

# **Findings and Conditions of Approval**

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILES #CDRZ15-03230 and #CDDP20-03022; STONEHURTZ PROPERTIES (Applicant and Owner)**

**FINDINGS**

A. Growth Management Element Standards

1. Traffic: The project consists of rezoning portions of the project site for consistency across parcels and reconfiguring the boundaries of the four existing parcels that comprise the site. There is no proposal to subdivide any portion of the site, nor is there any proposal for physical development or establishment of a new land use. Based on the above, there is no element of the project that would increase potential travel to or from the site beyond pre-project conditions. Therefore, a comprehensive traffic impact analysis is not required.
2. Water: There is no physical development or new land use proposed as part of the project. Additionally, the four parcels that make up the project site will be reconfigured, but no additional parcels will be created as part of the project. Lastly, the property owner previously constructed an approximately 1,000 linear-foot extension of an 8-inch EBMUD water main within Las Trampas Road to make public water available to the site. Based on the factors above, it is clear that the project will not require further expansion of EBMUD facilities to serve the site.
3. Sanitary Sewer: There is no physical development or new land use proposed as part of the project. Additionally, the four parcels that make up the project site will be reconfigured, but no additional parcels will be created as part of the project. Lastly, an existing underground Central Contra Costa Sanitary District sewer main is located within the Las Trampas Road right-of-way, to which new lateral connections can be made. Based on the factors above, it is clear that the project will not require the construction of new or expanded public sanitary sewer infrastructure.
4. Fire Protection: The project site's location within the service area of the San Ramon Valley Fire Protection District will not be impacted by any element of the project. Additionally, there is no proposal for the establishment of a new land use, construction of new structures, or other physical improvements at the site that could potentially increase fire hazards, or the level of fire protection required at the site. Based on the above, there is no evidence in the record to suggest that the project would impact the County's ability to maintain the standard of having a fire station located within one and one-half miles of development in urban, suburban, and central business district areas, or otherwise require new or expanded fire protection facilities.
5. Public Protection: Since the project lacks physical development, the establishment of a new land use, or the creation of additional parcels, the project will not result in a significant population increase within the County. As a result, there is no potential for the

project impacting the County's ability to maintain the standard of having 155 square feet of Sheriff station area and support facilities per 1,000 members of the population.

6. Parks and Recreation: Since the project lacks physical development, the establishment of a new land use, or the creation of additional parcels, the project will not result in a significant population increase within the County. As a result, there is no potential for the project impacting the County's ability to maintain the standard of having three acres of neighborhood parks per 1,000 members of the population.
7. Flood Control and Drainage: The project site is not located within any flood hazard area as determined by the Federal Emergency Management Agency (FEMA). Additionally, there are no physical improvements proposed for construction at the project site or any off-site location. Therefore, there is no potential for the project resulting in structures or other improvements being placed in a flood hazard area, nor any potential for the project impacting any dam, levee, or other existing infrastructure intended for mitigating flood hazards. Furthermore, there is no grading or additional impervious surface area proposed at the site that would have the potential for impacting drainage patterns at the site. Therefore, no additional drainage or hydrology studies are required as part of the project.

## B. Rezoning Findings

1. Required Finding: *The change proposed will substantially comply with the General Plan.*

Project Finding: The sections of the project site to be rezoned to P-1 are areas currently zoned General Agricultural (A-2). These portions of the project site result in parcels with dual zoning districts, and in some areas of the property, a circumstance wherein the zoning district is not consistent with the underlying General Plan land use designation of Single Family Residential, Very Low Density (SV). Rezoning these areas to a site-specific P-1 district will eliminate the zoning-General Plan inconsistency. Additionally, the associated modification to Final Development Plan County File #CDDP07-03062 will ensure that only one Final Development Plan guides development for all portions of the project site which are now all within one unified P-1 district. The new Final Development Plan will identify allowed land uses and provide development standards that are consistent with the SV land use designation and other applicable elements of the County General Plan.

2. Required Finding: *The uses authorized or proposed in the land use district are compatible within the district, and to uses authorized in adjacent districts.*

Project Finding: Section 84-66.404 of the County Ordinance, requires the approval of a Final Development Plan prior to the development of any lands rezoned to a P-1 district. Portions of the project site are already zoned as P-1 as a result of the County's approval of a prior development project (County Files #CDGP07-00004, #CDRZ07-3194, #CDS07-9210, #CDDP07-03062; and #CDRZ04-03144, CDDP40-03025, and #CDMS04-00008). Although the General Plan amendment and rezoning elements of those projects

took place, the subdivision and residential development elements were abandoned and never implemented at the site. Therefore, a modification of the Final Development plan is necessary to guide development in a manner that is consistent with current characteristics of the site and surrounding area, as well as with the property boundary configuration currently desired by the property owner.

As part of the project the newly modified Final Development Plan has been identified as the development plan to guide development for all portions of the site. Additionally, the County's R-100 (Single-Family Residential) zoning district has been identified as the guide for allowed land uses and development at the site, along with added development guidelines that take into consideration the sensitive aesthetic characteristics of the site. As identified in Table 3-5 ("Consistency Between the General Plan and Zoning Ordinance") of the General Plan, the R-100 zoning district is one of those that are deemed to be consistent with the SV designation. There are three small regions along the western extent of the project site that remain within an Agricultural Lands (AL) designation. Two of these areas are encumbered by scenic easements, which will remain in effect as part of the project. Development rights for these easement areas have been deeded to the County, and thus County staff can ensure that any land uses, or development potentially allowed in those areas is consistent with the underlying AL designation. The remaining area is in the southwest corner of the site and measures approximately 3,118 acres in area. This area is not encumbered by an easement, but future development in the area is unlikely because it is entirely located within the 30-foot structure setback and side yard areas that will be required pursuant to the R-100 based design guidelines. Furthermore, this permit has been conditioned to require that a parcel-specific development plan be approved prior to the development of any parcel of the project site without an existing residence. This additional discretionary review process will afford the County an opportunity to ensure that any development proposed in that area of the project site is consistent with the respective P-1 district and the surrounding area.

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

Project Finding: There is an increasing and continuous demand for additional housing stock within Contra Costa County, which the Project's residential uses will contribute towards reducing. The General Plan land use designation for the majority of the site is SV, which allows for residential development and other uses consistent with a rural lifestyle. However, the existing zoning-General Plan inconsistency and dual zoning circumstances at the site impede staff support of development due to required project findings. The rezoning will eliminate existing zoning obstacles and create an easier path for the property owner to develop the site as intended.

### C. Planned Unit District Findings

1. *Required Finding: The applicant intends to start construction within two and one-half years from effective date of zoning change and plan approval.*

Project Finding: The majority of the project site was previously rezoned from an A-2 district to a site-specific P-1 district in February of 2009, as part of a five-lot subdivision and residential development, which was subsequently abandoned. The primary goal of the current applicant's rezoning request is to eliminate zoning-General Plan inconsistencies and split zoning configurations that exist across multiple parcels at the site as a result of the abandoned subdivision action. The rezoning is primarily designed to create a more cohesive zoning configuration of the property, and less to allow a particular type of development. Although immediate construction is not proposed, the project site will now be more conducive to construction taking place because pre-existing development hurdles created by the zoning-General Plan inconsistency are being eliminated.

2. *Required Finding: The proposed planned unit development is consistent with the county general plan.*

Project Finding: As part of the project the applicant seeks to rezone portions of the property and reconfigure the four existing parcels, but there is no proposal for physical development of any kind. The existing residences and accessory structures at the site are consistent with the SV General Plan land use designation in which they are located, and they will remain unchanged as a result of this project. As required by the conditions of approval, development of any vacant parcel will require approval of a parcel-specific development plan, and modification of any previously developed parcels will require a compliance review process. Requiring these reviews will allow staff the opportunity to review future development at the site to ensure continued consistency with the General Plan.

The majority of the existing A-2 areas identified for rezoning are in the central area of the project site and have an underlying Single Family Residential Very Low Density (SV) General Plan land use designation, which is an inconsistent zoning-General Plan configuration. The rezoning of these areas to P-1 will eliminate that inconsistency. The remaining A-2 zoned areas identified for rezoning along the western edge of the project site have an Agricultural Lands (AL) General Plan land use designation, which is also consistent with a P-1 district. Furthermore, the development plan approved as part of this project will serve as the Final Development Plan for the entirety of the site, and the development guidelines identified within the conditions of approval below will ensure that the nature and design of future development of the project site is limited to that which is consistent with the General Plan.

3. Required Finding: *In the case of residential development, it will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community.*

Project Finding: The rezoning of the existing A-2 portions of the site to P-1 will create a unified P-1 district across the entire site and eliminate parcels with dual zoning configurations. With each parcel of the project site now being subject to the same development guidelines of a site-specific P-1 district, it is certain that future development on each parcel will be substantially similar and compatible with the remaining parcels of the site. Furthermore, the development guidelines for the district have considered the aesthetic sensitivity, unique topography, and existing uses surrounding the site, which will further the goal of ensuring that residential development on the site is in harmony with the rest of the Las Trampas Ridge area.

4. Required Finding: *The development of a harmonious, integrated plan justifies exceptions from the normal application of this code.*

Project Finding: The Project Site consists of various unique characteristics that warrant adoption of a Planned Unit zoning district. The project site consists of very steep slopes, scenic ridgeline areas, and sensitive habitat resources that limit suitable development areas. When the unique characteristics of the project site, goal of minimizing aesthetic and other environmental impacts, and a desire to ensure development at the site is compatible across the parcels and with the surrounding environment are all considered together, the establishment of a P-1 district for the subject property is a warranted option. To appropriately guide development at the site while also maintaining consistency with surrounding environment, the project site requires variations from the standard structure location, building height, and other development standards of the County's standard residential zoning districts.

#### D. Final Development Plan Findings

1. Required Finding: *The project is consistent with the intent and purpose of the P-1 District.*

Project Finding: The project consists of rezoning portions of the site to eliminate inconsistencies with the SV designated portions of the site, to eliminate dual zoning configurations on parcels at the site, and to reconfigure the four parcels of the site to allow for more functional development envelopes and access. The rezoning will allow for cohesive development across the project site that considers the unique aesthetic, topographic, and biological characteristics of the site. The primary uses allowed at the site will remain residential in nature for consistency with the surrounding properties. However, by utilizing the R-100 District as the foundation for development standards, the development guidelines incorporated as conditions for the development plan will ensure

that future development will be designed in a manner that is consistent with the rural nature of the surrounding area.

2. Required Finding: The project is compatible with other uses in the vicinity, both inside and outside the district.

Project Finding: The project site is surrounded on its western and southern boundaries by residential lots of the Alamo Ridge subdivision, which have primarily been developed with single-family residences constructed on lots measuring at least one acre or more. At its eastern boundary, the property is also bordered by residential lots of a smaller development, which have all also been previously developed with single-family residences. Lastly, along its northern boundary, the project site abuts a large 33-acre parcel that is within an Open Space land use designation and is intended to preserve westerly views of Las Trampas Ridge.

As evidenced above, the development surrounding the project site consists almost exclusively of a rural-residential nature. More specifically, common characteristics of development in the surrounding area include parcels measuring at least one acre in area, single-family residences or other low intensity uses, and unique development restrictions (e.g., building envelopes, scenic easements, architectural design restrictions). As conditioned, development within the project site will include the majority of these same elements, and thus will be compatible with development in the adjoining A-2, P-1, and R-65 zoning districts.

#### E. CEQA Findings

For the purposes of compliance with the provisions of the California Environmental Quality Act (CEQA), an Initial Study/ Negative Declaration document was prepared and circulated for review and comment between February 26, 2021, and March 18, 2021. The Initial Study/ Negative Declaration is adequate and complete, was prepared in compliance with CEQA, State CEQA Guidelines, and County CEQA Guidelines, and reflects the County's independent judgement and analysis.

### **CONDITIONS OF APPROVAL**

#### **Administrative**

1. These conditions of approval pertain to the 1900 Las Trampas Rezoning and Reconfiguration project, as approved under County Files #RZ15-03230 and #CDDP20-03022.
2. These conditions of approval shall serve as the conditions for all future development within the site-specific Planned Unit (P-1) district adopted for the four parcels that comprise the project site (APNs 198-220-051, -052, -053, -055). These conditions of approval shall

supersede those of any prior Final Development plan approved for all or portions of the project site.

3. **Preliminary and Final Development Plan approval** is granted to allow reconfiguration of the four parcels that constitute the project site, as generally shown on the "Development Plan Modification and Lot Line Adjustment Exhibit" submitted for this project, and is subject to and incorporates these conditions of approval.
4. The Rezoning and Final Development Plan approvals associated with this project are granted based on or as generally shown on the following documents:
  - a) Rezoning (CDRZ15-03230) and Development Plan (CDDP20-03022) applications submitted to the Department of Conservation and Development, Community Development Division (CDD) for the project.
  - b) "Development Plan Modification and Lot Line Adjustment Exhibit" plan received on October 28, 2020.
  - c) CDD Rezoning Map dated May 13, 2021.
5. Preliminary and Final Development Plan approval is conditioned on the Zoning Administrator's approval of the pending lot line adjustment application associated with this project site (County File #CDLL15-00027). **No later than 30 days from the effective date of this permit**, the Applicant shall provide additional plans and/or information, as deemed necessary by County staff, to allow for the Zoning Administrator's consideration of the pending lot line adjustment application associated with this project site (County File #LL15-00027). Applicant shall submit proof of approval and recordation of the lot line adjustment to County staff **prior to any building permit issuance, ground disturbance, or any other development at the project site**.
6. The applications submitted were subject to a total initial deposit of \$9,069. The applications are subject to time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid **prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first**. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.



7. The Applicant shall indemnify, defend (with counsel reasonably acceptable to the County), and hold harmless the County, its boards, commissions, officers, employees, and agents (collectively "County Parties") from any and all claims costs, losses, actions, fees, liabilities, expenses, and damages (collectively, "Liabilities") arising from or related to the project, the applicant's applications for a land use entitlement, the County's discretionary approvals for the Project, the County's actions pursuant to the California Environmental Quality Act and planning and zoning laws, or the construction and operation of the Project, regardless of when those Liabilities accrue.
8. **Prior to CDD-stamp-approval of plans for issuance of a building or grading permit on any parcel**, the property owner or project sponsor shall submit a report addressing compliance with all conditions of approval of this permit, for the review and approval of the CDD. The report shall list each condition, followed by a description of what the applicant has provided as evidence of compliance with the condition. Unless otherwise indicated, the applicant will be required to demonstrate compliance with the conditions of this permit prior to the issuance of building permits. The permit compliance review is subject to staff time and materials charges, with an initial deposit of \$1,500, which shall be paid at the time of submittal of the compliance report.
9. **Prior to development of any parcel without an existing residence**, the property owner shall apply for a site-specific development plan for the parcel to be developed. Each such development plan shall be subject to a public hearing process. The purpose of the development plan is to ensure that the unique aesthetic and sensitive ecological characteristics of each parcel are considered during residence design. Approval of exterior modifications to an existing residence or construction of ancillary structures shall be subject to a compliance review as provided for in Condition of Approval #8 above to ensure compliance with this development plan.
10. For purposes of the site-specific P-1 District, permitted land uses shall be those which are allowed within the R-100 zoning district and consistent with the underlying Single-Family Residential Very Low-Density (SV) General Plan land use designation.
11. Should any design element of the existing County-permitted residences or ancillary structures conflict with the residential design guidelines listed below, those structures shall not be in violation of this permit. However, the design of any future modifications to those buildings shall be consistent with the residential design guidelines of this permit.

## **Residence Design Standards**

12. All residential structures shall be subject to the following design guidelines:

- a) Except as modified by these conditions of approval, the guide for development shall be the R-100 Single Family Residential Zoning District.
- b) Where feasible, primary buildings constructed in sloped areas shall incorporate a multi-level design that is tiered along the hillside.
- c) Residences shall be setback from roadways where possible to minimize visibility from Las Trampas Road.
- d) The height of crawlspace areas and foundations on the downhill side of structures shall be minimized where feasible.
- e) Large vertical building faces should not exceed 20-feet in height where possible, and second stories shall be stepped back from first story building facades.
- f) Retaining walls over three feet in height shall be discouraged. Where possible, the need for large retaining walls shall be accommodated by multiple tiered three-foot retaining walls.
- g) All graded slopes shall be contour-rounded to mimic natural topographic features.

### **Additional Standards for “Parcel-A” and “Parcel-B” Residential Development<sup>1</sup>**

13. Development shall be designed in a manner that preserves the aesthetic resources of the adjacent ridge by avoiding or minimizing visual impacts to westerly views from I-680 and Danville Boulevard.

14. No building roof line shall exceed a maximum height of 28 feet. An exception is made for chimneys and architectural elements. For any building where the proposed roof line height is 23 feet or greater, a roof plan shall be submitted for review and approval of the CDD. The roof plan shall include roof peak elevations shown on a grading plan consisting of natural and finished grades.

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<sup>1</sup> “Parcel-A” and “Parcel-B” as shown on the “Development Plan Modification and Lot Line Adjustment Exhibit” approved for this project

15. **Prior to issuance of building or grading permits for the construction of a single-family residence on a parcel without an existing residence**, the applicant shall pay a per parcel fee toward childcare facility needs in the area as established by the Board of Supervisors. The current childcare fee is \$400 per parcel. However, the actual fee collected will be that which is applicable at the time of building permit issuance.
16. **Prior to issuance of building or grading permits for construction of a single-family residence on a parcel without an existing residence**, the applicant shall pay a park dedication fee. The current park dedication fee is \$8,129.00 per residential unit. However, the actual fee collected will be that which is applicable at the time of building permit issuance.

### **ADVISORY NOTES**

**ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.**

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Prior to applying for a building or grading permit, the applicant may wish to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:
  - County Public Works Department
  - Contra Costa County Building Inspection Division
  - San Ramon Valley Fire Protection District
  - Central Contra Costa Sanitary District
  - EBMUD