

COMMISSIONERS

Kandi L. Lancaster
Christopher Lucas
Michael Miller
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Mark Sinclair

Civic Center
1950 Parkside Drive
Concord, CA 94519
www.cityofconcord.org



**Regular Meeting of the
Concord Parks,
Recreation, and Open
Space Commission**

Wednesday,
January 10, 2018

7:00 p.m.

Council Chamber
1950 Parkside Drive

Information for the public on participation at Commission meetings can be found on the back of the Speaker Identification Card located near the Council Chamber entrance. Should you have any questions after consulting the Speaker Identification Card, please contact staff prior to the Council meeting.

AGENDIZED ITEMS – The public is entitled to address the Commission on items appearing on the agenda before or during the Commission’s consideration of that item. Each speaker will be limited to approximately three minutes.

1. OPENING

Roll Call

Pledge to the Flag

2. PUBLIC COMMENT PERIOD

This is a fifteen minute Public Comment Period for items within the Commission’s subject matter jurisdiction that are not on this agenda. Each speaker will be limited to approximately three minutes. State law prohibits the Commission from acting at this meeting on any matter raised during the Public Comment Period.

3. CONSIDERATION ITEMS

The public is entitled to address the Committee on items appearing on the agenda before or during the Commission’s consideration of that item. Each speaker will be limited to approximately three minutes.

- a. **CONSIDERATION:** Parks, Recreation and Open Space Commission Reorganization

- b. **CONSIDERATION** - of a City-initiated General Plan Amendment from Parks and Recreation to Low Density Residential, and a Rezoning from PR (Parks and Recreation) to RS-6 (Single-family residential; minimum 6,000 square foot lot), for an approximately 0.93-acre property located at 2171 Sunshine Drive. Report by Frank Abejo, Principal Planner

- c. **CONSIDERATION:** Of a recommendation to the City Council to appoint William Kates and Luke Thomas, as Parks, Recreation and Open Space Youth Commission Members. Oral report by Commissioner Michael Miller

4. CORRESPONDENCE

5. ANNOUNCEMENTS

6. ADJOURNMENT

Next Meeting: Regular Meeting
Date: February 14, 2018 7:00 p.m.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS - The Council Chamber is equipped with a T-Coil Hearing Loop. This system allows "T" coil reception of the audio proceedings. Please switch your hearing aid or cochlear device to the "T", "T" Coil or telephone position. If you would like better audio reception, a loop receiver that picks up the audio loop is available from the City Clerk.

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3031, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.



Staff Report

Date: January 10, 2018

To: Parks, Recreation and Open Space Commission

From: Kathleen Salguero Trepá, Assistant City Manager

Prepared by: Frank Abejo, Principal Planner
frank.abejo@cityofconcord.org
(925) 671-3128

Subject: **2171 Sunshine Drive General Plan Amendment and Rezone**

Report in Brief

Staff requests the Parks, Recreation and Open Space Commission (PROS) forward a recommendation to the Planning Commission and City Council on a City-initiated amendment of the General Plan from Parks and Recreation to Low Density Residential, and a Rezoning from PR (Parks and Recreation) to RS-6 (Single-family residential) for an approximately 0.93-acre property located at 2171 Sunshine Drive.

Project Location and Vicinity



Recommended Action

Staff recommends that the Commission hear the report, consider the materials provided, and recommend to the Planning Commission and City Council to approve the proposed General Plan Amendment and Rezoning for 2171 Sunshine Drive.

Background

In the Fall of 2016, Vicky Wilson, property owner of 2171 Sunshine Drive ("Wilson Property), inquired with the Planning Division regarding the possibility of expanding her existing home or subdividing the property. According to the City of Concord 2030 General Plan Map, Zoning Map, and property profile in the City's permit tracking system, the property was designated as Parks and Recreation by the General Plan and zoned PR (Parks and Recreation). The General Plan designation is intended for "public park facilities" such as "neighborhood and community parks; public golf courses; and recreational facilities that provide visual open space and serve the outdoor recreational needs of the community." The PR zoning, which implements the General Plan, does not permit residential uses on the property. Consequently, the Planning Division informed Ms. Wilson that the existing home is a legal nonconforming use, and that neither a home expansion or property subdivision would be allowed. Ms. Wilson was further advised that the general plan and zoning for the property would need to be changed to allow for future residential development on the property.

Following additional research by staff on the Wilson Property, it was determined that the current general plan designation and zoning likely resulted from a mapping error. This determination was based on the following information:

- 1) Ordinance No. 425.279, adopted by City Council in 1966, which rezoned the Wilson Property from Unclassified to RS-6 (Attachment 1).
- 2) Permit history records issued to the Wilson Property, including a building permit for a storage shed addition in 1999. The shed would have been allowed only if the City recognized a legal and conforming residential use on the property.
- 3) A lot line adjustment approved by the City in 2007, and recorded with Contra Costa County, that resulted in the Wilson Property acquiring an additional 2,071 square feet of land from a neighboring residential property. In approving the lot line adjustment, the City would have had to verify that the property's residential use complied with the general plan and zoning in effect at the time.
- 4) The absence of records indicating that the City or any owner associated with the property initiated or filed a general plan amendment or rezoning to change the property's R-6 zoning approved by Ordinance No. 425.279.

- 5) When viewed on a map, the shape of the property appears to be a part of Meadow Homes Park, which likely resulted in the mapping error to include it as part of Meadow Homes Park and its general plan designation and zoning.

Due to the apparent mapping error, the Planning Division is initiating a General Plan Amendment and Rezoning to make the land use designation and zoning consistent with the current use of the property.

Project Description

The Wilson Property is landlocked with no direct frontage onto Sunshine Drive; site access is provided by easement through the Pine Creek Channel right-of-way. The property is developed with a single-family home, paved driveway, several mature trees and various landscaped vegetation. The existing home is physically situated between other single-family homes to the north, west and south. Pine Creek Channel, an improved canal, is located along the east side of the property and creates a defining border between the property and Meadow Homes Park located across the canal. The canal is fenced and does not provide any access between the subject property and Meadow Homes Park.

Table 1 Surround Land Uses

Direction	General Plan Designation	Zoning	Existing Land Use
North	Low Density Residential (LDR) Public/Quasi-Public (PQP)	Single Family Residential (RS7.5) Public/Quasi-Public (PQP)	Residential Meadow Homes Elementary School
South	Low Density Residential (LDR)	Single Family Residential (RS7.5)	Residential
East	Parks and Recreation (P)	Parks and Recreation (PR)	Meadow Homes Park
West	Low Density Residential (LDR)	Single Family Residential (RS7.5)	Residential

Analysis of Proposed General Plan Amendment and Rezoning

The proposed General Plan Amendment and Rezoning would make the property consistent with the current use of the property and the Low Density Residential designation and zoning of the surrounding neighborhood. No change of use or new development is associated with the proposed General Plan Amendment and Rezoning. As noted in this report, the subject site is physically separated from Meadow Homes

Park by the Pine Creek Channel and was not intended to be used as a public park. Access to the property via Sunshine Drive and Pine Creek would not be adequate for public use and a bridge would need to be constructed over Pine Creek Channel to access the subject property via Meadow Homes Park.

The findings required to approve a General Plan Amendment and Rezoning are listed below followed by staff's determination on how the proposal meets each finding.

General Plan Amendment Findings

1. *The amendment is internally consistent with all other provisions of the general plan or specific plan, as applicable.*

The project does not involve any changes to General Plan policies and will be internally consistent with the Land Use Element and related General Plan elements and policies, including the Trails Master Plan, which does not show the Wilson Property as a park property or designated for trail improvements. The subject property is not located in a specific plan area.

2. *In the case of a specific plan, the amendment is consistent with the general plan.*

The project does not involve a change to a specific plan.

3. *The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.*

The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the city in that that land uses that would be allowed on the property would be compatible with the surrounding residential neighborhood. Moreover, no development or changes are planned to the existing single family residential use of the property as part of the proposed amendment and rezoning. Any new development on the property would be subject to applicable General Plan policies to ensure compatibility with the surrounding neighborhood.

4. *The affected site is physically suitable, including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities, for proposed or anticipated uses and/or development.*

There are no constraints on the property that would make the existing single-family home unsuitable for the property or incompatible with adjoining residential uses. Any future development of the property would be evaluated against applicable regulations to ensure compatibility with adjoining residential uses, including the Subdivision Ordinance

and Development Code. Moreover, the site is not suitable for use as a public park as allowed under the current General Plan designation. Access to the property via Sunshine Drive and Pine Creek would not be adequate for public use and a bridge would need to be constructed over Pine Creek Channel to access the Wilson Property via Meadow Homes Park.

Zoning Map Amendment Findings

1. *The proposed amendment is consistent with the general plan.*

The proposed rezoning to RS-6 would make it consistent with the proposed General Plan Amendment to Low Density Residential.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city.*

The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the city in that the land uses that would be allowed on the property would be compatible with the surrounding residential neighborhood. Moreover, no development or changes are planned to the existing single family residential use of the property as part of the proposed amendment. Any new development on the property would be subject to applicable polices of the General Plan, RS-6 zoning, and Development Code to ensure compatibility with the surrounding neighborhood.

3. *Zoning map amendments shall also find that the affected site is physically suitable, including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities, for the requested zoning designation and proposed or anticipated uses and/or development.*

There are no constraints on the property that would make the existing single-family home unsuitable for the property or incompatible with adjoining residential uses. Any future development of the property would be evaluated against applicable regulations to ensure compatibility with adjoining residential uses, including the Subdivision Ordinance and Development Code. Moreover, the site is physically constrained for use as a public park as allowed under the current General Plan designation. Access to the property via Sunshine Drive would not be adequate for public access to a park, and access via Meadow Homes Park would require a bridge over the existing concrete channel between the subject property and Meadow Homes Park.

Summary

Staff recommends approval of the proposed General Plan Amendment and Rezoning to correct a mapping error that would make the City's land use policies consistent with the

existing use of the Wilson Property. City records show that the property was previously zoned for residential uses; there is no record indicating that the City planned for the Wilson Property to be used as a park. Moreover, the site is not suitable for a park due to site constraints.

The Parks, Recreation and Open Space Commission recommendation will be forwarded to the Planning Commission for its consideration on January 17, 2018, followed by the City Council at its meeting on February 13, 2018.

Environmental Determination

An initial study was prepared for the project in accordance with the California Environmental Quality Act (CEQA). The initial study finds that the proposed project could not have a significant effect on the environment, including impacts on public services that would have resulted from the use of the property as a public park. A negative declaration will be reviewed by the Planning Commission and considered for adoption by the City Council.

Public Contact

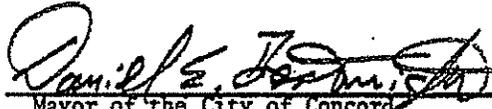
The Agenda was posted. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

Attachments

1. Ordinance No. 425.279 (Pierce Rezoning)
2. Pierce Rezoning Map

SECTION 11: The Planning Technician of the City of Concord is directed to provide the City with amendments to said Zoning Map, showing the changes set forth in Section 1. hereof.

SECTION 111: This Ordinance shall take effect and be in force from and after thirty (30) days following its passage and adoption and shall be published once in the DAILY TRANSCRIPT, a newspaper of general circulation printed and published in the City of Concord, within fifteen (15) days of its passage.


Mayor of the City of Concord

ATTEST:


City Clerk of the City of Concord

I HEREBY CERTIFY that the foregoing Ordinance No. 425.279 was duly and regularly read and introduced at a regular meeting of the City Council of the City of Concord held on the 22nd day of August, 1966, and duly and regularly passed and adopted by said City Council at a regular meeting thereof held on the 6th day of September, 1966, by the following vote, to wit:

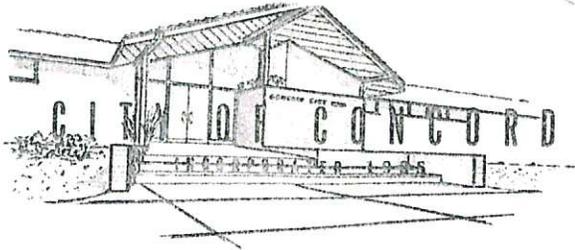
AYES: Councilmen - N. Kestner; G. Krueger; R. Sher; D. Boatwright

NOES: Councilmen - None

ANSENT: Councilmen - W. Boggess


City Clerk of the City of Concord

PUBLISHED: _____



CITY HALL
Willow Pass and Parkside
Concord, California
Phone MUlberry 2-6600

PLANNING COMMISSION

- V. A. Fink, Chairman
- John Gurnz
- Emil Gysin
- Douglas Hieb
- Robert Lindberg
- Edwin Taliyn
- Clifford Torbet
- o
- Richard Stockwell, Planning Director
- David Baker, Assistant Planning Director

Office of:

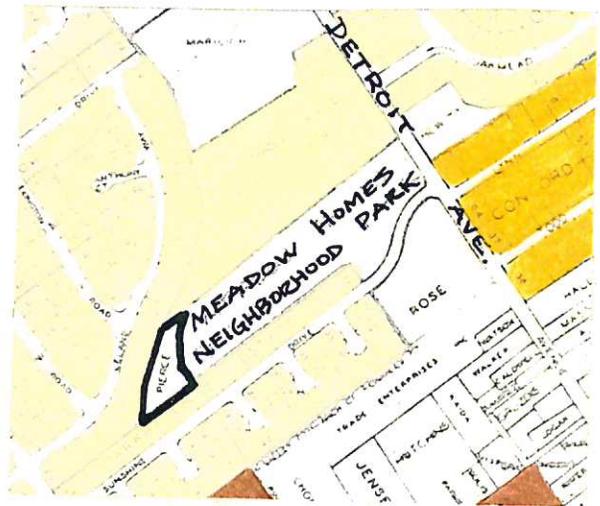
REZONING

ASSISTANT PLANNING DIRECTOR _____

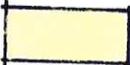
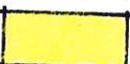
COMMISSION HEARING _____

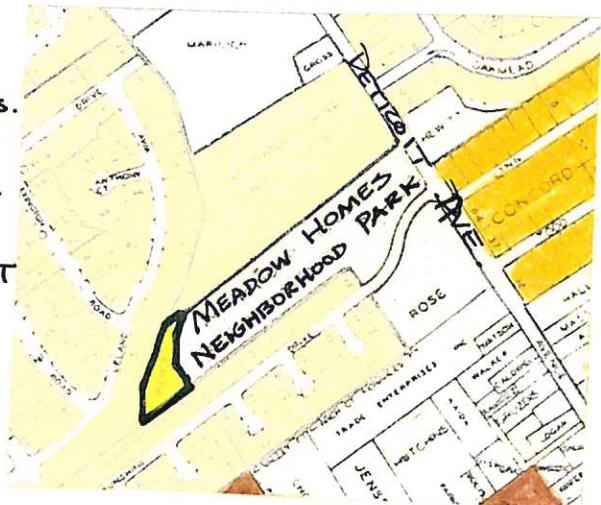
COUNCIL ADOPTION _____

ORDINANCE NUMBER _____



EXISTING ZONING

-  U - UNCLASSIFIED
-  R-1 - SING. FAM. RES.
-  R-6 - 6,000 SQ. FT., SING. FAM. RES.
-  R-8 - 8,000 SQ. FT., SING. FAM. RES.
-  HDA - HIGH DENSITY APARTMENT



PROPOSED ZONING

PIERCE REZONING