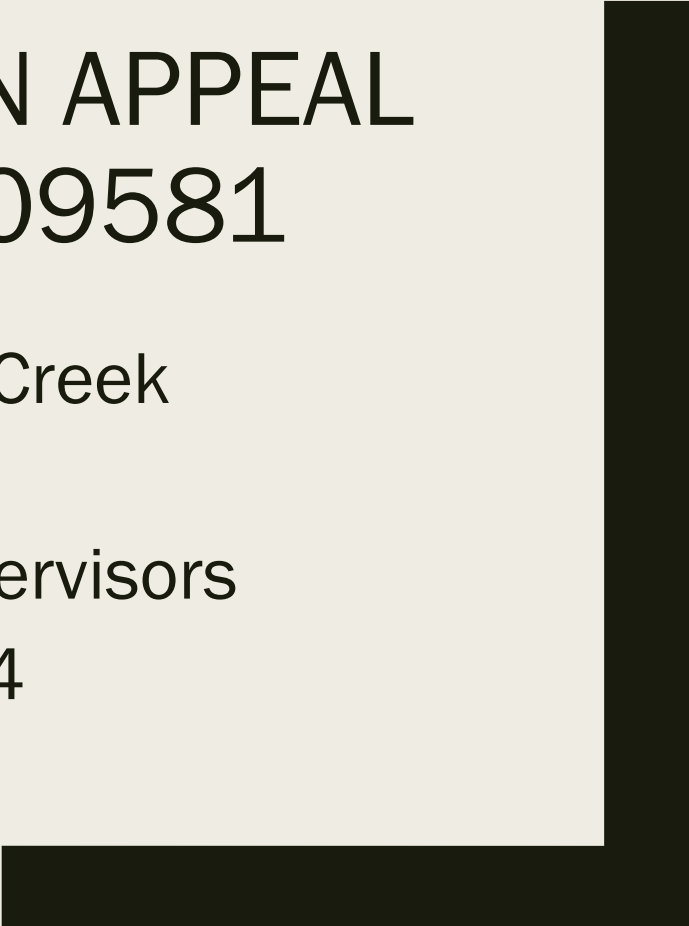


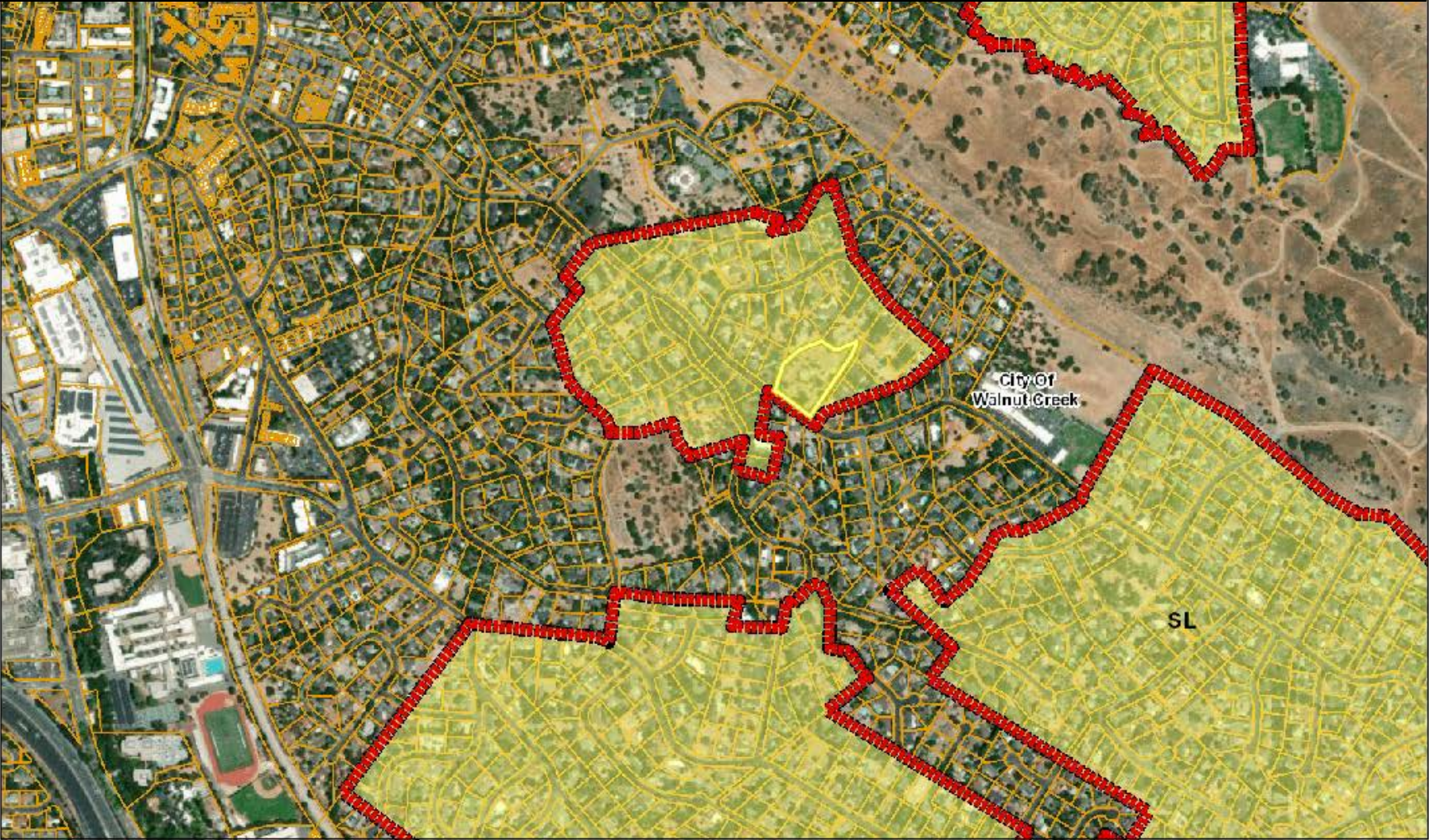
10-LOT MAJOR SUBDIVISION APPEAL  
COUNTY FILE #CDS21-09581

3180 Walnut Boulevard, Walnut Creek

Contra Costa County Board of Supervisors  
Tuesday, February 27, 2024



# General Plan: Single-Family Residential-Low Density (SL)



**Legend**

**City Limits**

**General Plan**

- SV (Single Family Residential - Very Low Density)
- SL (Single Family Residential - Low Density)
- SM (Single Family Residential - Medium Density)
- SH (Single Family Residential - High Density)
- ML (Multiple Family Residential - Low Density)
- MM (Multiple Family Residential - Medium Density)
- MH (Multiple Family Residential - High Density)
- MV (Multiple Family Residential - Very High Density)
- MS (Multiple Family Residential - Super High Density)
- CC (Congregate Care/Senior Housing)
- MO (Mobile Home)
- M-1 (Parker Avenue Mixed Use)
- M-2 (Downtown/Waterfront Roadside)
- M-3 (Pleasant Hill BART Mixed Use)
- M-4 (Willow Pass Road Mixed Use)
- M-5 (Willow Pass Road Commercial)
- M-6 (Bay Point Residential Mixed Use)
- M-7 (Pittsburg/Bay Point BART Station)
- M-8 (Dougherty Valley Village Center)
- M-9 (Montalvin Manor Mixed Use)
- M-10 (Willow Pass Business Park)
- M-11 (Appian Way Mixed Use)
- M-12 (Triangle Area Mixed Use)
- M-13 (San Pablo Dam Road Mixed Use)
- M-14 (Heritage Mixed Use)
- CO (Commercial)
- OF (Office)
- BP (Business Park)
- LI (Light Industry)
- HI (Heavy Industry)
- AL, OIBA (Agricultural Lands & Off-Road)
- CR (Commercial Recreation)
- ACO (Airport Commercial)
- LF (Landfill)
- PS (Public/Semi-Public)
- PR (Parks and Recreation)
- OS (Open Space)

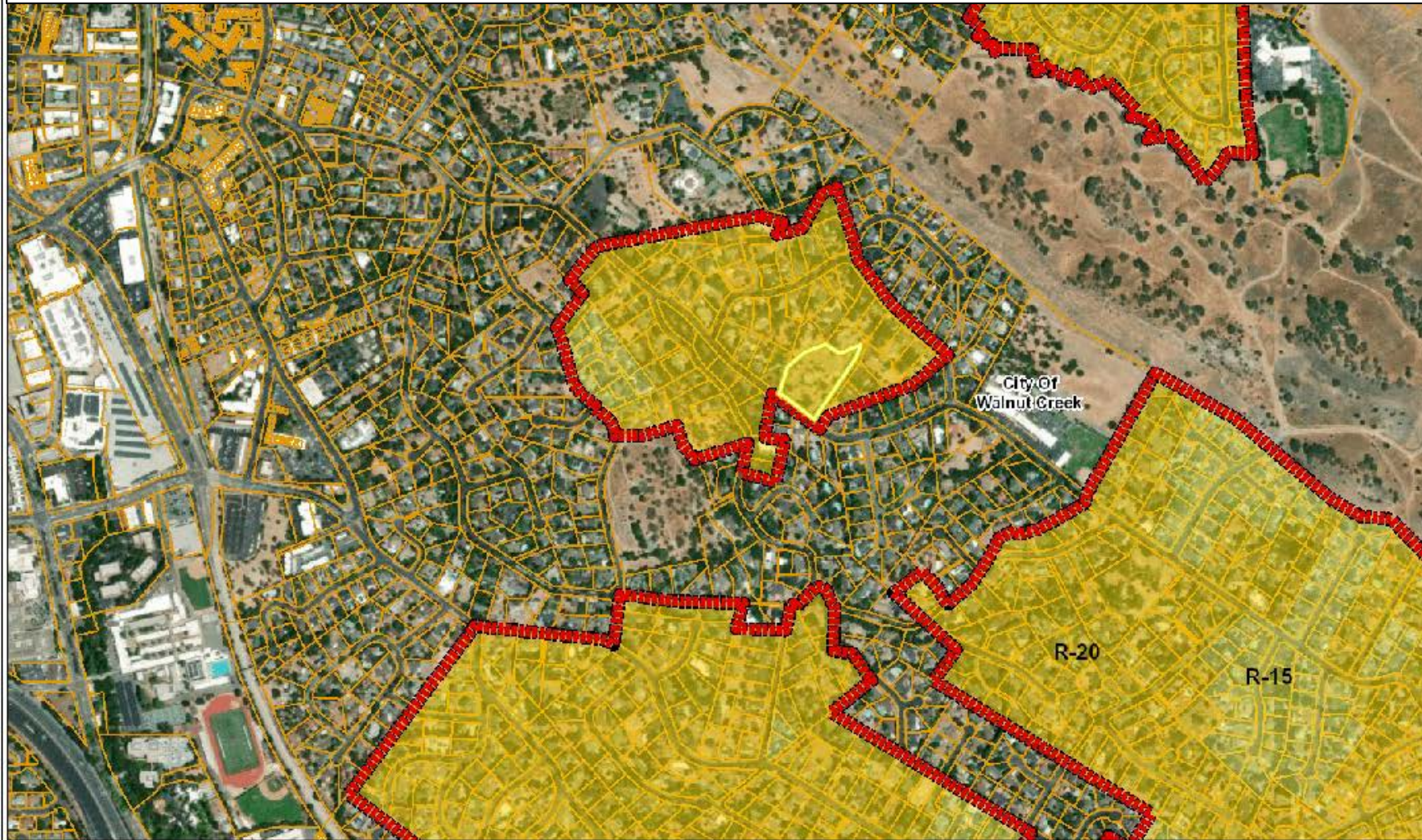
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 WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**  
 CDS21-09581

# Zoning: Single-Family Residential (R-20)



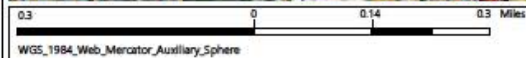
## Legend

City Limits

### Zoning

- R-4 (Single Family Residential)
- R-4, -FH -UE (Flood Hazard and Urban Farm Animal Excl)
- R-4 -SD-1 (Slope Density Hillside C)
- R-4 -TOV -K (Tree Obstruction and Urban Farm Animal Excl)
- R-4, -UE (Urban Farm Animal Excl)
- R-4 -X (Railroad Corridor Combinat)
- R-7 (Single Family Residential)
- R-7 -X (Railroad Corridor Combinat)
- R-10 (Single Family Residential)
- R-10, -UE (Urban Farm Animal Excl)
- R-12 (Single Family Residential)
- R-15 (Single Family Residential)
- R-20 (Single Family Residential)
- R-20, -UE (Urban Farm Animal Excl)
- R-40 (Single Family Residential)
- R-40, -FH -UE (Flood Hazard and Urban Farm Animal Excl)
- R-40, -UE (Urban Farm Animal Excl)
- R-65 (Single Family Residential)
- R-100 (Single Family Residential)
- D-1 (Two Family Residential)
- D-1 -T (Transitional Combining Dist)
- D-1, -UE (Urban Farm Animal Excl)
- M-12 (Multiple Family Residential)
- M-12 -FH (Flood Hazard Combining)
- M-17 (Multiple Family Residential)
- M-29 (Multiple Family Residential)
- F-R (Forestry Recreational)
- F-R -FH (Flood Hazard Combining I)
- F-1 (Water Recreational)
- F-1 -FH (Flood Hazard Combining I)
- A-2 (General Agriculture)
- A-2, -BS (Boat Storage Combining I)
- A-2, -BS -SG (Boat Storage and So)
- A-2 -FH (Flood Hazard Combining I)
- A-2, -FH -SG (Flood Hazard and So)
- A-2 -SD-1 (Slope Density Hillside D)
- A-2, -SG (Solar Energy Generation)

1:9,028



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes

CDSD21-09581

# Aerial Photo



3131 Walnut Blvd  
William Goodwin, appellant

Project Site



### Legend

- City Limits
- Streets
- Building Footprints
- Assessment Parcels
- World Imagery
  - Low Resolution 15m Imagery
  - High Resolution 60cm Imagery
  - High Resolution 30cm Imagery
  - Citations

1:2,257



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WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes  
CDS021-09581

# BACKGROUND

- June 23, 2021: County File #CDSD21-09581 was submitted to the Department of Conservation and Development.
- June 21, 2023: The public review period for the Mitigated Negative Declaration extended from June 21, 2023, through July 21, 2023.
- October 2, 2023: County File #CDSD21-09581 was heard at an open hearing of the Zoning Administrator and was continued as an open hearing to October 16, 2023.
- October 16, 2023: Zoning Administrator approved County File #CDSD21-09581.
- January 10, 2024: Planning Commission approved County File #CDSD21-09581.
- January 19, 2024: Appellant at Planning Commission, William Goodwin, filed an appeal of the Planning Commission's decision.

# PROJECT DESCRIPTION

- A Vesting Tentative Map for a 10-lot major subdivision of an approximate 2.88-acre project site for single-family residential development.
- Pursuant to the California Density Bonus Law, Gov. Code Section 65915, Lot 4 would be restricted for-sale to a moderate-income household, therefore the project is eligible for a Density Bonus, waivers or reductions in development standards, incentives and concessions, and parking reductions.
- Pursuant to Gov. Code Section 65915(d), a Concession to allow the use of gross acreage and not net acreage to calculate density, which results in 10 residential lots.
- Pursuant to Gov. Code Section 65915(e)(1), waivers to the following development standards:
  - Lot Area - lot sizes range from 9,292 to 17,659 square-feet (minimum 20,000 square-feet).
  - Average Lot Width - average lot widths range from 66.4' to 138.8' (minimum 120').
  - Lot Depth - lot depths range from 127.2' to 174.1' (minimum 120').
  - Housing setbacks – front yard and side yard setback requirements.
  - Retaining wall setbacks – no setback requirements.
- Tree Permit to remove 43 trees and work within the dripline of 17 additional trees.
- Exception to County Code Section 96-10 that requires utilities to be undergrounded.
- Exception to County Code Section 914-12.002 that requires detention basins to be at least 15 acre-feet of storage volume.
- Exception to County Code Section 914-2.004 that requires runoff to not be diverted.
- Approximately 17,000 cubic yards of grading – approximately 7,500 cubic yards of off haul of dirt.

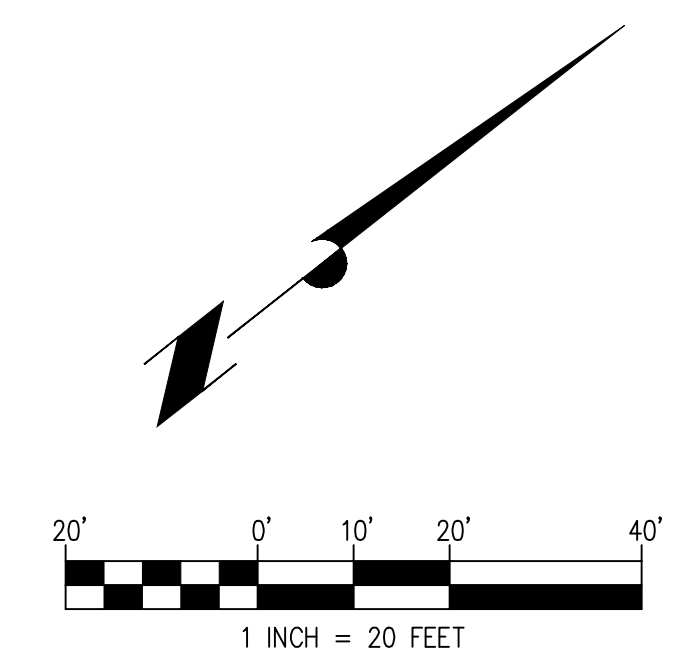
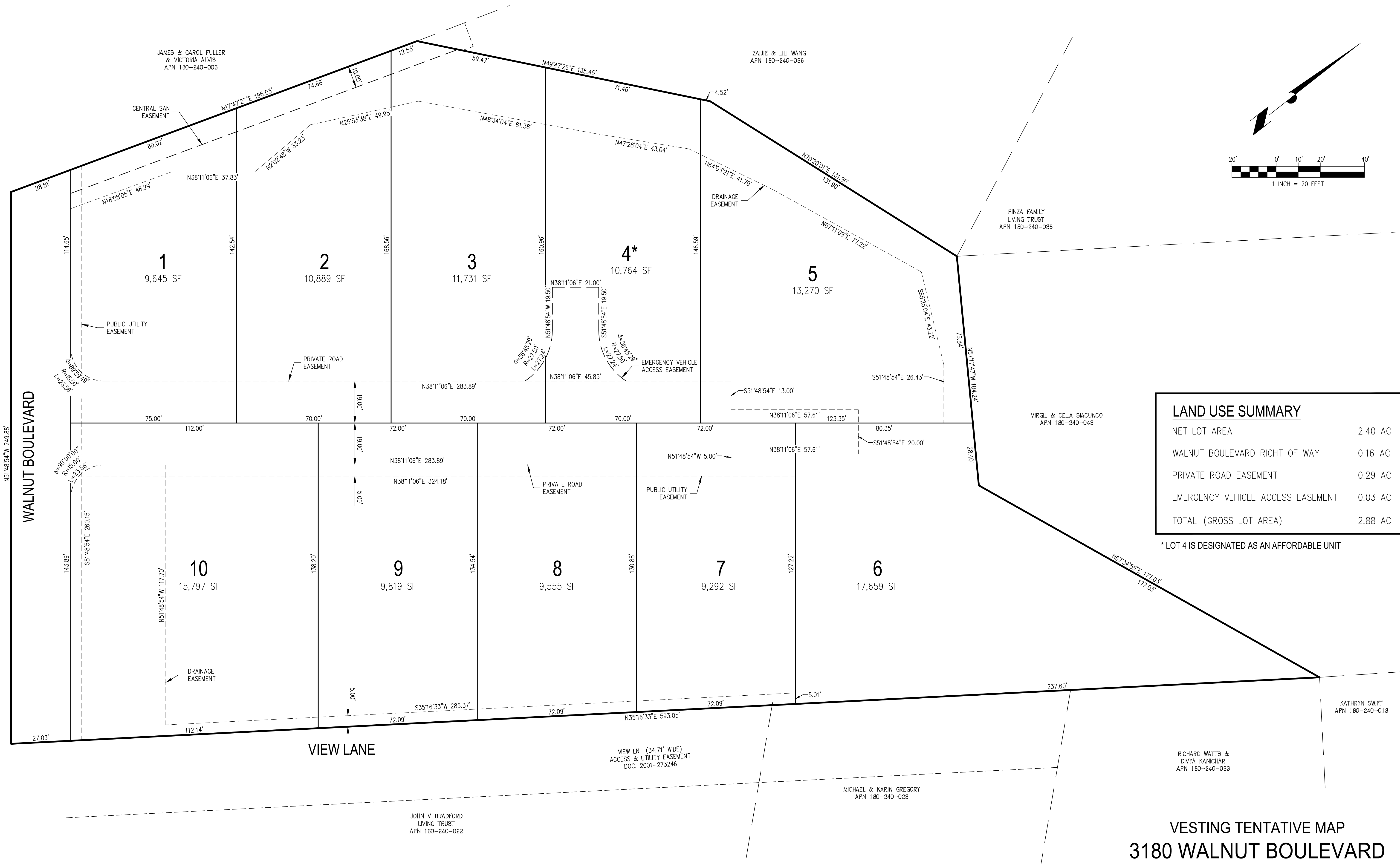
# State Density Bonus Law

- The State Density Bonus Law (Gov. Code §§ 65915-65918) incentivizes the building of affordable housing by granting developers “a density increase over the otherwise maximum allowable gross residential density,” as well as other incentives or concessions, waivers of development standards, and parking ratio reductions in return for a commitment to provide affordable housing as part of a development project.
- By providing one lot of the nine base units for sale to a moderate-income household, the project qualifies for a 7% density bonus, resulting in one additional unit ( $9 \text{ du} \times 0.07 = 9.63$ , which rounds up to 10).
- Density Bonus Law (Gov. Code § 65915(d)(1)) specifies the only circumstances under which a requested incentive or concession may be denied.
  - The concession or incentive does not result in identifiable and actual cost reductions.
  - The concession or incentive would have a specific, adverse impact upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
  - The concession or incentive would be contrary to state or federal law.
- Density Bonus Law (Gov. Code § 65915(e)(1)) states “In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section.”

# Density Bonus Calculations

- Project site: Gross site: 2.88 acres. 2.88 net acres (proposed right-of-way and private road area is deducted)
- General Plan SL Land Use Designation allows 1.0 – 2.9 units per acre
- Base density: (2.4 net acres) \* (2.9 units per acre) = 6.96 units
- Percent of units made available for sale to moderate-income households: (1 unit) / (6.96 units) = 14.36%, rounded up to 15%
- Revised base density (with concession): (2.88 acres) \* (2.9 units per acre) = 8.35 units, fractional unit rounded up to 9 base units
- Density Bonus Calculation: (9 units) \* (0.10) = 0.9 units, fractional unit rounded to 1 unit; 9 units + 1 unit = 10 units





| LAND USE SUMMARY                  |         |
|-----------------------------------|---------|
| NET LOT AREA                      | 2.40 AC |
| WALNUT BOULEVARD RIGHT OF WAY     | 0.16 AC |
| PRIVATE ROAD EASEMENT             | 0.29 AC |
| EMERGENCY VEHICLE ACCESS EASEMENT | 0.03 AC |
| TOTAL (GROSS LOT AREA)            | 2.88 AC |

\* LOT 4 IS DESIGNATED AS AN AFFORDABLE UNIT

VESTING TENTATIVE MAP  
 3180 WALNUT BOULEVARD  
 WALNUT CREEK, CALIFORNIA  
 JANUARY 02, 2024

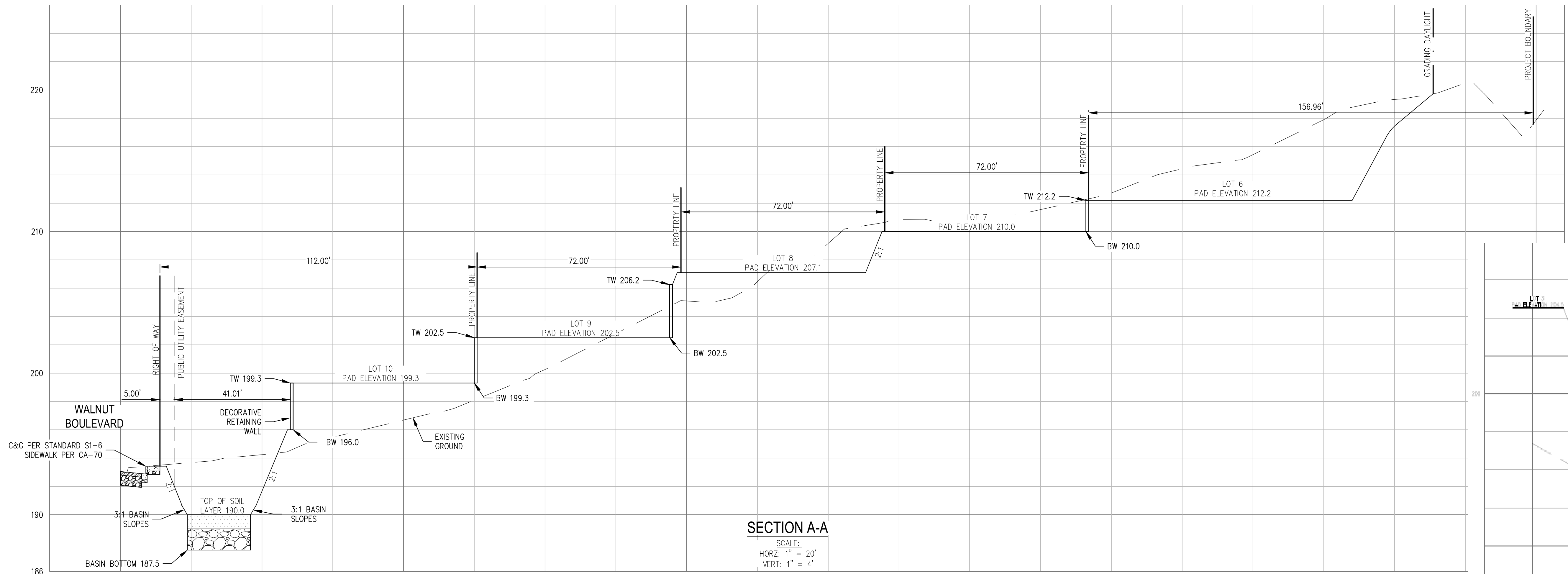


1031 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596  
 WWW.DKENGIN.COM (925) 952-6988

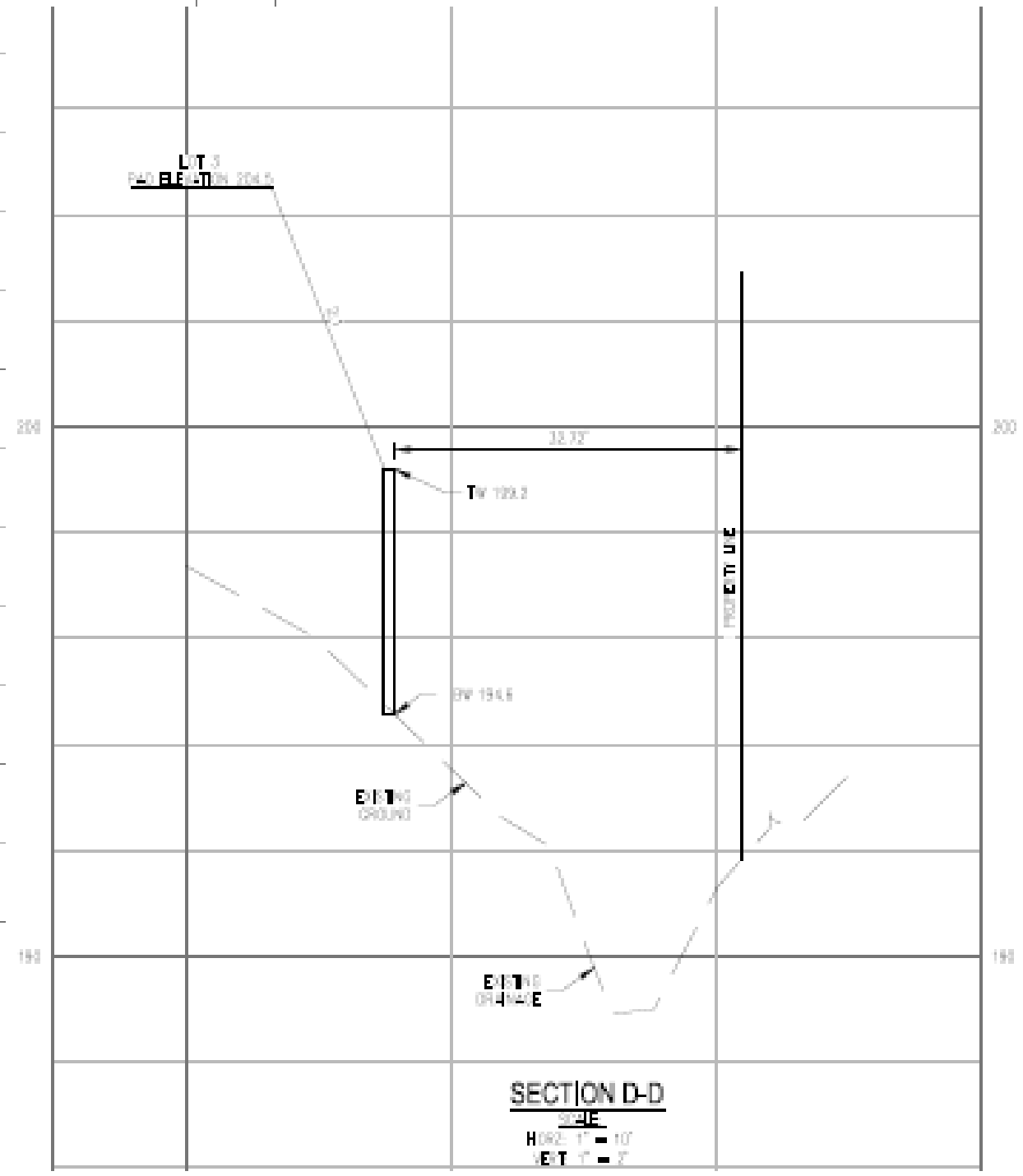
VESTING TENTATIVE MAP

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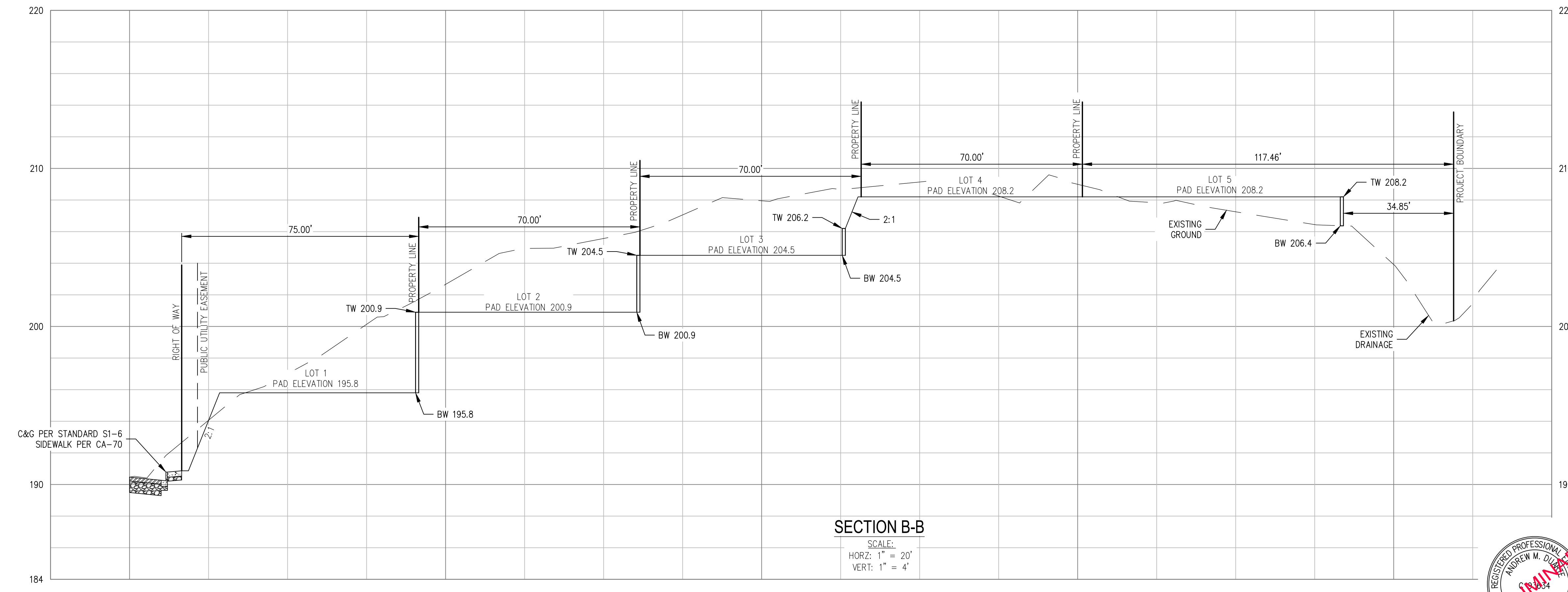




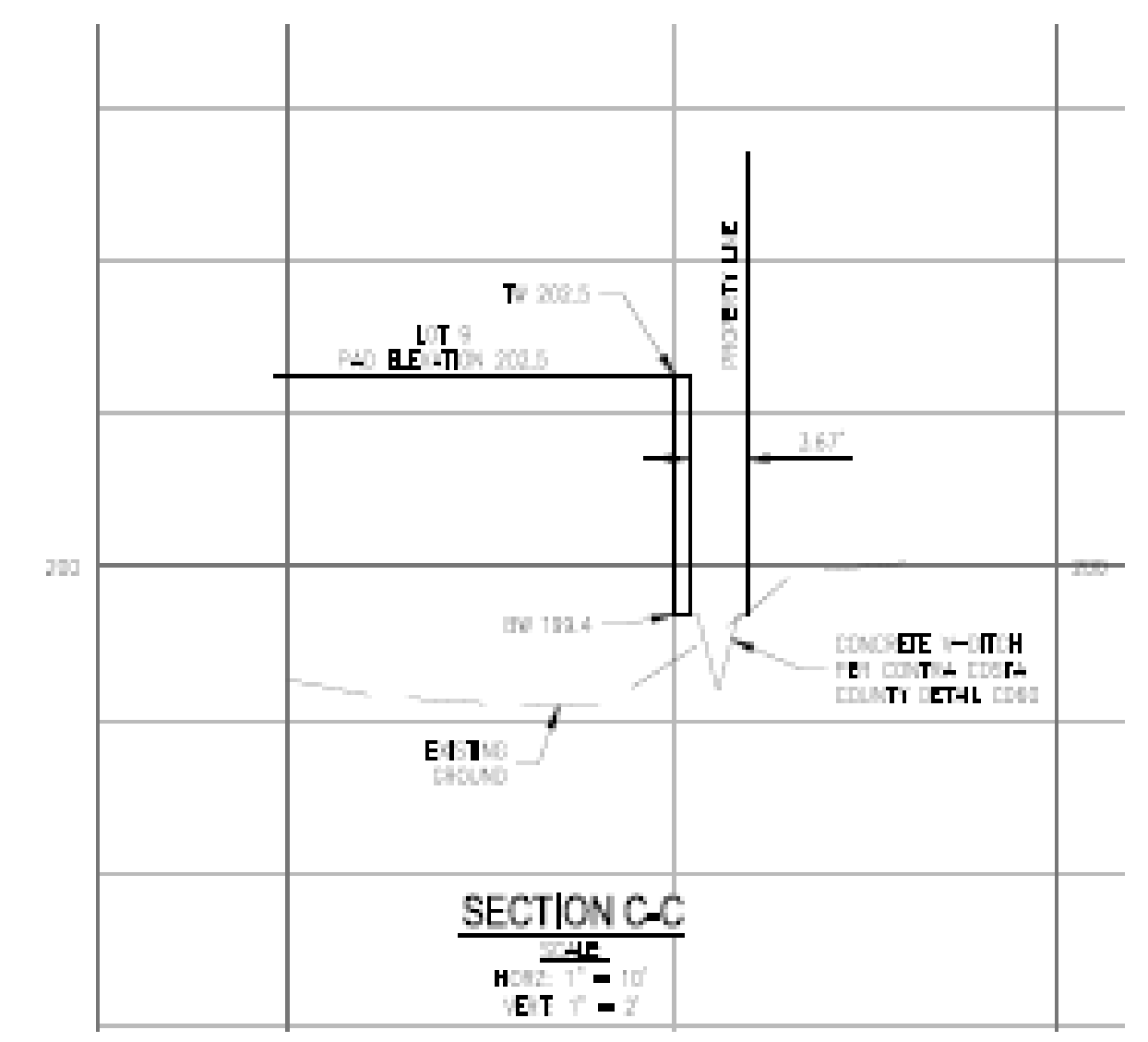
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 SCALE:  
 HORZ: 1" = 20'  
 VERT: 1" = 4'



**SECTION D-D**  
 SCALE:  
 HORZ: 1" = 20'  
 VERT: 1" = 4'



**SECTION B-B**  
 SCALE:  
 HORZ: 1" = 20'  
 VERT: 1" = 4'



**SECTION C-C**  
 SCALE:  
 HORZ: 1" = 20'  
 VERT: 1" = 4'



**VESTING TENTATIVE MAP**  
**3180 WALNUT BOULEVARD**  
 WALNUT CREEK, CALIFORNIA  
 JANUARY 02, 2024

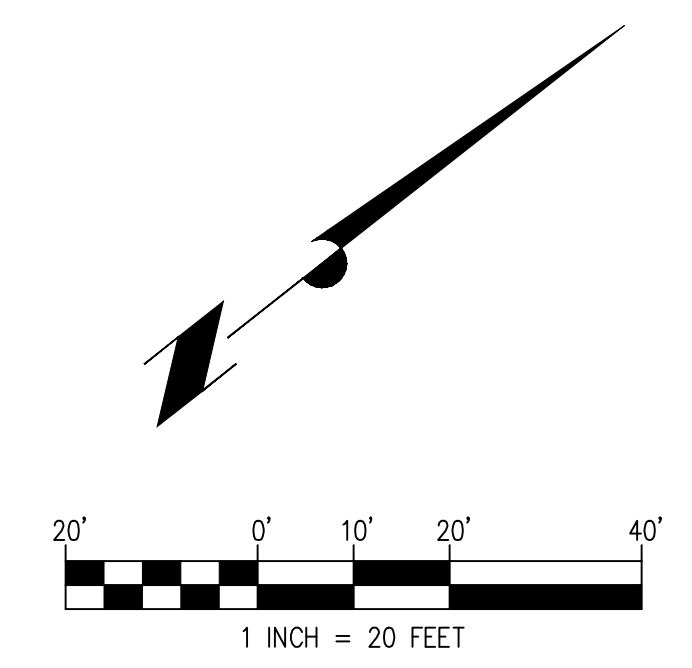
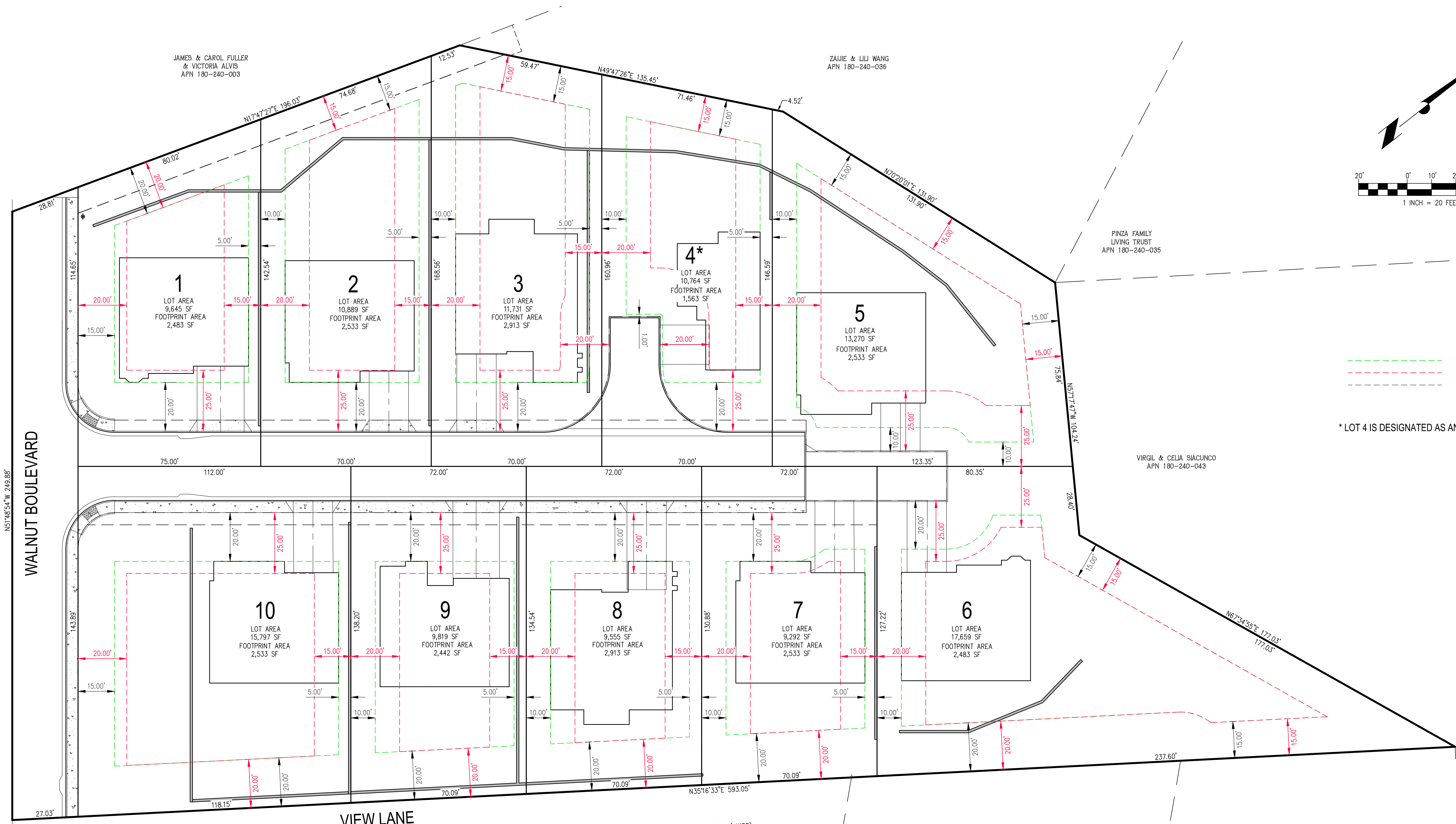


1931 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596  
 WWW.DKENGIN.COM (925) 952-6988

**CROSS SECTIONS & ROAD SECTIONS**

F:\PROJECTS\2023\3180 WALNUT BLVD - WALNUT CREEK\DWG\CROSS SECTIONS-2024.DWG 1/2/2024





- - - - - PROPOSED SETBACKS  
 - - - - - R-20 SETBACKS  
 - - - - - EASEMENTS

\* LOT 4 IS DESIGNATED AS AN AFFORDABLE UNIT

**VESTING TENTATIVE MAP**  
**3180 WALNUT BOULEVARD**  
 WALNUT CREEK, CALIFORNIA  
 JANUARY 02, 2024



1831 SAN MIGUEL DRIVE, SUITE 100, WALNUT CREEK, CA 94596  
 WWW.DKENGIN.COM (925) 932-6888

**SITE SETBACKS**

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**PLAN 3**  
Modern Farmhouse Elevation

**PLAN 1**  
American Foursquare Elevation

**PLAN 3**  
Spanish Colonial Elevation

**PLAN 1**  
Craftsman Elevation

**PLAN 2**  
Northern European Elevation

## CONCEPTUAL STREETSCENE

# SUMMARY OF APPEAL POINTS

- Appellant, William Goodwin – 3131 Walnut Boulevard, Walnut Creek:
  - The subject property does not currently drain into the existing offsite stormwater system. The existing storm drainage facility has not been proven to be adequate to take on the runoff that will be created by this project.
  - The proposed bioretention basin is insufficient, and will cause flooding of the neighboring properties.
  - The area along the north and west property lines of the project site is an “ancient creek bed” and not a “drainage swell” as described in the mitigated negative declaration.

# STAFF RESPONSES

- As the County Public Works Department reviewed the project Storm Water Control Plan, they have provided staff response to this appeal point. The project drainage basin will discharge into the north side of Walnut Boulevard, and the storm drain inlet on the south side of the street extends across to the project site and beyond, conveying storm water runoff from 7.7 acres between Walnut Boulevard and Nob Hill Drive, in addition to half of the subdivision site. The intent of the design is to catch and detain the runoff from the subdivision such that the resultant total runoff leaving the site is reduced to a level that the downstream drainage facilities can accommodate the runoff to the prescribed “design storm” flow rate; in this case, the “ten year” event. As Public Works finds the proposed drainage consistent with County Code Section, Division 914 – Drainage, it is able to tie into this existing storm drain inlet.
- The County Public Works Department reviewed the preliminary Storm Water Control Plan (SWCP) and Hydrologic and Hydraulic Analysis and found it supported the runoff mitigation claims of the basin design. A final SWCP and a Stormwater Control Operation and Maintenance Plan (O+M Plan) will be reviewed and approved by Public Works prior to issuance of permits, and will be reviewed for compliance with the County’s National Pollutant Discharge Elimination System (NPDES) Permit and the County’s Stormwater Management and Discharge Control Ordinance.
- This watercourse is un-delineated on the USGS quad map and is a tributary of Indian Creek. Indian Creek itself lies on the other side of the ridge above the property in the shell ridge open space between Walnut Heights and Indian valley Elementary schools. It is the water source for the lake in the Lakewood neighborhood. Any ancient creek downstream of the lake has long been relocated, channelized, and ultimately redirected as a large, open, roadside ditch along the east side of Walnut Boulevard north of LaTour Lane.

# STAFF RECOMMENDATION

Staff recommends that the County Board of Supervisors DENY the appeal and UPHOLD the County Planning Commission's decision to approve County File #CDS21-09581.