



Contra  
Costa  
County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: October 22, 2019

Subject: Laurel Drive Subdivision Project (#RZ18-3244)

**RECOMMENDATION(S):**

1. OPEN the public hearing on the Laurel Drive Subdivision Project, RECEIVE public testimony, and CLOSE the hearing.
2. FIND that the mitigated negative declaration prepared for the Project adequately analyzes the Project's environmental impacts, that there is no substantial evidence that the Project will have a significant impact on the environment, and that the mitigated negative declaration reflects the County's independent judgment and analysis.
3. ADOPT the mitigated negative declaration prepared for the Project.
4. ADOPT the mitigation monitoring program for the Project.
5. DIRECT the Department of Conservation and Development to file a CEQA Notice of Determination with the County Clerk.
6. SPECIFY that the Department of Conservation and Development, located at 30 Muir Road, Martinez, California, is the custodian of the documents and other material that constitutes the record of proceedings upon which the decision of the Board of Supervisors is based.
7. ADOPT Ordinance No. 2019-23, rezoning the subject property from R-40 Single-Family Residential District to R-15 Single-Family Residential District.
8. APPROVE the Laurel Drive Subdivision Project.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **10/22/2019** ☒ 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

ABSENT: 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: October 22, 2019

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

By: June McHuen, Deputy

Contact: Francisco Avila, (925)  
674-7801

cc:

9. APPROVE the findings in support of the Project.

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

10. ACKNOWLEDGE that the Planning Commission approved the vesting tentative map for the Project, and no appeal of this approval was filed.

### FISCAL IMPACT:

None. The applicant has paid the initial deposit, and is obligated to pay supplemental fees to cover any and all additional costs associated with the application processing.

### BACKGROUND:

In August of 2018, the applicant submitted an 8-lot subdivision proposal which included a request to rezone the subject property from R-40 Single-Family Residential District (R-40) to R-15 Single-Family Residential District (R-15). The R-15 zoning district was chosen to align with the surrounding properties which have been developed with housing projects of similar density. The proposed 8 new residential lots range in size from 15,000 square feet to 18,000 square feet in area. The project also includes a request to remove 30 trees in order to construct the related subdivision improvements, 4,422 total cubic yards of grading, an exemption request from the off-site collect and convey requirements, and an annexation request in order to extend wastewater services to the subject site from the City of Concord. As part of the annexation request, the 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. The subdivision portion of the project was approved by the County Planning Commission (CPC) on September 11, 2019. The CPC approval included a recommendation to the Board of Supervisors to approve the rezoning request.

### Site Description

The subject site is located at 5175 Laurel Drive, Concord, and consists of 3.6 total acres. One single-family residence and associated accessory structures are currently located on the property. A total of 30 trees are scattered throughout the site. The lot 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.

### 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 a 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). In summary, the property owner of 9902 Malu Lane, contends that the project should be limited to four lots instead of the proposed eight in order to preserve current aesthetics and vegetation (Walnut trees). However, the project site has a General Plan designation of Single-Family Residential-Low Density (SL) which allows between 1.0 and 2.9 residences per net acre which is the basis for this rezoning request. As the site consists of 3.1 net acres, the SL designation allows for 9 lots where 8 lots are being proposed. Thus, the project is consistent with the General Plan designation for the subject property. As mentioned above, the CPC has considered the application and public comments and found the proposal to be appropriate for the site and area in which it is situated. Since the September 11, 2019, CPC hearing for this project, no additional comments has been provided to the County.

### Rezoning

The site's current zoning designation is R-40 Single-Family Residential District. Changing the zoning of the subject property to R-15 Single-Family Residential District requires the following three findings be made: 1) compliance with the underlying General Plan designation; 2) compatibility with the proposed district and uses in adjacent districts; and 3) demonstration of community need. The General Plan designation for the site is Single-Family Residential-Low Density (SL), which allows 1.0 to 2.9 single family units per net acre. With a total net area of 3.1 acres for this site (3.6 acres gross minus 0.5 acres for roadway improvements, etc.), the project is allowed a minimum of 3 and a maximum of 9 residential units. As the proposal includes 8 new lots, the project is within the allowable density range of the SL designation. With regards to compatibility with the proposed zoning district and adjacent zoning districts, the project will reclassify the site from one single-family residential district to another. Each new lot will meet or exceed the minimum lot area, depth and average width requirements as required by the proposed R-15 zoning district. The surrounding zoning districts are entirely single family districts, ranging from R-10 to R-40, a similar range of densities to the proposal for the subject site and compatible with the densities of the surrounding neighborhoods in Concord. No uses capable of producing toxic waste, excessive noise, or vibration are allowable with the R-15 zoning district, therefore, the use of the site will remain compatible with the intended zoning district and adjacent residential districts. Furthermore, the project site currently contains numerous dilapidated structures which have resulted in a blight for the community. Approval of the rezoning request will enable the developer to improve upon a property that is underutilized, as well as remove a potential safety hazard for nearby residents. Given the information provided above, the CPC found the rezoning request to be appropriate for the site and recommended the Board approve the project.

### Conclusion

County staff has analyzed the proposed 8-lot Laurel Place IV subdivision and rezone in terms of consistency with the neighborhood, appropriateness of use and conformance with the County General Plan and zoning code. 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. Several members of the community attended the September 11, 2019, CPC hearing for this project and offered support. The single letter of opposition to the project did not offer any compelling evidence that warranted new mitigations or changes to the project. Upon reviewing the project and taking public testimony at the September 2019, hearing, the CPC unanimously approved the subdivision portion of the project and recommended that the Board of Supervisors approve the requested rezoning, County File Number RZ18-3244.

#### CONSEQUENCE OF NEGATIVE ACTION:

If denied, the subject property and existing improvements would remain within its present R-40 Single-Family Residential District and the subdivision project will not be constructed.

#### CHILDREN'S IMPACT STATEMENT:

The project involves a rezoning of the subject property from one residential zoning district to another, therefore, there will be no impacts on children's programs within the County.

#### CLERK'S ADDENDUM

**Speakers: Christina Gonzalez.**

#### ATTACHMENTS

General Plan Map  
Zoning Map  
Aerial View  
Ordinance No. 2019-23  
CPC Sept. 11, 2019 Staff Report  
CPC Approved Findings and COAs  
CEQA Negative Declaration  
CEQA Initial Study  
CEQA MMRP  
Public Comments  
Vesting Tentative Map  
Public Notification List  
BOS Power Point Presentation