



Legislation Text

File #: 24-2059, **Version:** 1

To: Board of Supervisors

From: Warren Lai, Public Works Director/Chief Engineer

Report Title: APPROVE and AUTHORIZE Quitclaim Deed of Development Rights to property owners of 449 La Casa Via, Walnut Creek area.

Recommendation of the County Administrator Recommendation of Board Committee

RECOMMENDATIONS:

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a Quitclaim Deed of Development Rights to quitclaim to the owners of 449 La Casa Via, Assessor's Parcel Number 140-190-010, all of the County's interests under a grant deed of development rights recorded against the parcel on January 23, 1990, at Book 15613, Pages 990-993 (Instrument No. 90-14828), pursuant to Government Code Section 25526.5. Project No. WL72RP (CDMS18-00014).

DETERMINE that said grant deed of development rights is no longer necessary for County or other public purposes, and its estimated value does not exceed twenty-five thousand dollars (\$25,000).

AUTHORIZE the Public Works Director, or designee, to execute the Quitclaim Deed of Development Rights on behalf of the County.

DIRECT the Real Estate Division of the Public Works Department to cause said Quitclaim Deed of Development Rights and a certified copy of this Staff Report to be delivered to the owners for recording in the office of the County Clerk-Recorder.

FISCAL IMPACT:

There will be no fiscal impact. 100% Applicant Fees.

BACKGROUND:

In 1990, the property owners of Assessor's Parcel Number 140-190-010, commonly known as 449 La Casa Via, in the unincorporated Walnut Creek area (Property), granted Contra Costa County (County) a Grant Deed of Development Right (Book 15613 Official Records, Pages 990-993, Instrument No. 90-14828) in the form of a negative easement that runs with the land and binds the current owner and any future owners of the Property. A property owner desiring to make improvements to the Property is required to make a written submission describing the nature, extent, and location of the improvement to the County for consideration. County approval is required to make the improvement.

In compliance with MS18-0014 conditions of approval, the applicant is requesting approval of a vesting tentative map for a minor subdivision which will subdivide the 2.76-acre site into two parcels (Parcel A: 2.14 acres; Parcel B: 0.92 acre) while replacing the existing watercourse with an underground culvert. Condition No. 27 of MS18-0014 conditions of approval require the applicant to request that the County quitclaim its interest under the Grant Deed of Development Rights restriction for setback from a natural watercourse. The County's Public Works Department intends to approve the tentative map.

The quitclaiming of the County's interests under the Grant Deed of Development rights is a part of the development project that has been reviewed under the California Environmental Quality Act (CEQA). In accordance with CEQA an Initial Study was prepared to determine the potential environmental impacts of the proposed development project. The Initial Study identified potential impacts in the areas of Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geological Resources, and Tribal Cultural Resources. Upon completion of the Initial Study, it was determined that mitigation measures could be incorporated into the project description that would reduce these project impacts to a less than significant level. These mitigation measures have been incorporated into the project as recommended conditions of approval. The Initial Study, Notice of Public Review, and Notice of Intent to Adopt a Mitigated Negative Declaration were posted to the State Clearinghouse (State Clearinghouse #2021090198) and County website, and circulated for public and agency review on September 10, 2021. The final day for providing comments on the adequacy of the Initial Study was September 30, 2021. One public comment letter was received opposing the project, and one agency comment was received during the comment period. The public comment topics of concern were related to drainage and flooding concerns. The County found that the project development would be in compliance with Contra Costa County's criteria for storm drain systems as confirmed by the County Public Works Department. The project was approved by the Zoning Administrator on December 20, 2021, and the Notice of Determination was filed with the County Clerk and State Clearinghouse on January 12, 2022.

Public Works Department staff have determined that the value of the County's interest under the Grant Deed of Development Rights does not exceed \$25,000. Further, based on the new conditions of approval for MS18-0014, the County no longer requires any interest under the Grant Deed of Development Rights for any County or other public purpose.

CONSEQUENCE OF NEGATIVE ACTION:

The property owners will not have sufficient land rights to allow construction and subdivision in accordance with the approved plans, specifications, and conditions of approval.