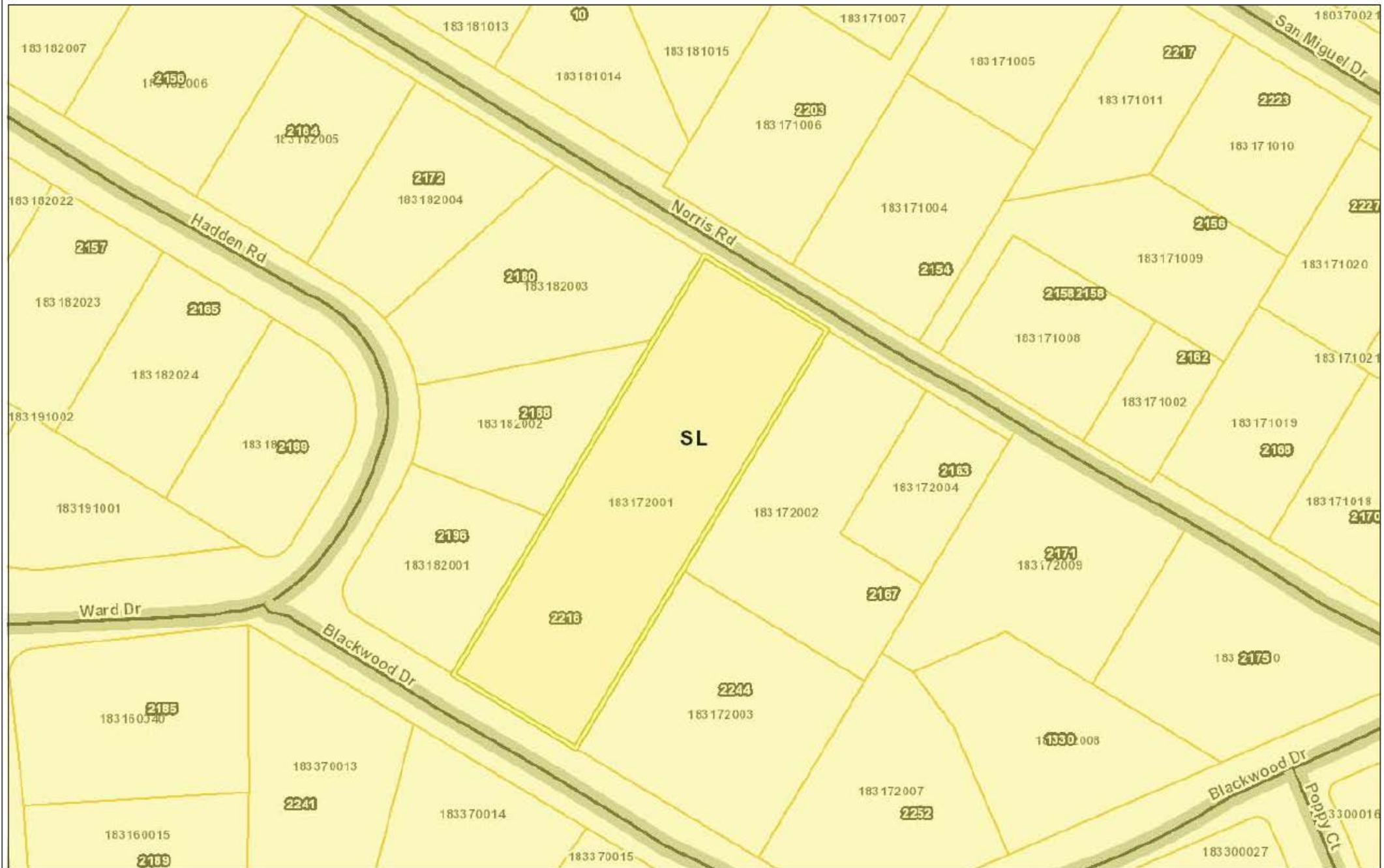


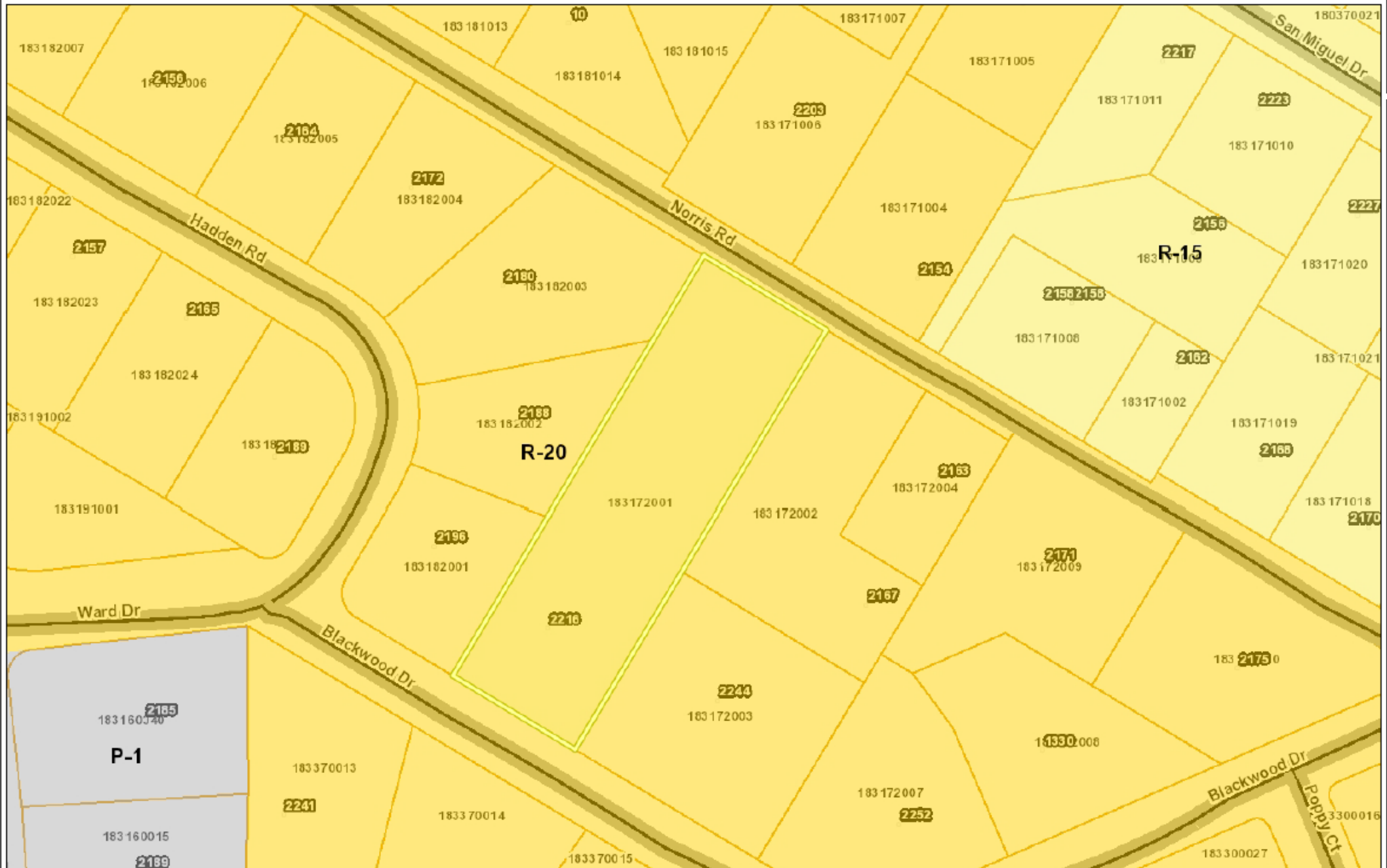
**TWO-LOT MINOR SUBDIVISION APPEAL  
COUNTY FILE #MS19-0007**

**2216 Blackwood Drive, Walnut Creek**

Board of Supervisors  
Tuesday, April 27, 2021  
9:30 a.m.

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









# PROJECT DESCRIPTION

This an appeal of the County Planning Commission's decision to deny an appeal and uphold the decision of the Zoning Administrator's decision to approve:

- A two-lot minor subdivision to subdivide a 42,350-square-foot lot into two parcels (Parcel A: 20,536 square-feet; Parcel B: 22,772 square-feet).
- Removal of 13 code-protected trees on Parcel A and within the Blackwood Drive public right-of-way.
- Variance to allow an average width of 110.8 feet for each lot (where 120 feet is required).
- Exceptions to Title 9 – Subdivision Requirements:
  - *Sidewalk requirements; and*
  - *Underground existing overhead utility lines for Parcel A.*





# BACKGROUND

- A Minor Subdivision application was submitted on August 2, 2019.
- A Mitigated Negative Declaration and corresponding documents were posted for public review on October 9, 2020. The public comment period for accepting comments on the adequacy of the environmental documents extended to October 29, 2020, during which 15 public comment letters were received.
- The project was scheduled at the December 7, 2020 Zoning Administrator hearing, however, the project description in the notice did not include the requested exception to the underground utility requirement from Title 9 for Parcel A. The project was then re-noticed and continued to the December 21, 2020 Zoning Administrator hearing. The Zoning Administrator opened the public hearing for this item, public comments were heard, and the Zoning Administrator approved the item with changes to Condition of Approval (COA) #5, 12, and 13 and the addition of COA #40.
- Staff received one letter on December 30, 2020, appealing the Zoning Administrator's decision to the County Planning Commission. At the February 10, 2021 County Planning Commission hearing, the Commission upheld the County Zoning Administrator's decision and denied the appeal. The motion was passed by the Commission with a unanimous vote.
- One appeal has been filed on the matter by Daniel Schoenberg, a neighbor at 2158 Norris Road.

# SUMMARY OF APPEAL POINTS

**Appeal Point #1:** The appellant questions the County's authority to grant access and new address rights to a primary residence on Norris Road and would like for the County to show where two primary access rights exist.

**Appeal Point #2:** The appellant requests that both Parcel A and Parcel B be accessed from Blackwood Drive, or that the applicant produce a feasibility study why such access is not feasible.

**Appeal Point #3:** The 1912 parcel map provided does not specify the rights to have two primary address access points for one property.

**Appeal Point #4:** Several questions raised at the County Planning Commission hearing could not be confirmed.

**Appeal Point #5:** At the February 10, 2021 hearing, only the underground utility requirement for Parcel A was discussed and an exception for Parcel A was approved. The appellant wants the underground utility requirement for Parcel B to be upheld to eliminate fire risk due to downed or exposed power lines.



## STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors DENY the appeal of the County Planning Commission's decision to deny an appeal and UPHOLD the Zoning Administrator's decision to approve County File #MS19-0007.



**QUESTIONS?**