



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: February 4, 2020

Subject: 18320 Bollinger Canyon Road Two-Lot Minor Subdivision and Rezoning Project (RZ16-3234)

RECOMMENDATION(S):

1. Open the public hearing on the 18320 Bollinger Canyon Road Two-Lot Minor Subdivision and Rezoning Project, RECEIVE public testimony, and CLOSE the hearing.
2. FIND that the mitigated negative declaration prepared for the 18320 Bollinger Canyon Road Project adequately analyzes the Project's environmental impacts, that there is no substantial evidence that the Project with the proposed mitigation measures will have a significant effect on the environment; and that the mitigated negative declaration reflects the County's independent judgment and analysis.
3. ADOPT the mitigated negative declaration for the Project.
4. ADOPT the mitigation monitoring program for the Project.
5. SPECIFY that the Department of Conservation and Development, located at 30 Muir Road, Martinez, California, is the custodian of the documents and other material which constitute the record of proceedings upon which the decision of the Board of Supervisors is based.
6. ADOPT Ordinance No. 2020-02, rezoning the subject property from the A-4 Agricultural Preserve District to the A-2 General Agricultural District.
7. ACKNOWLEDGE that the County Planning Commission approved the tentative parcel map for the project (MS16-0014), and no appeal of the approval was filed.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/04/2020** ☒ 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: February 4, 2020

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

By: June McHuen, Deputy

Contact: Stan Muraoka,
925-674-7781

cc:

RECOMMENDATION(S): (CONT'D)

8. APPROVE the 18320 Bollinger Canyon Road Project.
9. APPROVE the findings in support of the Project.
10. APPROVE the Project conditions of approval.
11. DIRECT the Director of Conservation and Development to file a CEQA Notice of Determination with the County Clerk.

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 processing the application.

BACKGROUND:

Project Description. 18320 Bollinger Canyon Road Two-Lot Minor Subdivision and Rezoning Project, as detailed below and in the CPC staff report of December 11, 2019, consists of: (A) a Rezoning of a 102.22-acre agricultural parcel from the A-4 Agricultural Preserve District to the A-2 General Agricultural District., and (B) a two-lot Minor Subdivision including a Tentative Parcel Map. The project does not include any new construction on the parcels. The subject property is in the AL Agricultural Lands General Plan land use designation.

A. Rezoning RZ16-3234: The proposal is a Rezoning of a 102.22-acre agricultural parcel, from the A-4 Agricultural Preserve District to the A-2 General Agricultural. The property was rezoned in 1975 from the CM Controlled Manufacturing District to the A-4 District and was included in Williamson Act Contract 17-75. A Notice of Non-Renewal for the property was received by the County and recorded on December 27, 1996, and the Williamson Act Contract on the property expired on February 28, 2006.

The A-4 District has a minimum lot size of 40 acres. The proposed Rezoning of the property to the A-2 District, which has a minimum lot size of five acres, would accommodate the Minor Subdivision that creates an 81.38-acre Parcel A and a 20.84-acre Parcel B. Adoption of Ordinance No. 2020-02 will implement Rezoning RZ16-3234.

B. Minor Subdivision MS16-0014: Minor Subdivision MS16-0014, including a Tentative Parcel Map, to subdivide the property into Parcel A and Parcel B was approved on December 11, 2019 by the County Planning Commission (CPC), with a condition (Condition of Approval #4) that the approval is contingent on approval of Rezoning RZ16-3234. The Minor Subdivision includes an exception to the requirements of County Code Section 914-2.002 for onsite collect and convey (drainage).

Site/Area Description. The subject property is a 102.22-acre legal lot that is in use for raising and keeping horses, and for rural residential uses. The site is located on the north side of Bollinger Canyon Road, approximately 0.4 mile southeast of the intersection of Bollinger Canyon Road and Bollinger Estates Court. One single-family residence, a barn, a covered arena, and a number of accessory structures are currently located on proposed

Parcel A. One single-family residence and several accessory structures are currently located on proposed Parcel B. Along the project frontage, Bollinger Canyon Road is a two-lane, approximately 20-foot wide road within a 60-foot right-of-way.

Surrounding the project site are other agricultural parcels and open space properties, including an 86.76-acre parcel owned by the East Bay Regional Park District to the north, and privately-owned parcels ranging from 21.5 acres to over 110 acres to the east, and from 5.69 acres to 10.75 acres to the west. South of the project site and across Bollinger Canyon Road are parcels ranging from 3.46 acres to over 250 acres. The smaller parcels are rural residential ranchettes, and the larger parcels are either in agricultural use for raising and keeping livestock or are open space lands.

County Planning Commission. On December 11, 2019, the County Planning Commission held a public hearing on the 18320 Bollinger Canyon Road Two-Lot Minor Subdivision and Rezoning Project. After receiving public testimony from two individuals, the CPC closed the hearing. Subsequently, the CPC approved Minor Subdivision MS16-0014. The CPC approval included a recommendation to the Board of Supervisors to approve Rezoning RZ16-3234.

Environmental Review. Pursuant to the Guidelines for California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 3, Sections 15000 – 15387), Conservation and Development staff prepared an Initial Study assessment of potentially significant adverse environmental impacts that could result from the proposed 18320 Bollinger Canyon Road Two-Lot Minor Subdivision and Rezoning Project. The identified potential impacts include:

- Construction period air quality and odors;
- Geotechnical and hydrological risks on the upland portion of the project site due to ground failure, landslides, and exposed soil;
- Construction period noise and vibration; and,
- Potential adverse impacts on Native American cultural resources.

Staff determined that although the proposed project could have potentially significant adverse environmental impacts, with implementation of mitigation measures that have been agreed to by the applicant, the project would not result in significant environmental impacts.

A draft Mitigated Negative Declaration/Initial Study was prepared and published for the proposed project. The public review period for the draft MND started on October 18, 2019 and ended on November 8, 2019.

Subsequently, a Final MND was prepared that includes the written comments received on the draft MND, responses to the comments received, and staff-initiated text changes, including minor corrections and technical changes. Written comments from eight commenters were received during the public review period for the draft MND. Neither

the comments nor the staff responses to the comments result in any substantial changes to the draft MND, and the impacts, mitigation measures, and findings of the MND are unchanged. The text changes are not the result of any new significant adverse environmental impact, do not alter the effectiveness of any mitigation included in the pertinent section, and do not alter any findings in the section.

Pursuant to CEQA Section 15097, a Mitigation Monitoring Program has been prepared, based on the identified significant impacts and mitigation measures in the MND. The Mitigation Monitoring Program is intended to ensure that the mitigation measures identified in the MND are implemented. All mitigation measures listed in the Mitigation Monitoring Program are included in the CPC Approved Findings and COAs.

Rezoning. The December 11, 2019 CPC staff report includes findings for Rezoning RZ16-3234. The project site has a General Plan Land Use designation of AL, Agricultural Lands. The AL designation allows for agricultural production and related activities. The project site is in use for raising and keeping horses. The requested exception to the County Code requirements for onsite collect and convey would not alter the relationship of the proposed project to the General Plan, and the minor subdivision would be consistent with the AL land use designation. The Minor Subdivision includes Condition of Approval #8 that requires the project to be consistent with Rural Residential Development policies #8-v of the General Plan Conservation Element at the time future development on a minor subdivision parcel is proposed. Thus, as conditioned, the proposed project is be consistent with the AL General Plan designation and General Plan Rural Residential Development policies.

Given that the proposed project maintains the current agricultural use on the site and does not propose any construction, there would not be any effect on Crow Canyon Road, which is the closest County designated arterial. Accordingly, the project is consistent with General Plan transportation policies for arterials.

The Minor Subdivision includes Condition of Approval #15 that requires compliance with the A-2 requirements for all existing structures, whereby the applicant is required to: (i) adjust the boundary between Parcel A and Parcel B of the Tentative Parcel Map as necessary to comply with the minimum setback and yards of the A-2 District; and/or (ii) modify or relocate the structures to comply with the minimum setback and yards; and/or (iii) partially or completely remove the structures. Thus, as conditioned, the proposed project is consistent with the requirements and regulations of A-2 General Agricultural District.

Conclusion. County staff has analyzed the proposed 18320 Bollinger Canyon Road Two-Lot Minor Subdivision and Rezoning Project in terms of consistency with the surrounding neighborhood, appropriateness of use, and conformance with the County General Plan and zoning regulations. Completion of the MND identified potentially significant adverse environmental impacts, and mitigation measures that have been agreed to by the applicant, such that the project will not result in any significant

environmental impact. Persons in the Bollinger Canyon community have submitted comments to staff that have been addressed in the CPC staff report and/or the Final MND.

Two individuals spoke at the December 11, 2019, CPC public hearing on the proposed project, including the project engineer and the brother of the property owner. The CPC unanimously approved Minor Subdivision MS16-0014 and recommended that the Board of Supervisors approved Rezoning RZ16-3234, based on the CPC Approved Findings and COAs.

CONSEQUENCE OF NEGATIVE ACTION:

If the recommended action is not approved, the subject property will remain in the A-4 Agricultural Preserve District and the Minor Subdivision will not occur.

CHILDREN'S IMPACT STATEMENT:

The Project involves the rezoning of the subject property from the A-4 Agricultural Preserve District to the A-2 General Agricultural District. The project does not involve any construction and there will be no effect on schools, recreational facilities, or childcare facilities.

ATTACHMENTS

Parcel Page

General Plan Map

Zoning Map

Aerial Photographs

Ordinance No. 2020-02

CPC Staff Report 121119

CPC Approved Findings and COAs 121119

Tentative Parcel Map

CEQA - Draft Mitigated Negative Declaration

CEQA - Final Mitigated Negative Declaration

CEQA - Mitigation Monitoring Program