

**RESOLUTION NO. 17-2017**

**RESOLUTION OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING FINDINGS AND RECOMMENDATIONS FOR THE REQUESTED REZONING AND VESTING TENTATIVE MAP FOR THE "LAUREL PLACE II" PROJECT IN THE CONCORD AREA OF SAID COUNTY (COUNTY FILE NUMBERS RZ14-3228 & SD14-9389).**

WHEREAS, LENOX HOMES LLC (Applicant) & DESCO DEVELOPMENT COMPANY (Owner) proposed a rezoning and development of a 7 lot subdivision on Assessor's Parcel Number 116-070-007 comprised of 3.8 acres in the unincorporated Concord area of Contra Costa County, for which an application was received by the Community Development Department on September 10, 2014; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, a report dated June 2015 titled "Laurel Place II Initial Study and Mitigated Negative Declaration" (the "MND") was prepared to determine whether an environmental impact report should be prepared for the Project; and

WHEREAS, the MND identified potentially significant impacts related to air quality, geology/soils, and noise, and the MND recommended mitigation measures which would reduce each identified impact to a less than significant level; and

WHEREAS, on June 17, 2015 the County published a Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration, which notice recited the foregoing facts, indicated that the Applicant had agreed to accept each mitigation measure recommended by the MND and started a period for public comments on adequacy of the environmental documents related to the Project that ran to July 7, 2015; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission on September 29, 2015, during which the Commission fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter. Testimony was taken and the item was continued to allow staff time to respond to a then recent letter from the City of Concord regarding development standards and a letter, received that evening, from a concerned neighbor about the potential biological impacts to the project site ; and,

WHEREAS, subsequent to the September 29, 2015 Planning Commission hearing staff met with the City of Concord staff to discuss their concerns about development standards and the applicant retained a biological consultant to study the potential biological impacts to the California Tiger Salamander, the result of which, after a project site visit by the applicant's biologist, identified new biological impacts and mitigations as a result of the Project: and,

WHEREAS, a Revised Mitigated Negative Declaration ("Revised MND") was developed to incorporate the new biological impacts and mitigations that were developed by the applicant's biologist; and,

WHEREAS, the Revised MND identified potentially significant impacts related to air quality, biological resources, geology/soils, noise and the Revised MND recommended mitigation measures which would reduce each identified impact to a less than significant level; and

WHEREAS, on October 18, 2016 the County published a Notice of Public Review and Intent to Adopt a Revised MND, which Notice recited the foregoing facts, indicated that the Applicant had agreed to accept each mitigation measure recommended by the MND and started a period for public comments on adequacy of the environmental documents related to the Project that ran to November 17, 2016; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission on Wednesday, June 14, 2017, during which the Commission fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter;

NOW, THEREFORE, BE IT RESOLVED that the County Planning Commission ("this Commission") takes the following actions:

1. In accordance with the California Environmental Quality Act, the State CEQA Guidelines and the County's CEQA Guidelines (together, "CEQA"), this Commission FINDS that the proposed Revised MND is adequate for the purposes of compliance with CEQA and ADOPTS the Revised MND for the Project. In support of these actions and conclusions, this Commission ADOPTS the CEQA Findings. This Commission adopts these findings specifically for each of the Approvals and Entitlements it approves or recommends for approval for the Project.

This Commission certifies that it has been presented with the Revised MND and that it has reviewed and considered the information contained in the Revised MND and the other information in the record prior to making the following recommendations, determinations and findings. The Commission further certifies that the Revised MND reflects the lead agency's independent judgment and analysis, and that the Revised MND has been completed in compliance with CEQA.

3. Recommends to the Board of Supervisors APPROVAL of the proposed Rezoning (County File #RZ14-3228), changing the zoning designation of the subject site from R-20, Single Family Residential District, to R-15, Single Family Residential.
5. APPROVES the Vesting Tentative Map, dated 2/12/15, for 7 lots (County File #SD14-9389), subject to the Mitigation Measures, Conditions of Approval and Rezoning by the Board of Supervisors, and this Commission ADOPTS the findings supporting such approval.

BE IT FURTHER RESOLVED that the reasons for these recommendations are as follows:

## **FINDINGS**

### **I. Growth Management Element Performance Standards**

Traffic: The project will generate an estimated seven additional AM and PM peak hour trips. Because the project would generate less than 100 peak period trips, the applicant is not required to prepare a traffic study pursuant to the 1988 Measure C and Measure J requirements.

Water: The proposed project would be located on a suburban infill site. The subject site lies within the service area of Contra Costa Water District. The District has indicated that water service will be made available upon completion of financial arrangements and installation of all necessary water facilities to meet the requirements of residential use, according to District Standards.

Sanitary Sewer: The proposed project would be located on a suburban infill site. The City of Concord would provide sanitary sewer service for the project. However, prior to sewer service the project would be required to obtain an Out of Agency Service Agreement, which requires Contra Costa Local Agency Formation Commission (LAFCO) approval, prior to the sanitary sewer extension.

Fire Protection: The Project site is within the service area of the Contra Costa County Consolidated Fire Protection District. The District requires that each residence be equipped with an automatic fire sprinkler system. In addition, the District has indicated that access as shown on the Tentative Map appears to comply with District standards.

Public Protection: The applicant shall be required to comply with all county ordinances regarding public protection.

Parks and Recreation: The Project is required to pay an in lieu fee of \$7,238.00 per unit for neighborhood park purposes.

Flood Control and Drainage: The project will provide for the flood control and drainage needs of the development with appropriately sized facilities. The project is required to pay drainage area fees as adopted by the Board of Supervisors.

## II. Findings to Adopt a Rezoning

- A. Required Finding: The change proposed will substantially comply with the General Plan.

*Project Finding: The site currently is zoned R-20, Single Family Residential District. The proposed rezoning to R-15, Single Family Residential will be consistent with the General Plan designation for the site, which is Single Family- Low Density (SL), which allows 1.0 – 2.9 units per net acre.*

- B. Required Finding: The uses authorized or proposed in the land use district are compatible within the district and with uses authorized in adjacent districts.

*Project Finding: The use proposed is a residential development to Single Family Residential - Low Density standards. The site is compatible with the adjacent districts, which are residential, and zoned residential.*

- C. Required Finding: Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.

*Project Finding: The proposed use will assist in meeting the housing development needs identified in the Housing Element of the General Plan.*

### III. Findings to Approve a Tentative Map

- A. Required Finding: The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general and specific plans required by law.

*Project Finding: The project is consistent with the General Plan. The land use designation is SL, which calls for single-family low-density development. The tentative map provides for seven residential lots on a 3.8 acre parcel of land, which complies with the density requirement. The project would be designed and constructed to General Plan and Zoning Code standards.*

- B. Required Finding: The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements.

*Project Finding: As required by the conditions of approval and the Mitigation Measures, the tentative map shall fulfill all applicable County imposed construction requirements. Based on the entire record and as summarized herein, the proposed subdivision fulfills construction requirements.*

### IV. General Plan Consistency

- A. The Project is consistent with the General Plan designation for the site. The various land uses authorized for the Project, and each of its components, are compatible with the objectives, policies, general land uses, and programs specified in the General Plan. The Project will further the objectives and policies of the General Plan and not obstruct their attainment. The Project is compatible with, and does not obstruct, General Plan goals and policies. The Project is in harmony with the policies of the General Plan.
- B. The Commission has considered the effects of the Project on the housing needs of the region and balanced those needs against the public service needs of County residents and available fiscal and environmental resources. The Project helps to achieve a desirable balance. The Project is in harmony with surrounding land uses, and the site as designed for the Project is physically suitable for the development proposed.

- C. The General Plan comprises many objectives, policies, principles, programs, standards, proposals and action plans (collectively “policies”), as well as performance standards. At times the policies necessarily compete with each other. Examples of the tensions between General Plan policies are found between those policies that promote managed growth, and those that provide for protection of resources that exist because land is undeveloped (such as open space, visual resources and agricultural land). As part of approving the Project, all applicable General Plan policies and the extent to which the Project conforms to each of those policies have been considered.
- D. The Commission has fully evaluated the extent to which the Project achieves each policy, including those pertaining to compatibility of land uses, compliance with principles of the Urban Limit Line and Measure C-1990, Measure J, protection of open space, standards regarding geology, soils and earthquake risks, hazardous materials, flood hazards and drainage, protection of water quality, protection of biological resources, transportation standards and goals, regional and local housing needs, jobs/housing balance, noise, protection of air quality, protection of visual resources, standards for public services and utilities, and protection of archeological and historical resources. The Commission has also fully considered the Project’s compliance with all performance standards in the General Plan, including the Growth Management Element policies and standards (including those for traffic levels of service), and performance standards for public services and facilities.
- E. The Commission finds that through the development of additional housing, the Project will help implement housing-related goals of the General Plan.

V. Measure C-1988, Measure J and Related Resolutions

- A. The Commission has considered the Project’s compliance with the traffic service objectives of Measure C-1988 and Measure J, the Contra Costa Transportation Improvement and Growth Management Program and related Contra Costa Transportation Authority (CCTA) resolutions.
- B. Measure C-1988 and Measure J established a Growth Management Program, “to assure that future residential, business and commercial growth pays for the facilities required to meet the demands resulting from that growth.” The Program requires the County to adopt Traffic Level of Service (LOS) Standards keyed to types of land use, and to comply with the adopted standards; to “adopt a development mitigation program to ensure that new growth is paying its share of the costs associated with that growth;” to participate in the forum established by the Authority to cooperate in easing cumulative traffic impacts, using the CCTA computer model; and to develop an implementation program that creates housing opportunities for all income levels.

C. The County has complied with all these requirements. Most important, the County is achieving Measure C and Measure J overarching goal that development pay its own way. The County has identified Project mitigations to ensure that the Applicant will defray the cost of those improvements that are proportionately attributable to the development.

WHEREAS, at the June 14, 2017 hearing the Commission requested the applicant work with County staff to incorporate the 30 foot strip of adjacent land (APN 116-270-028) into the project site.

NOW BE IT RESOLVED that the secretary of this Commission will sign and attest the certified copy of this resolution and deliver the same to the Board of Supervisors, all in accordance with the Government Code of the State of California.

This Resolution was approved upon motion of the County Planning Commission on Wednesday, June 14, 2017 by the following vote:

AYES: Commissioners Swenson, Clark, Terrell, Wright, Allen, Van Buskirk

NOES: None

ABSENT: Steele

ABSTENTIONS: None

***Rand Swenson***

Vice-Chair of the County Planning Commission  
County of Contra Costa, State of California

ATTEST:



Aruna Bhat, Secretary  
County of Contra Costa  
State of California

