

DAVIDON HOMES

Magee Preserve

DANVILLE TOWN COUNCIL

JULY 2, 2019

Overview

- ❖ Project Summary
- ❖ History and Background
- ❖ Highlights - Project & Environmental Review
- ❖ Key Issues - Planning Commission
- ❖ Q & A

Project Summary

- 410 Acres
- 69 Homes
- Development Areas: **7%**
- Permanent Open Space: **93%**
- Dedicated easements for public trails



Background: SummerHill Proposal (v.1)

First Submittal:

- **85 units** (October 2010)
 - 64 lots (near entrance)
 - 11 lots (across Fairway)
 - 6 lots (off Diablo)
 - 4 lots (McCauley)



Background: SummerHill Proposal (v.2)

Second Submittal:

- **78 units** (October 2011)
 - 64 lots (near entrance)
 - 5 lots (across Fairway)
 - 6 lots (off Diablo)
 - 3 lots (McCauley)



Background: SummerHill Proposal (v.3)

Final Submittal:

- **69 units** (September 2012)
 - 66 lots (east)
 - 3 lots (west)

Project Approvals:

- Planning Commission (May 2013)
- Town Council (July 2013)



Litigation

California Superior Court (July 2014) and Court of Appeal (September 2015).

Appellate court **upheld the Town's decisions** and all aspects of the EIR **except** on the matter where it ruled that the Town failed to “*adequately investigate bicycle safety and discuss it in the EIR.*”



Davidon Homes Proposal

Nearly Identical

- **69 units** (2017)
 - 66 lots (east)
 - 3 lots (west)
- Smaller development area
- More permanent open space



Framework: Project Review

GENERAL PLAN

- Allowable land use
(example: residential)
- Density and intensity
(example: 5 units/acre)
- Policy direction
(example: Special Concern Areas)

ZONING ORDINANCE

- Development regulations
(example: how buildings relate to their surroundings through setbacks, design, etc.)
- Must be consistent with General Plan

Land Use Consistency

GENERAL PLAN LAND USE DESIGNATIONS

- Residential
- Agricultural (residential allowed)

ZONING DISTRICTS

- P-1; Planned Unit District
- A-2; General Agricultural District



Allowable Land Uses

- Most of property is designated in the General Plan for **Agricultural** and **Residential** land uses
- Agricultural lands are **not** public open space
- Agricultural lands have **development potential**, including single family residential

Upheld by the Court of Appeal

32-37 A-2 GENERAL AGRICULTURAL DISTRICT.

32-37.1 General.

a. *General Provisions.* All of the land lying within an A-2 general agricultural district may be used for any of the following uses, under the following regulations set forth in this section.

32-37.2 Uses.

a. *Uses Permitted.* Uses permitted in the A-2 district shall be as follows:

1. All types of agriculture, including general farming, horticulture, floriculture, nurseries and greenhouses, mushroom rooms, dairying, livestock production, fur farms, poultry raising, animal breeding, aviaries, apiaries, forestry, and similar uses;

2. Other agricultural uses, including the erection of granaries, dehydration plants, hullers, fruit and storage of agricultural products and equipment;

3. A stand not exceeding two hundred (200) square feet for sale of agricultural products grown on the premises. The stand shall be set back at least twenty-five (25') feet from the front property line;

4. A detached single family dwelling on each parcel and the accessory structures and uses normally auxiliary to it;

5. Foster home or family care home operated by a public agency, or by a private agency which has obtained State or local approval (license) for the proposed operation, where not more than six (6) minors reside on the premises with not more than two (2) supervisory persons.

b. *Uses With Land Use Permit.*

1. In an A-2 district, a land use permit may allow the following uses.

2. Allowable uses include those listed in paragraph b. of subsection 32-36.2.

3. Other allowable uses are:

(a) Merchandising of agricultural supplies and services incidental to an agricultural use;

(b) Canneries, wineries, and processing of agricultural products;

(c) Cold storage plants;

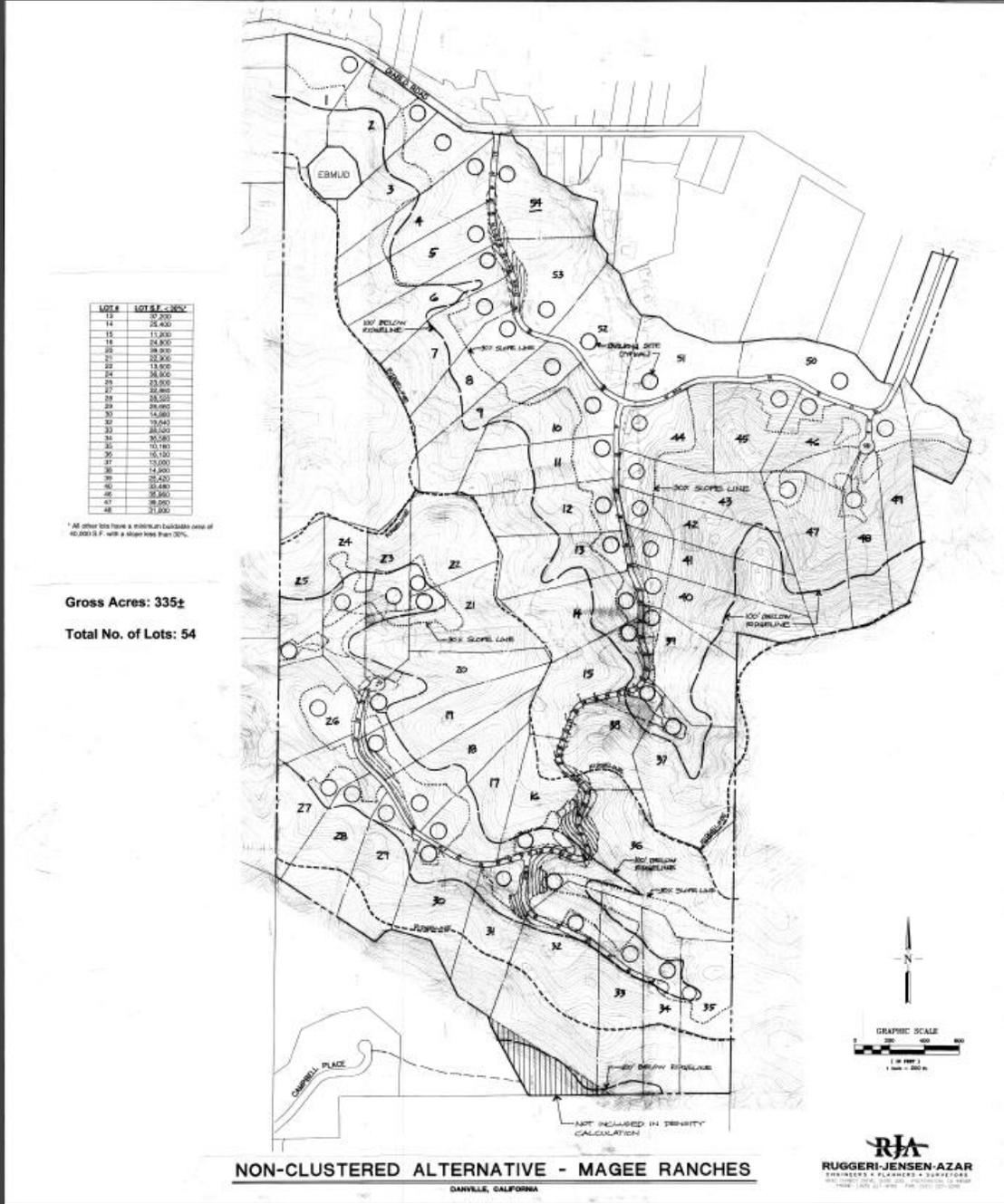
(d) Slaughterhouses and stockyards;

4. A detached single family dwelling on each parcel and the accessory structures and uses normally auxiliary to it;

Density - Part 1: Calculating Allowable Units

Maximum of 78
residential units

Upheld by the Court of Appeal



Density - Part 2: Calculating Allowable Units

SPECIAL CONCERN AREA: MAGEE RANCH

- Recognizes underlying residential development potential
- Guides specific development of Magee Ranch property
 - Discourages 5-acre ranchettes (minimize grading/visual impacts)
 - Transfer allowable development to the least sensitive areas
 - Establish park/trail connections; preserve open space

Upheld by the Court of Appeal

MAGEE RANCH

The Magee Ranch Special Concern Area encompasses nearly 500 acres along the south side of Diablo Road extending about two miles east from the Green Valley Road/Diablo Road intersection.

Magee Ranch contains some of the most spectacular and unique scenery in Danville, including oak-covered hillsides, ravines and creeks, and pastoral grazing land. As the gateway to Mt. Diablo State Park, Diablo Road itself is an important scenic corridor. Despite the considerable volumes of traffic carried by the two-lane roadway, it retains the flavor of an ambling country road. The Town strongly supports retention of this character and protection of the views and vistas from the road.

The ranch itself includes a variety of settings, ranging from relatively flat pasture near Diablo Road to very steep hillsides and ridgelines. A substantial portion of the Special Concern Area contains slopes exceeding 30 percent. Portions of the ranch are characterized by unstable soils and landslide hazards. The ranch also contains important plant and animal habitat, including extensive stands of valley oak and riparian areas along Green Valley Creek. Development is further constrained by traffic congestion along nearby roads, particularly in the Green Valley Road/Diablo corridor to the west.

The 2010 Plan designates a majority of Magee Ranch, including most of the hillside areas, for agricultural use. Application of the Williamson Act to retain these areas for grazing is strongly supported. Consistent with the Danville 2005 General Plan, nearly half of the site has been designated for rural residential uses, with maximum densities of one unit per five acres. About five acres of the ranch located immediately opposite and south of St. Timothy's Church has been designated for Single Family Residential-Low Density, also consistent with the previous Plan. Development proposals that would increase the overall development potential of the site beyond this level are discouraged. However, proposals which transfer the allowable number of homes to the least sensitive and

obtrusive parts of the site are encouraged. If future General Plan amendments are considered, the parkland development standard applied should be consistent with the directive of the Dougherty Valley Settlement Agreement (i.e., a minimum of 6.5 improved parkland acres per 1,000 residents).

As on the other large undeveloped hillside sites in Danville, protection of scenic slopes and ridgelines is imperative. Despite the A-2 (General Agricultural) zoning on much of the site, subdivision of this Special Concern Area into five-acre "ranchette" sites similar to those in the Tassajara Lane/Sherburne Hills area is strongly discouraged. Such development would require grading and road construction that could substantially diminish the visual qualities of the area. On the other hand, transferring allowable densities to a limited number of areas within the ranch would enable the bulk of the site to be set aside as permanent open space. This would also provide opportunities to establish park and trail connections and to preserve wildlife corridors between this area and the Sycamore Valley Open Space.

TASSAJARA VALLEY

The Tassajara Valley extends along the south side of Camino Tassajara from Lawrence Road east for a distance of about a mile. The area encompasses about 400 acres, most of which is in unincorporated Contra Costa County beyond the Town limits but within its Sphere of Influence. The western edge of the area includes the 44-acre California Meadows project, approved by the County and annexed to the Town in 1998. The eastern edge of the area includes the proposed 165-acre Wendt Ranch development. The intervening lands between California Meadows and Wendt Ranch generally consist of large agricultural parcels, most of which are used for pasture and grazing.

The 2010 Plan designates the area east of California Meadows for agricultural uses, consistent with the current land use designation for the area in the Contra Costa County General Plan. How-

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P-1 District: Open Space Preservation Tool

**TRANSFERS DEVELOPMENT
RIGHTS TO THE LEAST
SENSITIVE AREAS OF SITE**



P-1 District: Open Space Preservation Tool

TRANSFERS DEVELOPMENT
RIGHTS TO THE LEAST
SENSITIVE AREAS OF SITE

PERMANENTLY
PRESERVES RIDGELINES
AS OPEN SPACE



P-1 District: Open Space Preservation Tool



P-1; Planned Unit District

USED THROUGHOUT SYCAMORE VALLEY TO CLUSTER DEVELOPMENT, PROTECT RIDGELINES, AND SECURE PERMANENT OPEN SPACE

Framework: Environmental Review

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Requires agencies to identify and evaluate potential environmental impacts of projects:

- Establishes **baseline** conditions
- Determines **project's impacts to baseline** conditions
- Avoid or mitigate those impacts (to baseline conditions) if feasible

Revised Environmental Impact Report

Trial and appellate courts **upheld** all aspects of the 2013 EIR except for claim related to bike safety.

Direction of court is to “*adequately investigate bicycle safety and discuss it in the EIR.*”

As part of process, Revised EIR also:

- Updated traffic counts and traffic analysis
- Other components to reflect clarity provided by recent case law



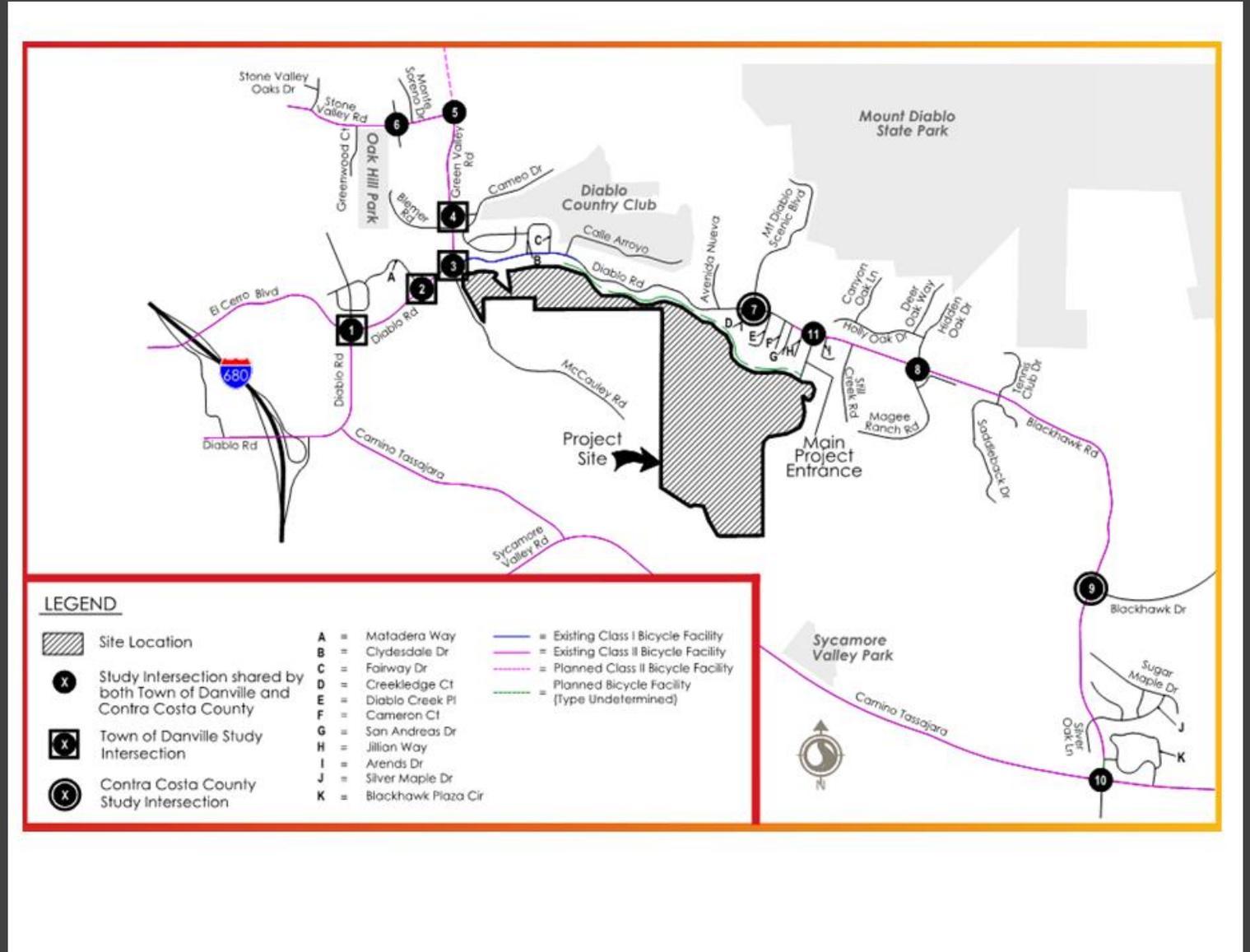
Transportation Impact Analysis

SCOPE OF EVALUATION

- 10 Study Intersections, 4 Traffic Scenarios, and 3 Peak Periods
- Conservative “Danville” Trip Generation Rate

EVALUATION STANDARDS

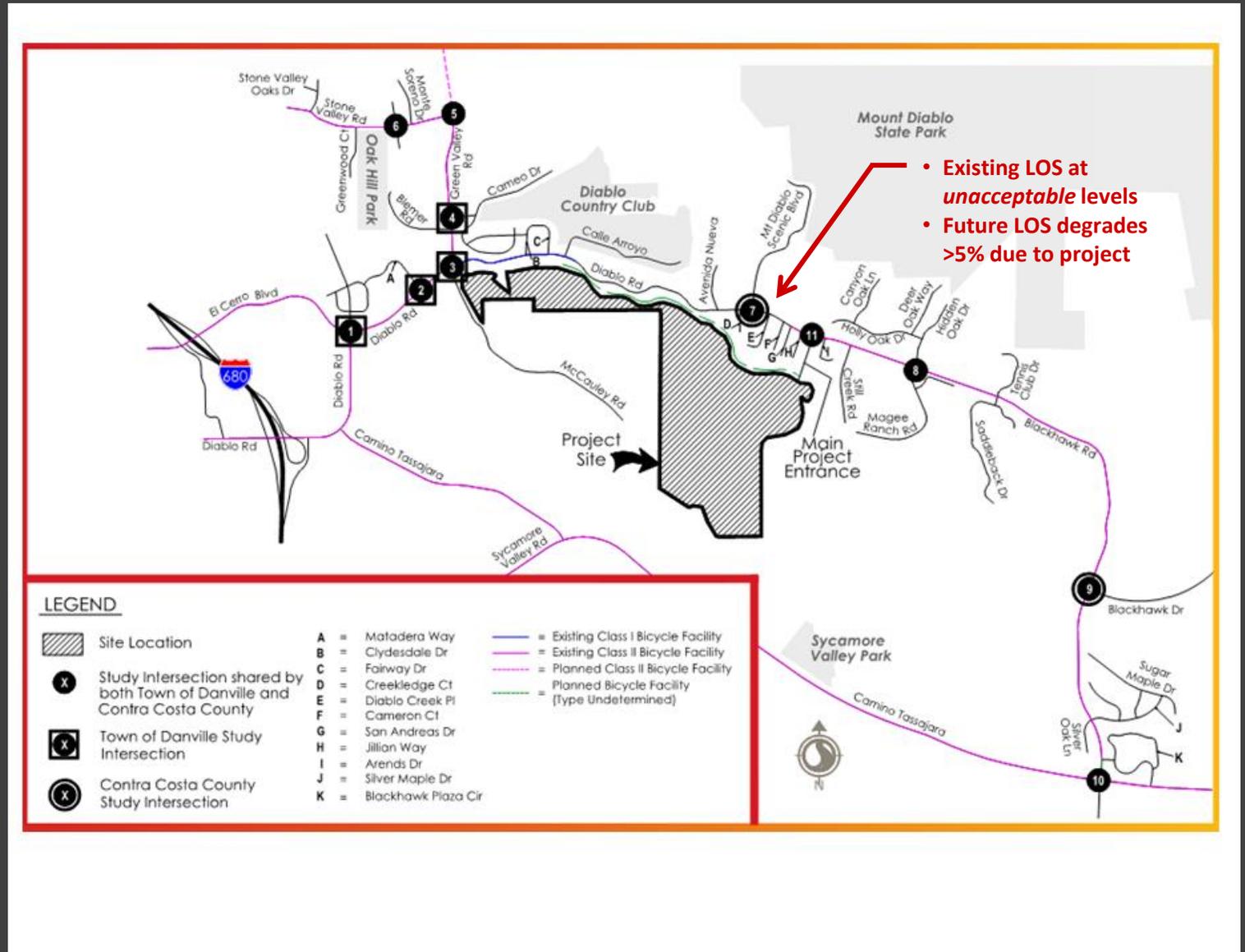
- 2030 General Plan: LOS “D” is Acceptable
- Threshold of Significance: >5% change in V/C for intersections operating unacceptably



Transportation Impact Analysis

SUMMARY CONCLUSIONS

Less than significant impacts on all study intersections *except* the Diablo Road/Mt. Diablo Scenic intersection



Transportation Impact Analysis

INTERSECTION CONTROL EVALUATION (“ICE”)

- Traffic signal vs. roundabout
- Concluded **traffic signal** most effective reducing congestion
- Evaluated upstream and downstream impacts (none)
- 100% funded by developer

MITIGATION MEASURE

Install **traffic signal** at the **Diablo Road/Mt. Diablo Scenic** intersection.



NEW TRAFFIC SIGNAL

Improves intersection operations to **LOS “A”** and **“B”** (previously LOS “E” and “F”)

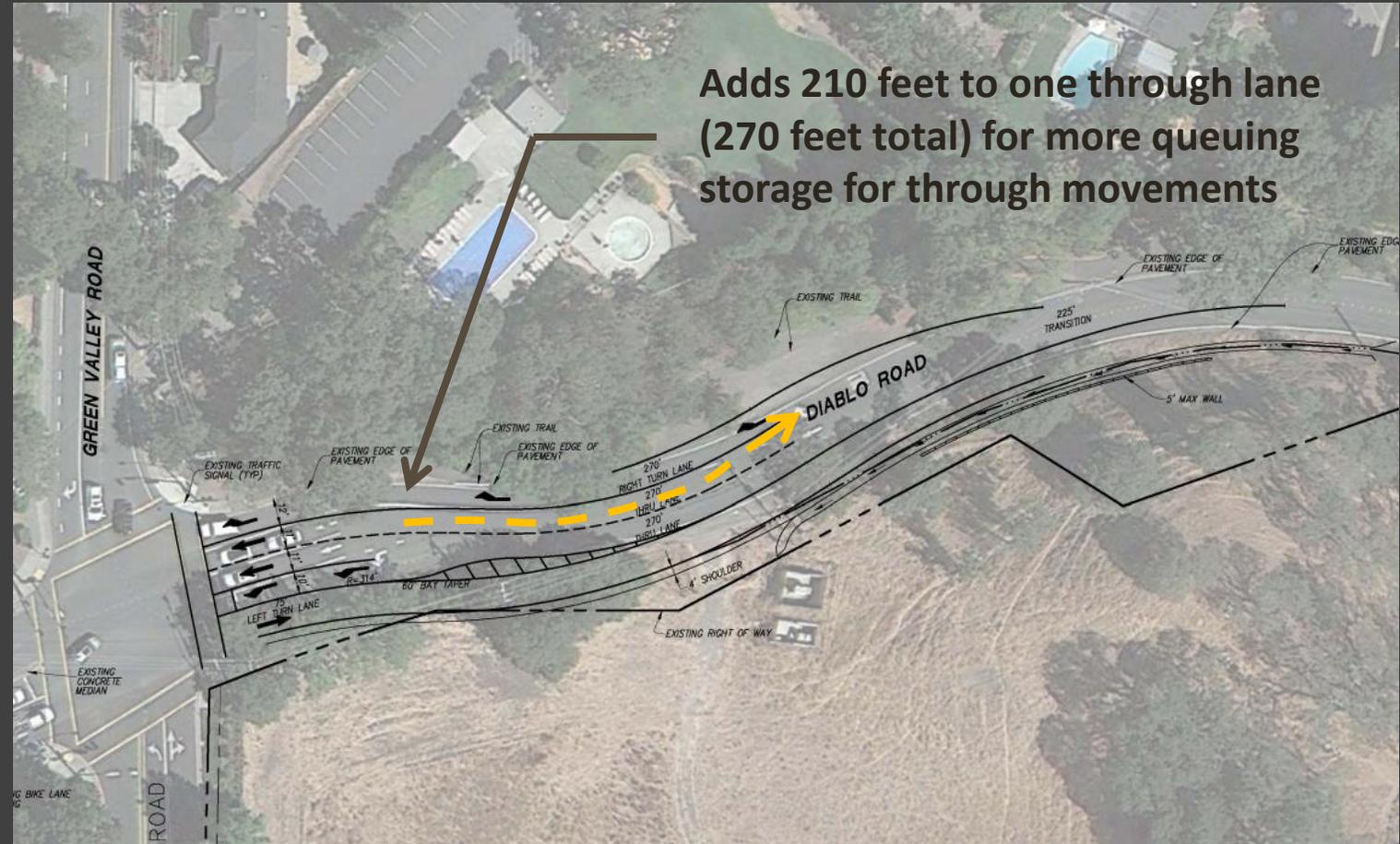
Reduces delays by **86 – 96%** (all scenarios and peak periods)

Developer-funded

Diablo/Green Valley (proposed)

Project Contribution
(not required mitigation)

- Adds 210 feet WB through lane capacity
- Enhances intersection efficiency for vehicles
- Enhances safety for pedestrians and bicycles at intersection



Transportation Impact Study

BICYCLE SAFETY ANALYSIS

Selecting a Methodology

1. Prescribed in *CCTA Technical Procedures (2013)*, a document that governs the preparation of transportation impact analyses in Contra Costa
2. Quantifies **baseline conditions** and **project's impacts** on the established baseline conditions
3. Nationally recognized; **backed by research and testing** of the Transportation Research Board (reflects 250,000+ miles of evaluated roads across North America)



BICYCLE LEVEL OF SERVICE (BLOS)

Measurement of **roadway factors** affecting bicycle safety, including:

- Lane and shoulder widths
- Vehicle volumes and speeds
- Heavy vehicle (truck) percentage
- Pavement condition
- Access point density (intersecting streets)

Note: BLOS is able to **measure project's impact on baseline conditions** (CEQA requirement).



BLOS ANALYSIS: CONCLUSIONS

SCENARIO: EXISTING + PROJECT

- No changes in BLOS letter grades (all periods and segments)
- Less than 1% change in BLOS score (all periods and scenarios)
- CONCLUSION: No Significant Project Impacts to bicycle safety

SCENARIO: CUMULATIVE + PROJECT

- No changes in BLOS letter grades (all periods and segments)
- Less than 1% change in BLOS score (all periods and scenarios)
- CONCLUSION: No Significant Project Impacts to bicycle safety

Trail Gap Closures



EXISTING TRAILS

- Diablo Road Trail (a.k.a., Barbara Haile Trail)
- Blackhawk trail

Trail Gap Closures



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- Blackhawk trail

PROJECT TRAILS

- **Green:** Paved, multi-purpose, min. 8-ft wide

Trail Gap Closures



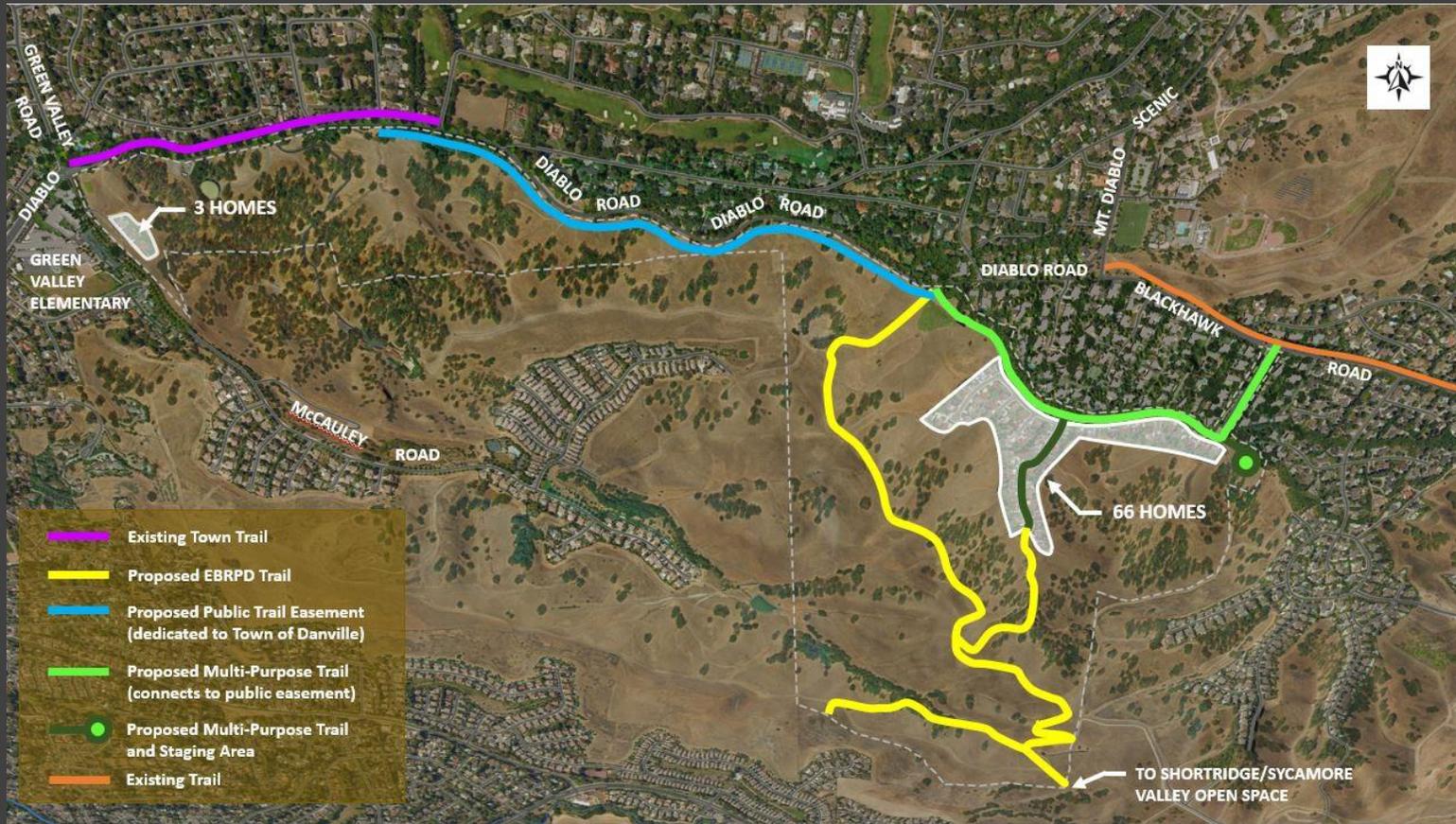
EXISTING TRAILS

- Diablo Road Trail (a.k.a., Barbara Haile Trail)
- Blackhawk trail

PROJECT TRAILS

- **Green:** Paved, multi-purpose, min. 8-ft wide
- **Yellow:** All-weather and unpaved, multi-purpose

Trail Gap Closures



EXISTING TRAILS

- Diablo Road Trail (a.k.a., Barbara Haile Trail)
- Blackhawk trail

PROJECT TRAIL (green)

- ~3,750 feet long, minimum 8-foot wide, paved, multi-purpose
- Constructed by developer, part of project

PUBLIC EASTMENT (blue)

- To be constructed by Town (CIP C-055)

Main Questions & Concerns

PLANNING COMMISSION HEARING

MAY 28, 2019

BLOS Methodology

ALTERNATIVE BIKE ANALYSIS METHODOLOGIES

- Not prescribed by the Contra Costa Transportation Authority (CCTA) Technical Procedures
- They are: (a) outdated; and/or (b) can not measure a project's impact against a baseline condition (CEQA requirement)

COMFORT = SAFETY

- Cyclists do not feel comfortable on roads they perceive as unsafe.

Public Safety: Wildland Fire

“HAZARD SEVERITY ZONES”

WILDLAND FIRE HAZARD EVALUATION

Public Safety: Wildland Fire

“HAZARD SEVERITY ZONES”

- Indicate land proximate to fire-prone areas (example: open space)
- Correlate to building code requirements (building materials used)

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WILDLAND FIRE HAZARD EVALUATION

- Evaluation by 2013 EIR: *no significant impacts and upheld by Superior Court*
- San Ramon Valley Fire Protection District re-affirms concurrence

Planning Related

- Project is consistent with Measure S: *upheld by Court of Appeal*
- P-1 District is consistent with the General Plan: *upheld by Court of Appeal*
- Re-zoning to P-1 allows clustering of development, preserving ridgelines as open space

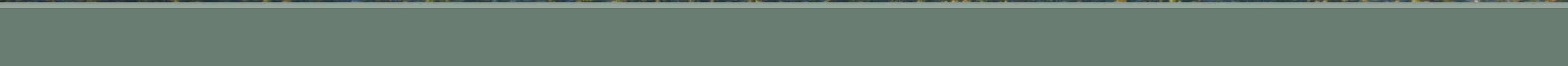
MT. DIABLO

**HIDDEN
VALLEY**

**DIABLO
HIGHLANDS**

**DIABLO
HIGHLANDS**

**ANDERSON
RANCH**

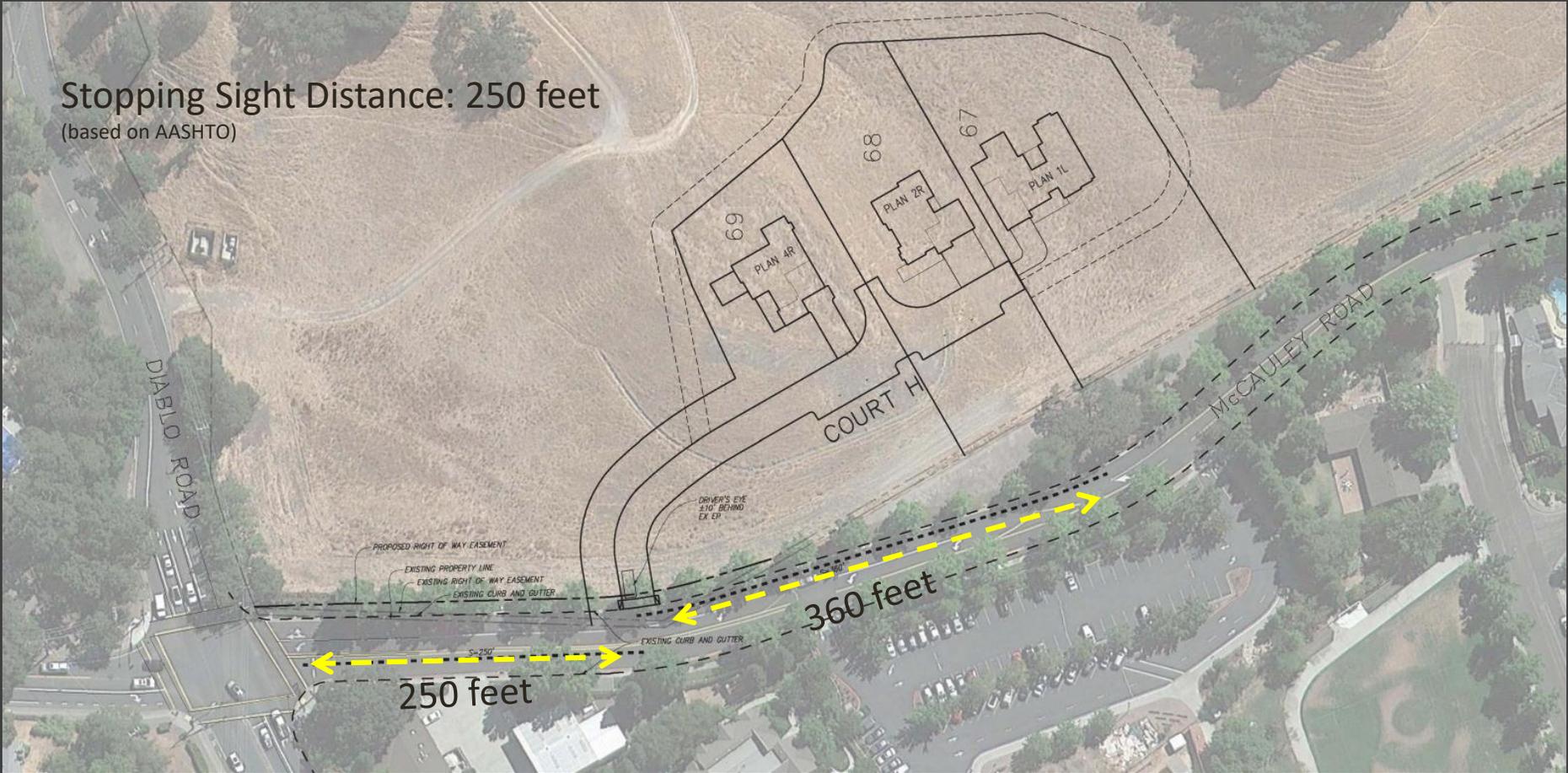


Summary & Recommendation

- ❖ Project is consistent with General Plan and Zoning
- ❖ Updated environmental analysis
 - Includes court-direct bike safety evaluation
 - No potentially significant impacts
- ❖ Recommendation
 - Certify Final Revised EIR and
 - Approve Proposed Project

Questions?

McCauley Road: Sight Distance



McCauley Road: Re-Striping

