



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: January 18, 2022

Subject: GP21-0004 General Plan Amendment Feasibility Study

RECOMMENDATION(S):

1. AUTHORIZE initiation of a General Plan Amendment (GPA) process to consider changing the General Plan land use designation from Agricultural Lands (AL) to Single-Family Residential Low-Density (SL) for a portion of a 23.9-acre parcel located at the intersection of Camino Pablo and Sanders Ranch Road in the Moraga area, Assessor's Parcel No. 258-290-029. (County File #GP21-0004)

2. ACKNOWLEDGE that granting this authorization does not imply any sort of endorsement for an application to amend the General Plan, but only that the matter is appropriate for consideration.

FISCAL IMPACT:

None. If the authorization is granted, the project applicant will pay application fees to cover the cost of processing the GPA.

BACKGROUND:

On November 17, 2021, the Department of Conservation and Development received documents from Wendell Rosen, LLP, describing a proposed 15-lot single-family

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **01/18/2022** ☒ 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: January 18, 2022

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

By: June McHuen, Deputy

Contact: (925) 655-2898

cc:

residential subdivision in the Moraga area (Attachment A). The subject site is designated AL on the General Plan Land Use Element Map and zoned General Agricultural District (A-2). The applicant requests redesignation of a portion of the subject site from AL to SL with an accompanying rezoning of the same portion from A-2 to Planned Unit District (P-1). Attachment B illustrates the existing and proposed General Plan designations; Attachment C illustrates the existing and proposed zoning.

The subject site consists of one parcel totaling approximately 23.9 acres. The parcel fronts Camino Pablo and Sanders Ranch Road for approximately 2,750 feet and narrows from over 500 feet wide at the southern end to a tip at the northern end. The topography is severe, rising from an elevation of approximately 550 feet at Camino Pablo to over 700 feet at the parcel's highest point. The parcel is vacant and used for cattle grazing. To the south, west, and north are single-family homes and a stretch of Moraga Creek. To the east is an estate lot and vacant land designated for agriculture. Attachment D is an aerial photo of the site and its surroundings.

The proposed project involves development of up to 15 single-family homes with several incorporated accessory dwelling units (ADUs) on 7.9 acres at the parcel's southern end. The lots would be arranged along a new cul-de-sac that would intersect Camino Pablo opposite

Tharp Drive

BACKGROUND: (CONT'D)

and ascend the hill to an elevation of approximately 605 feet. Building pad elevations would range from approximately 570-618 feet. The homes would be a mix of single- and two-story, anticipated in the 3,500-5,500 square foot range. The project also proposes frontage improvements and landscaping along Camino Pablo.

The project site is inside the Urban Limit Line (ULL) and within the Town of Moraga's sphere of influence. In August 2021 the Town Council denied a similar proposal for a 13-unit subdivision that included a General Plan amendment and request for annexation of the residential lots. Primary reasons given for the denial included:

- The parcel is within a Wildland-Urban Interface and High Fire Hazard Severity Zone as mapped by CalFire.
- The parcel is geologically unstable. Numerous landslides are present, some being in the area proposed for development. Significant remediation grading, approximately 144,000 cubic yards, would be necessary.
- The parcel is topographically prominent and within a scenic corridor. The project would be perched on the hillside, making it highly visible and altering the area's character.
- Density increases should occur in the community's center, not at its periphery.

The Town of Moraga's existing General Plan designations allow for development of up to 6 units on 6.26 acres at the southern end of the parcel and 1-3 additional units on the remaining 17.64 acres, which are designated Open Space. The County General Plan designation of AL allows a maximum density of 1 dwelling unit per 5 acres. As the parcel is 23.9 acres, up to 4 units theoretically could be developed under the existing County General Plan. Thus, the proposed GPA requests a nearly 4-fold increase in units across the entirety of the parcel, with the proposed cluster at the southern end being significantly more dense than the 0.2 unit/net acre density currently allowed.

To amend the General Plan the Board of Supervisors must make several findings, one being that the proposed amendment is "in the public interest." The Town of Moraga's planning review has identified significant issues, particularly related to public safety. The project may run afoul of several County General Plan policies related to public safety and hillside development. Staff also notes that the draft policy language for the updated County General Plan limits subdivisions in High Fire Hazard Severity Zones to four parcels. Currently it is unclear how the "public interest" finding could be made given that the project's discernible benefits, marginally increased tax base and provision of several ADUs, seem minimal relative to the identified policy concerns.

However, except in rare cases where a project as proposed clearly conflicts with County policy, and no apparent avenue for resolution exists, it has been the County's practice to initiate the GPA process and provide the applicant an opportunity to demonstrate the merits of their proposal. Staff therefore recommends Board authorization to proceed with the GPA process with the understanding that authorization to proceed does not imply the Board's ultimate endorsement of the application to amend the General Plan, but only that this matter is appropriate for further evaluation.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board decides not to authorize initiation of the GPA process, then an application to amend the General Plan cannot be filed and the subject site will retain its AL land use designation. The proposed residential project would not be able to proceed.

ATTACHMENTS

Attachment A - Submittal by Wendell Rosen, LLP

Attachment B - GP21-0004 Existing and Proposed General Plan Designations

Attachment C - GP21-0004 Existing and Proposed Zoning Designations

Attachment D - GP21-0004 Aerial Photo