

FINDINGS AND CONDITIONS OF APPROVAL FOR CONTRA COSTA COUNTY
HOUSING SUCCESSOR AGENCY (APPLICANT & OWNER):
COUNTY FILE #GP18-0007

I. FINDINGS

A. General Plan Amendment

1. Would adoption of the proposed General Plan Amendment be consistent with the provisions of the County's Urban Limit Line?

Adoption of the proposed General Plan Amendment ("GPA") would be consistent with the provisions of the Urban Limit Line ("ULL"). The subject site is located inside the ULL, and therefore may be developed with "urban" or "non-urban" uses, as defined in the 2005-2020 Contra Costa County General Plan. The proposed land use designation, Multiple-Family Residential Very High-Special ("MS"), is urban. No changes to the ULL boundary are proposed and the project does not involve extension of urban services beyond the ULL.

2. Would adoption of the proposed General Plan Amendment result in a violation of the County's 65/35 Land Preservation Standard?

Adoption of the proposed GPA will not result in a violation of the 65/35 Land Preservation Standard (the "65/35 Standard"), originally approved by County voters through adoption of Measure C-1990 and reaffirmed through adoption of Measure L-2006. Under the 65/35 Standard, no more than 35 percent of the land in the county may be developed with urban uses and at least 65 percent of the land must be preserved for non-urban uses such as agriculture, open space, parks, wetlands, etc. The existing land use designation for the subject site, Commercial ("CO"), is an urban land use designation. No non-urban land use designations are present on-site. As the proposed MS land use designation is also an urban designation, there will be no change in the percentage of land devoted to urban and non-urban uses.

3. Would adoption of the proposed General Plan Amendment be consistent with the provisions of Measure J-2004, the Contra Costa Growth Management Program, and related Contra Costa Transportation Authority resolutions?

The project complies with the objectives and requirements of Measure J-2004, the Contra Costa Growth Management Program, and related Contra Costa Transportation Authority ("CCTA") resolutions. Adoption of the proposed GPA

would change the subject site's maximum development potential from Commercial (0.1-1.0 Floor Area Ratio and 40% lot coverage) to 45-99.9 multiple-family residential units per net acre. The project would allow for future development of additional senior housing, similar to the use of the adjacent site. Implementing this use would result in traffic generation below the Measure J threshold for studying the proposed GPA's potential impacts on Routes of Regional Significance.

4. Would adoption of the proposed General Plan Amendment cause the General Plan to become internally inconsistent, in violation of Government Code Section 65300.5?

Adoption of the proposed GPA will not cause the General Plan to become internally inconsistent. The General Plan comprises an integrated, internally consistent, and compatible statement of policies governing development in the unincorporated areas. Although the proposed GPA involves a change in land use intensity at the subject site, the MS designation is consistent with the policies for the Rodeo Area, amongst others, and the site will remain consistent with the local land use context.

5. Would adoption of the proposed General Plan Amendment be in the public interest, as required under Government Code Section 65358(a)?

The General Plan contains policies related to providing an adequate supply of housing and encouraging infill development on under-utilized sites within urbanized areas where necessary utilities are already installed. It is in the public interest to adopt the proposed GPA because the project is consistent with these policies and will increase the supply of affordable housing units. According to the *Contra Costa Count 2017 General Plan Annual Progress Report* (submitted to Board of Supervisors on March 27, 2018), only 3 permits were issued in 2017 for units which would be affordable to very low- or low-income households (income at 51 to 80 percent of the area median income ["AMI"] for Contra Costa County). While the County is well on its way toward meeting its total RHNA share, 84.2 percent of new housing production has been in the above-moderate income category and less than 1 percent has been in the very-low and low-income categories. The proposed project will allow for the construction of additional very low income housing units (30% to 50% of area median income), similar to what was approved on the adjacent senior housing site.

6. Would adoption of the proposed General Plan Amendment result in an exceedance of the annual limit on amendments specified under Government Code Section 65358(b)?

The mandatory elements of the General Plan may be amended up to four times each calendar year. The proposed GPA would be the second for 2019.

B. Growth Management Findings

1. Traffic: Policy 4-c of the Growth Management Element of the General Plan requires a traffic impact analysis of any project that is estimated to generate 100 or more additional AM or PM peak-hour trips. The proposed project would allow for a residential density of 45-99.9 units per net acre. Per the Institute of Transportation Engineers Trip Generation Manual, a project of this scale would not generate more than 100 peak-hour trips, and therefore, would not be required to have a project-specific traffic impact analysis. Therefore, there would be a less than significant impact on traffic in the local area.
2. Water: The project site is in the East Bay Municipal Utility District ("EBMUD") water service area. Future development proposals shall be submitted to and reviewed by EBMUD, and, by meeting the development standards of EBMUD, the project is expected to be accommodated without expansion of the existing system. Accordingly, the impact of providing water service to the proposed project would be less than significant.
3. Sanitary Sewer: The project site is served by the Rodeo Sanitary District ("RSD"). RSD will review future development proposals to provide comment and verify wastewater services are available. By meeting the development standards of RSD, future development is expected to be accommodated without expansion of the wastewater treatment system. Thus, no significant impacts related to the wastewater treatment requirements of the Regional Water Quality Control Board for the San Francisco Bay Region are expected.
4. Fire Protection: Fire protection and emergency medical response services for the project site and area are provided by the Rodeo-Hercules Fire Protection District ("RHFPD"). The closest fire station to the subject property is Station #75 located approximately less than one mile north of the subject site at 326 Third Street in Rodeo. Any proposed building plans would be reviewed and approved by the RHFPD to verify compliance with requirements for fire lane delineation, water supply, fire hydrants, amongst other items. As a result, there

is no significant increase in demand for fire services expected as a result of the project.

5. Public Protection: Police protection services in the project vicinity are provided by the Contra Costa County Sheriff's Office (Bayo Vista Housing Substation) located approximately 1 mile northeast of the project site on Mariposa Avenue. Public protection standards under Policy 4-c of the Growth Management Element ("GME") of the County General Plan state a Sheriff facility standard of *"155 square feet of station area and support facilities per 1,000 in population shall be maintained within the unincorporated area of the County."* The proposed project would not induce a significant population increase within the County that would equal or exceed 1,000 persons. The project would potentially allow up to 90 multi-family units to be constructed, which may increase the area population by an estimated 257 residents, based on the U.S. Census Bureau rate of 2.86 persons per household (2013-2017)¹ in Contra Costa County. The collected tax money will be used to augment existing police services to accommodate for the incremental increase in population as a result of the subdivision.
6. Parks and Recreation: As the project will add to the County's population, future development will be required by the conditions of approval to pay applicable Park fees per unit. The Park Impact fee collected will be used for acquisition of parkland and development of parks and recreational facilities. The Park Dedication requirement allows the developer of land for residential use to dedicate land, pay an in-lieu fee, or a combination of both for neighborhood and community park or recreational purposes.
7. Flood Control and Drainage: The General Plan Growth Management Element requires major new development to finance the full costs of drainage improvements necessary to accommodate peak flows due to the project.

The property is generally level and slopes slightly toward Willow Avenue. Future site improvements should not substantially alter the drainage pattern of the site or area or result in substantial erosion or siltation. Future development plans will be submitted with a preliminary Storm Water Control Plan that provides the required storm drain systems and bioretention facilities for review and approval by the County Public Works Department ("PWD").

¹ <https://www.census.gov/quickfacts/contracostacountycalifornia>

Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse. A preliminary SWCP will be reviewed by the PWD for adequacy. Review of a final SWCP is required prior to construction of improvements. Conformance of future development with this requirement would ensure that there would not be any significant risk due to an increase in project-related volume of runoff that would result in onsite or off-site flooding.

C. Housing Element (SB 166) Finding

1. Required Finding: Pursuant to Government Code Section 65863(a), each city, county, or city and county shall ensure that its housing element inventory described in paragraph (3) of subdivision (a) of Section 65583 or its housing element program to make sites available pursuant to paragraph (1) of subdivision (c) of Section 65583 can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated pursuant to Section 65584, except as provided in paragraph (2) of subdivision (c). At no time, except as provided in paragraph (2) of subdivision (c), shall a city, county, or city and county by administrative, quasi-judicial, legislative, or other action permit or cause its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households.
2. Project Finding: A component of preparing the County's Housing Element for the General Plan is the identification of vacant and underutilized sites suitable for residential development and an evaluation of the adequacy of these sites in fulfilling the County's share of the regional housing needs as determined by the Association of Bay Area Governments. This property is identified in the County's Housing Element site inventory with a unit potential of 15 very low income units.

The County's Housing Element site inventory currently has a surplus of approximately 266 lower income units. The proposed project will not exacerbate the County's unmet share of the regional housing need for this cycle of the Housing Element.

II. **CONDITIONS OF APPROVAL FOR COUNTY FILE #GP18-0007**

Cultural Resources

1. If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology ("SCA") and/or the Register of Professional Archeologists ("RPA"), and Wilton Rancheria, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary. **(MM CUL-1)**
2. If human remains are encountered, work within 50 feet of the discovery should be redirected and the County Coroner notified immediately. At the same time, an archaeologist should be contacted to assess the situation. If the human remains are of a Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant ("MLD") to inspect the property and provide recommendations for the proper treatment of the remains and associated grave goods.

Upon completion of the assessment, the archaeologist should prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report should be submitted to the Northwest Information Center and appropriate Contra Costa agencies. **(MM CUL-2)**

Geology/Soils

3. With respect to paleontological resources, there is a possibility that buried archaeological resources could be present and accidental discovery could occur. Standard Contra Costa County Department of Conservation and Development practice is to require that work shall stop if such materials are uncovered during grading, trenching, or other onsite earthwork until a certified archaeologist has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation as deemed necessary. Nevertheless, the included mitigation measures **(CUL-1 and CUL-2)** will address any unexpected discovery or find which may occur during the construction phase of the project.

Noise

4. To reduce potential construction noise impacts, the following multi-part mitigation measure shall be implemented for the project, and shall be stated on the face of all construction plans **(MM Noise-1)**:
- The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties. This shall be communicated to all project-related contractors.
 - The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
 - Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.
 - All construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday (certain low-impact, innocuous construction activities (e.g. interior work, painting, etc.) may be allowed during Saturdays after written approval by the Zoning Administrator), and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:
 - New Year's Day (State and Federal)
 - Birthday of Martin Luther King, Jr. (State and Federal)
 - Washington's Birthday (Federal)
 - Lincoln's Birthday (State)
 - President's Day (State and Federal)
 - Cesar Chavez Day (State)
 - Memorial Day (State and Federal)
 - Independence Day (State and Federal)
 - Labor Day (State and Federal)
 - Columbus Day (State and Federal)
 - Veterans Day (State and Federal)
 - Thanksgiving Day (State and Federal)
 - Day after Thanksgiving (State)

- Christmas Day (State and Federal)

For specific details on the actual day the state and federal holidays occur, please visit the following websites:

Federal: http://www.opm.gov/Operating_Status_Schedules/fedhol/2019.asp

California: <http://www.ftb.ca.gov/aboutFTB/holidays.shtml>

Tribal Cultural Resources

5. The proposed project was distributed to Wilton Rancheria of the Department of Environmental Resources. There is a possibility that buried archaeological resources, paleontological resources, or human remains could be present and accidental discovery could occur during future site development activities (e.g. grading and other earthwork), resulting in a potentially significant adverse environmental impact on tribal cultural resources. As a result, the applicant is required to implement mitigation measures **CUL-1** and **CUL-2**. Implementation of these mitigation measures would reduce impacts from accidental discovery to less than significant levels.