

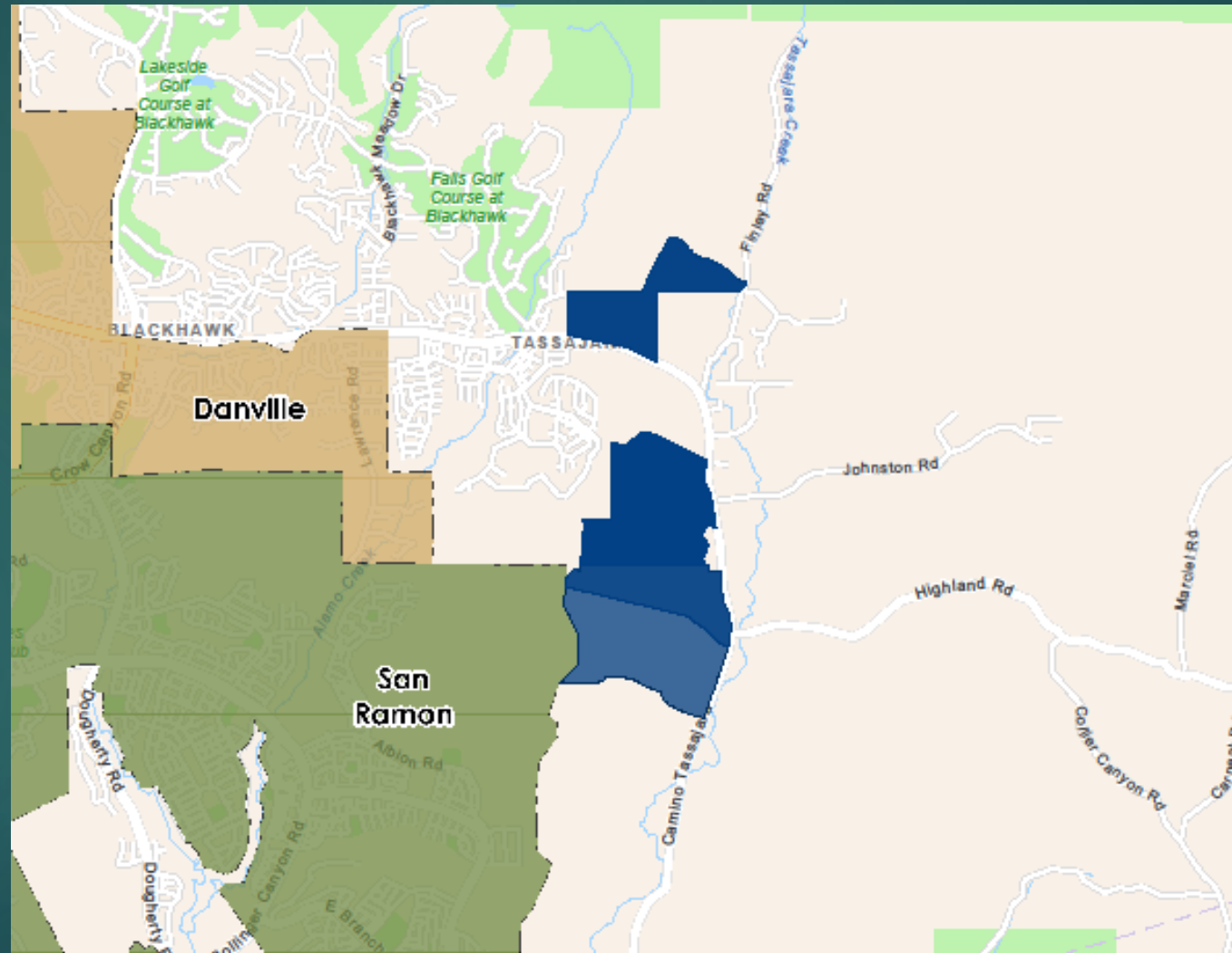
Tassajara Parks Residential Project

County Files: #CDGP07-0009, #CDRZ09-3212,
#CDSD10-9280, #CDDP10-3008

COUNTY BOARD OF SUPERVISORS

JULY 13, 2021

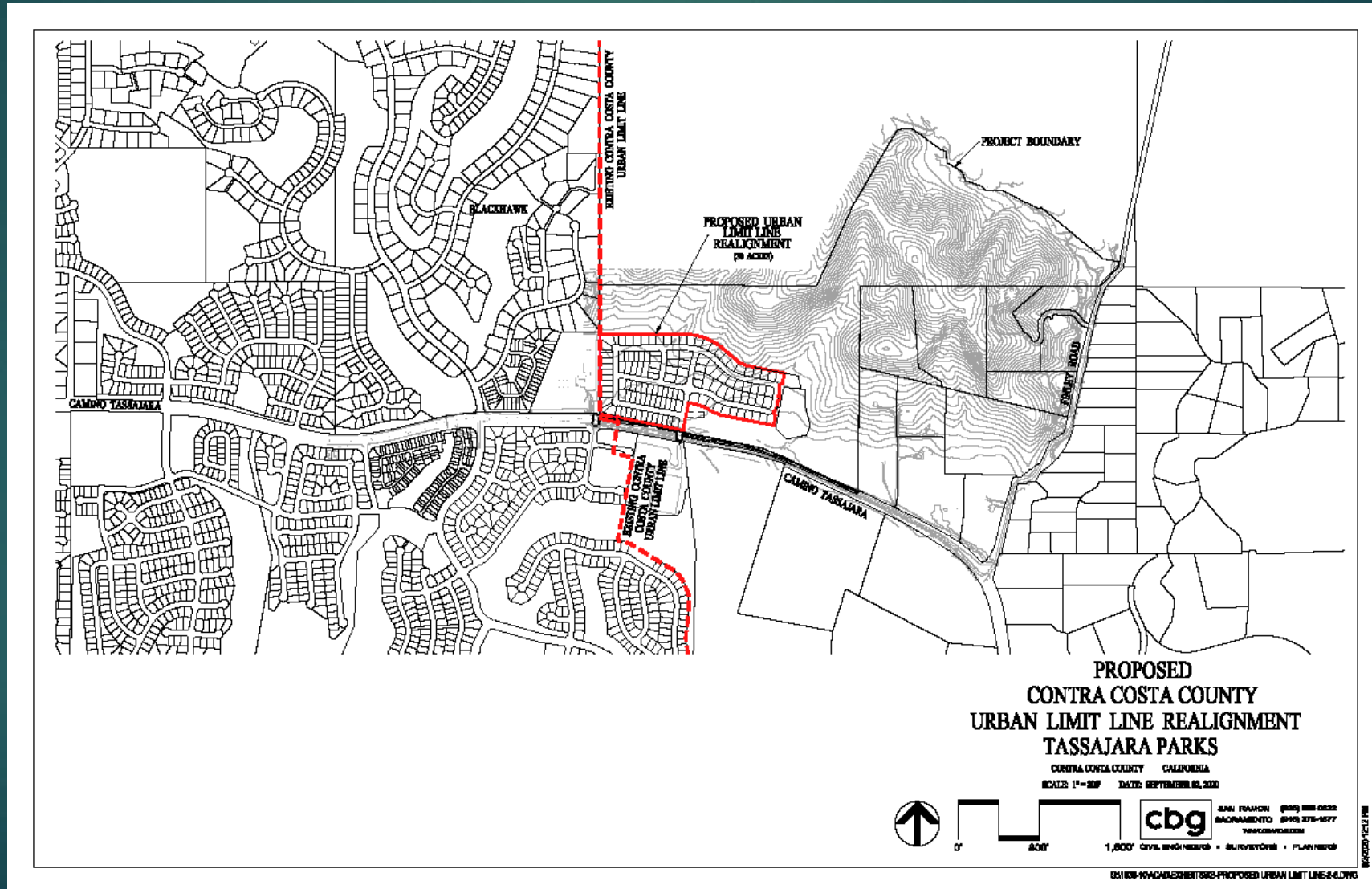
Project Vicinity and Sites



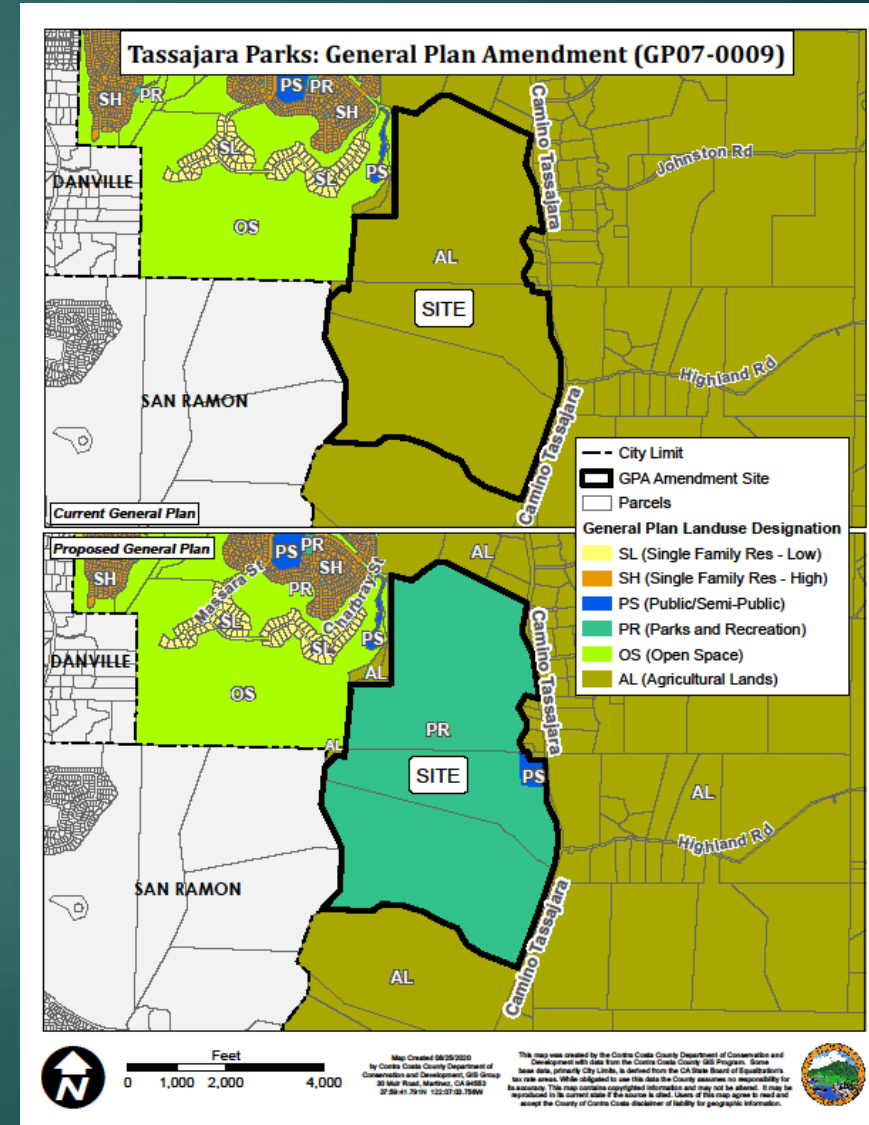
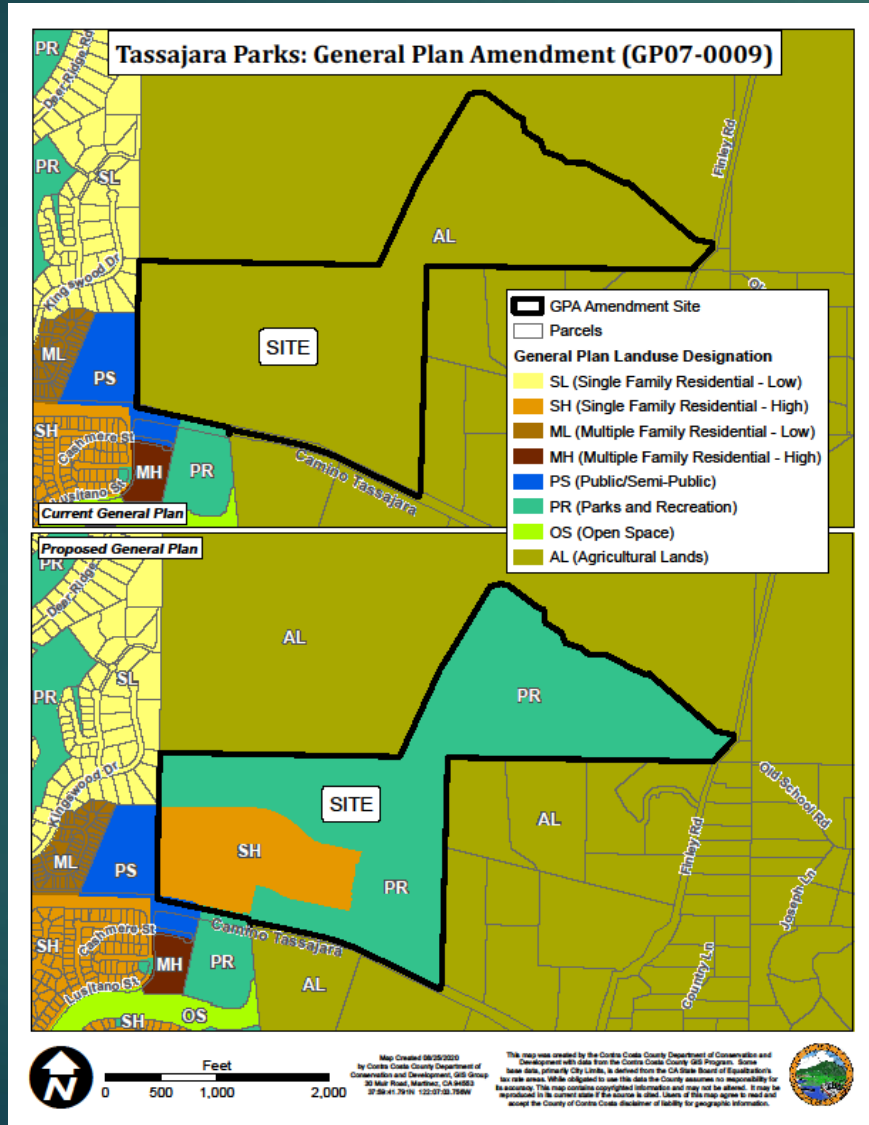
Primary Project Elements

- ▶ General Plan Amendment (Urban Limit Line Change): Change to the Urban Limit Line to include the 30-acre Residential Area of the Northern Site. This area will incorporate the proposed 125 residential lots and related urban improvements.
- ▶ General Plan Amendment (Land Use Change): Amendment to the Land Use Map of the Land Use Element by way of changing the existing Agricultural Lands (AL) designations of the Project Site to Single-Family Residential, High Density (SH), Parks and Recreation (PR), and Public/Semi-Public (PS) designations.
- ▶ Rezoning: Rezoning of the existing Exclusive Agricultural (A-80) zoning districts within the Project Site to a new project-specific Planned Unit (P-1) district.
- ▶ Vesting Tentative Map: Vesting Tentative Map to subdivide the Project Site into 125 single-family residential lots, open space parcels, a community park parcel, a detention basin parcel, a pedestrian staging area parcel, a sanitary sewer pump station parcel, and a San Ramon Valley Fire Protection District parcel.
- ▶ Development Plan: Preliminary and Final Development Plan to allow the construction of the Tassajara Parks Project with associated roadway, infrastructure, utility, and school parking lot improvements.
- ▶ Tree Permit: Tree permit to allow the removal of up to 19 trees.
- ▶ Development Agreement: Development Agreement between Contra Costa County and FT Land LLC.
- ▶ Geologic Hazard Abatement District (GHAD): Annexation of approximately 125 acres of the Northern Site into the Dougherty Valley GHAD to address geologic hazards.
- ▶ Land Transfer to East Bay Regional Park District (EBRPD): Convey 118 acres of Northern Site and 609 acres of Southern Site to the (EBRPD) via fee simple transfer.
- ▶ San Ramon Valley Fire Protection District (SRVFPD) Parcel: Offer of dedication of a 7-acre portion of the Southern Site to the San Ramon Valley Fire Protection District for future public use.
- ▶ Preservation and Agricultural Enhancement Agreement: In addition, the County, the City of San Ramon, and EBRPD are each considering a Preservation and Agricultural Enhancement Agreement for preservation of land in the Tassajara Valley area of the County for agriculture, open space, wetlands, parks, recreation, and other non-urban land uses pursuant to the terms set forth therein.

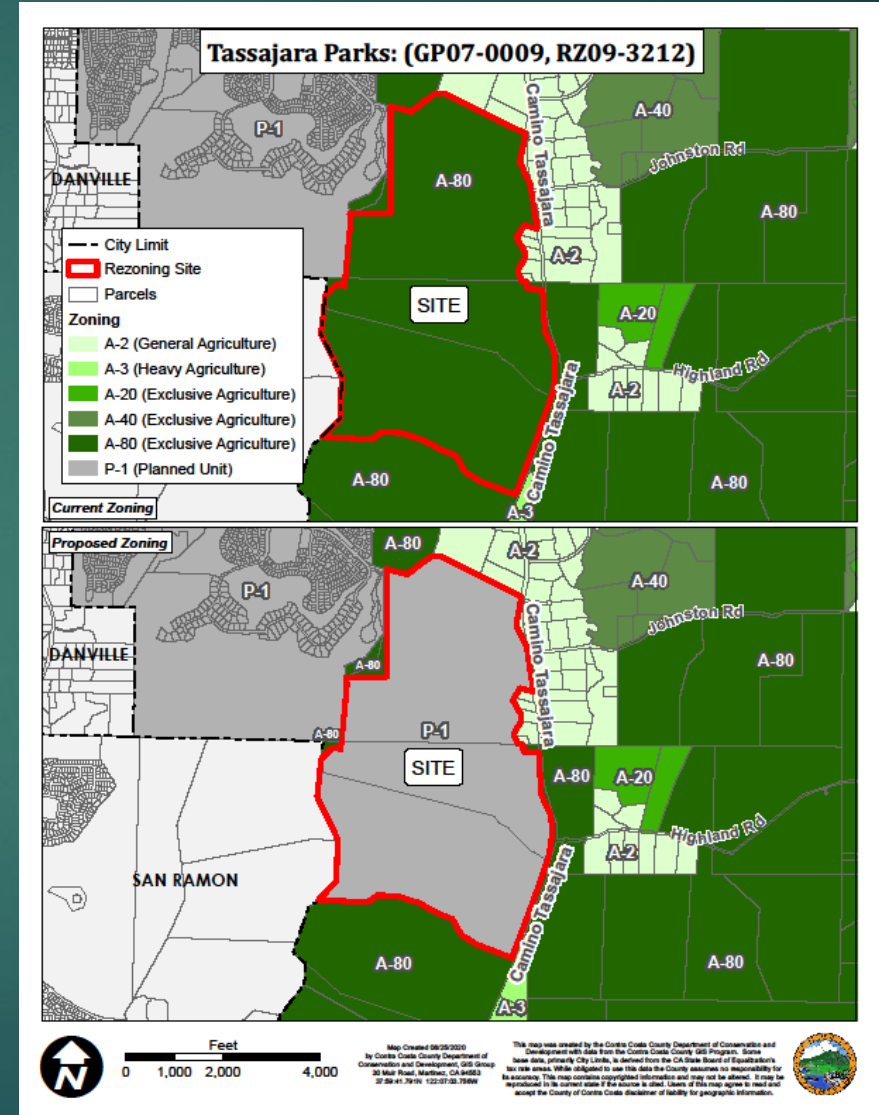
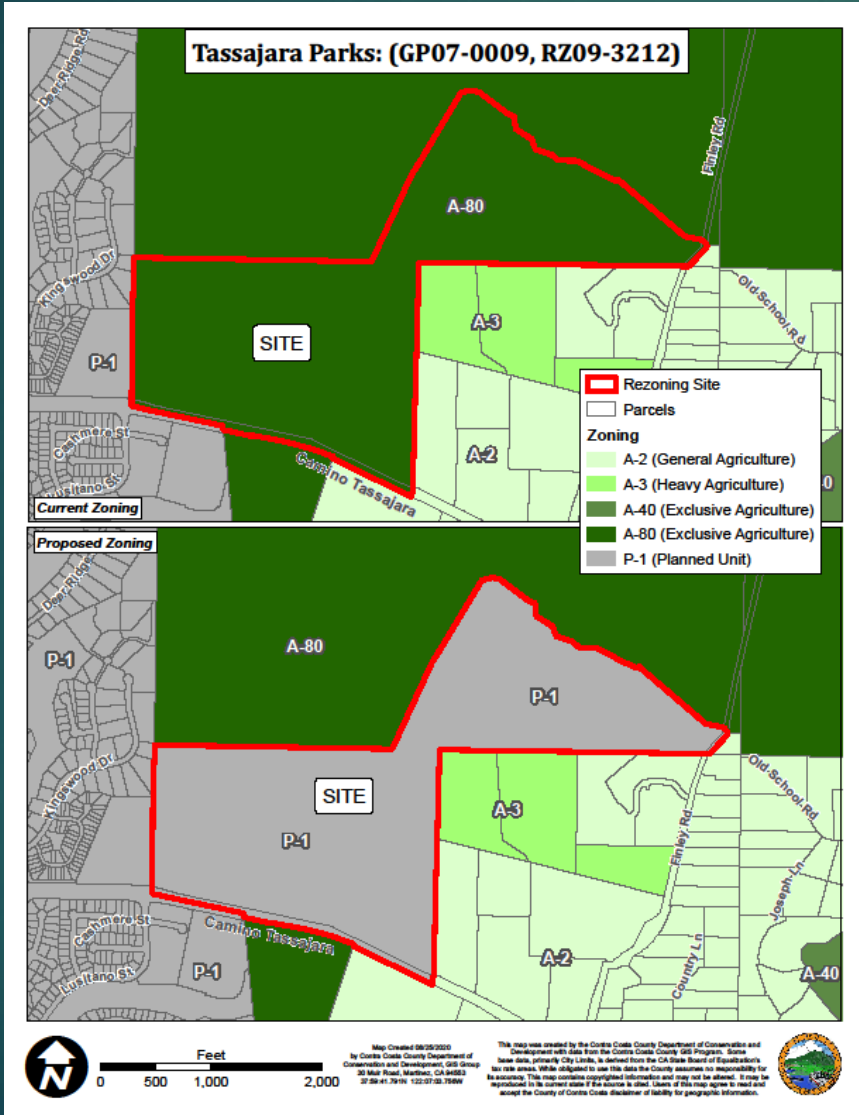
Proposed ULL Realignment



Proposed General Plan Change

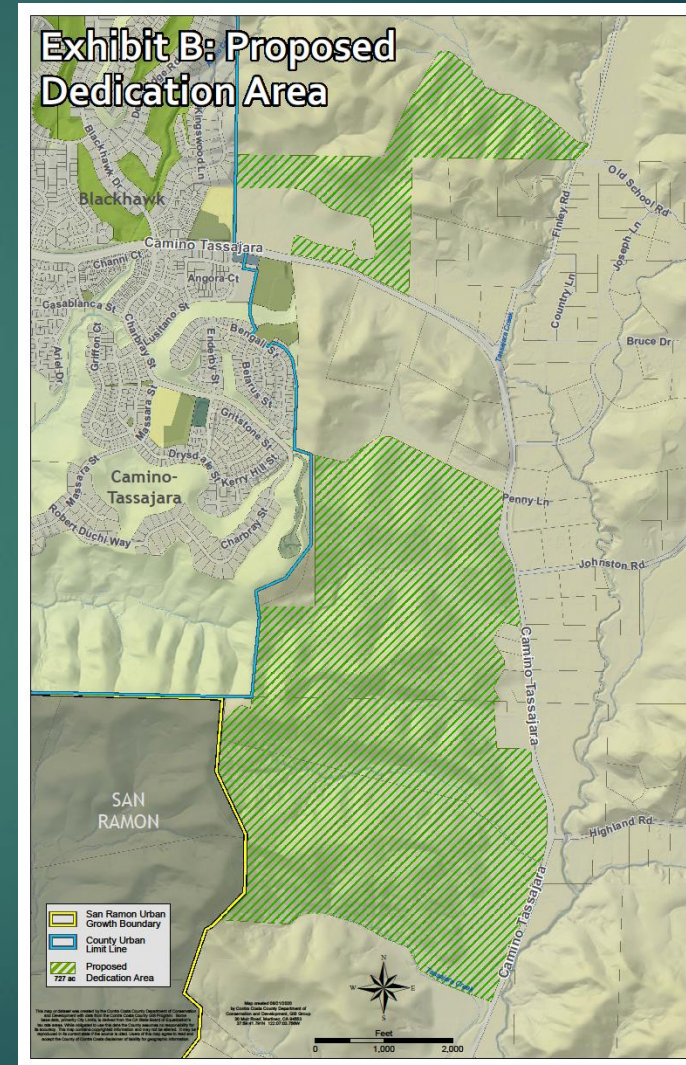


Proposed Zoning Change

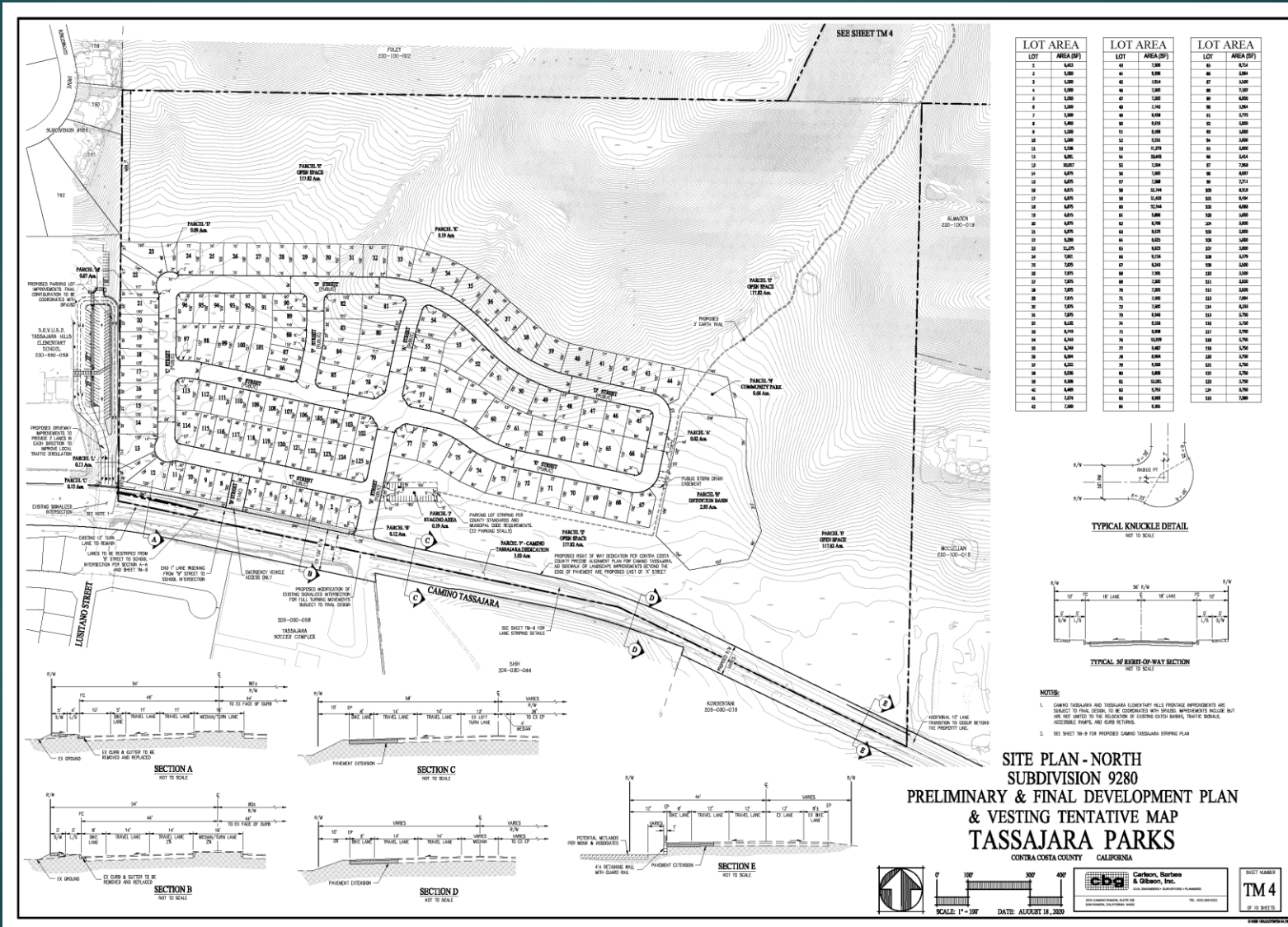


Dedication Areas

- ▶ Lands would be dedicated in fee simple to the East Bay Regional Park District
- ▶ Northern Site= Approx. 118 Acres
- ▶ Southern Site= Approx. 609 Acres



Residential Development Area



Development Agreement

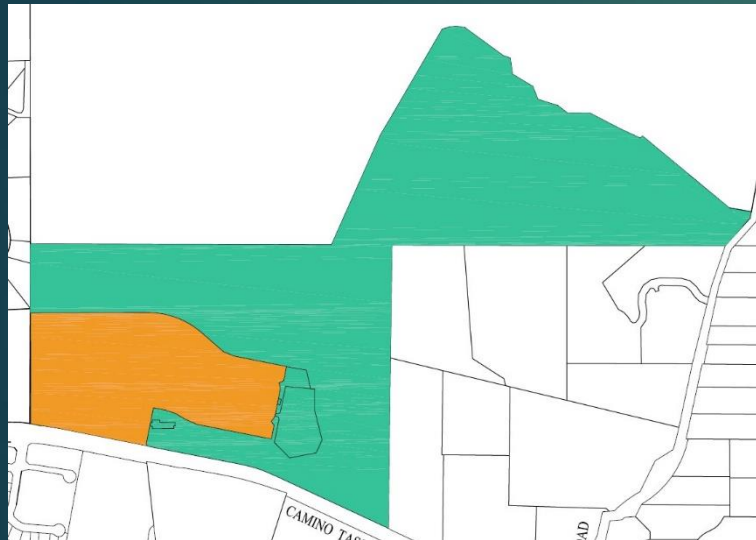
- ▶ The applicant has requested that the County approve and enter into a Development Agreement with the property owner, which addresses, but is not limited to, the following matters:
 - ▶ Vested development rights
 - ▶ Development standards
 - ▶ Life of entitlement approvals
 - ▶ Timing of construction
 - ▶ Land dedication requirements
 - ▶ Community benefit fee payment and related obligations

Preservation Agreement

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- ▶ Agreement between the County, City of San Ramon, and the East Bay Regional Park District.
- ▶ Provides that its parties will work together to support, develop, and implement policies, programs, and other actions intended to enhance agriculture and to preserve open space, wetlands, parks, recreation, and other non-urban uses consistent with the parties' respective existing land use policies and plans.
- ▶ The Preservation Agreement provides that the County is authorized to find that the Agreement satisfies Section 82-1.018(a)(3) of the County Ordinance Code, which allows the Board of Supervisors to approve an expansion of the Urban Limit Line by 30 acres or less with a four-fifths vote.

30-Acre Urban Use Expansion



Provisions for Changing the ULL

- ▶ Change of 30-acres or Less: Four-fifths vote of the County Board of Supervisors after holding a public hearing and making one or more of seven findings based on substantial evidence in the record.
- ▶ Change Greater Than 30 Acres: Voter approval of the change in addition to and following a four-fifths vote of the County Board of Supervisors and making one or more of seven findings. Notwithstanding the foregoing, a proposed general plan amendment to expand the urban limit line by more than thirty acres does not require voter approval if, after a public hearing, the Board of Supervisors by a four-fifths vote makes either of the following findings based on substantial evidence in the record:
 - ▶ the expansion of the urban limit line is necessary to avoid an unconstitutional taking of private property; or
 - ▶ the expansion of the urban limit line is necessary to comply with state or federal law. Proposed expansions of thirty acres or less do not require voter approval.

Environmental Review

- ▶ Initial Notice of Preparation (NOP) distributed on May 27, 2014.
- ▶ Revised NOP distributed on June 11, 2014, to reflect changes to the project description, including elimination of a proposed waterline between the Northern and Southern Sites and the elimination of the proposed Fire Training Facility at the Southern Site.
- ▶ Draft EIR (DEIR) released for public review on May 12, 2016, and made available for public review and comment for a period of 68 days, through July 18, 2016. A public hearing to receive comments on the DEIR was held before the Zoning Administrator on June 6, 2016.
- ▶ In response to comments received during the public comment period for the DEIR, additional environmental analysis was completed for the Project.
- ▶ A Recirculated Draft EIR (RDEIR) was released for public review on September 29, 2016, and was available for public review and comment for a period of 63 days, through November 30, 2016. A public hearing to receive comments on the RDEIR was held before the Zoning Administrator on November 14, 2016.
- ▶ The Final EIR was published and distributed on September 14, 2020.

Significant and Unavoidable Impacts

- ▶ Adopted Air Quality Plan Consistency: Since the Project would not achieve the per capita annual GHG emissions threshold of 4.6 MTCO₂e/SP/yr established by the BAAQMD even after the application of all feasible mitigation measures, the Project would result in a significant and unavoidable impact with respect to conflicts with the GHG Reduction Goal of the AAQMD's Clean Air Plan.
- ▶ Greenhouse Gas Operational Emission Threshold: The Project would exceed the BAAQMD's threshold of 4.6 MTCO₂e/SP/yr for operational emissions due to sources including, but not limited to, vehicular traffic, on-site combustion of natural gas, off-site generation of electrical power, energy required to convey water and wastewater, and emissions associated with the hauling and disposal of solid waste.
- ▶ Near-Term Plus Project Freeway Operations: The Project would contribute vehicle trips to certain freeway segments and one intersection that would operate at unacceptable LOS levels under Near Term Plus Project Conditions.
- ▶ Cumulative Plus Project Freeway Operations: The Project would contribute vehicle trips to certain freeway segments and intersections that would operate at unacceptable levels under Cumulative Plus Project Conditions.
- ▶ Congestion Management Plan: The Project would contribute vehicle trips to certain Congestion Management Plan facilities that would operate at unacceptable levels.

Note: Mitigations have been incorporated as part of the project to address each of the impacts listed above. However, these mitigations will not reduce the impacts to a less than significant level.

Events Since Release of FEIR

- ▶ September 30, 2020, Hearing Postponed: The applicant requested that the 9/30/20 County Planning Commission hearing be postponed to allow time for consideration of comments received from EBMUD on 9/29/20. The project was subsequently rescheduled and heard before the County Planning Commission on 6/9/21.
- ▶ Preservation and Agricultural Enhancement Agreement: Both the City of San Ramon and EBRPD have brought the Preservation Agreement to their governing bodies. The San Ramon City Council unanimously approved a resolution on November 24, 2020, which authorizes the Mayor of San Ramon to execute the Agreement. Similarly, the EBRPD Board of Directors voted unanimously to approve a resolution on December 1, 2020, which authorized their District General Manager to execute the Agreement.
- ▶ EBMUD: EBMUD and a legal firm representing EBMUD (Barg Coffin Lewis & Trapp, LLP) each submit a letter on May 27, 2021, reiterating EBMUD's opposition to the project and its assertion that the EIR should be recirculated. On June 8, 2021, the proposed development was considered before EBMUD's governing body. The EBMUD Board of Directors adopted a resolution that formally declared the District's opposition to annexing the project site into the District's service area, found that the project is inconsistent with the District's annexation policies, and that made findings and declarations regarding the unavailability of water to serve the project.
- ▶ Town of Danville Opposition: The Town of Danville has formally notified the County in writing of their belief that the project EIR is inadequate and of their overall opposition to the Project (June 9, 2021, September 30, 2020, November 30, 2016, and July 18, 2016). On October 20, 2020, the Danville Town Council approved Resolution #72-2020 wherein the Town formally opposes the Tassajara Parks Project, request that the County reject the FEIR, and requests that the County deny the project and all related actions.

Coordination with EBMUD

- ▶ Subsequent to the postponement of the September 30, 2020 County Planning Commission hearing, County staff worked with EBMUD staff and the applicant to discuss and address concerns detailed in EBMUD's September 29, 2020, letter. EBMUD staff suggested further analysis of water conservation potential of various approaches.
- ▶ February 24, 2021: The applicant's water planning consultant prepares a draft memorandum, entitled "*Tassajara Parks Water Demand Offset Updated Preliminary Feasibility Analysis*" to EBMUD for review and comment. The memorandum is intended to clarify and provide supportive analysis on the feasibility of the proposed conservation measures for offsetting the project's water demand.
- ▶ March 15, 2021: EBMUD provides comments on the draft memorandum with recommendations on what additional information and analysis can be added to strengthen the document.
- ▶ May 4, 2021: The applicant's water planning consultant provides a revised memorandum which refines the feasibility analysis by incorporating methodologies, information, and recommendations provided by EBMUD staff.
- ▶ Prior to the June 9, 2021, Planning Commission hearing and at the request of EBMUD staff, County staff developed additional recommended project conditions of approval (COAs), with EBMUD input, pertaining to the procurement of water to serve the project.
- ▶ EBMUD issued letters on May 27, 2021, and their Board approved a resolution on June 8, 2021.
- ▶ Proposed COAs under consideration today provide that first Final Map cannot be filed without a will serve letter from EBMUD and require the applicant to pay to EBMUD a "water demand mitigation fee" in an amount agreed upon by the EBMUD Board to offset the projects water demand at a ratio of at least 2:1. COAs also include conservation measures including, but not limited to, requiring the use of recycled water for landscaping (if available), requirement for the applicant to install on-site water conservation measures, and additional measures required of the applicant (at EBMUD's discretion), such as provisions enabling EBMUD to fine the HOA for exceedance of the project's water budget.

Public Comments

- ▶ Various public comments have been received in relation to the project and the associated EIR. Comments received during the public comment periods for the DEIR and RDEIR have been included in the Response to Comments section of the FEIR, along with staff responses.
- ▶ Numerous pieces of correspondence detailing public comments have been received since the postponement of the September 30, 2020, County Planning Commission hearing, and are included in the “Public Comments” attachment to the Board Order prepared for the Project.
- ▶ Primary public comment topics in opposition of the project include, but are not limited to, the following:
 - ▶ Concern that expansion of the ULL will set a precedent for multiple future adjustments for urban growth
 - ▶ Assertion the proposed project consists of more than 30-acres of urban development
 - ▶ Assertion the findings required to allow the 30-acre adjustment to the ULL do not exist
 - ▶ The lack of support from EBMUD to provide public water service for the project
 - ▶ Increased traffic along the Camino Tassajara corridor
- ▶ Primary public comment topics in support of the project include, but are not limited to, the following:
 - ▶ Dedication of 727 acres to the EBRPD for habitat conservation and publicly accessible open space
 - ▶ Protection against further urban development in the Tassajara Valley area
 - ▶ Urgent need for more housing
 - ▶ \$4 Million contribution to an agricultural preservation fund, school parking lot improvements, and other community benefits
 - ▶ Need for well-paying construction jobs

June 9, 2021

Planning Commission Hearing

- ▶ Testimony accepted from the applicant, representatives of responsible agencies, and various members of the public.
- ▶ The Commission voted 4-2 to recommend that the County Board of Supervisors deny the project.
- ▶ The recommendation for denial was based on the following:
 - ▶ Modifying the Urban Limit Line is not in the public interest.
 - ▶ Concerns over the availability of water to serve the project.
 - ▶ The Project is inconsistent with the General Plan.
 - ▶ “Overwhelming opposition” to the Project from members of the public.

Project Recommendation

- ▶ OPEN the public hearing on the Tassajara Parks Residential Project, RECEIVE testimony, and CLOSE the public hearing.
- ▶ CERTIFY that the environmental impact report prepared for the Tassajara Parks Residential Project was completed in compliance with the California Environmental Quality Act (CEQA), was reviewed and considered by the Board of Supervisors before Project approval, and reflects the County's independent judgement and analysis.
- ▶ CERTIFY the environmental impact report prepared for the Tassajara Parks Residential Project.
- ▶ ADOPT the attached CEQA Findings, Mitigation Monitoring and Reporting Program, and statement of overriding considerations for the Project.
- ▶ DIRECT the Department of Conservation and Development to file a CEQA Notice of Determination with the County Clerk.
- ▶ SPECIFY that the Department of Conservation and Development, located at 30 Muir Street, Martinez, California, is the custodian of the documents and other material that constitutes the record of proceedings upon which the decision of the Board of Supervisors is based.
- ▶ APPROVE and AUTHORIZE the Board Chair to execute a preservation agreement between the County, the City of San Ramon, and the East Bay Regional Park District.
- ▶ ADOPT a Resolution No. 2021/216, amending the General Plan to change the Urban Limit Line to include the Project's 30-acre residential development area and to change the land use designation of the Project site to single-family residential, high density (SH); parks and recreation (PR); and public/semi-public (PS) (County File #GP13-0003).
- ▶ ADOPT Ordinance No. 2021-24, rezoning the Project site from an exclusive agricultural (A-80) district to a planned unit (P-1) district (County File #RZ09-3212).
- ▶ ADOPT Ordinance No. 2021-23, approving the development agreement between Contra Costa County and FT Land LLC.
- ▶ APPROVE the vesting tentative map for the Project (County File #SD10-9280).
- ▶ APPROVE the preliminary and final development plan for the Project and the associated tree permit and exception requests (County File #DP10-3008).
- ▶ APPROVE the findings in support of the Project.
- ▶ APPROVE the Project conditions of approval.
- ▶ APPROVE the Tassajara Parks Project.

Basis for Staff Recommendation

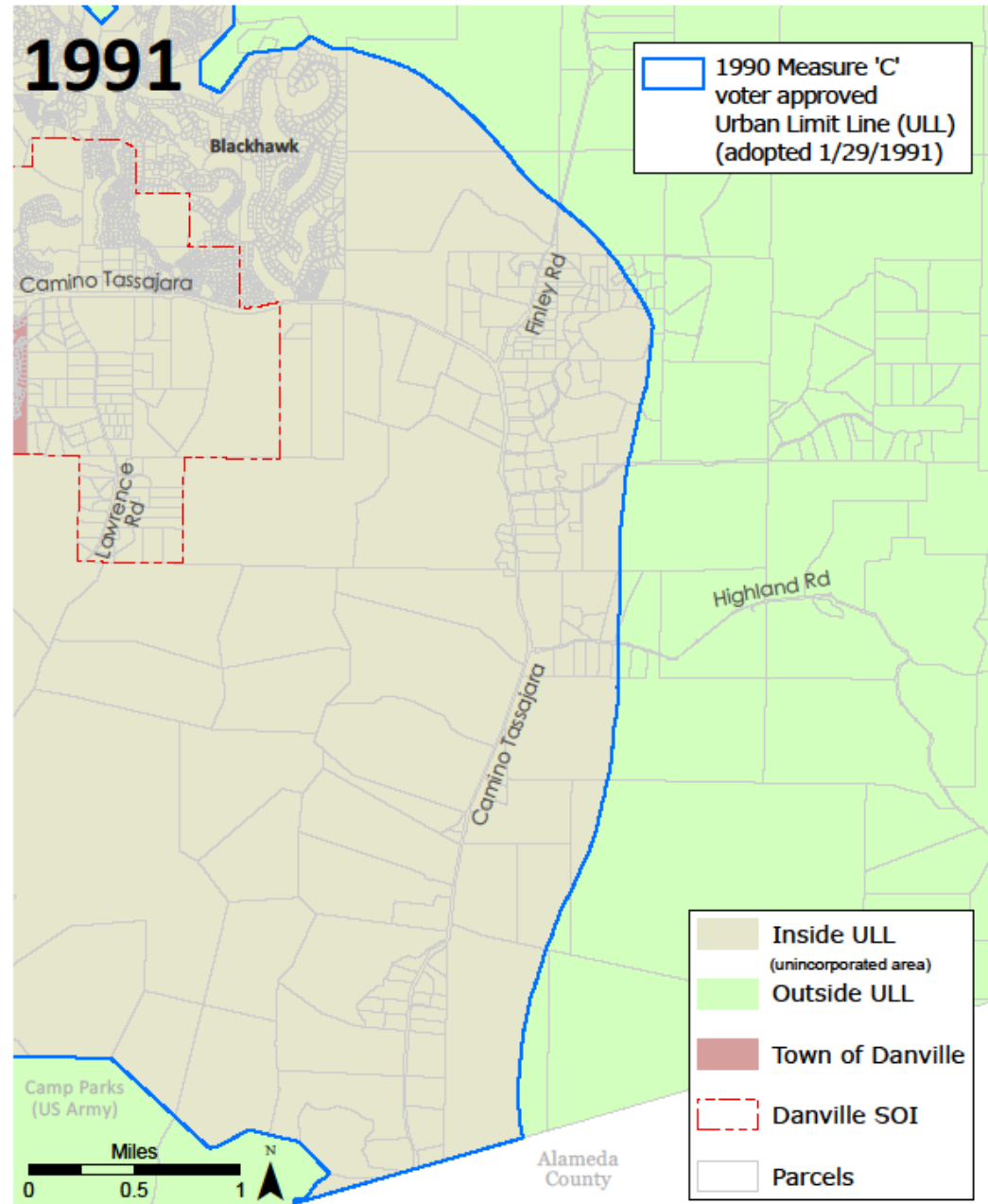
The proposed Project will be consistent with applicable goals and policies of the General Plan and result in various benefits, including:

- ▶ Preserve 727-acres of land in the Tassajara Valley, which has faced decades of urban development pressure, at favorable ratio of 24 acres of preservation for each acre developed. The land will be dedicated to EBRPD in fee simple and will include a new staging area and an ongoing commitment of maintenance funding, thereby ensuring permanent preservation of the land and access to it by the public.
- ▶ Provide 125 new homes that will help address the urgent need for housing in the region and the County.
- ▶ Provide significant, additional community benefits, including but not limited to:
 - ▶ Improvements to parking lot and circulation of Tassajara Hills Elementary school
 - ▶ Dedication to the San Ramon Valley Fire Protection District
 - ▶ \$4 million contribution to an Agricultural Enhancement Fund for the Tassajara Valley area
 - ▶ \$2.5 million for the Livable Communities trust
- ▶ Help to resolve a long-standing development debate by means of compromise between development and conservation that is consistent with the voter-approved ULL measure and will, in the view of staff, reduce pressure for additional expansion of urban development in the area.

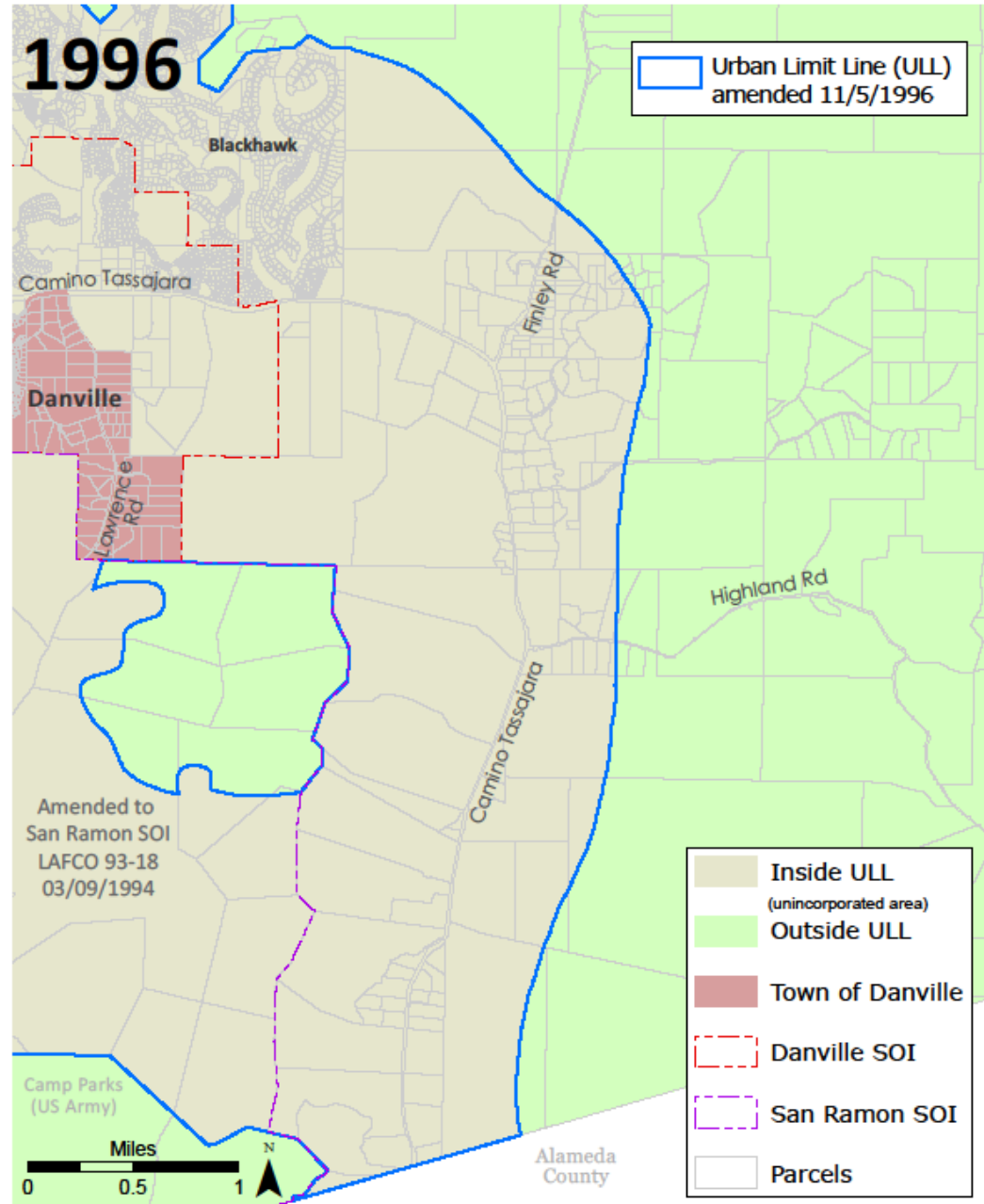
Tassajara Valley Vicinity Map



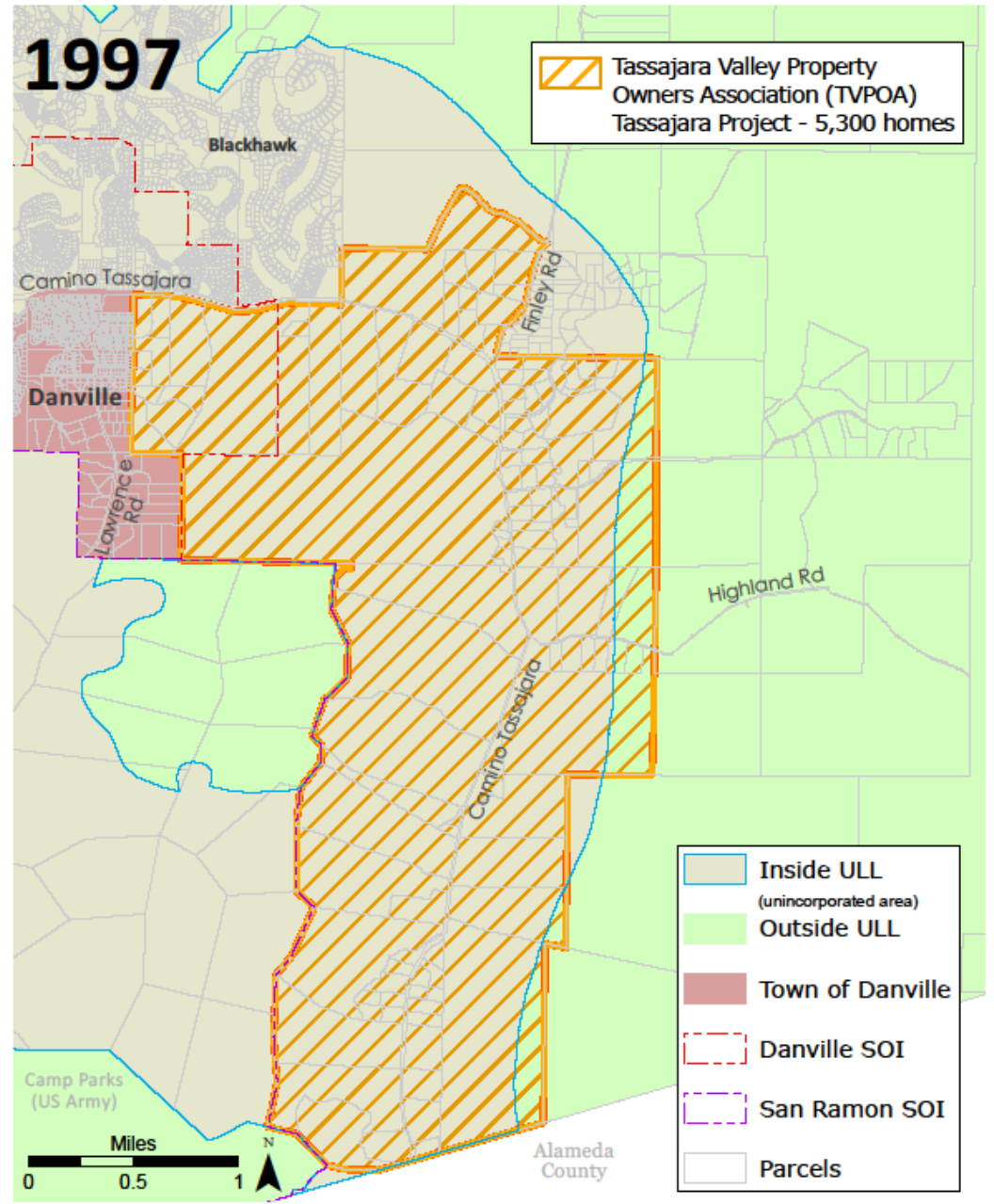
Development policy changes in Tassjara Valley 1991-2021



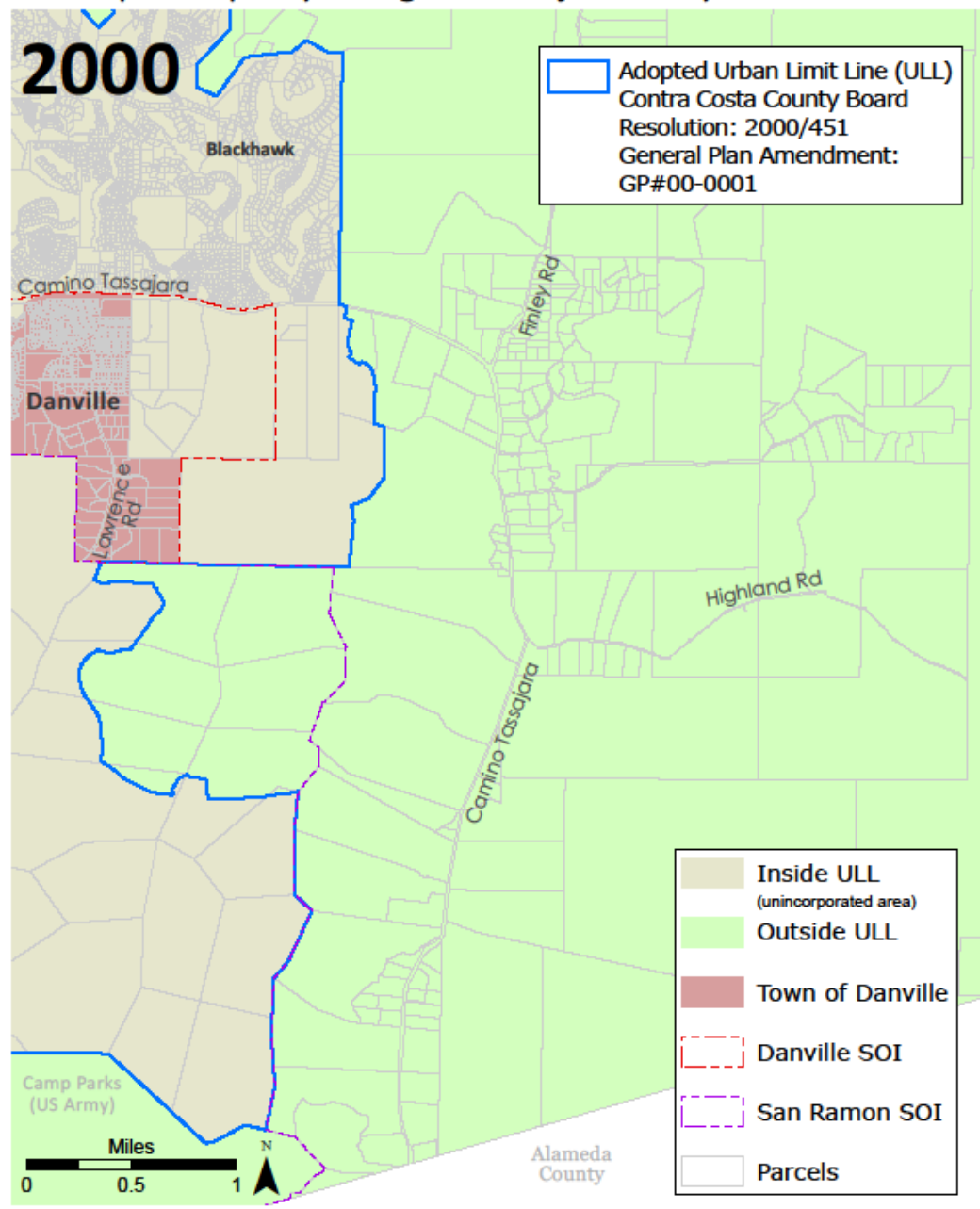
Development policy changes in Tassjara Valley 1991-2021



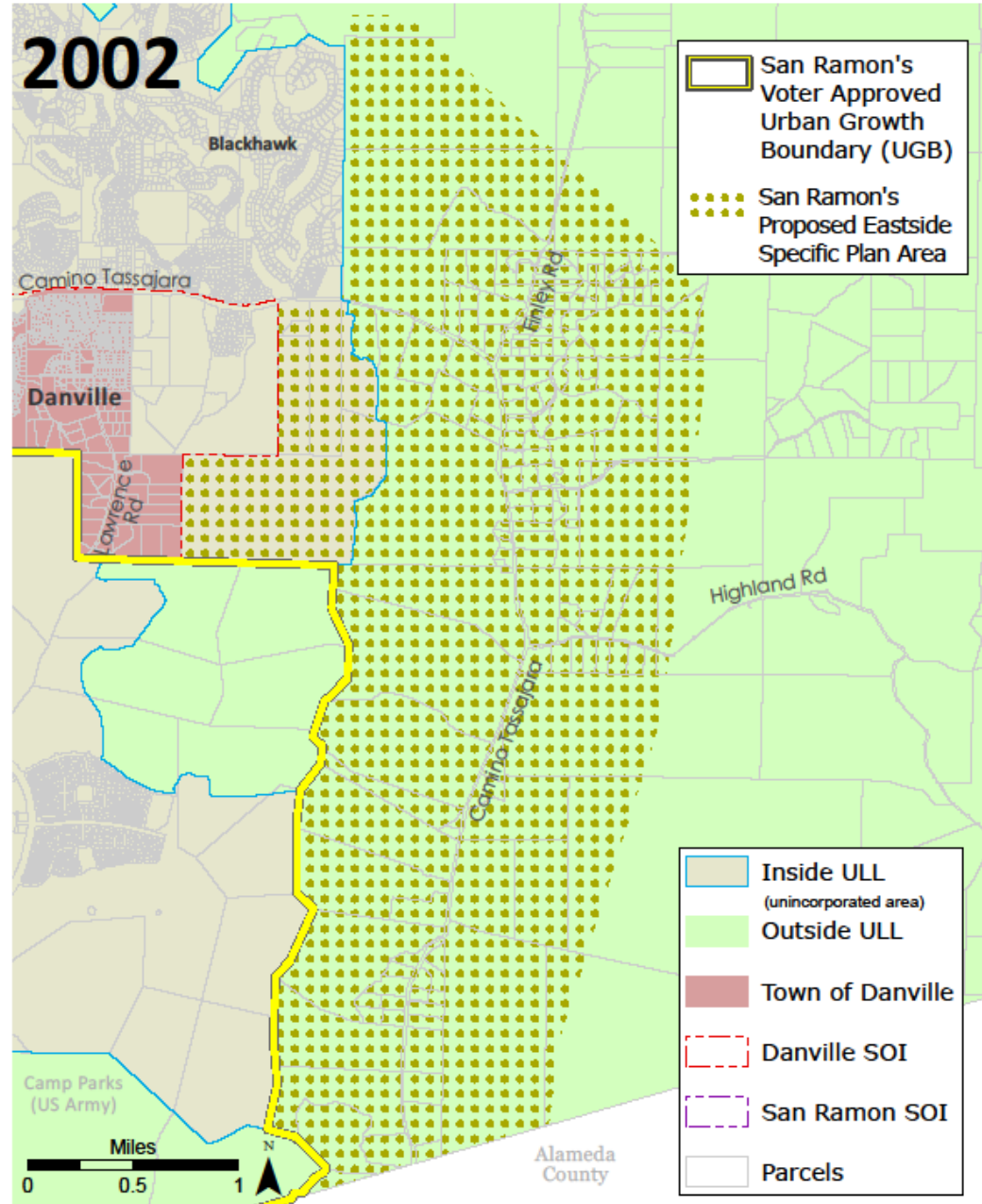
Development policy changes in Tassajara Valley 1991-2021



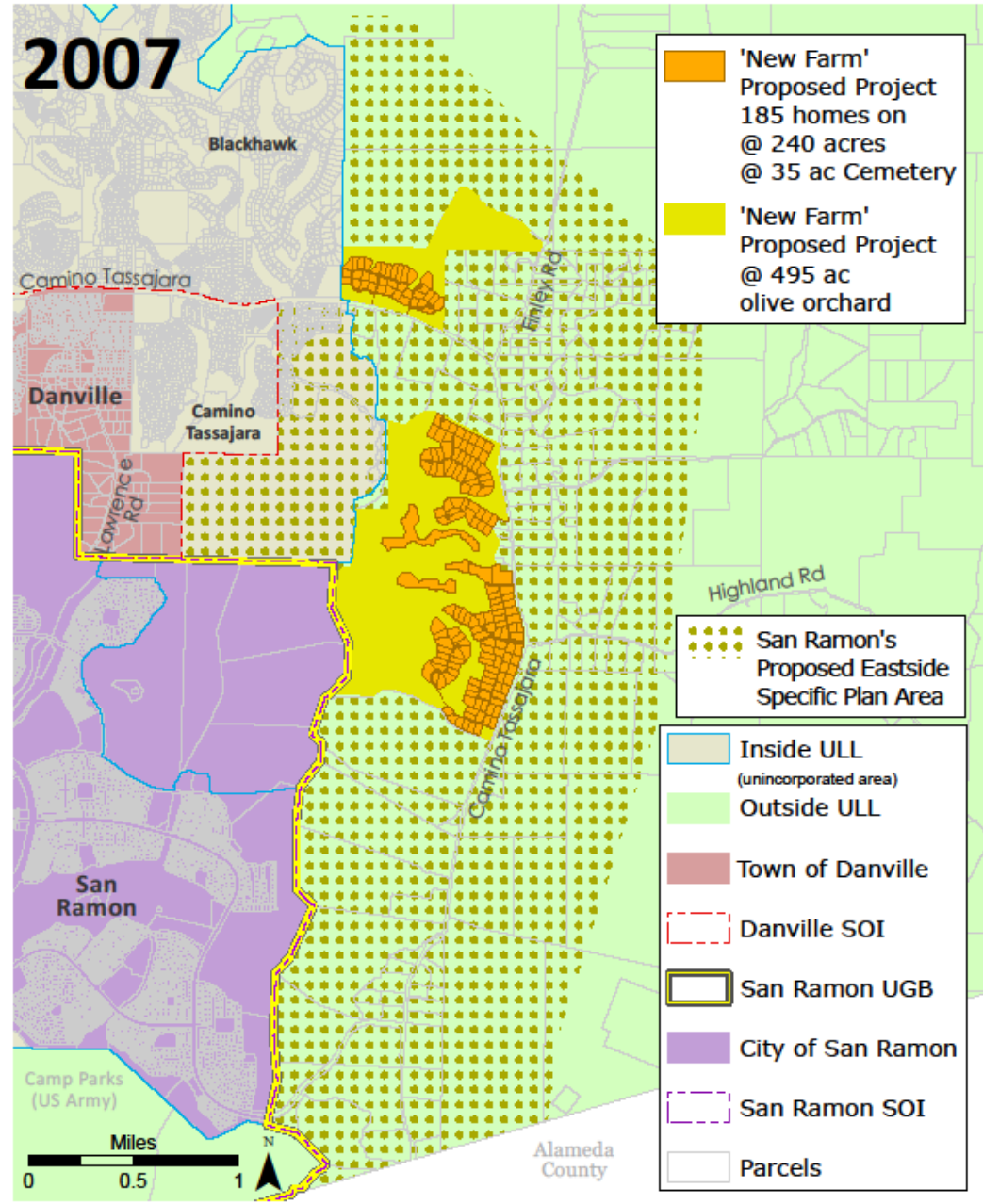
Development policy changes in Tassajara Valley 1991-2021



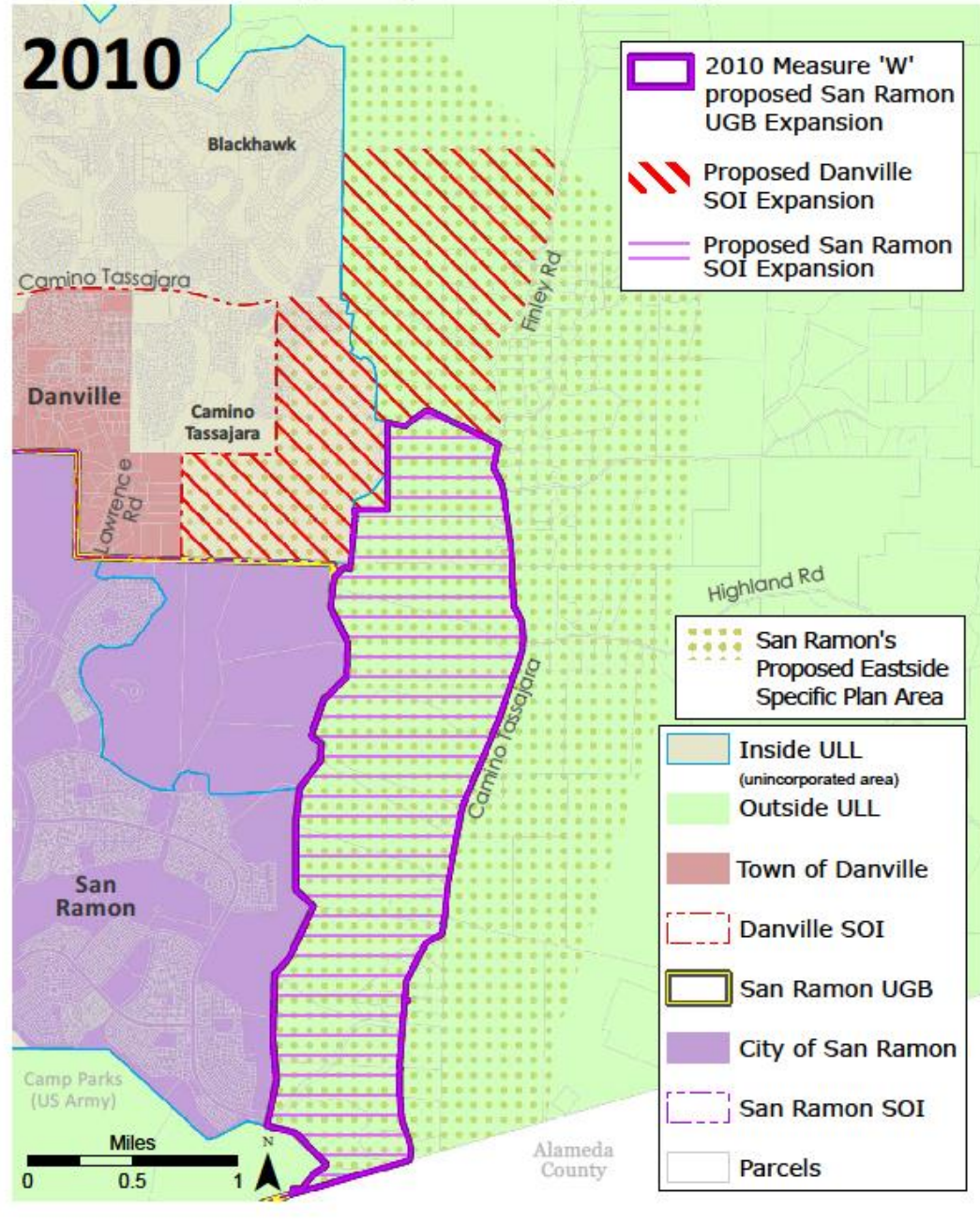
Development policy changes in Tassjara Valley 1991-2021



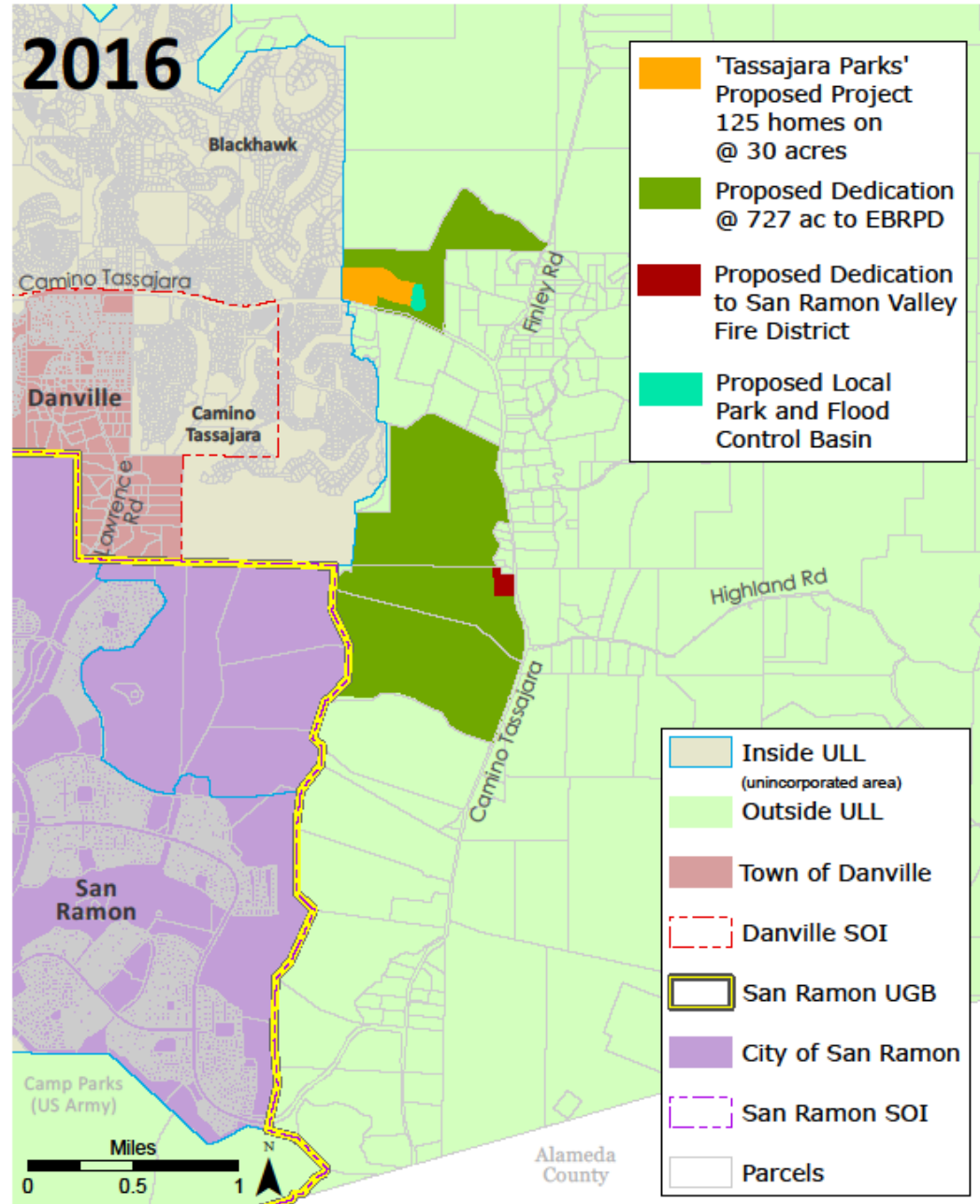
Development policy changes in Tassjara Valley 1991-2021



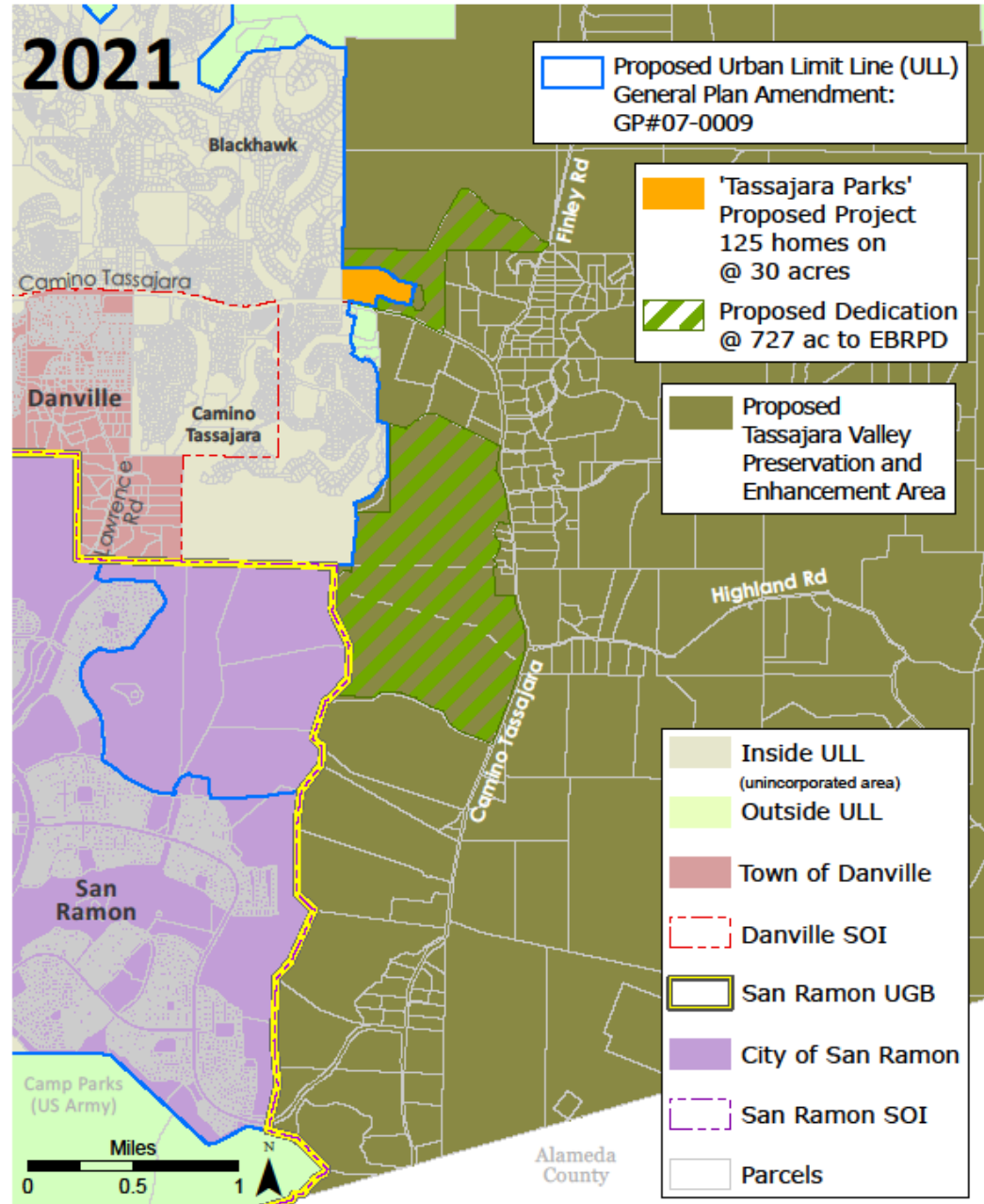
Development policy changes in Tassjara Valley 1991-2021



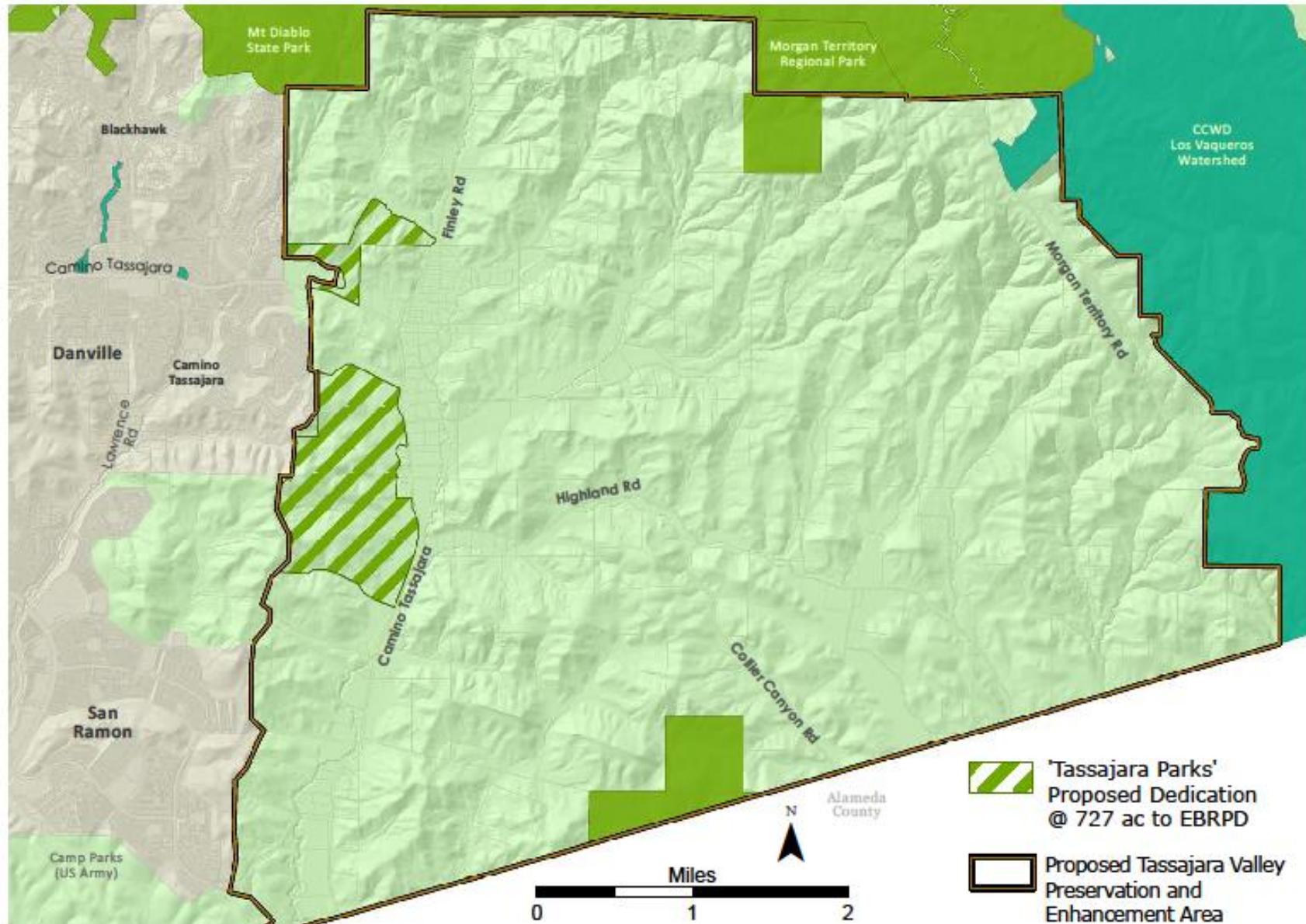
Development policy changes in Tassjara Valley 1991-2021



Development policy changes in Tassajara Valley 1991-2021



Proposed Tassajara Valley Preservation and Enhancement Area



QUESTIONS