RESOLUTION NO. 06 - 18

A RESOLUTION OF THE PLANNING COMMISSION, CITY OF PLEASANT HILL, RECOMMENDING APPROVAL OF A PLANNED UNIT DEVELOPMENT DISTRICT (REZONING) & CONCEPT PLAN AND VESTING TENTATIVE TRACT MAP (MAJOR SUBDIVISION) (PLN 17-0013) FOR THE RELIEZ TERRACES RESIDENTIAL MAJOR SUBDIVISION AT 2150 AND 2189 PLEASANT HILL ROAD

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, Planned Unit Development District (PUD) Permit PLN 17-0013 proposes to rezone an approximately 4.42 acre project site from the current R-10 Single Family Residential zoning district and include a PUD Concept Plan; and

WHEREAS, Vesting Tentative Map PLN 17-0013 proposes a map that would have 17 single family residential lots (and one common open space lot), and associated site improvements to include private streets and tree removals, on the 4.42-acre project site; 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 was held by the Architectural Review Commission on April 19, 2018 regarding the proposed PUD rezoning and associated Concept Plan at which time all interested parties were invited to provide comments on the proposal; and

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing was held by the Planning Commission on April 24, 2018 and continued to May 22, 2018, regarding the proposed PUD rezoning and associated Concept Plan at which time all interested parties were invited to provide comments on the proposal; and

WHEREAS, on May 22, 2018 the Planning Commission of the City of Pleasant Hill, in accordance with Section 18.30.060(A) of the PHMC, recommended approval of the Planned Unit Development District rezoning and associated Concept Plan PLN 17-0013 with the adoption of Architectural Review Commission Resolution No. _-18 which contains the applicable findings; and
WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing was held by the Planning Commission on April 24, 2018, and continued to May 22, 2018, regarding the proposed PUD rezoning, associated Concept Plan, and associated Vesting Tentative Map (Major Subdivision) at which time all interested parties were invited to provide comments on the proposal; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pleasant Hill, in accordance with Section 18.30.060(B) of the PHMC, recommends approval of Ordinance No. ___ (Attachment B-2 of the May 22, 2018 Planning Commission Staff Report) implementing the Planned Unit Development District rezoning and approving the associated Concept Plan (PLN 17-0013) to the City Council based upon the following findings:

1. The PUD plan or specific plan is consistent with the general plan and other applicable policies and is compatible with surrounding development;

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.

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

The proposed project will result in a single residential development that is similar to existing uses in the area. In addition, the density would be consistent with the surrounding neighborhood (single family medium density). Additional housing is needed throughout the region, as well as within the City, thus, adding residential units, including accessory dwelling units, within an existing single family neighborhood is appropriate.

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

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, 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.

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

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, 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 24. Place utility lines underground.**

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

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 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 E-1 of April 24, 2018 Planning Commission Staff Report) recommending approval of the PUD/Concept Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pleasant Hill, in accordance with Section 18.125 of the PHMC, recommends approval of Rezoning (Zoning Ordinance Amendment) PLN 15-0339 based upon the following additional findings:

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 not 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pleasant Hill, in accordance with Chapter 17.25 of the PHMC, recommends approval of the Vesting Tentative Tract Map (Major Subdivision) Planning Permit PLN 17-0013 based upon the following findings and conditions of approval contained in Attachment A-1:

1. **The proposed map is consistent with the general plan or any applicable specific plan, or other applicable provisions of this code.**

The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Pleasant Hill Subdivision Ordinance, because the procedural requirements of the Map Act are being followed. Also, the proposed subdivision is consistent with the General Plan because the proposed development conforms to the requirements of Single Family Medium Density General Plan land use designation (and as discussed earlier in the staff report, Section IV.A.) for the site. Lastly, no portion of the project site is located in a specific plan zoning district.

2. **The site is physically suitable for the type of development.**

The physical characteristics of the project site are suitable for the intended land use because the site is located within an existing single family residential neighborhood. The site is sloped in an easterly direction, however a geotechnical report was completed and noted proper development of the site. In addition, the proposed grading plan will not result in significant import or export of soil to the site, and will result in similar topography for the site.

3. **The site is physically suitable for the proposed density of development.**

The project does not propose to increase the current allowed density for the site. The current density is similar to the surrounding area, thus, the site is suitable for the proposed development.

4. **The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife to their habitat.**

The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because the project site does not contain any special status plan species and is not expected to house many special status animal species, except for five special status species. However, with the mitigation proposed it will avoid, minimize or mitigate for potential impact (as noted by the project Draft Initial Study/Mitigated Negative Declaration).
5. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

The design of the subdivision and the type of improvements are not likely to cause serious public health problems, because the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Pleasant Hill policies. The project will be served by public sewer and water. In addition, public health issues are addressed in the associated Initial Study/Mitigated Negative Declaration and project's associated improvements are not found to pose a public health problem.

6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

Through preliminary review of the proposed map, no conflicts are found to be in conflict with the proposed project. In addition, any acquisition of new easements, if applicable, will be required prior to the acceptance of the Final Map for this project.

7. The land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use.

The land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission recommends the City Council certify and approve the Final Mitigated Negative Declaration (Attachment F-1, April 24, 2018 Planning Commission Staff Report) and Mitigation Monitoring Program (Attachment F-1, April 24, 2018 Planning Commission Staff Report) for this project, based on the following 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.

- **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 attached 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

ADOPTED by the Planning Commission of the City of Pleasant Hill, on the 22\textsuperscript{nd} day of
May, 2018, by the following vote:

\begin{itemize}
\item **AYES:** Abbott, Mascaro, Phillips, Vinson, Schramm, Vavrek
\item **NOES:** None
\item **ABSTAIN:** None
\item **ABSENT:** Bankert
\end{itemize}