

**RESOLUTION NO. 21-2009**

**RESOLUTION OF THE COUNTY PLANNING COMMISSION, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, REGARDING THE PROPOSED BAY POINT WATERFRONT GENERAL PLAN AMENDMENT (COUNTY FILE: GP#03-0009) AND DEVELOPMENT PLAN MODIFICATION TO THE BAY POINT PLANNED-UNIT ZONING DISTRICT MAP (COUNTY FILE: DP#00-3003), BAY POINT AREA**

WHEREAS the Bay Point waterfront comprises approximately 290 (+/-) acres of land which is partially within the Bay Point Redevelopment Project Area, and is located north of the Union Pacific Railroad tracks, at the terminus of McAvoy Road; and,

WHEREAS the Bay Point community has considered the waterfront to be an underutilized asset with unrealized potential to provide recreational amenities and to support the overall economic revitalization of Bay Point; and,

WHEREAS the Contra Costa County Redevelopment Agency at the urging of the Bay Point community completed the Bay Point Waterfront Strategic Plan in August 2003, which considered a new and improved future for 190 acres of the waterfront, including the marina area-McAvoy Harbor and former Harris Yacht Harbor and adjacent open space area ; and,

WHEREAS the Bay Point Waterfront Strategic Plan included an extensive analysis of site conditions, market feasibility, infrastructure needs, and alternative development scenarios for the waterfront, and following a series of public workshops, the strategic plan recommended a development concept that included development of full-scale and reconfigure marina with approximately 568 berths, open spaces, recreational playfields, and medium density housing adjoining the reconfigured marina area; and,

WHEREAS, on December 16, 2003 the Board of Supervisors authorized the Department of Conservation and Development to undertake a review or study to consider a General Plan Amendment in support of the implementation of the Bay Point Waterfront Strategic Plan; and,

WHEREAS, for the purposes of compliance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (SCH#2004092009) for the Bay Point Waterfront Strategic Plan, which included the proposed General Plan Amendment and other actions to support implementation of the Bay Point Waterfront Strategic Plan, was prepared; in which the Notice of Preparation was issued on September 2, 2004, the Draft Environmental Impact Report was issued on April 2, 2007 and the Final Environmental Impact Report, including Response to Comments, was issued on January 16, 2009; and,

WHEREAS, the County Planning Commission has conducted a duly noticed public hearing beginning on June 23, 2009, continued the hearing to August 11, 2009, closed the hearing on August 11, 2009 but continued its deliberations to August 25, 2009 for both the Bay Point Waterfront General Plan Amendment (County File: GP#03-0009) and Development Plan Modification to the Bay Point Planned-Unit District Zoning Map (County File: DP#00-3003), during which all who wished to testify or submit written comments had an opportunity to do so; and,

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WHEREAS, the County Planning Commission has fully reviewed, considered, and evaluated all the testimony and evidence submitted in the matter of the Bay Point Waterfront General Plan Amendment (County File: GP#03-0009) and Development Plan Modification to the Bay Point Planned-Unit District Zoning Map (County File: DP#00-3003).

NOW, THEREFORE BE IT RESOLVED, that the County Planning Commission:

- 1) HAS CONSIDERED THE ENVIRONMENTAL IMPACT REPORT (SCH#2004092009) prepared for this project as adequate for the purposes of compliance with the California Environmental Quality Act prior to forwarding a recommendation to the Board of Supervisors; and, RECOMMENDS to the Board of Supervisors the adoption of the Environmental Impact Report (SCH#2004092009) for this project for the purposes of compliance with the California Environmental Quality Act (CEQA); and,
- 2) RECOMMENDS to the Board of Supervisors adoption of the Bay Point Waterfront General Plan Amendment (County File: GP#03-0009), including:
  - (a) Land Use Element - Amend the Land Use Element, as presented and recommended to the County Planning Commission in the August 11, 2009, Supplemental Staff Report, including: the minor modification to the Urban Limit Line map in the Land Use Element as shown under the "Terrell Alternative", to change the Land Use Element map for the Bay Point waterfront area as shown under the "Terrell Alternative", which also incorporates a concept trail alignment for the California Delta Trail, and to amend the Land Use Element text under "Policies for the Bay Point Area", Policy #3-77, including the addition of a new policy supporting the planning and development of the California Delta Trail; and,
  - (b) Transportation/Circulation Element - Amend the Transportation/Circulation Element, as presented and recommended to the County Planning Commission in the June 9, 2009, Staff Report and Recommendation, including: the extension of Alves Lane and Pacifica Avenue as shown on the proposed changes to the Roadway Network Map, and updating the Bicycle Facilities Network Map to reflect new, proposed bicycle trail facilities to serve the waterfront as shown in the report.
- 3) RECOMMENDS to the Board of Supervisors approval of the Development Plan Modification to the Bay Point Planned-Unit Zoning District Map (County File: DP#00-3003): A modification to the General Plan-Land Use Map for the Bay Point Planned-Unit Zoning District Program to reflect map diagram changes consistent with the Land Use Element Map changes to the waterfront area under the proposed Bay Point Waterfront General Plan Amendment.

NOW THEREFORE BE IT FURTHER RESOLVED, that the County Planning Commission finds that pursuant to County Ordinance Code Chapter 82-1, 65/35 LAND PRESERVATION PLAN, specifically under the proposed Bay Point Waterfront General Plan Amendment (County File: GP#03-0009), the proposed change to the Urban Limit Line and proposed change in land use designations within the Bay Point waterfront area will not cause a violation of the 65/35 Land Preservation Standard (section 82-1.008, Changes to the 65/35 Land Preservation Plan), the

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proposed change to the Urban Limit Line, which is a shift in the boundary line location in the Bay Point waterfront to move marina-related and open space area inside the Urban Limit Line in a near equal exchange to move regional parkland area outside the Urban Limit Line, can be classified as a minor change that will more accurately reflect topographical characteristics or legal boundaries (section 82-1.018 (a)(4), Changes to the Urban Limit Line), and, the proposed change to the Urban Limit Line involves less than thirty (30) acres that may be approved by the Board of Supervisors by a four-fifths vote after holding a public hearing and making necessary findings (section 82-1.018 (b), Changes to the Urban Limit Line).

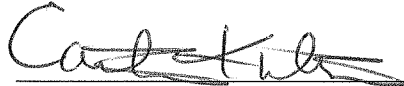
NOW THEREFORE BE IT FURTHER RESOLVED, that the County Planning Commission finds that pursuant to the Growth Management Element, Contra Costa County General Plan (2005-2020), the proposed Bay Point Waterfront General Plan Amendment (County File: GP#03-0009) would not cause a violation of any of the Growth Management Performance standards as described in the Growth Management Element.

The decision of the County Planning Commission was given on Tuesday, August 25, 2009 by the following vote:

- AYES: Commissioners - L. Battaglia, R. Clark, C. Gaddis, D. Snyder, M. Terrell, H. Wong, and M. Murray (Chair)
- NOES: Commissioners - None
- ABSENT: Commissioners - None
- ABSTAIN: Commissioners - None

Michael Murray, Chair of the County Planning Commission, County of Contra Costa, State of California.

I, Catherine Kutsuris, Secretary of the County Planning Commission hereby certify that the foregoing was duly called and approved on August 25, 2009.

ATTEST:   
 Catherine Kutsuris, Secretary of the  
 County Planning Commission,  
 County of Contra Costa, State of California