving a large undeveloped site; with 17 single-family dwelling units, and improving the appearance of the site through site improvements, and while significantly enhancing the streetscape along Pleasant Hill Road. In addition, the project would not exceed the R-10 zoning district 35 foot height limit, thus, preserving and maintaining the low profile single family feel of the area.

Community Development Goal 2. Maintain the historic balance among different types and intensities of residential development, commercial retail, office uses, and open space.

Community Development Policy 2A. Encourage uses needed by the community at appropriate locations.

Community Development Goal 3. Generate thriving, attractive and cohesive development at vacant or underutilized sites.

Community Development Policy 9A. Protect and enhance the views from and visual qualities of scenic routes and corridors in Pleasant Hill.

Community Development Goal 24. Place utility lines underground.

Community Development Policy 24A. Achieve undergrounding of utilities when and where feasible.

The Project is consistent with the General Plan, particularly with regard to the following goals and programs:

Community Development Goal 2. Maintain the historic balance among different types and intensities of residential development, commercial retail, office uses, and open space.
utilities elsewhere should not be a basis for not underground, as in the future when other sites develop, it could be pointed to this project that undergrounding did not occur, thus, having the unintended effect of no undergrounding throughout the City.

**Circulation Program 4.1.** Continue to implement adopted criteria/policies regarding the installation of traffic-calming measures (including consideration of narrower travel lanes where appropriate, chicanes, raised medians, speed tables and planting strips).

**Circulation Goal 8.** Ensure that streets are safe and pedestrian-friendly.

The project proposes a new landscape median within Pleasant Hill Road, which will help to calm traffic and reduce speeds in this portion of the roadway. In addition, a new sidewalk will be installed on the project frontage that will increase pedestrian safety.

**Growth Management Goal 1.3.** Ensure development is within the City of Pleasant Hill Urban Limit Line.

The proposed project is an infill development, within the adopted urban limit line.

**Growth Management Policy 2B.** Require that new development pay its share of costs associated with the overall growth in the region.

**Growth Management Policy 2C.** Require that all development projects comply with the City's performance standards for fire, police, parks, water, flood control, sanitary sewer, and transportation facilities.

The project can be accommodated by existing services, with acceptable impact levels, to include: water supply, sewage disposal, school districts, parks and open space, fire protection, police and storm drainage. In addition, the project is required to pay its share of costs including traffic mitigation fees, park fees, school fees, sewer, water, and drainage fees.

**Housing Goal 1.** Maintain a housing supply sufficient to meet the housing needs of all Pleasant Hill residents.

The proposed project is providing additional housing opportunities to the residents of Pleasant Hill.

**Housing Goal 3.** Increase housing opportunities for people of limited incomes.

**Housing Program 3.3.** Require all housing project of five or more units to include affordable housing.
The proposed project is providing additional affordable housing opportunities, by constructing four accessory dwelling units throughout the site, to comply with the City’s Inclusionary Housing ordinance.

2. *The PUD plan or specific plan will enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;*

The PUD/Concept Plan is consistent with this finding as it will allow more creative development than what would be allowed under the base zoning district. The PUD would allow reduced vehicular access points from surrounding streets, making it a safer, more attractive project as it would allow increased perimeter landscaping. The Architectural Review Commission will have reviewed the Concept Plan and the associated design guidelines, and will have final review of the architecture of the homes when that is submitted for architectural design review.

3. *Deviations from the base district regulations are justified by compensating benefits of the PUD plan or specific plan;*

The project proposes a new landscape median within the public right-of-way of Pleasant Hill Road and is conditioned to provide a 1,000 square foot open space area that will provide a historical plaque and serve as a trail-head for the nearby Contra Costa Canal Trail and a sidewalk gap closure on the western side of Pleasant Hill Road.

4. *The PUD plan or specific plan includes adequate provisions for utilities services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems; and*

The PUD/Concept Plan is consistent with this finding because the site abuts all necessary utility and City services with sufficient capacity available and the proposed development will not significantly impact these services significantly as further discussed in the technical analysis considered in the Initial Study/Mitigated Negative Declaration document prepared for this Project.

5. *The PUD plan or specific plan has been approved by the architectural review commission.*

The Architectural Review Commission held a public hearing on the proposed PUD at its April 19, 2018 meeting. At the meeting the ARC adopted Architectural Review Commission Resolution No. 01-18 (see Attachment __) recommending approval of the PUD/Concept Plan.

**Section 3.** In accordance with Chapter 18.125 of the Pleasant Hill Municipal Code, the City Council hereby adopts the Zoning Map Amendment (PLN 15-0339), based on the following findings:
A. Per Pleasant Hill Municipal Code §18.125.050(B), in order for the City Council to approve a request for a zoning map amendment, “following the public hearing, the [Planning] commission shall make specific findings as to whether the proposed zoning regulation or zoning map amendment is consistent with the policies of the general plan, the purposes of this title, and the limitations on residential rezoning prescribed in PHMC § 18.125.070, and shall recommend approval, conditional approval, or denial of the proposal as submitted or in modified form.”

As determined by the Planning Commission by passage of a resolution to that effect on May 22, 2018, the proposed amendment to the zoning map to implement the PUD/Concept Plan will be consistent with this finding because the amendment will facilitate uses consistent with the proposed General Plan land use designation of the site and the General Plan goals and programs reviewed in greater detail in Section B (General Plan Consistency) below. In addition, the proposed zoning map amendment complies with all the provisions contained in Section 18.125.070 (Limitations on Residential Zoning) of the Zoning Ordinance as the project does not rezone any area or property zoned for residential use to increase density or change land use that is not in compliance with the following:

1. Seventy-five percent of the boundary of the area or property to be rezoned must be adjacent to land having the same or greater density zoning designation than the proposed zoning for the area or property. This provision shall not apply to properties not greater than 20,000 square feet deemed unsuitable for residential use by virtue of noise, traffic, and immediate proximity to commercial uses, which provide a buffer between business and residential areas; and for properties with a lower density zoning than R-10 which may be rezoned R-10.

The project does not propose to increase the current allowed density.

2. Development of the area or property to be rezoned shall not have growth-inducing impacts on existing residential neighborhoods.

The project site is surrounded by residential development within the City limits and currently served by various agencies related to utilities, schools, parks, etc. The applicable agencies have reviewed the proposed project and determined the project can be accommodated by existing services, with acceptable impact levels, including: water supply, sewage disposal, school districts, parks and open space, fire protection, police and storm drainage.

3. Development of the area or property to be rezoned shall not have a significant traffic impact on existing residential neighborhoods.

The potential traffic impact generated by the proposed project is reviewed in the associated Initial Study/Mitigated Negative Declaration and is found to have a “less than significant impact.” Project improvements at the Boyd Road/Pleasant Hill Road intersection will improve traffic flow in the area.

4. Development of the area or property to be rezoned shall not have a significant noise impact on existing residential neighborhoods.
The project will be required to comply with the City’s noise ordinance regulations. Furthermore, the project will be conditioned to limit the days/hours of heavy equipment operation to further reduce noise impacts to adjacent sites.

Lastly, the proposed zoning map amendment will be consistent with the overall purposes of the zoning ordinance because:

- **Provide a precise guide for the physical development of the city in order to:**
  - **Preserve the character and quality of residential neighborhoods;**
  - **Foster convenient, harmonious, and workable relationships among land uses;** and
  - **Achieve the arrangement of land uses described in the general plan.**

The proposed project includes a Concept Plan that includes precise development patterns and standards for the project. The project is residential in nature, similar to surrounding uses, and is not in conflict with the General Plan as discussed earlier in the staff report.

- **Promote the economic stability of existing land uses.** The proposed project will not have a negative effect on surrounding land uses, as the surrounding uses are similar single family residences and the rezoning will not decrease setbacks, decrease densities or allow increased building heights.

- **Prevent excessive population densities and overcrowding of land or buildings.** The proposed project will be consistent with the current underlying general plan density designation of Single-Family Medium Density. In addition, no reduction in setbacks from the current R-10 Zoning District is requested.

- **Ensure the provision of adequate open space for light, air, and fire safety.** As noted previously, the project does propose to increase density, building heights, decrease setbacks, nor increase floor area ratio’s, thus, preserving adequate open space, light and air access. The project proposes to allow an increase in lot coverage from 30% to 35%, however, within R-10A zoning districts, which are also consistent with the current, underlying Single Family Medium Density designation, is allowed up to 35% lot coverage.

- **Ensure that service demands of new development will not exceed the capacities of existing streets, utilities, or public services.** The project has been reviewed by affected agencies, the City Engineering Division, School and Recreation and Park Districts, Fire District and Police Department, and none have noted concerns with exceeding capacities.
Section 4. The applicant and owner of the real property subject to this approval shall indemnify, protect, hold harmless, and defend the City with legal counsel of the City’s own selection from any and all claims, actions, awards (including of attorney fees and costs), judgments, or proceedings against the City to attack, set aside, annul, or seek monetary damages resulting, directly or indirectly, from any action in furtherance of and the approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City, concerning the planning application. The City shall be deemed for purposes of this requirement, to include any agency or instrumentality thereof, or any of its elected or appointed officials, officers, employees, consultants, contractors, legal counsel, and agents. City shall promptly notify both the applicant and landowner of any claim, action, or proceeding to which this requirement is applicable and shall further cooperate fully in the defense of the action. The City reserves the right to take any and all action the City deems to be in the best interest of the City and its citizens in regards to such defense.

Section 5. This ordinance shall be effective 30 days after its adoption.

Section 6. Within fifteen days after the passage of this ordinance, the City Clerk shall cause it to be posted in the four places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Pleasant Hill held on the _____, 2018.

ADOPTED and ordered posted at a meeting of the City Council of the City of Pleasant Hill, held on the __________ day of __________, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

____________________, Mayor

ATTEST:

____________________
CAROL W. WU, City Clerk

APPROVED AS TO FORM:

____________________
JANET E. COLESON, City Attorney