



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: November 16, 2021

Subject: 1900 Las Trampas Rezoning and and Reconfiguration

RECOMMENDATION(S):

1. OPEN the public hearing on the 1900 Las Trampas Rezoning and Reconfiguration Project, RECEIVE testimony, and CLOSE the public hearing.
2. FIND that the initial study and negative declaration prepared for the 1900 Las Trampas Rezoning and Reconfiguration 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 negative declaration reflects the County's independent judgement and analysis.
3. ADOPT the negative declaration prepared for the 1900 Las Trampas Rezoning and Reconfiguration project.
4. ADOPT the CEQA findings for the Project.
5. ADOPT Ordinance No. 2021-36, rezoning a portion of the project site from a General Agricultural (A-2) zoning district to a Planned Unit (P-1) zoning district (County File #CDRZ15-03230).
6. ADOPT the final development plan for the entire project site (County File #CDDP20-03022).
7. APPROVE the findings in support of the project.
8. APPROVE the project conditions of approval.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **11/16/2021** ☒ 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: November 16, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Sean Tully, (925)
655-2878

cc:

9. APPROVE the 1900 Las Trampas Rezoning and Reconfiguration Project.
10. DIRECT the Department of Conservation

RECOMMENDATION(S): (CONT'D)

and Development to file a CEQA Notice of Determination with the County Clerk.

11. SPECIFY that the Department of Conservation and Development, located at 30 Muir Road, Martinez, California, is the custodian of the documents and of the material that constitutes the record of proceedings upon which the decision of the Board of Supervisors is based.

FISCAL IMPACT:

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

BACKGROUND:

This hearing is to consider an application to rezone portions of the project site, and also adopt a Final Development Plan which will regulate development at the site. The proposed Final Development Plan would modify an existing final development plan (County File #CDDP07-03062) that currently applies to a portion of the project site. On July 28, 2021, the County Planning Commission considered the project and passed a motion, unanimously, recommending that the County Board of Supervisors approve the project with modifications to the conditions of approval as proposed by staff.

Project Description: The applicant requests that the Board rezone portions of three parcels on the project site from a General Agricultural (A-2) zoning district to a site-specific Planned Unit (P-1) district in order to correct inconsistencies with the existing Single-Family Residential, Very Low Density (SV) General Plan land use designation of the property, and to also eliminate occurrences of parcels with split (dual) zoning. The proposed rezone would result in the entire project site being zoned as a planned unit (P-1) district. The project also includes a request for approval of a Final Development Plan based on a lot line adjustment between four contiguous parcels (County File #CDLL15-00027) within a P-1 district and establishes development guidelines for the entirety of the project site. The proposed Final Development Plan would modify an existing final development plan (County File #CDDP07-03062) that currently applies to the portion of the project site currently zoned in a planned unit (P-1) district. The proposed lot line adjustment will allow for improved access and development potential. There will be no net gain or loss in acreage of the overall project site, only a transfer of acreage between the four subject parcels that are under common ownership. No physical development is proposed as part of the project. Approval of the proposed final development plan will be conditioned on the Zoning Administrator's approval of the pending lot line adjustment for the project site. If the lot line adjustment is not approved, the proposed rezoning will remain in effect curing the current inconsistencies between the General Plan land use designations and zoning at the site. But the project site will not have an approved final development plan which will limit future development at the site.

The existing zoning and General Plan land use designation inconsistencies at the project

site are a result of multiple general plan amendment, subdivision, and rezoning entitlements being historically granted at different intervals for portions of the project site, and then the entitlements subsequently being abandoned by those prior project proponents. Cumulatively, these events resulted in portions of the property being rezoned, but not subdivided to create the resultant parcels that would coincide with the boundaries of the newly rezoned areas.

Environment and Site Description: The project site is located within a semi-rural area of Contra Costa County, southeast of the Rossmoor Community in Walnut Creek, and just north of East Bay Regional Park's Las Trampas Regional Wilderness. The majority of the surrounding properties consist of large agriculturally-zoned properties measuring between one and twenty-three acres in area. Many of these properties have been developed with single-family residences and associated accessory structures. Just north of the project site is a large thirty-three-acre open space parcel which preserves the westward views of Las Trampas Ridge from Alamo and the I-680 corridor.

The project site is a 21.62-acre area composed of four parcels under common ownership. The site is topographically unique with steep grade changes and small valleys that contribute to site elevations ranging from 450 feet at the site's southern boundary along Las Trampas Road, to as high as 690 feet in the northwestern portions of the site. The project site is moderately wooded with mature trees which are primarily located towards the southern areas of the site adjacent to Las Trampas Road. There are two existing single-family residences, each located on a separate parcel, one of which is currently under construction. There are two scenic easement areas along the western edge of the project site that are a result of a historical lot line adjustment (County Files #CDLL09-0019 and #CDDP10-03032) and a scenic easement established on Lot-1 of the adjacent Alamo Ridge subdivision (Tract 6419). These easement areas will also be rezoned from A-2 to P-1 for zoning consistency across the entirety of the project site, but there is no proposal to alter the boundaries or any terms of those easement areas.

California Environmental Quality Act (CEQA): An Initial Study/Negative Declaration document was prepared for the proposed project and staff found that the project would not result in significant environmental impacts. The document was posted for public review on February 25, 2021, with the comment review period ending on March 18, 2021. No public comments to the document were received.

General Plan (Land Use Element): The project site is located within Single-Family Residential, Very Low Density (SV) and Agricultural Lands (AL) General Plan land use designations. The proposed P-1 zoning for the site will be consistent with both the existing SV and AL designations. The allowed uses will be dictated predominantly by the provisions of the newly identified development guidelines of the Final Development Plan for the project site. As conditioned, the R-100 zoning district, which is consistent with the SV designation pursuant to Table 3-5 of the General Plan, will serve as the guide for development across the project site. With respect to those small areas in the western

region of the project site that are within the AL designation, those areas are either encumbered by scenic easements wherein development rights have been dedicated to the County or are within the required structure setback areas from adjacent property lines or Las Trampas Road. Therefore, establishment of new uses or improvements in these areas are likely to either be disallowed due to inconsistency with the terms of the scenic easement or require approval of a subsequent development plan modification by the County. Only reconfiguration of the existing parcels is proposed, and no additional parcels will be created as a result of the project. Therefore, there is no potential for a change in density at the site.

Zoning: If the project is approved, the entire property will be within a site-specific Planned Unit (P-1) district wherein development is guided by the conditions of one Final Development plan that correlates with the configuration of the parcels within the boundaries of the district. This will eliminate the existing circumstance wherein the development guidelines of the most recently approved development plan are not consistent with the quantity and configuration of the parcels within the associated P-1 district. Uses allowed within the district will be identical to those allowed in the R-100 district, which are consistent with the single-family residential and semi-rural uses allowed within SV-designated areas of the County.

Existing Zoning/General Plan Configuration: The project site's existing zoning designations and parcel configurations are a result of various subdivision, lot line adjustment, General Plan amendment, and rezoning entitlements being granted for portions of the project site since as far back as 1961. However, the project that has contributed most to the need for the applicant's current project proposal, consisted of General Plan amendment (#CDGP07-00004), rezoning (#CDRZ07-03062), major subdivision (CDS07-09210) and final development plan (#CDDP07-03062) requests that were approved by the County Board of Supervisors on February 3, 2009. This collective project allowed for a 15-acre portion of the site to be redesignated from an A-2 General Plan land use designation to an SV designation, rezoned a 10-acre portion of the site from an A-2 district to a site specific P-1 district, subdivided the redesignated 15-acre portion of the site into five lots with a remainder, and allowed an alternate access road design from that which was granted pursuant to a prior rezoning and subdivision entitlement (County Files #CDRZ04-03144, CDDP40-03025, #CDMS04-00008) over an adjacent portion of the project site.

The General Plan amendment and rezoning elements of the 2009 approval were automatically implemented shortly after the Board's approval, but the applicant at the time never pursued the subdivision element by filing the approved map. This project abandonment resulted in an additional 10-acres of the subject property being rezoned from A-2 to P-1 in a manner that was not aligned with existing property lines. Furthermore, abandonment of both project approvals described above created a circumstance where all but 5 acres of the 21-acre project site are within a P-1 zoning district with associated development guidelines and conditions of approval that do not

correlate with the quantity, boundary configuration, and overall location of the parcels that currently exist within the confines of the project site.

Existing Scenic Easement: There are two scenic easement areas located along the western edge of the project site. These encumbrances were originally created as part of larger scenic easement areas intended to restrict development on Lot-1 of the Alamo Ridge Development, located immediately west of the subject property. However, these easement areas became part of the project site as a result of lot line adjustment (County File #CDLL09-0019) and Development Plan (County File #CDDP10-03032) entitlements that allowed the transfer of approximately 0.49 acres of land to the project site. Development rights for these easement areas were historically deeded to the County, and there is no proposal to alter this arrangement as part of the project. Therefore, the County will retain its authority to restrict development in these areas as necessary for consistency with their terms when created as part of the Alamo Ridge development project.

Lot Line Adjustment: The applicant has a pending lot line adjustment application (County File #CDLL15-00027) with the County to allow the reconfiguration of the four parcels that comprise the project site. The applicant seeks to reconfigure the parcels in order to allow improved access and development potential for each of the parcels. As proposed, the resultant parcels would be approximately, 2.5, 5.09, 6.85, and 7.17 gross acres in area. This application has been placed on hold, pending the approval of this modification to the Final Development Plan. In the event that this project is approved, staff has recommended the inclusion of Condition of Approval #5, which would require that the applicant provide County staff with any remaining information necessary to allow the Zoning Administrator to render a final decision on that lot line adjustment and subsequent recordation.

CONSEQUENCE OF NEGATIVE ACTION:

In the event that the proposed project is not approved, the applicant will not obtain the required rezoning entitlement necessary to eliminate existing split zoning and conflicting General Plan designation-zoning district configurations associated with the property. In addition, the conflicting General Plan designation and zoning district designations would render portions of the property difficult to develop due to the inconsistency finding with the General Plan. In conclusion, the four subject parcels will not have a cohesive set of development guidelines to ensure the aesthetically and ecologically sensitive nature of the property and surrounding area is preserved.

CHILDREN'S IMPACT STATEMENT:

This application is a request for approval of rezoning and final development plan entitlements to correct zoning inconsistencies, guide future development, and reconfigure individual parcels for better functionality. There will be no increased demand for childcare and public school services beyond what currently exists. If the undeveloped parcels of the project site are eventually developed with new residences, those residential construction projects would be required to comply with Senate Bill (SB) 50, which fully mitigates the potential effect of new student population generated by those projects on

public school facilities.

ATTACHMENTS

Findings and COAs

Rezoning Exhibit

Rezoning Ordinance Map

Development Plan & LLA Exhibit

Initial Study

PowerPoint Presentation