

**RESOLUTION NO. 6-2015**

**RESOLUTION OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING FINDINGS AND RECOMMENDATIONS FOR THE REQUESTED GENERAL PLAN AMENDMENT, VESTING TENTATIVE MAP, AND PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE "HERITAGE POINT" PROJECT IN THE UNINCORPORATED NORTH RICHMOND AREA OF SAID COUNTY.**

WHEREAS, COMMUNITY HOUSING AND DEVELOPMENT CORPORATION. (Applicant) & CONTRA COSTA COUNTY (Owner) proposed development of a 4-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) is 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) is 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) is a request to construct a 4-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 Mitigated Negative Declaration (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 ran to 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 and evaluated all the testimony and evidence submitted in this matter;

NOW, THEREFORE, BE IT RESOLVED that the County Planning Commission ("this Commission") takes the following actions:

1. 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 Commission FINDS that the proposed Mitigated Negative Declaration ("MND") is adequate for the purposes of compliance with CEQA and ADOPTS the MND and Mitigation Measures for the Project. In support of these actions and conclusions, this Commission ADOPTS the CEQA Findings. This Commission adopts these findings specifically for each of the Approvals and Entitlements it approves or recommends for approval for the Project.

This Commission certifies that it has been presented with the Initial Study and that it has reviewed and considered the information contained in the Initial Study and the other information in the record prior to making the following recommendations, determinations and findings. The Commission further certifies that the Initial Study reflects the lead agency's independent judgment and analysis, and that the Initial Study has been completed in compliance with the CEQA Regulations.

2. APPROVE Minor Subdivision (MS-0007) and Preliminary and Final Development Plan (DP14-3026) with minor street improvements.
3. ADOPT a motion recommending that the Board of Supervisors does the following:
  - 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 Mitigated Negative Declaration prepared for the project reflects the County's independent judgment and analysis;
  - ii. Adopt the February 3, 2015 Mitigated Negative Declaration 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 A);

BE IT FURTHER RESOLVED that the reasons for these recommendations are as follows:

## FINDINGS

### I. Growth Management Element Performance Standards

Traffic: The Contra Costa Transportation Authority (CCTA) Growth Management Plan, the West Contra Costa Transportation Advisory Committee (WCCTAC) Action Plan and the County of Contra Costa (County) General Plan establish measures of effectiveness and requirements for the analysis and disclosure of circulation impacts associated with new land developments. Potential circulation impacts may be expected, and traffic impact analyses are required for projects that generate more than 100 or more net new peak-hour trips. A project generating less than 100 peak-hour trips generally will not create or exacerbate a significant circulation impact. The proposed project would generate less than 100 peak-hour trips.

Water: The project would be served by East Bay Municipal Utility District. The District has submitted a letter, dated June 2, 2014 stating their requirements. The project is required to comply with EBMUD standards by condition of approval.

Sanitary Sewer: The project would be served by the West County Wastewater District. The District stated in a letter, dated June 6, 2014 the project would be served subject to the District's requirements. The project is required to comply with WCWD standards by condition of approval.

Fire Protection: The project would be served by the Contra Costa County Fire Protection District (CCFPD). The CCFPD submitted a letter dated September 11, 2014 regarding their regulations including creating a clear area in front of the building for fire department aerial apparatus. These requirements are a condition of project approval.

Parks and Recreation: The project would result in an increase in the demand for parks and recreation services. The project would introduce a population of 118 new residents (assuming 2.82 persons per household based on the 2010 U.S. Census). The County's park standard is 3 acres / 1000 residents. In this case the project would be required to pay an in lieu park fee upon issuance of building permits.

Flood Control and Drainage: The project would create impervious surfaces including roofs, parking lot and sidewalk. According to the Preliminary Storm Water Control

Plan submitted by the applicant's civil engineer, storm water would infiltrate through engineered planter soil. Should a storm occur that exceeds the infiltration rate of the soil, a layer of drain rock with a perforated subdrain would allow for drainage of excess water. Emergency overflow inlets are provided to ensure the treatment area does not flood into the adjacent building or spill onto the adjacent sidewalk. The project is required by condition of approval to comply with the County's C.3 requirements and the San Francisco Bay Regional Water Quality Control Board, which would make any impacts to drainage a less than significant impact.

### III. Findings for Approval of a Final Development Plan

- A. Required Finding: In approving a Final Development Plan the hearing body shall find that it is consistent with the intent and purpose of the P-1 District and compatible with other uses in the vicinity, both inside and outside the district.

*Development of the Heritage Point site was an objective under the former North Richmond Redevelopment Project. The parcels were originally acquired by the former Redevelopment Agency for the purpose of developing a mixed use retail and housing project along Fred Jackson Way to complement the North Richmond Senior Housing Complex located directly across the street. The North Richmond community has strongly supported development of the Heritage Point site. However, due to market conditions, and then the dissolution of the Redevelopment Agency, development of Heritage Point never occurred. Currently on the six parcels that make up the 0.81 acre project site are older housing stock, vacant lots and a small building. Now, the applicant's agreement with the County as Housing Successor and their development proposal offers new hope that a mixed use project on the Heritage Point site may be realized.*

### IV. Findings to Approve a Tentative Map

- A. Required Finding: The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general and specific plans required by law.

*Project Finding: As demonstrated in Section V of these Findings, the proposed project (which includes a tentative map) is consistent with the General Plan, as it is proposed for amendment. There are no specific plans applicable to the Subject Properties.*

*Based on the entire record and as summarized herein, the tentative map is consistent with the County General Plan, as it is proposed for amendment.*

- B. Required Finding: The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements.

*Project Finding: As required by the conditions of approval and the Mitigation Measures, the tentative map shall fulfill all applicable County imposed construction requirements. Based on the entire record and as summarized herein, the proposed subdivision fulfills construction requirements.*

V. 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. 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 is compatible with and conforms to 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 Commission 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, 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. The "public interest" that would be realized by this General Plan Amendment would be that it provides affordable housing to the County's housing stock.
- C. The Commission 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 archeological and historical resources. The Commission 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 Commission 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 Commission acknowledges that the proposed Mixed Use designations are consistent with densities in neighboring development, the Heritage Senior Apartments to the west.

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

The Commission 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.

- A. 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.
- B. 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.

WHEREAS, at the March 24, 2015 hearing the County Planning Commission made a modification and a deletion to the following Conditions of Approval (COA):

COA # 11; Delete the requirement to form a Police Services District.

COA # 33; Modified sidewalk width requirement along frontage of project site.

NOW BE IT RESOLVED that the secretary of this Commission will sign and attest the certified copy of this resolution and deliver the same to the Board of Supervisors, all in accordance with the Government Code of the State of California.

AYES: Commissioners Snyder, Terrell, Stewart, Steele, Clark, Swenson and Wright

NOES:

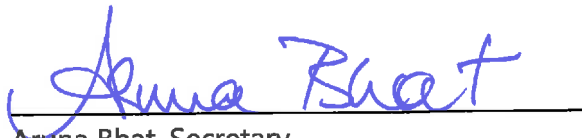
ABSENT:

ABSTENTIONS:

***Donald Snyder***

Chair of the County Planning Commission  
County of Contra Costa, State of California

ATTEST:



Aruna Bhat, Secretary  
County of Contra Costa  
State of California