



Department of Conservation and Development

County Planning Commission

Wednesday, September 11, 2019–7:00 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Laurel Place IV Vesting Tentative Map
County File Numbers:	SD18-9495 and RZ18-3244
Applicant:	Lenox Homes, LLC
Owners:	Harrel Trust
General Plan/Zoning:	Single-Family Residential-Low Density / R-40 Single-Family Residential District
Project Location:	The site is comprised of one parcel totaling 3.6-acres located at 5175 Laurel Drive in the Concord area. (APN: 117-040-086)
California Environmental Quality Act (CEQA) Status:	A Mitigated Negative Declaration (MND) indicating no significant environmental impacts has been prepared for the project.
Project Planner:	Francisco Avila, Senior Planner (925) 674-7801
Staff Recommendation:	Staff is recommending the County Planning Commission approve the subdivision contingent upon the Board's granting of the re-zoning request. See full recommendation in Section II.

I. PROJECT SUMMARY

The applicant is requesting approval of a vesting tentative map to subdivide 3.6 acres into 8 new residential lots. Lots range in size from 15,000 square feet to 18,000 square feet in area. Access will be provided via a new private road constructed to County public road standards that includes a sidewalk and guest parking. The project also includes a request to re-zone the property from R-40 to R-15 Single-Family Residential District, a tree permit request to remove 30 trees and an exemption from County Ordinance Code, Chapter 914-2.004 regarding collect and convey requirements.

II. RECOMMENDATION

Staff recommends that the County Planning Commission:

- A. FIND that on the basis of the whole record before the County that there is no substantial evidence the project will have a significant effect on the environment and that the June 26, 2019, Mitigated Negative Declaration prepared for the project reflects the County's independent judgment and analysis;
- B. ADOPT the June 26, 2019, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project;
- D. APPROVE the Laurel IV Vesting Tentative Map date received February 27, 2019, by the Department of Conservation and Development, Current Planning Division.
- E. ADOPT a motion recommending that the Board of Supervisors:
 - 1. FIND that on the basis of the whole record before the County that there is no substantial evidence the project will have a significant effect on the environment and that the June 26, 2019, Mitigated Negative Declaration prepared for the project reflects the County's independent judgment and analysis and ADOPT the proposed Negative Declaration.
 - 2. RECOMMEND approval of Ordinance No. 2019-23 to re-zone the subject property, Parcel 117-040-086, from a R-40 Single-Family Residential District to a R-15 Single-Family Residential District; and
 - 3. DIRECT the Department of Conservation and Development staff to file a Notice of Determination with the County Clerk.

The documents and other materials that constitute the record of proceedings upon which the County Planning Commission's decision is based are located at the Department of Conservation and Development under the custodianship of the project planner.

III. GENERAL INFORMATION

- A. General Plan: The subject property is located within a Single-Family Residential-Low Density District (SL). The SL designation has a density range of 1.0 to 2.9 units per net acre.
- B. Zoning: The site is located within the R-40 Single-Family Residential District.
- C. CEQA Status: On June 26, 2019, an Initial Study was prepared for the project and posted and circulated for public review. Upon completion of the initial study, it was found that the project would not result in any significant environmental impacts. One letter in opposition to the project was received from an adjacent neighbor and another informational letter was received from the Contra Costa Mosquito & Vector Control District. Each letter is discussed in Section VI. below.
- D. Origin of Parcel: The parcel was created with the recordation of Ayers Ranch Maps in 1912.
- E. Previous Applications: None.

IV. SITE/AREA DESCRIPTION

The subject site is located at the northern side of Laurel Drive, 1,000 feet south of the Ayers Road/Laurel Drive intersection in the Concord area. The Assessor's Parcel Number for the site is 117-040-086. The property consists of 3.6 total acres and is currently developed with one single-family residence and associated accessory structures. A total of 30 trees are scattered throughout the property. The site is generally rectangular in shape, 402 feet long, approximately 389 feet wide and has a 5-foot drop in grade elevation from the Laurel Drive frontage to the rear of the property.

V. PROJECT DESCRIPTION

The applicant is requesting approval of a 8-lot Vesting Tentative Map and a rezone from R-40 to R-15. The details of the request are described below:

A. Subdivision

The proposed tentative map identifies 8 lots ranging in size from 15,000 to 18,000 square feet in area. The lots will be accessed via a new private road to be constructed within a 33.5-foot-wide access easement. The new private road

will be constructed to County public road standards and will include a sidewalk and guest parking. The new road will intersect with Laurel Drive at a single location. All drainage features, streets and other common areas will be maintained by home owners of the subdivision via a maintenance agreement. 4,422 total cubic yards of soil will be graded and balanced on-site in order to create the building pads, roadway and related subdivision improvements.

B. Re-Zoning

The project includes a re-zoning from R-40 Single-Family Residential District to R-15 Single-Family Residential District.

C. Building Design

The Laurel Place IV subdivision development will offer two housing plans that include single story designs, three car garages and guest parking within the driveways. The maximum height of Plan 1 is 23 feet and 25 feet tall for the Plan 2 home. According to the developer, there will be several elevation styles and color schemes for variety.

D. Trees Removal

The removal of 30 trees will be necessary in order to create the new lots, grading, roadway construction, and installation of drainage facilities. No specific landscaping plans have been submitted for individual lots, however, as home sites are developed, landscaping plans may be necessary if required by County Ordinance (*e.g., over 500 square feet of new landscaping*).

E. Inclusionary Housing Ordinance

Residential development applications proposing 5 through 125 for-sale units, are subject to the Inclusionary Housing Ordinance, Chapter 822-4. In this case, the project must include the required number of Inclusionary Housing units or pay the in-lieu fee. Thus, the applicant has elected to pay the total in-lieu fee of \$52,800.48 in order to satisfy ordinance requirements.

E. Site Access, Guest Parking and Sidewalk

Site access will be provided by a private road to be constructed within a 33.5-foot wide access/utility easement. The roadway will include 8 guest parking spaces, curbs/gutters and a sidewalk. A Fire District turn-around will be located at the terminus of the roadway.

F. Exemption Request

The project includes an exemption request from County Ordinance Code, Division 914, Chapter 914-2.004 to provide relief from the off-site collect and convey requirements. The request is supported by Public Works Department staff and is further discussed below in Section VIII. D.

G. Annexation Request

The project also includes an annexation request in order to extend wastewater services to the subject site from the City of Concord (contiguous to the site). The project applicant will either have the subject property annexed into the City of Concord boundaries or enter into an Out of Area Service Agreement in order to receive wastewater services.

VI. AGENCY COMMENTS

The following agency comments were received for the application:

1. **Department of Conservation and Development (DCD), Building Inspection Division**: Building Inspection staff returned an Agency Comment Request dated August 17, 2018, indicating that staff did not have any comments on the application.
2. **DCD, Housing Division**: Housing Division staff submitted an email indicating that the applicant has satisfactorily completed an Inclusionary Housing Plan (payment of in-lieu fee).
3. **County Geologic Peer Review**: In a letter dated August 7, 2018, the County Geologist indicated that the geotechnical reports provided for the project were adequate for processing of this application.
4. **County Geologist, Hazardous Materials Peer Review**: The County Geologist provided a letter dated August 6, 2018, suggesting that the County solicit additional reviews of the applicant's Limited Phase II Subsurface Investigation, prepared by AEI Consultants, dated October 14, 2016. San Francisco Bay Regional Water Quality Control Board, Groundwater Protection Division Staff, provided an additional peer review of the applicant's Phase II Investigation and concluded that the report's conclusions and findings are consistent with that Department's requirements.

5. **Contra Costa Health Services, Environmental Health Division:** Environmental Health staff submitted a letter dated September 13, 2018, indicating that the project must adhere to all applicable laws and regulations administered by that Division.
6. **Public Works Department, Engineering Services Division:** In a memo dated April 15, 2019, Engineering Services Division staff provided recommended conditions of approval (COA's) for the project. Those conditions have been incorporated into the project as COA's 33 through 61.
7. **Contra Costa County Flood Control & Water Conservation District (Flood Control):** In a memo dated January 30, 2019, Flood Control staff provided recommended conditions of approval (verification of hydrologic capacity and payment of drainage fees) for the project. Those COA's have been incorporated into the Public Works recommended COA's 48 through 61.
8. **Contra Costa County Fire Protection District (Fire District):** Fire District staff submitted a letter dated January 23, 2019, indicating that the project must adhere to all applicable ordinance and adopted standards.
9. **City of Concord (sanitary sewer services):** In a letter dated October 12, 2018, City of Concord staff indicated that sanitary sewer service is available from that municipality subject to approval of an out of agency service agreement.
10. **Contra Costa Water District (CCWD):** In a memo dated August 30, 2018, CCWD staff indicated that water service is available to the project and that all other associated regulations shall be met as part of connecting to the water system.
11. **Contra Costa Local Agency Formation Commission (LAFCO):** LAFCO staff submitted comments via an email dated August 14, 2018, indicating that the preferred method of providing sanitary service to the project is via annexation of the subject property to the City of Concord. As an alternative, wastewater service can be provided through an out of agency service (OAS) agreement conditioned on future annexation of the property to the City of Concord.
12. **Contra Costa Mosquito & Vector Control District (CCMVCD):** The CCMVCD submitted a letter dated August 3, 2018, indicating that the project must adhere to all health and safety regulations administered by that Department.

VII. ENVIRONMENTAL REVIEW

In accordance with the state *Guidelines for Implementation of the California Environmental Quality Act (CEQA)*, an initial study was prepared to determine potential environmental impacts of the proposed project. Upon completion of the initial study, it was determined that mitigation measures could be incorporated into the project description that would reduce project impacts to a less than significant level.

The Initial Study and Notice of Public Review and Notice of Intent to Adopt a Mitigated Negative Declaration was posted with the County Recorder and circulated for public review on June 26, 2019. The final day for providing comments on the adequacy of the initial study was July 26, 2019. One letter in opposition to the project was received from an adjacent neighbor (9902 Malu Lane, Concord) and an informational letter was received from the Contra Costa Mosquito & Vector Control District (letters attached). Below is a summary of the issues raised and staff's response.

1. Density: Property owners of 9902 Malu Lane, Concord, contend the project should be limited to four lots instead of the proposed eight in order to preserve current aesthetics of the area and vegetation (walnut trees).

Staff Response: The property has a General Plan designation of Single-Family Residential-Low Density (SL) which allows between 1.0 and 2.9 residences per net acre. As the site consists of 3.1 net acres, the project is consistent with the SL designation as only 8 lots are proposed (9 lots allowed). Additionally, the subject property is the sole remaining R-40 zoned property in the vicinity. The vast majority of the area is zoned R-15 (15,000 square-foot lot minimum), which is the proposed zoning for this project. Furthermore, much of the contiguous property to the north, south and east is within the City of Concord jurisdictional boundaries with RR-20 zoning. The RR-20 zoning requires a 20,000 square-foot minimum lot area which is similar with the proposed R-15 zoning district. Therefore, approval of this 8-lot subdivision application will result in a project that is compatible to the residential density of the overall surrounding neighborhood.

Aesthetically, the project proponent has indicated that the homes planned for this development will be of a single-story design. This single-story home approach will maintain the development patterns of the area. The applicant has also agreed to Mitigation Measures AES-2 and AES-3 which will limit the height of each new home to 28 feet and require muted earth tone colors for

all buildings and roofs. It is expected that once new trees and other landscaping mature, the project will blend in with neighboring properties. With adherence to these mitigation measures and installation of landscaping normally associated with residential properties, the project will maintain the visual characteristics of the immediate neighborhood and surrounding area in general.

2. Public Health and Safety: Contra Costa Mosquito & Vector Control District (District) staff submitted a letter indicating that potential impacts to human health by disease vectors needs to be properly addressed as part of the CEQA review. The letter goes on to indicate that oversights of potential impacts "*has created problems for mosquito abatement and vector control agencies throughout California*".

Staff Response: Staff acknowledges the District's concern that certain projects have potential to increase exposure of the public to disease vectors or increase mosquito/vector breeding habitat. Nevertheless, this project does not include any elements that allow for standing water or creates vector habitat. All drainage associated with this project will be directed to existing infrastructure with capacity to accommodate the additional rainwater runoff. In an abundance of caution, staff has included conditions of approval 48 through 61 which require adherence to all applicable Federal, State and local drainage requirements. Specifically, condition of approval number 60 states: "*Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.*" Therefore, no modifications to the project or addition of conditions of approval are required in relation to the District's comments.

VIII. STAFF ANALYSIS

The 8-lot subdivision is compatible with the surrounding neighborhood in terms of design and density. The project will provide additional inventory of detached single-family residential homes. The project layout, access, and building design will provide for an attractive development with no significant or adverse effects to the surrounding community or environment. Additionally, the project includes construction of a private access road that includes a sidewalk and guest parking. The roadway improvements will offer a safe pedestrian connection to Laurel Drive which is adjacent roadway to the site. Analysis of individual aspects of the project is discussed in further detail below:

A. General Plan Consistency: The site has a general plan designation of Single-Family Residential-Low Density (SL), which has a density range of 1.0 to 2.9 units per net acre. According to section 3.7 of the 2005-2020 County General Plan, *"Net acreage includes all land area used exclusively for residential purposes, and excludes streets, highways, and all other public rights-of-way"*. The table below demonstrates the project's compliance with the SL General Plan designation.

Category	Totals
Total Area (Gross) =	3.6 Acres
Private Streets & Drainage =	0.5 Acre
Total Area (Net) 3.6 – 0.5 =	3.1 Acres
# of Units Allowed, 3.1 Net Acres X 2.9	
Units Per Net Acre =	1 to 9 Units Allowed
Total Allowable Units = 9 Total Units (8 unit proposed)	

Additionally, General Plan Policy 3-29 states *"New housing projects shall be located on stable and secure lands or shall be designed to mitigate adverse or potentially adverse conditions. Residential densities of conventional construction shall generally decrease as the natural slope increases"*. Given that the site is generally flat, no portions of the site present challenges to development. Additionally, geotechnical analysis of the site has determined that, as proposed, the subject property can safely accommodate the 8 new lots and associated improvements (e.g., roadway and drainage). Notwithstanding the physical characteristics of the site, the surrounding area is also developed with single-family residential-low density housing; therefore, the proposed density will be consistent with the existing development pattern for the area.

Staff is also supporting the subdivision request based on the developer's willingness to construct a sidewalk and guest parking within the new private roadway. Currently, the Laurel Drive frontage does not have defined pedestrian walkways or shoulders to accommodate safe pedestrian travel. With the addition of the subdivision, an increase in pedestrian traffic is expected in this area. Additionally, there are multiple schools within the immediate area. As such, the proposed access improvements represent a positive contribution to the community which will allow parents and children to safely access the nearby amenities. The applicant will be required to install the subject pedestrian improvements (per the Public Works Department's

review and approval) prior to the filing of the Final Map for this project. Therefore, based on all the points raised above, the proposed subdivision is in accord with the SL General Plan land use designation, as well as, compatible with the surrounding residential developments.

B. Re-Zoning - Consistency With Proposed R-15 Zoning District (R-15): The proposed Vesting Tentative Map identifies 8 new residential lots. Each lot meets or exceeds the minimum lot area, depth and average width requirements as required by the proposed R-15 Zoning District. Below is a chart demonstrating each lot’s compliance with the R-15 standards.

<u>Lot Number</u>	<u>Area (15,000 Sq. Ft. Min.)</u>	<u>Depth (100 Ft. Min.)</u>	<u>Average Width (100 Ft. Min.)</u>
<u>Lot #1</u>	19,557	175.5	100
<u>Lot #2</u>	19,469	175.5	100
<u>Lot #3</u>	18,245	152.6	100
<u>Lot #4</u>	20,078	161.9	116.9
<u>Lot #5</u>	19,954	161.9	116.1
<u>Lot #6</u>	18,310	157.5	100
<u>Lot #7</u>	19,469	180	100
<u>Lot #8</u>	19,625	180	100

As mentioned above, the developer will offer two housing plans to perspective buyers. Each plan will be of a single-story design with elevation options to add variety to the subdivision. The tentative map identifies building pad locations for all 8 lots. The building pads were established by delineating the applicable yard setbacks. This suggests that future home development will occur in accord with the R-15 zoning standards and not require approval of any variances.

C. Vehicular Circulation and Pedestrian Sidewalk: Vehicular circulation is provided by a private road within a 33.5-foot wide right-of-way easement. A turnaround at the terminus of the access road will allow for emergency vehicle, residence, visitor turnaround capability. One 5-foot-wide sidewalk will be constructed along the northern side of the new street. The sidewalk will provide safe pedestrian access from each new residence to the entrance of the subdivision. The project is expected to generate 7 to 9 peak hour vehicular trips per day. At this rate, the project is not expected to negatively impact traffic patterns or intersection levels of service in the area.

D. Drainage – Exemption Request: One bio-retention basin will be located between lots 4 and 5 to accommodate storm water runoff from the development. The applicant has provided analysis and calculations relative to the adequacy of the proposed on-site storm drainage infrastructure, including an evaluation as to the adequacy of the existing storm drain in the Karas Court right-of-way. Based on that analysis, the existing downstream facilities have adequate capacity to convey storm water runoff from this subdivision (Per Public Works comments, dated April 15, 2019). All common space areas (e.g., private roadway and drainage) will be maintenance agreement created for home owners. This approach to maintenance of common spaces is similar to other developments of equivalent size within the County.

The project also includes an exemption request from County Ordinance Code, Division 914, Chapter 914-2.2004 to provide relief from the off-site collect and convey requirements for the drainage associated with the western corner of the site. A minor ridgeline within the western portion of the site diverts about 25 percent of the site drainage to Laurel Drive. As the property is mapped as being within drainage area 33B (DA33B), the intent is to have this western runoff continue along the north side of Laurel Drive and eventually into a storm drain system west of Ayers Road. However, when the lot to the west (9902 Malu Lane) was developed, an inlet was installed along its frontage that actually diverts the subject site's western drainage and a portion of Laurel Drive to another formed drainage area 33C. The proposed layout of the subject site corrects this situation and returns (diverts) the site drainage back into the DA33B system (e.g., Karas Court).

In light of the above, in accordance with the requirements outlined in County Ordinance Code Chapter 92-6, the applicant submitted the exemption request. This request is supported due to the following:

1. Topographic constraints relative to the site as discussed above,
2. The infill nature of this project,
3. There is residual capacity within the Karas Court drainage system to accept the diverted runoff.

Given the applicant's hydrological calculations, historical drainage patterns, topography of the site and storm water control plan, granting of the exemption request would not be adverse to the neighboring properties or community in general.

E. Appropriateness of Use: The project involves the subdivision of a parcel into eight residential lots and related drainage/access improvements. Each lot will conform to the proposed R-15 zoning district. There is one existing residential building on-site that will be demolished. Use of the site for residential buildings is a permitted use, consistent with the surrounding area that consists of a variety of uses such as single-family residences, schools and other residential related uses. Nevertheless, height and design restrictions have been added to the development (COA #'s 19 and 20):

- Residential buildings on lots 1 through 8 shall be limited to 28 feet in height **(Mitigation Measure AES-2)**,
- Building and roof colors shall be muted earth tone colors to blend in with the environment. A variety of colors shall be used to the extent feasible to break-up any monolithic facades. **(Mitigation Measure AES-3)**

Based on these facts, the project is appropriate for the site and area in which it situated.

IX. SUMMARY OF STAFF ANALYSIS

County staff has analyzed the proposed 8-Lot Laurel Place IV subdivision in terms of neighborhood compatibility, appropriateness of use and conformance with the County General Plan and zoning code. The project will conform to all applicable development standards for the proposed R-15 Zoning District, and will add a quality housing option in an area that is primarily developed with similar uses. Environmental analysis has identified potential impacts in areas of Aesthetics, Biology, Cultural Resources, Air Quality, and Geology. Consequently, mitigation measures have been incorporated into this project which reduce any potential impact to less-than-significant levels. One concerned neighbor has provided written opposition to this project as discussed above. However, no compelling evidence has been provided that warrants a change in design or addition of mitigation measures.

X. CONCLUSION

Staff recommends that the County Planning Commission adopt the mitigated negative declaration prepared for the project, approve the Vesting Tentative Map contingent upon the Board of Supervisors approval of the re-zoning based on the attached findings and recommended conditions of approval.