



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: June 23, 2020

Subject: 2350 Norris Canyon Road Minor Subdivision Project

RECOMMENDATION(S):

1. OPEN the public hearing on the 2350 Norris Canyon Road Minor Subdivision Project, RECEIVE testimony, and CLOSE the public hearing.
2. FIND that the mitigated negative declaration prepared for the 2350 Norris Canyon Road Minor Subdivision 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 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. DIRECT the Department of Conservation and Development to file a Notice of Determination with the County Clerk.
6. SPECIFY that the Department of Conservation and Development, located at 30 Muir

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **06/23/2020** ☒ 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: June 23, 2020

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

By: June McHuen, Deputy

Contact: Daniel Barrios, (925)
674-7788

cc:

Road, Martinez, California, is the custodian of the documents and other materials that constitute the record of proceedings upon which this decision is based.

RECOMMENDATION(S): (CONT'D)

7. ADOPT Ordinance No. 2020-06, rezoning a 30.96-acre portion of the subject property from Agricultural Preserve District (A-4) to Exclusive Agricultural District (A-20) (County File #RZ19-3249).

8. ACKNOWLEDGE that the Planning Commission approved the vesting tentative map for the Project and the associated variance from the 40-acre minimum lot size requirement of the Agricultural Preserve District (A-4) to allow the remaining 38.38-acre portion of the subject property to remain in that zone (County File #MS18-0008), and no appeal of these approvals were filed.

9. APPROVE the 2350 Norris Canyon Road Minor Subdivision Project.

10. APPROVE the findings in support of the Project.

11. APPROVE the Project conditions of approval.

FISCAL IMPACT:

The applicant has paid the necessary application deposits and is obligated to pay supplemental fees to cover all additional costs associated with the application process.

BACKGROUND:

Summary

This hearing is to consider the 2350 Norris Canyon Road Minor Subdivision Project, including the rezoning of a 30.96-acre portion of the subject property from the Agricultural Preserve District (A-4) to the Exclusive Agricultural District (A-20). The subject property is 69.34 acres located at 2350 Norris Canyon Road in the San Ramon area. A vesting tentative map to subdivide the subject property into two new parcels, Parcel A (38.38-acres) and Parcel B (30.96-acres), was approved by the Planning Commission on February 12, 2020 (MS18-0008). The new parcels are separated by Norris Canyon Road. The subdivision was approved contingent upon approval of the rezoning of Parcel B to a A-20 zone from its current A-4 zoning. The Exclusive Agricultural (A-20) zone has a minimum lot size of 20 acres. Parcel B cannot be further subdivided without being rezoned to a zoning district with a higher density.

General Information

General Plan: The subject parcel (Parcel B) has a General Plan designation of Single-Family Residential Low Density (SL).

Zoning: The subject parcel (Parcel B) is located within the Agricultural Preserve District (A-4) and will be rezoned to the Exclusive Agricultural District (A-20).

Site/Area Description: The subject parcel (Parcel B) is part of an approximately 69.34-acre property located at the northeast corner of Norris Canyon Road and Ashbourne Drive in the unincorporated San Ramon area. A single-family residence is located on Parcel A and Parcel B is vacant. The land to the northeast, west, and south of the subject property are established open space and agricultural lands, and the area adjacent to the southeast of the subject property is the Norris Canyon Estates development. The property and its surrounding area slope moderately with many peaks throughout the rolling hills. Within the local area, Interstate 680 is located approximately 1.8 miles east of the property, the County line with Alameda County is located at the northeast corner of the property, and the City of San Ramon is approximately 0.65 miles northeast.

County Planning Commission Hearing

The County Planning Commission (CPC) initially heard the project on January 22, 2020. The CPC continued the hearing to allow staff to address the applicant's concerns regarding condition of approval (COA) #9 which requires the establishment of a 2-acre building envelope on Parcel B prior to recordation of the parcel map. This COA was required as a mitigation measure as described in the Mitigated Negative Declaration as Aesthetics-1 (AES-1).

On January 29, 2020, the applicant submitted a response to the CEQA Mitigation Measures and the conditions of approval, as well as a request to allow an exception to Chapter 96-10 of the County Ordinance related to undergrounding utilities. Public Works staff responded that it had no opposition to the granting of this exception and recommended approval of the exception. After discussing the matter with the applicant, staff provided additional General Plan Policies that supported the proposed COA #9.

At the February 12, 2020 CPC hearing, the applicant agreed to the proposed mitigation measures and conditions of approval without modification. The Commission then approved the minor subdivision, with a variance to the minimum lot size for Parcel A and an exception to the undergrounding of utilities requirements of Title 9, and adopted a recommendation that the Board approve the rezoning of Parcel B from A-4 to A-20.

Staff Analysis

Environmental Review:

In accordance with the provisions of CEQA, an Initial Study was prepared for the project. The Initial Study identified potentially significant impacts in the areas of aesthetics, cultural resources, geology & soils, tribal cultural resources, and wildfire, and it proposed mitigation measures to reduce the impacts to a less-than-significant level. The public review comment period for the Initial Study extended from September 26, 2019 until October 28, 2019. Two comments were received within the comment period from Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District

(EBMUD), which are summarized below:

1. Central Contra Costa Sanitary District (CCCSD) Comments: In a response received October 15, 2019, CCCSD staff indicated that the project site is within their service area and currently receiving services. Future sanitary service to Parcel B would need to be reviewed by CCCSD staff to ensure development meets all sanitary service development standards.

Staff Response: Staff has included an advisory note to work with CCCSD staff for future water service if development is proposed for Parcel B.

2. East Bay Municipal Utility District (EBMUD) Comments: In a response received October 18, 2019, EBMUD staff indicated that proposed Parcel A is outside of their service area, but Parcel B is within it. Future water service to Parcel B would need to be reviewed by EBMUD staff to ensure development meets all water service development standards. Additional notes on clarifications related to this matter were also included regarding sections of the CEQA Initial Study.

Staff Response: Staff has included an advisory note to work with EBMUD staff for future water service if development is proposed for Parcel B. Upon rezoning of Parcel B to the Exclusive Agricultural District (A-20) the parcel would remain consistent with the SL designation. The purpose of the A-20 zoning district is to provide and protect areas for agricultural uses by preventing the establishment of urban and any other incompatible land uses thereon, and the land uses allowed in A-20 are all agricultural in nature. Although no development is proposed at this time, A-20 allows the construction of one single-family residence, an accessory dwelling unit and other accessory structures by right. Conditions have been included to ensure that any future development of Parcel B is done in a manner that would not negatively impact the surrounding area. As the subject property is already surrounded by agricultural and residential properties and there is no development proposed as a part of this project, the proposed subdivision would maintain the established community setting.

General Plan Consistency-General Plan Consistency: Staff has determined that the rezoning of Parcel B from Agricultural Preserve District (A-4) to the Exclusive Agricultural District (A-20) is consistent with the following General Plan Goals and Policies:

1. Urban Limit Line (ULL): The subject property is located within the Urban Limit Line (ULL) and is consistent with the following policies of the Land Use Element:
Policy 3-9: Areas not suitable for urban development because of the lack of availability of public facilities shall remain in their present use until the needed infrastructure is or can be assured of being provided.

East Bay Municipal Utility District (EBMUD) has indicated that Parcel B may be served by EBMUD water service provided any future proposed development meets their water

service development standards. Any future development would be required to be reviewed and approved by CCEHD or EBMUD to ensure existing and/or proposed water facilities meet applicable standards. The project site is served by the Central Contra Costa Sanitary District (CCCSD). Although no development is included, the project would have the potential to enable construct of a residence on Parcel B. Any future development would be required to be reviewed and approved by CCCSD to ensure compliance with their wastewater standards.

Policy 3-28: New residential development shall be accommodated only in areas where it will avoid creating severe unmitigated adverse impacts upon the environment and upon the existing community.

Policy 3-29: New housing projects shall be located on stable and secure lands or shall be designed to mitigate adverse or potentially adverse conditions. Residential densities of conventional construction shall generally decrease as the natural slope increases.

The proposed project would not create unmitigated adverse impacts on the environment or the existing community. Additionally, the mitigation measures included Aesthetics-1, which requires the project sponsor to identify a building envelope on Parcel B, subject to the review and approval of CDD, that shall be limited to two acres in total area and shall be located in such a way as to minimize visual impacts as viewed from Norris Canyon Road. Additionally, Geology-1 through Geology-4 require numerous geologic and soil studies to ensure the safety of any future development prior to obtaining building permits for any structures. These mitigation measures are included in the attached conditions of approval.

2. Rural Residential Development “Ranchette Policy”: As the proposed subdivision is for a property located in the AL designation, the County’s Rural Residential Development policies apply. Parcel A, the portion of the site located in the AL designation, is already developed with a single-family residence and is under a Williamson Act contract, but Parcel B is located in the SL designation. As required by its Williamson Act contract, Parcel A would continue to be utilized for cattle grazing and dry farming, and would thus remain in compliance with the intent and purpose of the AL designation and the Ranchette Policy. Additionally, Parcel A would be 38.38 acres, which exceeds the 5-acre minimum for land designated AL. As Parcel A is already developed with a single-family residence, it has an established water supply from an on-site well and receives sanitary sewer service from Central Contra Costa Sanitary District.

3. Scenic Route: Figure 9-1 (Scenic Ridges & Waterways) of the General Plan Open Space Element identifies the specific resources of Contra Costa County as designated scenic ridges and waterways. The intent of these scenic resource designations is to preserve and protect areas of identified high scenic value, where practical, and in accordance with the Land Use Element. The subject property is located at the corner of Norris Canyon Road and Ashbourne Drive in the unincorporated San Ramon area. This property is located adjacent to the Norris Canyon scenic ridge, as outlined in the Contra

Costa County 2005-2020 General Plan. Figure 5-4 designates Norris Canyon Road as a scenic route. As such, this property is located within the vicinity of a designated scenic ridgeway to the south and the scenic route of Norris Canyon Road, as designated in the Contra Costa County 2005-2020 General Plan.

The proposed project does not include the construction of any new buildings or structures. However, the newly created potential for future development on proposed Parcel B could detract from scenic qualities of the surrounding area and pose a potentially significant impact if left unmitigated. As such, staff maintains that the applicant should be required to implement mitigation measures Aesthetics-1 and Aesthetics-2 to reduce the potential for negative impacts on a scenic route and scenic ridgeline, and these mitigation measures are included in the attached conditions of approval.

The creation of a new lot to be zoned A-20 would allow, by right, the development of a single-family residence, accessory dwelling unit and accessory buildings and structures auxiliary to it. Without this mitigation measure, these allowed structures could potentially be placed anywhere throughout the parcel, which would significantly impact the scenic qualities of the Norris Canyon designated scenic route and scenic ridgeline. The scenic quality behind this designation in the General Plan is derived from the natural resources of the surrounding hills and ridges. Allowing unmitigated development of Parcel B would be an unmitigated significant impact on the environment, and an environmental impact report would be required. Section IV.A.1. of the 2/12/2020 CPC staff report also includes a list of additional supporting General Plan Policies related to this project and scenic resource preservation.

Zoning Compliance:

The applicant is requesting approval of a rezoning of Parcel B from Agricultural Preserve District (A-4) to Exclusive Agricultural District (A-20). The A-20 zoning district requires a minimum lot size of 20 acres, a minimum average width of 250 feet, and a minimum depth of 300 feet. Parcel B meets these requirements, as it is proposed to be 30.96 acres in total area, have an approximately 917-foot average width, and an approximately 1,471-foot depth. Although no development is proposed at this time, upon subdividing and rezoning Parcel B to A-20, only one single-family residence and associated structures allowed by the A-20 zoning district could be developed on the new parcel.

The project will also be in compliance with Division 814 - Slope and Hillside Development. Section 814-2.204 states that the Board of Supervisors have found and declared the following:

(1) The terrain of certain areas of the County provides a unique and substantial character to the area and forms an integral part of the county's total environment, (2) due to their physical prominence in the county's landscape, development of hillside areas affects the visual and environmental character of the county, and (3) hillside development should preserve the natural terrain, environmental quality and aesthetic character of the county,

while providing creative, innovative and safe residential development with a variety of housing types.

Additionally, Section 814-2.206(b) states that, “The attractiveness of hillside and ridge line areas and the other objectives specified in this article are important factors of the general welfare of the citizens of the county, and reasonable control of residential slope density and hillside development is in the public interest.”

Section 814-2.1006 states the following regarding the ability of the planning agency to impose development limits on building areas:

To keep all graded areas and cuts and fills to a minimum, eliminate unsightly grading, preserve and maximize the natural appearance and beauty of the property, and to implement this chapter, the director of planning or the planning agency may impose requirements on the size of the areas to be graded or to be used for building, on the size, height, and angles of cut slopes and fill slopes, and the shape thereof. In appropriate cases, retaining walls may be required.

Accordingly, the County can limit the size of building envelopes. AES-1 currently states that the building envelope is limited to two acres in size (87,120 square feet). Consistent with the identified mitigation measures, the conditions of approval would restrict the development of a single-family residence, as well as buildings and normal accessory structures, to a building envelope of 87,120 square feet (two acres). Expanding beyond this envelope would present a significant negative impact to the General Plan’s designated scenic route and ridge line.

Conclusion

The proposed project, including a vesting tentative map to divide a 69.34-acre parcel into two agricultural parcels and a rezone of the proposed Parcel B from Agricultural Preserve District (A-4) to Exclusive Agricultural District (A-20), is consistent with the Agricultural Lands (AL) and Single-Family Residential Low Density (SL) General Plan Land Use designations and complies with the intent and purpose of the Agricultural Preserve District (A-4) and Exclusive Agricultural District (A-20). Therefore, staff recommends that the County Board of Supervisors approve the proposed Project.

CONSEQUENCE OF NEGATIVE ACTION:

In the event that the proposed project is not approved, the applicant will not obtain approval of the required Rezoning entitlement needed to allow the proposed two-lot subdivision project in the unincorporated San Ramon area.

ATTACHMENTS

Findings & COAs for MS18-0008

Ordinance No. 2020-06

Maps

Project Plans

CEQA Initial Study

CEQA Comments

CEQA MMP

Agency Comments

Powerpoint Presentation: Norris Canyon Minor Subdiv Project