

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 05/05/2015 by the following vote:

AYE: ☐
NO: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2015/128

IN THE MATTER OF THE HERITAGE POINT MIXED USE DEVELOPMENT PROJECT, APPLICATION FOR A GENERAL PLAN AMENDMENT (COUNTY FILE NO. GP13-0004) TO CHANGE THE LAND USE DESIGNATIONS ON THE PROJECT SITE FROM COMMERCIAL (CO) AND SINGLE FAMILY HIGH DENSITY (SH) TO MIXED USE (MU), DISTRICT I

WHEREAS, COMMUNITY HOUSING AND DEVELOPMENT CORPORATION (Applicant) & CONTRA COSTA COUNTY (Owner) proposed development of a four-story, 42-unit, multi-family affordable housing development with small retail and office on the ground level on seven Assessor's Parcel Numbers as follows: 409-080-001, -013, -014, -015, -016, -020 & -021 (the "Subject Properties"), for which an application was received by the Department of Conservation and Development on May 14, 2014; and

WHEREAS, the Applicant has filed the following applications: General Plan Amendment (GP 13-0004), a request to change the General Plan land use designations for the project site from Commercial (CO) and Single Family High Density (SH) to Mixed Use (MU); Minor Subdivision (MS14-0007), a request for approval of a Vesting Tentative Map to combine seven existing lots into two lots; and Preliminary and Final Development Plan (DP14-3026), a request to construct a four-story, 42-unit, multi-family, affordable housing development with small retail and office on the ground level. Also proposed are frontage improvements which include modifications to the median strip in Fred Jackson Way to provide more room for emergency vehicles, possible off-site improvements along Fred Jackson Way, north to the Wildcat Creek, involving sidewalk reconstruction, installation of corner curb cuts and or bulb-outs, utility pole relocation and striping for bike lanes. Acquisition of an adjacent 1,060 sq. ft. property is also contemplated (the "Project"); and,

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, a report dated February 2015 (the "Initial Study") was prepared to determine whether an environmental impact report should be prepared for the Project; and

WHEREAS, the Initial Study identified potentially significant impacts related to aesthetics, air quality, cultural resources, geology, and noise. The Initial Study recommended mitigation measures which would reduce each identified impact to a less than significant level; and

WHEREAS, on February 12, 2015 the County published a Notice of Public Review and Intent to Adopt a Proposed Initial Study / Mitigated Negative Declaration (IS / MND), which Notice recited the foregoing facts, and started a 20- day comment period for public comments on adequacy of the environmental documents related to the Project that ended on March 4, 2015; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission on March 24, 2015, during which the Commission fully reviewed, considered evidence submitted in this matter approved the Development Plan (County File DP14-3026) and Minor Subdivision (MS14-0007) and recommended the Board approve the General Plan Amendment (GP13-0004); and

WHEREAS, after notice have been lawfully given, a public hearing was scheduled before the Board of Supervisors on Tuesday, April 21, 2015, whereat all persons interested therein might appear and be heard;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors ("Board") takes the following actions:

In accordance with the California Environmental Quality Act, the State CEQA Guidelines (14 Cal. Code Regs. §15000 et seq.), and the County's own CEQA Guidelines (together, "CEQA"), this Board FINDS that the proposed Initial Study / Mitigated Negative Declaration (IS/ MND) is adequate for the purposes of compliance with CEQA and ADOPTS the IS / MND and

Mitigation Measures for the Project. In support of these actions and conclusions, this Board ADOPTS the CEQA Findings. This Board adopts these findings specifically for the Approval and Entitlement it approves for the Project. The Board certifies that it has been presented with the IS / MND and that it has reviewed and considered the information contained in the IS / MND and the other information in the record prior to making the following recommendations, determinations and findings. The Board further certifies that the IS / MND reflects the lead agency's independent judgment and analysis, and that the IS / MND has been completed in compliance with the CEQA Regulations.

- i. Find that on the basis of the whole record before the County that there is no substantial evidence the project will have a significant effect on the environment and that the February 3, 2015 IS / MND prepared for the project reflects the County's independent judgment and analysis;
- ii. Adopt the February 3, 2015 IS / MND and Mitigation Measures prepared for the project;
- iii. Approve the General Plan Amendment that changes the General Plan Designations of the project site from Commercial (CO) and Single Family Residential High Density (SH) to Mixed Use (MU) as shown on General Plan Amendment Map (Exhibit 2);

BE IT FURTHER RESOLVED that the reasons in support of these actions are as follows:

1. General Plan Consistency

The Project, which includes the General Plan Amendment, would be consistent with the General Plan after approval of the proposed General Plan Amendment. The project site is located inside the Urban Limit Line and therefore has the potential for urban development. In addition, the project site is within an urbanized area, former redevelopment project area, and a proposed priority development area. Similar mixed-use, high density development has occurred just across the street. The General Plan Amendment approved for this Project would not cause the General Plan to become internally inconsistent. The General Plan Amendment and the remainder of the General Plan comprise an integrated, internally consistent and compatible statement of policies for the County. The various land uses authorized for the Project, and each of its components, are compatible with the objectives, policies, general land uses, and programs specified in the General Plan. The Project will further the objectives and policies of the General Plan and not obstruct their attainment.

- A. The Board has considered the effects of the Project on the housing needs of the region and balanced those needs against the public service needs of County residents and available fiscal and environmental resources. The Project helps to achieve a desirable balance. The Project provides energy conservation, to the extent feasible, for future passive or natural heating or cooling opportunities. The Project is in harmony with surrounding land uses to the west.
- B. The General Plan comprises many objectives, policies, principles, programs, standards, proposals and action plans (collectively "policies"), as well as performance standards. At times the policies necessarily compete with each other. Examples of the tensions between General Plan policies are found between those policies that promote managed growth, and those that provide for protection of resources that exist because land is undeveloped (such as open space, visual resources and agricultural land). As part of approving the Project, all applicable General Plan policies and the extent to which the Project conforms to each of those policies have been considered.
- C. The Board has fully evaluated the extent to which the Project achieves each policy, including those pertaining to compatibility of land uses, compliance with principles of the Urban Limit Line, Measure C-1990 and Measure J-2004, protection of open space, standards regarding geology, soils and earthquake risks, hazardous materials, flood hazards and drainage, protection of water quality, protection of biological resources, transportation standards and goals, regional and local housing needs, jobs/housing balance, noise, protection of air quality, protection of visual resources, standards for public services and utilities, and protection of archaeological and historical resources. The Board has also fully considered the Project's compliance with all performance standards in the General Plan, including the Growth Management Element policies and standards (including those for traffic levels of service), and performance standards for public services and facilities.
- D. The Board finds that through the development of housing at various economic levels, the Project will help implement housing-related goals of the General Plan.
- E. The Board acknowledges that the proposed residential designations are consistent with densities in neighboring development to the west.

2. Measure C-1988, 1990 and Measure J-2004 and Related Resolutions

The Board has considered the Project's compliance with the traffic service objectives of Measure C-1988 and Measure J - 2004, the Contra Costa Transportation Improvement and Growth Management Program and related Contra Costa Transportation Authority (CCTA) resolutions.

Measure C-1988 established a Growth Management Program, "to assure that future residential, business and commercial growth pays for the facilities required to meet the demands resulting from that growth." The Growth Management Program

requires the County to adopt Traffic Level of Service (LOS) Standards keyed to types of land use, and to comply with the adopted standards; to “adopt a development mitigation program to ensure that new growth is paying its share of the costs associated with that growth;” to participate in the forum established by the Authority to cooperate in easing cumulative traffic impacts, using the CCTA computer model; and to develop an implementation program that creates housing opportunities for all income levels. Measure J- 2004 amended Measure C to continue transportation sales tax to fund Contra Costa’s transportation projects. The project also complies with the County's 65/35 Land Preservation Plan established by Measure C-1990. The County has complied with all these requirements. Most important, the County is achieving Measure C-1988 and Measure J- 2004’s overarching goal that development pay its own way.

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: May 5, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: John Osborne / 674-7793

By: , Deputy

cc: