

# CITY COUNCIL STAFF REPORT

**DATE:** August 4, 2014  
**TO:** City Council/City Manager  
**FROM:** Phil Wong, Planning/Community Development Director  
By: Cindy Yee, Associate Planner



**SUBJECT:** Public Hearing No. 2: Call for Review of the Faria Preserve Development (VTM 9342) Located on Approximately 286.5 Acres East of Bollinger Canyon Rd., North of Deerwood Dr., West of the Crow Canyon Specific Plan Area, and South of the City Limit Lines within the Northwest Specific Plan Area (APNs: 208-240-005, -007, -008, -052 to -054, 208-260-046, and 208-250-011). (DPA 12-310-003, MJ 12-900-002, AR 200-046 and IS 12-250-004 filed on October 4, 2012)

## RECOMMENDED ACTION

Staff recommends that the City Council review the five discussion items identified at the July 8, 2014 City Council public hearing on the Faria Preserve Call for Review; conduct a public hearing; and provide direction to staff.

## BACKGROUND/DISCUSSION

### Background

On May 6, 2014, the Planning Commission unanimously approved Resolution No. 05-14 adopting the Mitigated Negative Declaration and approving the Revised Faria Preserve Project. Resolution No. 05-14 includes 231 conditions of approval and 31 mitigation measures; it contains both standard conditions typical of residential development applications as well as special conditions specific to the Project.

On May 15, 2014, Councilmember Sachs, pursuant to Section D7-12 of the Zoning Ordinance, initiated a Call for Review (Attachment A) of the Planning Commission Resolution No. 05-14).

On July 8, 2014, the City Council held a duly-noticed public hearing on the Call for Review. The Council received a staff report, a presentation by the Applicant, received public comments, and deliberated on the Call for Review. Each Councilmember was provided copies of all the technical reports, environmental studies, staff reports, minutes, and other materials considered by the Planning Commission in reviewing the Project. At the conclusion of the meeting, the Council continued the public hearing and requested staff return at a future hearing date to address five discussion items. The five discussion items are listed below:

- 1) Evaluate placing a “Senior Housing Overlay” or other mechanism that would increase the total number of senior (age-restricted) housing units in Neighborhood V while decreasing the number of non-age restricted units. Councilmember Sachs believes that the Project’s traffic and school impacts would be lessened by converting the non-age restricted apartments to senior-only apartments. Staff was asked to study this option, its consistency with the General Plan 2030 and the Northwest Specific Plan, and what would be needed to implement this change since no current development plan is proposed for Neighborhood V;
- 2) Address Councilmember Sachs’ concern on why the Faria Preserve Initial Study/Mitigated Negative Declaration did not include in its analysis a review of the level-of-service at all the on- and off-ramps at Crow Canyon Road and Bollinger Canyon Road as well as why the State Department of Transportation comments received as part of the CEQA public review process were not incorporated into the environmental document;
- 3) Provide additional information and clarification on the Project’s vehicle trips and trip distribution. Specifically, include an explanation of the Project’s trip distribution ratio and the Project’s trip generation rate and why the number of peak vehicle trips are low in comparison to the number of proposed units;
- 4) Address Councilmember Sachs’ recommendation to install pedestrian walkway enhancements at the intersection of Bollinger Canyon Road and Norris Canyon Road; and
- 5) Provide the Council with an alternative land plan that shows how impacts to the central drainage channel can be reduced further.

#### Analysis of Discussion Items

1. Evaluate placing a “Senior Housing Overlay” or other mechanism that would increase the total number of senior (age-restricted) housing units in Neighborhood V while decreasing the number of non-age restricted units.

The Northwest Specific Plan’s (NWSP) community design framework establishes a land use and community character intended to support the creation of a variety of residential neighborhoods with a range of densities and housing types. The Project proposes five residential neighborhoods and includes the subdivision of 86 senior units and 216 non-age restricted units within Neighborhood V. Since the Applicant’s Project application does not request development approval of Neighborhood V, the site is subject to its own development review process in the future with its own specific conditions of approval. The conditions of approval that staff would create for the current Project would establish the framework for the subsequent development review process and limits the maximum number of dwelling units in Neighborhood V in accordance with the approved Vesting Tentative Map.

Councilmember Sachs on July 8<sup>th</sup> recommended placing a “Senior Housing Overlay” onto Neighborhood V and designating the 216 non-age restricted units as seniors-only in order to reduce

the Project's traffic and school impacts. While the Project's current traffic and school impacts have been mitigated to a level of "less-than-significant" as defined by the California Environmental Quality Act (CEQA) and meets the City's development requirements, increasing the number of senior units would have the effect of even further reducing these impacts because senior units typically have less persons and vehicles per household and no school-age children.

A Senior Housing (-SH) overlay zone as defined in the City's Zoning Ordinance is intended to encourage the production of housing which meets the special needs of senior citizens and provides standards to ensure that senior citizen housing will be compatible with the existing neighborhood character, and will provide appropriate guidance for achieving densities above General Plan level. At least one resident living in a housing unit in a -SH zone must be age 55 years or older. No overlay zones currently exist within the Northwest Specific Plan (NWSP). Adding a Senior Housing Overlay zone (considered a legislative action) in Neighborhood V would require an amendment to the zoning of the Specific Plan.

Absent a Senior Housing Overlay zone, the Applicant could agree to amend their Project proposal to increase the number of senior housing units and accept a condition of their Vesting Tentative Map approval restricting occupancy of Neighborhood V (or a portion of the neighborhood) to seniors only. In order to do so, the City would first be required to make findings that the Project is consistent with the NWSP and General Plan as identified below.

In the Northwest Specific Plan, three Land Use Policies in the Land Use Chapter address housing type. Under *Objective A*, the following policies are included to "provide a balanced development pattern that offers a diversity of residential choices, utilizing open space areas and community amenities as organizing and defining elements":

**Land Use Policy #3.** Include a wide range of housing types, densities, sizes, and affordability levels.

**Land Use Policy #6.** The total number of residential dwelling units within the Plan Area shall not exceed 830, which includes a density bonus for workforce and affordable units.

**Land Use Policy #7.** Develop an Inclusionary Housing Program, providing that at least 25% of the total units within the Plan Area are affordable to very-low, low, and moderate income levels.

In General Plan 2030, four policies address the City's goals for housing type in the Housing Element. The below policies encourage developments to include housing types for all segments of the community and to provide a diverse mix of units to support a balanced jobs/housing ratio:

**Housing Element Policy 11.1.I.1.** Identify sites appropriate for the development of a variety of housing types and price ranges to meet the needs of all socioeconomic segments of the community.

**Housing Element Policy 11.1-I-5.** Maintain a variety of housing types that complements the employment opportunities within the community and encourages a jobs/housing balance.

**Housing Element Policy 11.1-I-6.** Require diversity of unit size and number of bedrooms within multi-family housing developments (exempting senior projects) and strive to provide three- and four-bedroom units for large families.

**Housing Element Policy 11.21-G-3.** Ensure all persons and household types have equal access to housing in San Ramon.

In addition to General Plan policies, the Housing Element lists the Faria Preserve's multi-family high density land use as a "Workforce Housing Opportunity Site" (Figure 11-9). Workforce housing is defined by the Urban Land Institute as housing for those earning between 60 to 120 percent of the area median income (AMI). The importance of building workforce housing stems from the City's goal of reaching a balanced jobs to housing ratio where there is enough housing to support the high number of jobs in San Ramon. By designating workforce housing sites such as the Faria Preserve, the City can facilitate the development of affordable housing for employed residents. Should additional senior housing be incorporated into Neighborhood V, consideration must be given on how best to balance the City's goal to include affordable, workforce housing in the Faria Preserve.

Based on the Applicant's current proposal for 740 units, it appears to meet the "wide range of housing types" envisioned by the Specific Plan and General Plan. The subdivision would include 256 for-sale single-family homes, 78 for-sale condominium units, 104 for-sale townhome units, 216 non-age restricted rental apartments, and 86 senior rental units. Should Neighborhood V be restricted to senior-only units, no apartment (workforce housing) units would be available for rent to anyone under the age of 55 and as a result, the number of senior units would increase from 12% to 41% of the Project's 740 total units.

During the application review process, the question regarding increasing the number of senior units was raised at the City's Housing Advisory Committee meeting. On October 24, 2013, the Committee reviewed the Applicant's 740-unit proposal and recommended approval of the Project as presented with recommendations to only change the number of years of affordability. The Committee was not supportive of adding additional senior units and provided the following reasons: 1) there is a need for a balance of affordable units, 2) there needs to be affordable housing for all segments of the population, 3) the Project is not located close to services for seniors, 4) affordable units for families should be located throughout the City.

Since the July 8<sup>th</sup> City Council meeting, the Applicant and staff have explored how increasing the number of senior housing units within Neighborhood V would change the Project. Table 1 below represents the Applicant's current Affordable Housing Proposal, with 28 affordable units in Neighborhood IV and 185 affordable housing units in Neighborhoods V. At present, 28% (86 units) of Neighborhood V are senior-only units and 72% (216 units) are non-age restricted units:

**Table 1: Current 2014 Affordable Housing Proposal, 740-Unit Project**

Unit Types	Very Low	Low	Moderate	Total Affordable Units	Total Market Rate	Total Unit Type
Senior-Restricted Rental Apartments	17	69	0	86	0	86
Rental Apartments (Non-Age Restricted)	30	0	69	99	117	216
For-Sale Housing Units (Within Neighborhood IV)	15	13	0	28	154	182
<b>Total Affordable Units</b>	<b>62</b>	<b>82</b>	<b>69</b>	<b>213</b>		
% of the Total Affordable Units	29.1%	38.5%	32.4%	<b>28.8%</b>		

The Applicant has indicated their willingness to increase the percentage of senior units from 28% to up to 50% in Neighborhood V. Table 2 below illustrates how increasing the number of senior units in Neighborhood V would modify the Project's housing type:

**Table 2: Neighborhood V Housing Type**

Percentage of Senior Units in Neighborhood V	Total Senior Units	Percentage of Senior Units in Project	Non-Age Restricted Units in Neighborhood V
28% (Current Project)	86 units	12%	216 units
50%	151 units	20%	151 units

In order to make the increase in senior units a viable option, the Applicant would need to convert all 28 currently proposed affordable for-sale units (located in Neighborhood IV) to market-rate units and reduce the Project's percentage of affordable units from 28.8% to the minimum 25% required by the NWSP.

**Table 3: Increasing Senior Units in 740-Unit Project**

Unit Types	Very Low	Low	Moderate	Total Affordable Units	Total Market Rate	Total Unit Type
Senior-Restricted Rental Apartments	24	71	0	95	56	151
Rental Apartments (Non-Age Restricted)	30	0	60	90	61	151
For-Sale Housing Units (Within Neighborhood IV)	0	0	0	0	182	182
<b>Total Affordable Units</b>	<b>54</b>	<b>71</b>	<b>60</b>	<b>185</b>		
% of the Total Affordable Units	29.1%	38.5%	32.4%	25%		
Difference in Affordable Units Compared to Current Proposal	(8)	(11)	(9)	<b>(28)</b>		

As Table 3 above indicates, the total Project unit count remains the same at 740 units, the number of senior units would increase by 65 units, the number of non-age restricted units would decrease by 65 units, and the number of affordable units would be reduced by 28 units (from total 213 units to 185 units). The Applicant would be willing to commit to maintaining the same percentage of very-low, low, and moderate income units, however, the amount of affordable workforce housing units in this Neighborhood would be reduced. Additionally, while senior units will be added to the Project, those units would not be obligated to be affordable units because the Applicant is already meeting their 25% affordable housing commitment. The increase of 65 senior units and the decrease in 65 non-age restricted units should achieve Councilmember Sachs' goal to further improve traffic and school impacts, but the Council will need to provide findings detailing that the revised Project has sufficient workforce housing and a wide range of housing type.

As an alternative to increasing the allocation of senior units, the Applicant is willing to reduce the overall number of non-age restricted units by 30 units, bringing the total Project unit count from 740 to 710. To make this reduction feasible, the decrease would occur in Neighborhood V, reducing the units in this Neighborhood from 302 to 272. In order to implement this change, the Applicant would convert all affordable for-sale units in Neighborhood IV to market-rate units and reduce their affordable unit allocation from 28.8% to the minimum 25% required by the NWSP. Table 4 below shows a Project unit reduction of 30 units and the resulting affordable housing implications:

**Table 4: 30-Unit Reduction Comparison Chart**

Neighborhood	Current 740 Unit Project	Total Affordable Units in 740 Unit Project	Proposed 710 Unit Project	Total Affordable Units in 710 Unit Project
Neighborhood I (Single-Family)	121	0	121	0
Neighborhood II (Single-Family)	72	0	72	0
Neighborhood III (Single-Family)	63	0	63	0
Neighborhood IV (Townhomes/Condo)	182	28	182	0
Neighborhood V (Apartments)	302	185	272	178
<b>Total Units</b>	<b>740</b>	<b>213</b>	<b>710</b>	<b>178</b>
% of Affordable Units in Project		28.8%		25%
Difference in Units Compared to Current Project			(30)	(35)

Table 5 below shows where the 30 units would be removed from Neighborhood V and the new affordable unit count for the Project.

**Table 5: 30-Unit Reduction in Neighborhood V and Affordable Housing Modifications**

Unit Types	Very Low	Low	Moderate	Total Affordable Units	Total Market Rate	Total Unit Type
Senior-Restricted Rental Apartments	17	69	0	86	0	86
Rental Apartments (Non-Age Restricted)	35	0	57	92	94	186
For-Sale Housing Units (Within Neighborhood IV)	0	0	0	0	182	182
<b>Total Affordable Units</b>	<b>52</b>	<b>69</b>	<b>57</b>	<b>178</b>		
% of the Total Affordable Units	29.2 %	38.7%	32.5%	25%		
Difference in Affordable Units Compared to Current Project	(10)	(13)	(12)	(35)		

As Table 5 indicates, the number of affordable units would be reduced by 35 units (from total 213 units to 178 units) when reducing the overall Project total by 30 units. The Applicant would be willing to commit to maintaining the same percentage of very-low, low, and moderate income units even with a reduction in overall Project unit, but doing so would mean the loss of all 28 for-sale affordable housing units in the Project. While Councilmember Sachs' original proposal was to increase the number of senior units to reduce traffic and school impacts, the 30 unit reduction in non-age restricted units could have a similar effect in terms of impact reductions.

In summary, the Applicant's current Project proposal was found by the Planning Commission to be in conformance with the NWSP and General Plan housing goals. The Project's traffic and school impacts have been mitigated and increasing the number of senior units would further reduce these impacts. Two options have been discussed with the Applicant since the July 8<sup>th</sup> meeting to explore the concept of increasing senior units in Neighborhood V. Both alternatives proposed would meet the NWSP's minimum requirement for affordable housing and the NWSP's policy to include a wide range of housing types. Both options also reduce the overall number of workforce housing units within the Project—the first option to increase the senior units would mean a reduction of 65 workforce rental housing units, and the second option to decrease the overall unit count by 30 units would equal a decrease of 30 workforce rental housing units. Given that the NWSP is designated as a workforce housing site, should the Council choose to modify the Project using one of the two options identified, findings must be made that the reduction in workforce housing units meets the NWSP and General Plan policies.

2. Why was there no review of the level of service at all the on- and off-ramps at Crow Canyon Road and Bollinger Canyon Road and why were the State Department of Transportation comments received as part of the CEQA public review process not incorporated into the environmental document.

The Project's traffic analysis was prepared using data sources such as the Contra Costa Transportation Authority (CCTA) regional travel demand forecasting model and the Institute of

Transportation Engineers' (ITE) *Trip Generation* manual. There are three primary reasons for not including all I-680 intersections in the Project's traffic analysis. First, the study area for the Project's traffic analysis includes those roadway facilities that would most likely be impacted by the Project based on the anticipated number and distribution of project-related trips. Intersections that were selected for analysis were based on a screening process using information from the 2006 Northwest Specific Plan/Faria Preserve Community EIR. Intersections that operated at a level of service (LOS) C or better in any of the existing and cumulative scenarios during any of the peak hours in the 2006 EIR were not further evaluated in the IS/MND because these intersections are highly unlikely to experience adverse transportation-related impacts due to Project changes. At General Plan buildout, these intersections would continue to operate at the same level or better because the development program, particularly the number of residential units, for the proposed Project is less. The three intersections identified by Caltrans did meet the above screening criteria and, therefore, were not selected for evaluation in the IS/MND. According to the 2006 EIR, the Cumulative plus Project condition shows the following acceptable level of service results for the three intersections as follows:

- Crow Canyon Road / I-680 Northbound Off-ramp: AM peak – **LOS C**; PM peak – **LOS B**
- Bollinger Canyon Road / I-680 Northbound Off-ramp: AM peak – **LOS C**; PM peak – **LOS C**
- Bollinger Canyon Road / I-680 Southbound Off-ramp: AM peak – **LOS B**; PM peak – **LOS A**

Second, a comparison of the 2006 NWSP EIR and IS/MND project volumes as distributed on the roadway network was performed to determine if there were significant project volume increases at the intersection of Crow Canyon Road / San Ramon Valley Boulevard and Bollinger Canyon Road / San Ramon Valley Boulevard that would impact the Caltrans ramp intersections on Crow Canyon Road and Bollinger Canyon Road. The 2006 NWSP EIR appears to have assigned more project trips to the Crow Canyon Road interchange; therefore, the IS/MND project volumes decreased in comparison and the LOS would improve. The IS/MND appears to have assigned more project trips to the Bollinger Canyon Road interchange. While there is a slight increase in project trips that would impact the Bollinger Canyon Road interchange ramps, the increase is less than 1.4 percent of the total traffic volumes, and would maintain an acceptable LOS. All the Caltrans ramps were determined to operate at an acceptable level of service.

Third, in 2010, the City prepared and certified the General Plan 2030 EIR. The EIR included all four I-680 intersections in their evaluation of 42 total intersections throughout the City. Table 3.13-6 of the General Plan 2030 EIR identifies that with all the cumulative conditions at the City's buildout year in 2030, LOS at all four I-680 intersections will perform at an acceptable level of service. The cumulative conditions in the General Plan 2030 EIR assumes a 786-unit Faria Preserve Project which, in comparison to the current project proposal of 740 units, would have a greater traffic impact to these intersection. Additionally, it is valuable to note that all four of the I-680 off-ramp intersections are analyzed yearly as part of the Dougherty Valley Monitoring program required per the Dougherty Valley Settlement Agreement. LOS at the four intersections continues to operate at acceptable LOS.

Regarding the Caltrans letter, a response to their comments was provided in the January 21, 2013

Planning Commission staff report. In the response, it detailed that an analysis of the PM peak hour LOS with a 30 percent increase to the ramp volumes under the Cumulative plus Project scenario was performed resulting in a LOS C, which is considered a less than significant impact and an acceptable LOS.

3. Provide additional information and clarification on the Project's vehicle trips and trip distribution. Specifically, include an explanation of the Project's trip distribution ratio and the Project's trip generation rate and why the number of peak vehicle trips are low in comparison to the number of proposed units.

#### Trip Distribution

There are four steps in the travel demand forecasting process:

- Trip generation – Given the land use program for a specific area, the travel demand forecasting process must estimate how many total trips the area will generate;
- Trip distribution – Given the number of trips for a specific area, the travel demand forecasting process must estimate the origins and destinations of these trips;
- Mode choice – Given the trip distribution, the travel demand forecasting process must estimate the number of trips expected on each of the available travel modes serving the area; and,
- Trip assignment – Given the distributed trips by mode, the travel demand forecasting process must predict the routes that people making these trips will select, resulting in traffic forecasts for specific elements of the roadway system and ridership forecasts for the transit services.

To evaluate the traffic related effects of the Project, trips that would be generated by the Project were distributed onto the roadway network. Trip distribution simulates the geographical pattern of travel, matching trips generated by one type of land use (e.g. residential) with trips generated by other types of land uses (e.g., education, employment, and shopping). The distribution of trips associated with the Project was derived from the Contra Costa Transportation Authority (CCTA) regional travel demand forecasting model. The CCTA model showed a trip distribution of 5% (Bollinger Canyon Road)/95% (Deerwood/Purdue Road) at the project accesses. It should be emphasized that models are predictive. Therefore, consistent with the CCTA Technical Procedures, City staff adjusted the distribution percentages from a 5%/95% split to a more realistic and conservative 25%/75% split based on existing directional split information, turning movement counts, local knowledge and the proposed layout of the site plan.

The existing directional split based on the existing turning movement counts is approximately 26%/74% for trips entering and exiting the area north of Crow Canyon Road at the intersections of Crow Canyon Road / Bollinger Canyon Road and Deerwood Road / Omega Road-Old Crow Canyon Road. Taking into consideration the percentage of trips expected to use the freeway, the distance to the freeway, and the path of least resistance (i.e. number of traffic signals along path), the trip distribution was estimated to be 25%/75%.

The same CCTA regional travel demand model was used in both environmental documents (2006 and 2013) to determine how and where the automobiles would be distributed onto the road network, although a more current CCTA model was used. Because of these changes, the prior model and the traffic results are difficult to compare side by side. However, the total number of trips based on the

land use plan can be compared, and the reduced number of units and the change in the housing mix of the new plan results in fewer automobile trips. Based on the traffic study prepared for the 2006 EIR, the original project generated 7,779 daily trips compared to 6,429 daily trips generated by the current Project. It should also be noted that the 2006 trip distribution estimate included trips for the entire Northwest Specific Plan area showing development occurring on both the east and west side of Bollinger Canyon Road.

#### Trip Generation

Trip generation relates land uses to the number of persons or vehicles entering or exiting the site. The trip generation for the Project was based on the provided land use information using standard trip generation rates from the Institute of Transportation Engineers' (ITE) *Trip Generation* (9th Edition) and information contained within the *Faria Ranch Traffic Impact Study* produced by Abrams Associates in August 2004 for the educational facility and active park with sports field. Trip generation estimates from the ITE's *Trip Generation* are based on a sample of trip generation studies at sites across the United States, for each land use provided. However, for certain land uses, such as is the case for the 12.7 acre park and educational facility, published trip generation rates can vary widely due to location, type and number of facilities. Therefore, the IS/MND trip generation for the educational facility and park relied on the Abrams Associates study since park acreage and the size of the educational site had not changed between the two Projects.

Councilmember Sachs' question regarding trip generation arises from Table 3.16-3 of the IS/MND. In the table, it identifies the daily vehicle trips for the Project and the weekday AM and PM peak hour vehicle trips. ITE's trip generation for the vehicle trips in the AM and PM is based on the "peak hour" which is defined as the one-hour period of time with the highest volume of traffic and is not based on the "peak period" which is generally a two hour interval (7:00 – 9:00 in the AM and 4:00 – 6:00 in the PM). The "peak hour" is the hour with the highest volume of traffic in the "peak period" and is determined based on traffic counts. Traffic engineers focus on the "peak hour" traffic volume in evaluating levels of service because it represents the most critical time period. So while total AM and PM peak vehicle trips in Table 3.16-3 may appear low, the trip generation calculations shown in the Table represents the number of trips that will occur during one (1) hour of the AM and PM peak period. Evaluation of the Project's peak hour trips were used to analyze the level of service at the study intersections, and found that with mitigations incorporated, the Project would have a less-than significant impact.

#### 4. Address Councilmember Sachs' recommendation to install pedestrian walkway enhancements at the intersection of Bollinger Canyon Road and Norris Canyon Road.

In accordance with the California Vehicle Code (CVC) Section 21401, only traffic control devices conforming to Caltrans standards and specifications shall be placed on streets and highways. Caltrans has adopted the California Manual on Uniform Traffic Control Devices (CA MUTCD) 2012 edition, which is based on the Federal Highway Administration's (FHWA) MUTCD 2009 edition as amended for use in California, pursuant to the provisions of CVC Section 21400 and the recommendation of the California Traffic Control Devices Committee (CTCDC) after consultation with local agencies and public hearings.

Pedestrian walkway devices, or pedestrian enhancement devices, such as in-roadway warning lights,

pedestrian hybrid beacons, standard yellow flashing beacons, and rectangular rapid flashing beacons are addressed in the CA MUTCD and Caltrans' policies and directives. According to the CA MUTCD, pedestrian enhancement devices have to meet warrants or conditions for installation, and are installed at uncontrolled or midblock crossing locations. They shall not be used at crosswalks controlled by YIELD signs, STOP signs, or traffic control signals—the intersection of Norris Canyon Road and Bollinger Canyon Road is all-way stop-controlled.

While pedestrian enhancement devices does not meet warrants at this intersection, the Applicant has offered to install two Radar Speed Display Signs along Bollinger Canyon Road to further enhance traffic and pedestrian safety along this route with placement location to be determined by City staff. Similar to Condition No. 151 in Planning Commission Resolution No. 05-14, the Applicant would agree to a condition of approval to work with our Transportation Services Division to purchase and install two Radar Speed Display Signs. In addition to the Display Signs, Planning Commission Resolution No. 05-14 includes condition 43 that requires a traffic signal warrant study within three years after the Project has been constructed and fully occupied or sooner if requested by the City. The Project traffic itself does not trigger a warrant to install a traffic signal at this intersection, but may be warranted at the time of General Plan buildout. Should the warrant study indicate a need to construct the signal, the Applicant shall pay their fair share of the costs for this signal installation.

5. Provide the Council with an alternative land plan that shows how impacts to the central drainage channel can be reduced further.

#### State Regulatory Agency Background

Upon Lafferty Communities' purchase of the Faria Project, the Applicant met with the Regional Water Quality Control Board's (RWQCB) staff in their Oakland office. Based on their meeting with RWQCB, the Applicant prepared a "Balanced Grading Avoidance Plan" which was provided to the RWQCB showing their proposed outline of permanently developed area (see Attachment B). A letter written to the Applicant from Dyan White, RWQCB dated August 3, 2012 states that "the plan does show a significant reduction in creek impacts when compared to the previous design. In general, we find that based on the conceptual design, the project may be acceptable if the necessary supporting documentation and mitigation are adequate" (see Attachment C). The tentative map, development plan, and grading plan that the Planning Commission approved on May 6, 2014 is designed based on the "Balanced Grading Avoidance Plan".

#### 2006 Specific Plan and EIR Context

The adopted 2006 NWSP provides guidance to the Project's development pattern and land uses. The NWSP land use framework and policies identify that riparian corridors will be impacted and/or filled as a result of the Faria Preserve development. As appropriate mitigation, the Plan envisioned that the Project would mitigate riparian impacts in a number of measures, including re-creation of streams and wetlands, the creation of riparian canopies on both sides of the re-created creeks, the installation of culverts north and south of the proposed Faria Preserve Parkway, and limiting access to the re-created riparian corridor. The proposed Project was found by the Planning Commission to be in conformance with the natural resource standards of the Northwest Specific Plan.

In 2006, the NWSP/Faria Preserve EIR evaluated five alternatives to the proposed Project, with four

of the alternatives focused on a reduced development footprint and limited fill of the riparian corridor (Alternatives 2, 3, 4, and 5). As seen in Attachment D, the EIR provides analysis of each of the alternatives.

Alternative 2 limits fill of the riparian corridor to accommodate a roadway to connect the eastern and western neighborhoods, but does not permit a balanced grading plan and would require 960 daily truck trips over a 14 month period to off-haul dirt from the site. This alternative also would not provide the flat, graded areas required to accommodate the park, education site, and house of worship site required by the General Plan.

Alternative 3 would eliminate the Faria Preserve vehicular connection and fill of the riparian corridor would be limited to accommodating a pedestrian footbridge. This alternative also does not permit a balanced grading plan and would require 960 daily truck trips over a 15 month period to off-haul dirt from the site as well as similar grading issues found in Alternative 2 to accommodate the park, education site, and house of worship site required by the General Plan.

Alternative 4 would eliminate the Faria Preserve vehicular connection with fill of the riparian corridor limited to the construction of a pedestrian footbridge, and creation of a looped internal access road to bring vehicles to the east and west of the Project. This alternative also does not permit a balanced grading plan and would require 960 daily truck trips over a 16 month period to off-haul dirt from the site as well as similar grading issues found in Alternative 2 to accommodate the park, education site, and house of worship site required by the General Plan.

Alternative 5 would create a balanced cut/fill Project and generally avoid the riparian corridor with exception of emergency vehicle access, but would reduce the number of units in the Project to 255 and eliminates all community facilities such as the park, house of worship and the educational facility sites required by the General Plan. This alternative would also fail to provide a range of housing products and affordable housing and consequently, does not achieve the objective of the Project as envisioned in the General Plan.

Beyond the original alternatives studied with the development of the NWSP, the Applicant is also prepared to discuss at the meeting how they have developed their current land plan to represent the least distributive to the riparian corridor through consultation with the RWQCB.

### **Summary**

To address the Council's five discussion items from the July 8<sup>th</sup> hearing, staff has provided detailed analysis of each of the topics in the staff report. In working with the Applicant, two viable options to change the housing type in Neighborhood V have been laid out should the Council desire to amend the current proposal. Staff has expanded on the traffic study questions raised at the hearing and provided information on how traffic impacts have been address. Additionally, while the intersection of Norris Canyon Road and Bollinger Canyon Road is already an all-way stop, the Applicant has offered to install two Speed Radar Display signs along Bollinger Canyon Road to further enhance traffic and pedestrian safety along this route. As part of the Applicant's presentation on August 4,

2014, they will expand on their land plan and alternatives they have explored with the Regional Water Quality Control Board to reduce creek impacts.

### **FISCAL ANALYSIS**

Condition No. 25 of Planning Commission Resolution 05-14 requires the Applicant to provide a funding mechanism to off-set the negative fiscal impact of providing facilities and certain additional services required by the new Faria Preserve development beyond the amount of anticipated revenue to be generated by the Project. As such, there are no potential fiscal impacts associated with providing City services to the approved Project.

Planning and Engineering staff cost and material associated with the processing of the Call for Review (estimated to cost approximately \$45,000 through September, not including legal staff costs) are absorbed in the existing operational budget.

### **STEPS FOLLOWING APPROVAL**

As directed by Council, Staff could return with a Resolution reflecting the direction of the City Council for consideration at the September 9, 2014 meeting.

### **ATTACHMENTS**

- Attachment A: Call for Review Letter Received May 15, 2014
- Attachment B: Faria Preserve Balanced Grading Avoidance Plan
- Attachment C: Letter from Dyan Whyte, Assistant Executive Officer, San Francisco Bay Regional Water Quality Control Board, dated August 3, 2012
- Attachment D: Faria Preserve Environmental Documents Binder (to City Council only)

May 15, 2014

TO: Phil Wong, Zoning Administrator, City of San Ramon

FROM: Harry Sachs, Councilmember, City of San Ramon

Re: Call for Review- Faria Project

On May 7, 2014 the San Ramon Planning Commission passed resolution 05-14.

I am calling for a city council review of the resolution, the conditions of approval and the proposed mitigation measures articulated therein.

The Faria project, with its size, scope and environmental impacts, warrants such a review by the council.

It is noted that the environmental impacts of the project area include a General Plan assertion that the project area resides in a "high landslide" area designation.

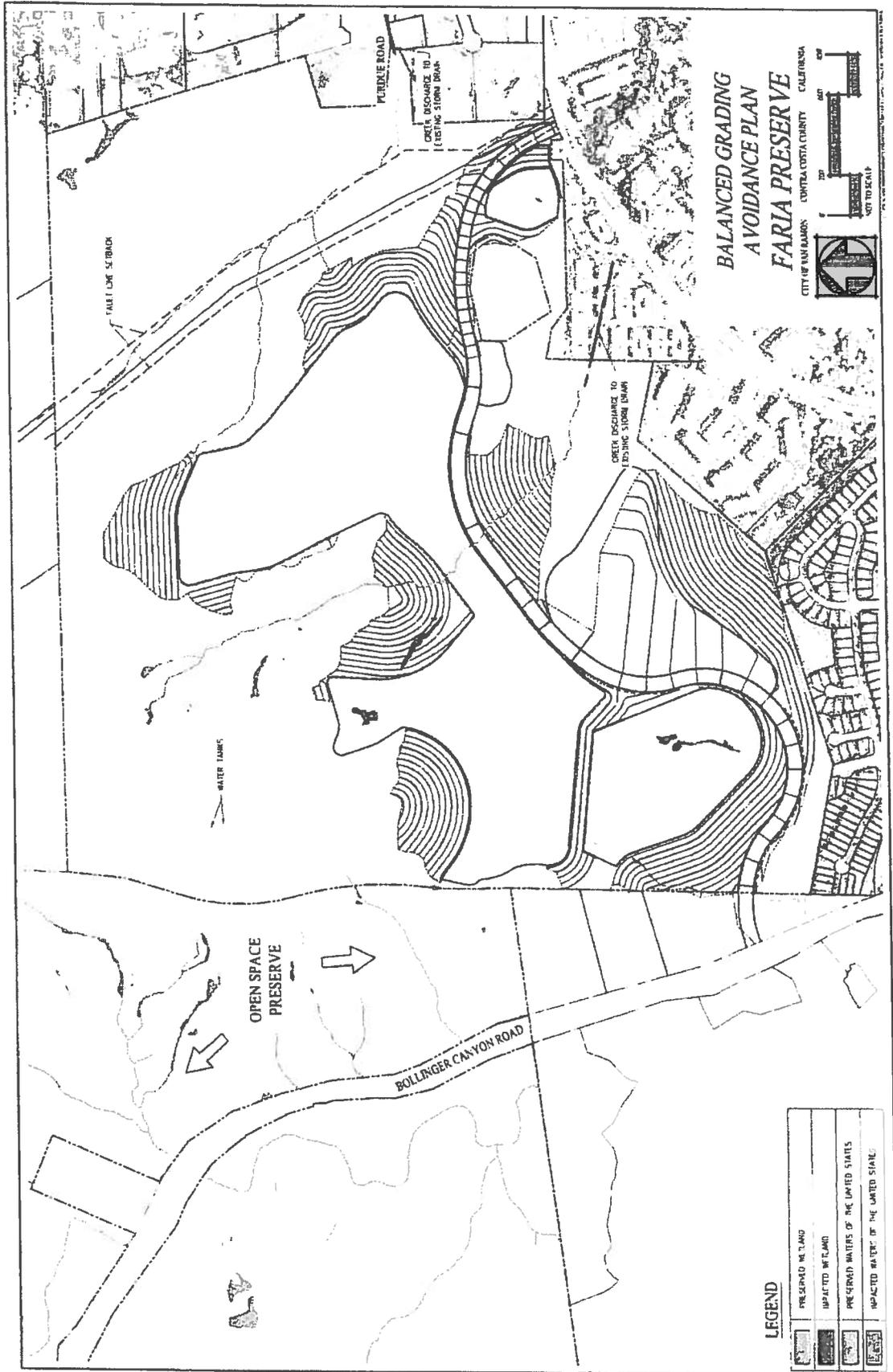
It is also noted that a previous version of this project was denied by a state regulatory agency with their findings citing, in part, environmental impacts to creeks, wetlands and natural habitat areas.

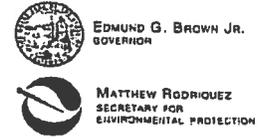
Given the above, it is both necessary and proper for this project to be called for review per San Ramon ordinance D7 Chapter II.

Sincerely,

Harry Sachs, M.Ed.  
City Of San Ramon  
Councilmember

**ATTACHMENT A**





**San Francisco Bay Regional Water Quality Control Board**

August 3, 2012  
Site No. 02-07-C0805 (KRH)  
CIWQS Place No. 784650  
Corps File No. 29678S

Sent by electronic mail to:

Faria Lt Ventures, LLC  
5000 Executive Parkway, Suite 530  
San Ramon, CA 94583

Attn: Mr. Pat Toohey (ptoohey@laffertycommunities.com)

**SUBJECT: Incomplete Notice for the Faria Project 401 Water Quality Certification Application, San Ramon, Contra Costa County**

Dear Mr. Toohey:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff have reviewed the July 3, 2012, Clean Water Act (CWA) Section 401 Water Quality Certification Application (Application) submitted on behalf of Faria Lt Ventures, LLC (Faria) for the proposed Faria Project in San Ramon. The proposed Project would involve the construction of a residential development with approximately 786 mixed density dwelling units, a spine road connecting Bollinger Canyon and Deerwood Roads, a park, a place of worship, and other community facilities.

This letter serves as notification that the Application is incomplete and that the Water Board is not issuing a water quality certification at this time. The Application as submitted is conceptual, and does not provide the substantive documentation necessary to support the proposed site plan. However, the plan does show a significant reduction in creek impacts when compared to previous designs. In general, we find that based on the conceptual design, the project may be acceptable if the necessary supporting documentation and mitigation are adequate. As part of the continued review process, Water Board staff would like to verify in the field the proposed limits of the grading impacts.

Please provide the additional information as described below. This will allow us to move forward with our review. At a minimum, Faria will need to submit the following: (1) detailed documentation for the alternatives analysis and the stormwater management

JOHN MULLER, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | [www.waterboards.ca.gov/sanfranciscobay](http://www.waterboards.ca.gov/sanfranciscobay)



ATTACHMENT C

plan; (2) the Biological Resources Analysis Report and Biological Assessment (Olberding Environmental Inc., July 2012) referred to in the Application; (3) a final wetland delineation approved by the U.S. Army Corps of Engineers (Corps), and (4) a revised mitigation and monitoring plan. Upon review of these documents, we will provide detailed comments as needed. The conceptual stormwater management plan may be acceptable, but we cannot provide comments until a more detailed site plan is submitted, along with supporting information for the sizing of the management features.

Under the provisions of the CWA and the *San Francisco Bay Basin Water Quality Control Plan* (Basin Plan), a project applicant is required to avoid impacts to waters of the U.S. and of the State in conformance with the U.S. Environmental Protection Agency's (EPA) CWA 404 (b)(1) Guidelines (Guidelines). The Water Board's policy with respect to environmental impacts to water resources is to require – in ranked order – first, avoidance, and second, where impacts are unavoidable, minimization of such impacts, and last, mitigation of impacts that cannot be avoided or fully minimized. Mitigation is considered a last resort. This means that no discharge of fill shall be permitted if there is a practicable alternative to the proposed discharge that would have less adverse impacts on the aquatic ecosystem. As such, Faria will need to demonstrate avoidance and minimization before the project can be approved. This demonstration must include a detailed Alternatives Analysis. The Application includes a very conceptual outline for Alternatives A through E, but does not provide the documentation necessary for making a determination as to whether the proposed project is the least environmentally damaging practicable alternative.

Although the proposed project plan substantially reduces aquatic resource impacts when compared to previous proposals, the permanent stream and wetland fill would still result in a significant impact to beneficial uses of waters of the State. The alternatives analysis will need to show that avoidance of stream and wetland fill has been maximized, and at least two additional alternatives must be included to clarify what is practicable at the site. One of the additional alternatives should consider a site plan that avoids stream channel fill, with balanced cut-and-fill. The other should evaluate options that would reduce stream channel fill from that currently proposed. The alternatives analysis must also address the approximate 400 feet of stream impacts associated with the proposed location of the hydromodification detention basin within the lower portion of the central stream channel. Other options for hydromodification controls that reduce or eliminate this impact should be considered.

*Identification of Existing Resources:* In addition to review of the biological resource reports noted above, and the final wetland delineation, Water Board staff will need to visit the site to determine whether all waters of the State have been appropriately characterized. The goal of this effort would be to identify any swales that may not be Corps jurisdictional, but may constitute State waters.

*Clarification of Impacts:* The summary of impacts does not include the stream channel in the area where the hydromodification detention basin is proposed. As noted above, the alternatives analysis must include evaluation of other options for location of

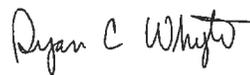
hydromodification controls. If it can be demonstrated that there are no other feasible options, then revised application materials should include this impact. Also, Figure 5, Jurisdictional Impact Map, Faria Preserve, appears to have the wrong scale.

*Mitigation Plan:* The mitigation plan provided in the Application is not acceptable, as it does not provide adequate compensation for the proposed impacts to at least 1,300 linear feet of stream channel (not including the impacts associated with the proposed hydromodification detention basin), and up to 0.62 acre of seasonal wetlands and seeps. The plan provides for creation of seasonal wetlands and stream channels, and enhancement and preservation of stream channels within the local watershed. These proposed features and the watershed protection and preservation might serve to function as part of the mitigation for the proposed project impacts. However, additional mitigation will need to be proposed for our review.

To determine the extent to which the proposed mitigation measures will be acceptable as part of an overall mitigation plan, a site visit will be needed. For the area where a complex of seasonal wetlands is proposed, it would be helpful if representatives from the California Department of Fish & Game and the Army Corps of Engineers are present.

If you have any questions, please contact Katie Hart at (510) 622-2356, or email [khart@waterboards.ca.gov](mailto:khart@waterboards.ca.gov).

Sincerely,



Dyan Whyte  
Assistant Executive Officer

cc:

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