



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: August 15, 2017

Subject: Acceptance of Grant Deed of Development Rights for Minor Subdivision #MS12-0007 in the La Casa Via area of Walnut Creek.

RECOMMENDATION(S):

A. FIND that the proposed Grant Deed of Development Rights between the Marin Family Trust, and Contra Costa County, a copy of which is attached hereto ("Grant Deed"), is categorically exempt from the requirements of the California Environmental Quality Act (Class 25 - Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions).

B. APPROVE and AUTHORIZE the Board Chair to execute the Grant Deed.

FISCAL IMPACT:

None to General Fund. All costs are absorbed by applicant.

BACKGROUND:

On November 5, 2012, the Contra Costa County Zoning Administrator conditionally approved a Minor Subdivision #MS12-0007, which was an application by the Marin Family Trust for a vesting tentative map to subdivide a 4.37-acre parcel located at 296 La Casa Via, in the unincorporated area of Walnut Creek, into three parcels. The 4.37-acre parcel is located within an area subject to the Shell Ridge Specific Plan which was adopted by the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **08/15/2017** ☒ 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: August 15, 2017

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

By: Stacey M. Boyd, Deputy

Contact: Susan Johnson, (925)
674-7868

cc:

Board of Supervisors on April 26, 1977 (Resolution No. 77/341). The Specific Plan requires the maintenance of a natural preserve on the sides and top of Shell Ridge ("Preserve") and prohibits the placement within the Preserve of structures that would require the issuance of a building permit or other entitlement. The southern portion of Parcel

BACKGROUND: (CONT'D)

'C' of MS12-0007 is located within the Preserve. In conformance with the Specific Plan, Condition of Approval #11 of MS12-0007 requires the designation of a restricted development area in the southern portion of Parcel 'C', for the area at or above the 300 foot elevation contour. The attached grant deed of development rights will convey development rights to the County over a portion of Parcel 'C' of Minor Subdivision #MS12-0007 in accordance with the conditions of the Shell Ridge Specific Plan and as required with condition of approval #11 of County File #MS12-0007.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not accept the Grant Deed, the development rights over the identified area will not be conveyed to the County, the hillside area will not receive the protections that would have been afforded by the Grant Deed and the proponent of MS12-0007 will not be able to proceed with their subdivision.

ATTACHMENTS

Grant Deed of Development Rights