



**Contra  
Costa  
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: September 19, 2017

Subject: Laurel Place II Residential Project / Rezoning Unincorporated Concord Area

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## **RECOMMENDATION(S):**

1. OPEN the public hearing on the Laurel Place II Project and RECEIVE testimony.
2. CLOSE the public hearing.
3. FIND that the Revised Mitigated Negative Declaration (the "Revised MND") prepared for the Laurel Place II Project adequately analyzes the project's environmental impacts, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Revised MND reflects the County's independent judgment and analysis.
4. ADOPT the Revised MND with Mitigation Measures for the Laurel Place II Project and ADOPT the Mitigation Monitoring Program for the Project.
5. ADOPT Ordinance No. 2017-15 to rezone the subject property from R-20, Single Family Residential (20,000 square feet minimum lot size) to R-15, Single Family Residential (15,000 square feet minimum lot size).

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

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Action of Board On: **09/19/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

### **VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 19, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: John Osborne,  
925-674-7793

cc:

6. ACKNOWLEDGE the County Planning Commission's approval of the vesting tentative map for the Laurel Place II Project.

## RECOMMENDATION(S): (CONT'D)

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7. APPROVE the Laurel Place II Project and ADOPT the findings contained in County Planning Commission Resolution No. 17-2017 as the basis for the Board's approval (Attachment 1).

8. ADOPT the conditions of approval for the Laurel Place II Project as approved by the County Planning Commission on June 14, 2017.

9. DIRECT the Department of Conservation and Development, Community Development Division, to file a Notice of Determination with the County Clerk-Recorder.

## FISCAL IMPACT:

None. The applicant is responsible for the cost of processing the application.

## BACKGROUND:

The applicant is pursuing a residential subdivision on 3.8 acres in the Concord area. The approvals that are necessary for the project are a seven lot subdivision and a rezoning of the project site from R-20, Single Family Residential (20,000 sq.ft. min) to R-15, Single Family Residential (15,000 sq.ft. min.). The project would also need approval of the Contra Costa Local Agency Formation Commission (LAFCO) for sanitary sewer service provided by the City of Concord.

The proposed seven lot subdivision is located on a flat parcel with proposed lots ranging in size from 28,378 square feet to 15,028 square feet, The lot sizes are consistent with the surrounding neighborhood, with somewhat larger lots to the east and somewhat smaller lots to the west. The project does not involve the granting of any variances.

After conducting a public hearing on June 14, 2017 the County Planning Commission (CPC) approved the subdivision and recommended to the Board of Supervisors approval of the rezoning.

## Previous Development

This is the second subdivision of a two-stage development. The first subdivision, Laurel Place I, is an eight lot subdivision, with a rezoning, that was approved by the County in 2007. Laurel Place I, which is located on adjacent land to the south, is constructed and occupied ( Refer to Attachment 7, Exhibit 1 - Vicinity Map). The current proposal, Laurel Place II, is a seven lot subdivision, with rezoning and a public trail that connects to the public trail that currently runs through Laurel Place I.

The proposed rezoning, which is similar to the rezoning that was approved for Laurel Place I, provides a transition from smaller lots at the west to larger lots at the east ( Refer to Attachment 7, Exhibit 2- Rezoning Map) and is consistent with the underlying General

Plan designation of Single Family Residential, Low Density.

### Previous County Planning Commission (CPC) Hearing

This item was originally heard by the CPC on September 29, 2015. Testimony was taken and the item was continued to allow staff time to respond to a recent letter from the City of Concord ( Refer to Attachment 6, Correspondence, #1) and a letter from a neighbor (Refer to Attachment 6, Correspondence, #2). The City believed the County should require that the project meet City's development standards because the project site, along with the surrounding Ayers Ranch area, could be annexed in the future. The letter from a neighbor, off of Kirkwood Court, expressed concern that the proposed Mitigated Negative Declaration for the project did not address the project's potential impacts to the biological resources including California tiger salamander and wetlands.

### Response to City of Concord

On October 7, 2015 County staff, along with County Public Works staff, met with staff from the City of Concord to discuss their concerns. The main concern is that this area has the potential of being annexed by the City in the future and the City believes that the County should require the project meet their development standards; including drainage, pedestrian facilities, undergrounding utilities and constructing street improvements along adjacent public right-of-ways. As a result of the meeting County Public Works responded in a letter dated January 11, 2016 ( Refer to Attachment 6, Correspondence, #3). The letter outlined the County development standards as they relate to the project, including; 1.) Regarding nearby Myrtle Drive; the project does not have frontage to Myrtle Drive, nor does it take access from it. Since the County Subdivision Ordinance does not have provisions to require construction of improvements, such as sidewalks, along off-site streets, the County cannot require the project to construct street improvements along Myrtle Drive, as the City requested. In addition, there are no plans by the County to widen or improve Myrtle Drive. 2.) Regarding the project trail; the project will construct a trail on the project site and dedicate it to the City, as the developer did with their recently approved and constructed Laurel Place I, located directly south of the project site. The County has no trail plans in the greater Ayres Road area at this time.

### Environmental Review / Response to the Neighbor's Letter

In response to the letter from a neighbor regarding the Mitigated Negative Declaration, the applicant retained a biological consultant to investigate the concerns about potential wetlands and species on the project site. After visiting the project site, the biological consultant did find new potential impacts to biological resources. As a result of these findings a Revised Mitigated Negative Declaration (Revised MND) ( SCH#2015112028) was developed incorporating these new impacts and mitigations. The Revised MND was circulated to the State Clearing House for a 30 day period beginning on October 18, 2016 ( Refer to Attachment 5, CEQA Determination). In response to the Revised MND the California Department of Fish and Wildlife (CDFW) submitted a letter dated November

23, 2016 (Refer to Attachment 6, Correspondence, #4) expressing concerns about potential impacts to biological resources including special status plants, California tiger salamander (CTS) and wetlands.

In response to the CDFW letter, on January 26, 2017, the applicant and their biological consultant met with Jeanette Griffin of the CDFW on the project site to discuss their concerns. As a result of the meeting the applicant's biological consultant, WRA Environmental Consultants, drafted a memo dated March 1, 2017 ( Refer to Attachment 6, Correspondence, #5) that clarified impacts and mitigation measures as they relate to CTS, western burrowing owl, special-status plants and wetlands. On March 16, 2017, County staff contacted Jeanette of CDFW and she confirmed the CDFW concurs with the impacts and mitigations outlined in the WRA memo, dated March 1, 2017. The impacts and mitigation in the WRA memo are now incorporated into the Revised MND by reference.

#### Sanitary Sewer Service

On September 8, 2015 the Concord City Council adopted Resolution No. 15-59 establishing a non-binding strategy to annex the unincorporated Ayers Ranch portion of the City's Sphere of Influence by the year 2030. The project site is within this area. This action allows, under the provisions of LAFCO, a resident in this area to apply to the City for an Out of Agency Service Agreement for sanitary sewer service.

#### County Planning Commission Hearing on June 14, 2017

As previously noted, the County Planning Commission considered this application on June 14, 2017. Three neighbors who showed support for the project and one neighbor expressed concern about the biological impacts and sought clarification about one of the impacts. After evaluating the proposal and evidence submitted, the CPC voted unanimously to approve the subdivision and to recommend approval of the rezoning to the Board of Supervisors. It should be noted that during the hearing the Planning Commissioners requested the applicant to work with County staff to try to incorporate a 30 foot strip of adjacent land, which is not owned by the applicant, into the project site. The purpose was to provide for a more continuous development of the project site. Since the CPC hearing, on June 14, 2017 the applicant contacted the owner of the land in question and was not able to acquire the land ( Refer to Attachment 6, Correspondence, #6).

#### CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not approve the Rezoning the Vesting Tentative Map that was approved by the CPC would be invalid.

#### CLERK'S ADDENDUM

***CLOSED the public hearing; FOUND that the Revised Mitigated Negative Declaration (the "Revised MND") prepared for the Laurel Place II Project adequately analyzes the project's environmental impacts, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Revised MND reflects the County's independent judgment and analysis; ADOPTED the Revised MND with Mitigation Measures for the Laurel Place II Project and ADOPTED the Mitigation Monitoring Program for the Project; ADOPTED Ordinance No. 2017-15 to rezone the subject property from R-20, Single Family Residential (20,000 square feet minimum lot size) to R-15, Single Family Residential (15,000 square feet minimum lot size); ACKNOWLEDGED the County Planning Commission's approval of the vesting tentative map for the Laurel Place II Project; APPROVED the Laurel Place II Project and ADOPTED the findings contained in County Planning Commission Resolution No. 17-2017 as the basis for the Board's approval; ADOPTED the conditions of approval;. DIRECTED the Department of Conservation and Development, Community Development Division, to file a Notice of Determination with the County Clerk-Recorder***

#### ATTACHMENTS

Attachment 1 - CPC Resolution No. 17-2017  
Attachment 2 - Rezoning Ordinance No 2017-15 / Findings Map  
Attachment 3 - CPC Staff Report 6/14/17  
Attachment 4 - Conditions of Approval  
Attachment 5 – CEQA Determination & Mitigation Monitoring Reporting Program  
Attachment 6 - Correspondence  
Attachment 7 - Vicinity Map / Rezoning Map  
Attachment 8 - Subdivision Map SD14-9389  
Attachment 9 - Notification List  
Attachment 10- Power Point