

Findings

FINDINGS FOR COUNTY FILES #CDGP07-0009, #CDRZ09-3212, #CDSD10-9280, and #CDDP10-3008 (TASSAJARA PARKS)

CEQA FINDINGS

I. In General: CEQA Requirements

- A. The County is the lead agency for the Tassajara Parks Project for purposes of environmental review. Having received, reviewed, and considered the Project's EIR and other relevant information in the administrative record of proceedings, the County Board of Supervisors ("Board") hereby finds and adopts the following findings in compliance with the California Environmental Quality Act (Cal. Gov't Code § 21000 *et seq.*), the CEQA Guidelines (Cal. Code Pub. Res. § 15000 *et seq.*), and sections of the County Ordinance pertaining to CEQA (collectively, "CEQA").
- B. Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, no public agency shall approve or carry out a project for which an environmental impact report ("EIR") has been certified, that identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless the public agency makes one or more findings for each of those significant impacts that is also accompanied by a brief explanation of the rationale for each finding. The possible findings, which must be supported by substantial evidence in the record, are as follows:
1. Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment;
 2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency;
 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report;

For those impacts that cannot be mitigated below a level of significance, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

II. PROJECT AND EIR RECITALS

- A. This proposal involves approximately 771 acres of land consisting of four parcels on two sites located in the Tassajara Valley area of unincorporated Contra Costa County (APN: 220-100-023, 206-030-065, 223-020-018, 223-020-021). This land is adjacent to and outside of the existing Contra Costa County Urban Limit Line ("ULL"), and located east of the City of San Ramon and Town of Danville. Approximately 155 acres of the above-referenced land is commonly known as the "Northern Site," while the remaining approximately 616 acres is commonly known as the "Southern Site." The Northern Site and Southern Site are located less than 0.5 mile apart and are separated by intervening properties along the Camino Tassajara roadway. For purposes of these

Findings, the Northern Site and the Southern Site are collectively referred to herein as the "Project Site."

- B. As further described in detail in the RDEIR, the Tassajara Parks Project ("Project") involves the construction of 125 single-family homes on a 30-acre portion of the Northern Site, along with related on-site infrastructure and improvements, including interior roadways, landscaping, and utilities (within interior roads). For the purposes of these Findings, this 30-acre area within which the proposed urban development portion of the Project will occur is referred to as the "Residential Development Area," and has a density of approximately 5.58 units per net acre.
- C. Aside from that which is required for a future trail, a large portion (approximately 101 acres) of the Northern Site that is located outside of the Residential Development Area ("Northern Preservation Area") will not involve any ground disturbance. The 101-acre Northern Preservation Area, along with an additional approximately 17 acres within the Northern Site, will also be permanently protected from urban development via Applicant's dedication, in fee, to the EBRPD. A portion of the Northern Site will also be subject to a perpetual maintenance easement for GHAD purposes of maintaining slope stability and otherwise addressing any geotechnical issues consistent with an approved Plan of Control pursuant to GHAD Law (Pub. Res. Code § 26500 *et seq.*). The Project Applicant will construct the Pedestrian Staging Area pursuant to EBRPD requirements and design standards and, when completed, will convey the Pedestrian Staging Area to EBRPD by fee simple transfer.
- D. No urban development will be established within any portion of the Southern Site. The Project's conditions of approval (collectively, "COAs") and Development Agreement will require the transfer of a total of 727 acres of the Project Site to EBRPD through fee simple conveyance. Transfer of the foregoing 727 acres (referred to herein as the Dedication Area) to EBRPD will ensure permanent preservation and protection for agriculture, open space, wetlands, parks, recreation, and other non-urban uses.
- E. The Project includes the Applicant's contingent offer of dedication of an approximately 7-acre parcel to the San Ramon Valley Fire Protection District ("SRVFPD") ("Potential Future Fire District Parcel"). This parcel is intended for potential future public use in a manner consistent with the ULL and the project-specific Planned Unit (P-1) zoning, and any future development thereon by the SRVFPD will be subject to the County's discretionary land use permit process.
- F. The Project also involves the installation of circulation and parking lot improvements for the benefit of the Tassajara Hills Elementary School adjacent to the Northern Site. These improvements are intended to improve existing circulation problems in the parking lot and the adjacent intersection, particularly at school drop off and pick up times.

III. Procedural Recitals

- A. Based on the nature and scope of the Project accompanied by substantial evidence, the County determined that the Project may have a significant effect on the environment. Therefore, an environmental impact report ("EIR") was prepared,

noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act ("CEQA"), as follows:

1. A Notice of Preparation ("NOP") of an EIR for review and comment by responsible and trustee agencies and other interested agencies, organizations, and individuals was circulated by the County from May 28, 2014, through June 26, 2014.
2. A revised NOP for review and comment by responsible and trustee agencies and other interested agencies, organizations, and individuals was circulated by the County from June 11, 2014, through July 11, 2014.
3. Scoping sessions were held on June 16, 2014, and July 7, 2014, at which interested agencies, organizations, and individuals had an opportunity to submit oral and written comments pertaining to environmental concerns related to the Project and the proposed scope of environmental review.
4. Pursuant to Public Resources Code sections 21161 and 21092, and CEQA Guidelines sections 15085 and 15087(b), on May 12, 2016, a Notice of Completion ("NOC")/Notice of Availability ("NOA") document and copies of the Draft EIR ("DEIR") were distributed to the State of California Governor's Office of Planning and Research State Clearinghouse, those public agencies that have jurisdiction by law with respect to the Project or that exercise authority over resources that may be affected by the Project, and to other interested agencies, organizations and individuals as required by applicable law. The NOC/NOA document was also mailed to all owners and occupants of property located within 300 feet of the Project Site, and to others who requested notice, and the NOC/NOA was published in the East Bay Times newspaper pursuant to applicable noticing requirements. The NOC/NOA document stated that the County had completed the DEIR and that copies of the DEIR (including all appendices) were available at: www.cccounty.us/tassajaraparks and at the Department of Conservation and Development, 30 Muir Road, Martinez, CA 94553. These documents were also available in hard copy at the Danville Library, San Ramon Library, Dougherty Station Library, Pleasant Hill Library, and Office of County Supervisor Candace Andersen.
5. A public hearing was held on June 6, 2016, in front of the County Zoning Administrator, at which time interested agencies, organizations, and individuals had an opportunity to submit oral and written comments pertaining to the adequacy of the DEIR.
6. Subsequent to the issuance of the NOC/NOA document for the DEIR, new information arose about the lack of a recycled water supply for expanded use after EBMUD staff provided supplemental information about where recycled water use could (and could not) be feasibly expanded. Accordingly, the Project Applicant eliminated the recycled water option and developed an off-site water conservation option to replace it. This constituted significant new information and, pursuant to CEQA Guidelines section 15088.5, the County decided to prepare a Recirculated Draft EIR ("RDEIR") in order to allow interested agencies, organizations, and individuals a meaningful opportunity to comment on this new information. In addition, the County decided to include updated information in the RDEIR

regarding: (a) a modified finding of a significant and unavoidable impact as a result of conflicts with the GHG Reduction Goal of the Bay Area Air Quality Management District's Clean Air Plan; and (b) an Agricultural Preservation Agreement (previously referred to as a Memorandum of Understanding ("MOU")) relating to the agricultural preservation and enhancement of the broader Tassajara Valley. Furthermore, in preparing the RDEIR, the County also took that opportunity to amplify and clarify, as appropriate, information related to aesthetics, agricultural resources, air quality, biological resources, geology and soils, hazardous materials, land use, noise, public services, and transportation.

7. An updated NOC/NOA document and copies of the RDEIR were distributed to the State of California Governor's Office of Planning and Research State Clearinghouse, those public agencies that have jurisdiction by applicable law with respect to the Project or that exercise authority over resources that may be affected by the Project, and to other interested agencies, organizations and individuals as required by applicable law on September 29, 2016. A copy of the NOC/NOA document was also distributed to all owners and occupants of property within 300-feet of the Project Site, and others who requested this notice.
8. The County released the RDEIR for a 45-day public review period between September 29, 2016 and November 14, 2016. Although not required to do so by applicable laws and regulations, the County subsequently extended the comment period through November 30, 2016.
9. A public hearing was held on November 7, 2016 in front of the County Zoning Administrator, at which interested agencies, organizations, and individuals had an opportunity to submit oral and written comments pertaining to the adequacy of the RDEIR.
10. The County received and evaluated numerous comments from interested public agencies, organizations, and individuals who reviewed the DEIR and RDEIR. Under CEQA, when an EIR is substantially revised and the entire document is recirculated (as is the case here), the law does not require the lead agency to respond to comments received in connection with a recirculated draft EIR if and to the extent those same comments were made in connection with the original draft EIR. Nevertheless, in an abundance of caution, the County voluntarily elected to respond to comments on the DEIR and the RDEIR, all of which are reflected in the FEIR (as that term is defined below).
11. The FEIR was prepared and published on September 14, 2020, and consisted of an edited list of revisions to the RDEIR and responses to comments on the RDEIR and Draft EIR. In accordance with applicable CEQA requirements, the responses to comments address all written and verbal comments on environmental issues received during the public review and comment period for the DEIR and RDEIR.
12. For purposes of these Findings, the Project EIR consists of the RDEIR, the FEIR, and all appendices attached to the RDEIR and FEIR, and the remaining relevant portions of the administrative record for this matter. The Board finds that the Project EIR was prepared, published, circulated, reviewed, and considered in accordance with the applicable requirements of CEQA, and constitutes an

accurate, adequate, objective and complete EIR. This Board has exercised its independent judgment and analysis in evaluating the Project EIR. In exercising this judgment, this Board has reviewed and considered the Project EIR and other relevant information in the administrative record, including, without limitation, public testimony.

IV. Impacts, Mitigation Measures, and MMRP

- A. The Project EIR concludes that implementation of the Project could result in potentially significant and adverse environmental impacts. Therefore, the County has made findings with respect to these impacts pursuant to CEQA Guidelines section 15091. The findings summarize the environmental determinations about the Project's significant impacts before and after mitigation and summarize the Project's individual and cumulative impacts. They provide a summary description of each potentially significant and significant impact, describe the applicable mitigation measures identified in the Project EIR and adopted by the County, and state the Project EIR's conclusions on the significance of each impact after imposition of the identified mitigation measures.
- B. This Board adopts, and incorporates as enforceable conditions of approval of the Project, the mitigation measures set forth in the Mitigation Monitoring and Reporting Program ("MMRP") (see attachment), which has been prepared in accordance with CEQA Guidelines section 15097. This Board adopts this MMRP as it pertains to the Project, and finds that the mitigation measures set forth in the MMRP will reduce or avoid the potentially significant and significant impacts of the Project to the extent feasible for the reasons described in the Project EIR. In the event a mitigation measure recommended in the Project EIR has inadvertently been omitted from the MMRP, this Board hereby adopts such mitigation measure as stated in the Project EIR and incorporates said mitigation measure in these Findings by reference.
- C. The mitigation measures as set forth in the MMRP are being made enforceable as conditions of approval. Accordingly, changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects identified in the Project EIR. The Project has several significant and unavoidable impacts, as explained in more detail in Section VII.B below.
- D. Various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified by the Project EIR. Other comments requested mitigation measures for impacts that were less than significant or requested additional mitigation measures for impacts that were already reduced to levels less than significant by the proposed mitigation measures. These requests are declined as unnecessary. This Board hereby adopts the reasons set forth in the responses to comments contained in the Project EIR and as otherwise further supported by materials and information in the administrative record as its grounds for rejecting adoption of those mitigation measures.
- E. This Board hereby finds the Project will have no significant growth-inducing impacts, for the following reasons and as described more fully in the Project EIR. The Project will develop 125 residential units and will be expected to result in a population of 375 persons. This amount of population growth is considered negligible, and, therefore, direct population growth will be less than significant. Additionally, while urban

infrastructure will be extended to the 30-acre Residential Development Area and Pedestrian Staging area, adjacent areas will remain outside of the ULL and owned in fee by public agencies (i.e., EBRPD, SRVFPD), thereby prohibiting further urban expansion. The Project's commitment to permanently preserve and protect the vast majority of the Project Site for open space, park, recreational, grazing, scenic, wetlands, and habitat mitigation purposes through the dedication of approximately 727 acres of the Project Site in fee to EBRPD will further ensure that no additional urban expansion would occur. As such, development of the Project will not remove a physical barrier to growth, and thus no indirect growth inducement will occur.

- F. This Board further finds that, for the reasons set forth in the Project EIR and as otherwise documented in the administrative record, assertions that expanding the ULL as proposed will lead to approval of numerous additional ULL expansions, whether in the Tassajara Valley area or Countywide, are unfounded for the following reasons:
1. Most parcels abutting the ULL are inherently unsuitable for urban development. Most abutting parcels have physical characteristics, such as steep slopes, a lack of infrastructure, or the presence of sensitive species or habitat, which make them poor sites for urban development;
 2. The Project includes growth-detering components such as the dedication of approximately 727 acres to EBRPD, which creates a "green buffer" along approximately 1.5 miles of the ULL;
 3. Many properties identified as "at risk" for urban conversion by Project opponents are already protected in perpetuity and government-controlled by entities such as the U.S Department of Defense, State of California, Contra Costa County, EBRPD, and the East Bay Municipal Utility District; and
 4. The County cannot approve unlimited ULL adjustments. A ULL adjustment is an amendment to the Land Use Element of the General Plan, which is one the seven State-mandated General Plan elements that can be amended a maximum of four times annually, pursuant to California Government Code Section 65358(b).
- G. With respect to the potential for significant and irreversible environmental effects of the Project, this Board hereby adopts the conclusions set forth in the Project EIR, particularly Section 3.13 (Utilities and Service Systems) and Section 6.4 (Other CEQA Considerations – Energy Conservation) of the RDEIR, based upon the evidence and reasoning they reflect. The Project will require the use of energy and will commit resources to the buildings and other Project components, including the use of energy and other resources produced from non-renewable resources. However, the Project will incorporate energy-conserving features in all new residential development, which will be subject to the latest adopted edition of the Title 24 energy efficiency standards. In addition, there are no unusual characteristics that will directly or indirectly cause construction activities to be any less efficient than would otherwise occur elsewhere (e.g., restrictions on equipment, labor, types of activities, etc.). Furthermore, the Project will be located directly adjacent to a developed suburban area and will accommodate bicycle and pedestrian access to adjacent areas, which will help ensure

that the Project will not result in the inefficient, wasteful, or unnecessary consumption of transportation energy during operational activities.

- H. In making its decision to certify the Project EIR and approve the Project, this Board hereby recognizes that a range of technical and scientific opinions exist with respect to certain environmental issues. These issues include, among others, water demand and the feasibility and availability of an adequate water supply; the methodology used to evaluate certain impacts such as those relating to air quality, greenhouse gas emissions, traffic, and utilities; and the applicable significance threshold to be used in evaluating certain impacts such as those relating to air quality and greenhouse gas emissions. This Board has acquired a comprehensive and well-rounded understanding of the range of these technical and scientific opinions by its review of the Project EIR, information provided by the experts who prepared the Project EIR; the County's staff and other consultants; other relevant materials in the administrative record, and its own experience and expertise in these matters. The materials reviewed by this Board include conflicting expert opinions and statements of facts, as well as other comments on the environmental issues set forth in the Project EIR. This comprehensive review has enabled this Board to make its determinations after weighing and considering the various viewpoints on these important issues. As a result, this Board has made determinations of significant effects based on substantial evidence, and not public controversy or speculation. Accordingly, this Board certifies that its findings and determinations are based on all of the evidence contained in the Project EIR, as well as the evidence and other information in the record addressing the environmental impacts of the Project, and hereby elects to rely on the opinions set forth in the Project EIR.

V. Project Alternatives

- A. Background: In accordance with CEQA Guidelines section 15126.6, the Project EIR contained a comparative impact assessment of alternatives to the Project. The primary purpose of this analysis is to provide decision makers, interested agencies, organizations, and individuals with information about a reasonable range of potentially feasible Project alternatives, which could avoid or reduce any of the Project's significant adverse environmental effects. Important considerations for this alternatives analyses are noted below:
1. An EIR need not consider every conceivable alternative to a project;
 2. An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
 3. Reasons for rejecting an alternative include:
 - a) Failure to meet most of the basic project objectives;
 - b) Infeasibility; or
 - c) Inability to avoid significant environmental effects.

- B. Summary of Reasonable Range of Alternatives and Basis for Rejection: Because not all significant effects can be substantially reduced to a less than significant level by either adoption of mitigation measures or by standard conditions of approval, the Project EIR considered the feasibility of Project alternatives compared to the Project. As explained below, these Findings summarize the alternatives studied (as well as the alternatives that were initially considered and then dismissed from further evaluation) and summarizes the basis for rejecting each one of the Project alternatives. Further evidence supporting these Findings is set forth in Section 5 (Alternatives to the Proposed Project) of the RDEIR and in various responses to comments in the FEIR.

This Board hereby determines that the Project EIR evaluated a reasonable range of potentially feasible alternatives, which is sufficient to permit informed decision-making and public participation. This Board recognizes that commenters suggested additional alternatives and stated that additional detail should be provided for the alternatives that were studied. For the reasons set forth in the Project EIR and other relevant evidence in the administrative record, none of the requested information is necessary to ensure that a reasonable range of alternatives was studied at a sufficient level of detail.

For the reasons documented in the Project EIR and summarized below, this Board hereby rejects each of the alternatives and approves the Project, based on the specific legal, economic and other considerations that make each of the below-identified alternatives infeasible.

1. Project Objectives

- a) Serve as a buffer and transition zone between existing urban and non-urban uses.
- b) Strengthen the ULL's fundamental purpose by establishing a "green wall" of permanent physical and legal constraints to additional development in the Tassajara Valley.
- c) Permanently protect and preserve agricultural, open space, scenic, wetlands, and other non-urban characteristics of the vast majority of the Project Site.
- d) Provide substantial and contiguous amounts of publicly accessible open space that would be protected and preserved in perpetuity for park, recreational, open space, scenic, agriculture, grazing, wetland preservation and creation, and habitat mitigation purposes.
- e) Preserve opportunities for ongoing agricultural uses (such as grazing) on the Southern Site.
- f) Contribute to the supply of high-quality housing in the County that is close to existing transportation corridors and utility infrastructure, and that is compatible with existing adjacent land uses.
- g) Efficiently utilize the compact 30-acre development envelope (as opposed to traditional "ranchettes"), while ensuring consistency with surrounding

residential uses and taking into account the topographical constraints of the Project Site.

- h) Minimize grading, as feasible, by developing all residential uses on the least topographically constrained portions of the Project Site.
- i) Provide circulation and parking improvements to Tassajara Hills Elementary School to help remedy existing deficiencies and enhance ease of use and safety of drop off and pick up of students.

2. Summary of Alternatives Evaluated

- a) Alternative 1 - No Project: Under this alternative, the Project would not be implemented. The 125 residential units and related improvements would not be constructed, and a ULL adjustment, rezone, or General Plan amendment would not be adopted and implemented. No land would be offered to EBRPD for its permanent preservation and thus no acreage would be permanently protected for park, recreation, open space, agricultural, scenic, wetlands, and habitat mitigation uses, and thus there would be no “green buffer” to serve as a permanent legal, practical, and physical barrier to urban development. The circulation and parking lot improvements for Tassajara Hills Elementary School would not be constructed; the land and/or related improvements for the Pedestrian Staging Area and the Dedication Area would not be offered for dedication to EBRPD; and the contingent offer of dedication to SRVFPD for a potential Future Fire Station Training Facility would be extinguished. The Project Site would stay in its existing condition, and therefore it is assumed that it would continue to be used consistent with the existing agricultural and open space uses for the foreseeable future.
- b) Alternative 2 - Reduced Intensity Alternative: Under this alternative, only the southwestern portion of the Residential Development Area would be developed with a total of 65 units and associated improvements. Non-urban infrastructure (detention basin, grading, pump station, etc.) located adjacent to but outside of the Residential Development Area would be similarly downsized. This alternative assumes that the Pedestrian Staging Area (and the former equestrian staging area, which is no longer proposed) and the proposed trail (along with the other land within the Northern Preservation Area) would be conveyed in fee to EBRPD similar to the Project, and that the Northern Preservation Area (along with an additional 17 acres) would be permanently preserved for park, recreation, open space, agricultural, scenic and habitat mitigation purposes. In addition, similar to the Project, this Alternative would provide the circulation and parking improvements on the adjacent elementary school. However, this alternative assumes that none of the land on the Southern Site would be offered for dedication to EBRPD. Similar to the Project, this alternative would also require legislative approvals (i.e., ULL adjustment, General Plan Amendment, rezone).

The Reduced Intensity Alternative would avoid the Project’s significant unavoidable impacts related to operational greenhouse gas emissions, but would still result in significant unavoidable traffic impacts (related to freeway

segments). As described more fully in Section 5.0 of the RDEIR, this alternative would reduce, to a certain extent, the intensity of population-related impacts (e.g., air quality, greenhouse gas emissions, hydrology and water quality, noise, public services and recreation, transportation, and utility and service systems), and footprint-related impacts (e.g., aesthetics, agricultural resources, biological resources, cultural resources, geology and soils, and hydrology and water quality). However, under both this Alternative and the Project, most of the identified impacts would remain less than significant or less than significant with the incorporation of mitigation.

c) Alternatives Rejected From Further Consideration: Numerous additional alternatives were initially considered, but rejected from further consideration for the reasons summarized below and described more fully in the Project EIR.

i. Modified Development Footprint: Under this alternative, six residential lots in the northeastern corner of the Residential Development Area on the Northern Site would not be developed and would instead become a part of the Northern Preservation Area. The Non-Urban Development Area, trail, and trail heads would be constructed as would occur under the Project. Similar to the Project, this alternative would require a ULL adjustment, rezoning, and General Plan amendment. The Modified Development Footprint would avoid encroachment upon approximately 4,312 square feet of an existing wetland feature, resulting in an approximately 27 percent reduction in wetland feature impacts compared with the Project. However, because of this avoidance, the creation of high-quality wetlands at a minimum 2:1 ratio would not occur under this Alternative to the same extent. The reduction in total housing units (from 125 to 119) would also result in small decreases in certain development footprint impacts such as those relating to air quality and greenhouse gas emissions, required public service and utility needs, and total grading area, but would not eliminate any of the significant and unavoidable impacts. This alternative would meet all of the Project objectives, although to a somewhat lesser extent than the Project since it would develop six fewer residential lots. Furthermore, under both this Alternative and the Project, impacts to wetlands would be less than significant in any event. Because this alternative is substantially similar to the Project and would result in similar impact levels and would not reduce any of the significant and unavoidable impacts, it was rejected from more detailed analysis and further consideration.

ii. Alternative Location: The CEQA Guidelines identify the following factors that may be taken into account when addressing the feasibility of an alternative location:

- site suitability,
- economic viability,
- availability of infrastructure,

- General Plan consistency,
- other plans or regulatory limitations,
- jurisdictional boundaries, and
- whether the project applicant can reasonably acquire, control, or otherwise have access to the alternative site.

Furthermore, the CEQA Guidelines establish that only those locations that can avoid or substantially lessen the Project's significant impacts should be considered.

For the reasons described in Section 5.0 of the RDEIR and various responses to comments set forth in the FEIR, only sites located within or directly adjacent to the ULL in the San Ramon, Danville, and/or Blackhawk areas that are currently designated for agricultural uses were considered. As is the case with the Project, changes to the ULL are allowable under certain conditions; therefore, alternative sites adjacent to the ULL were considered. For sites within the existing ULL, the primary constraint is that the Applicant does not own, control, or otherwise have access to any other sites. Undeveloped properties may be available for purchase within the ULL, and could conceivably be acquired; however, it is unlikely that any alternative site within the ULL would be large enough to be able to commit to dedicate and permanently preserve lands to the same extent proposed by the Project. Furthermore, dedication of open space areas within the ULL may not provide the same biological resource, open space, and agricultural resource benefits as those outside the ULL with respect to connectivity to other open space and preserved lands, and would not serve to create a "green buffer" to prevent future urban development beyond the approved ULL. However, because the residential portion of the Project Site could theoretically be developed on an alternative site within the ULL without the accompanying dedication of lands, two alternative sites were considered and rejected from further evaluation for the reasons set forth in Section 5.0 of the RDEIR and the FEIR.

Similarly, for sites directly adjacent to, but entirely outside of the ULL, the primary constraint is that the Applicant does not own, control, or otherwise have access to any other sites. Further, obtaining approval for adjustment of the ULL is dependent upon the Board making the required findings, and thus alternative sites outside of the ULL may not qualify for inclusion in the ULL. Therefore, sites entirely outside of the ULL were not considered for alternative Project locations. Two sites, located in the unincorporated San Ramon area and partially within the ULL, have been identified by the County as potentially obtainable, and are considered, but were ultimately rejected for the reasons set forth in the Project EIR:

- i. Norris Canyon Alternative Site
- ii. Chapparal Court Alternative Site

In addition to the above, to ensure robust consideration of potential alternative sites, further searches were conducted for sites readily available on the real

estate market that could potentially accommodate the Project. Most available, undeveloped sites in the San Ramon, Danville, and Blackhawk area were not large enough to accommodate the entirety of the Project, and/or would not satisfy the findings necessary to modify the ULL. Therefore, these alternative sites were also determined to be infeasible and were rejected from further consideration.

- d) Environmentally Superior Alternative: CEQA Guidelines Section 15126(e)(2) requires an EIR to identify an environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives.

The qualitative environmental effects of each alternative in relation to the Project were summarized in Table 5-2 (Summary of Alternatives) of the RDEIR, which showed that the No Project Alternative would result in fewer impacts in all environmental topic areas. The No Project Alternative would result in the greatest reduction in impacts, as this alternative would leave the Project Site undeveloped for the foreseeable future, thereby avoiding all of the Project's significant impacts (including significant and unavoidable impacts), as well as the need to implement any mitigation measures. Therefore, the No Project Alternative is identified as the environmentally superior alternative.

Since the No Project Alternative was identified as the environmentally superior alternative, the RDEIR is required to select another and thus identified the Reduced Intensity Alternative as the environmentally superior alternative. The Reduced Intensity Alternative would reduce impacts in all environmental topic areas with the exception of hazards and land use and would eliminate the significant and unavoidable impact related to operational greenhouse gas emissions.

- e) Basis for Rejecting the Alternatives Studied: Section 5.0 of the RDEIR and the FEIR provide detailed information regarding the basis for rejecting each of the alternatives studied in the Project EIR. In summary:
- i. No Project Alternative: This alternative would not satisfy any of the Project objectives and would not eliminate all of the significant and unavoidable impacts.
 - ii. Reduced Intensity Alternative: This alternative would meet some of the Project objectives to a certain degree, but it would not efficiently use the 30-acre development envelope or enhance the ULL's fundamental purpose by creating a "green buffer." In addition, it would not permanently protect agriculture, open space, wetlands, and other non-urban characteristics on the Southern Site, and it would not preserve opportunities for ongoing agricultural uses on the Southern Site. Lastly, while certain significant impacts would be reduced to a certain degree (although under both this Alternative and the Project, the identified impacts would be less than significant with incorporation of mitigation) and significant and unavoidable impacts relating to greenhouse gas

emissions would be avoided, it would not eliminate significant and unavoidable traffic-related impacts (freeway segments).

VI. Absence of Significant New Information

- A. After the RDEIR was published, the County received additional information that is not included in the RDEIR. County staff and consultants involved in preparing the various studies, reports and analyses included in the Project EIR have also presented additional information since the publication of the RDEIR. Some of this information was contained in comments submitted on the RDEIR, and in responses to those comments contained in the FEIR. Other information was presented at or before public meetings/hearings on the Project EIR. The Project EIR incorporates additions, clarifications, modifications, and other changes, in response to comments, and as determined appropriate by County staff and required under CEQA. Additional information was also submitted to the County regarding the Project that is not contained in the Project EIR.
- B. This Board has considered the opinions of interested agencies, organizations and individuals, including, among others, opinions that disagree with some of the analysis and conclusions in the Project EIR. The entirety of the Project EIR is incorporated into these findings by reference. This Board hereby ratifies, adopts, and incorporates the analyses and explanations in the Project EIR, and ratifies, adopts, and incorporates into these Findings the determinations and conclusions of the Project EIR relating to environmental impacts and mitigation measures.
- C. Having reviewed all the information in the record of proceedings, this Board finds that this additional information does not constitute significant new information requiring another recirculation. The additional information merely clarifies or amplifies an adequate EIR. Specifically, the additional information, including the changes described above, does not show any of the following triggers identified in CEQA Guideline Section 15088.5:
 - 1. A new significant environmental impact that would result from the project (or any alternative) or from a new mitigation measure proposed to be implemented.
 - 2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - 3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project (or an alternative), but the project's proponents decline to adopt it.
 - 4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

VII. Statement of Overriding Considerations

- A. Introduction: Contra Costa County is the lead agency under CEQA for preparation, review, and certification of the Project EIR. As the lead agency, the County is also

responsible for determining the potential environmental impacts of the proposed action, which of those impacts are significant, and which impacts can be mitigated through imposition of feasible mitigation measures to avoid or minimize such impacts to a level of “less than significant.”

CEQA requires the lead agency to balance the benefits of a proposed project against its significant and unavoidable adverse environmental impacts when determining whether to approve the project. In particular, Public Resources Code section 21081(a) provides that no public agency may approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless the public agency makes one or more of three findings with respect to each significant effect.

Public Resources Code section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the lead agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR, but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

If a lead agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. The statement of overriding considerations does not substitute for, and is in addition to, findings required by CEQA Guidelines section 15091.

- B. Summary of Significant Unavoidable Adverse Environmental Impacts: Although most of the Project’s significant impacts can be substantially avoided or mitigated, some significant impacts remain for which complete mitigation is not feasible. In particular, for some impacts, the Project EIR identified feasible mitigation measures; however, even with implementation of these measures, the Project EIR concluded that the impact could not be reduced to a level of “less than significant.” Specifically, the Project EIR identified the following unavoidable adverse impacts of the proposed Project:
1. Adopted Air Quality Plan Consistency: Given that the Project would not achieve the per capita annual GHG emissions threshold of 4.6 metric tons of carbon dioxide equivalents per service population per year (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 BAAQMD’s Clean Air Plan. Mitigations requiring the implementation of feasible emissions reduction measures are proposed; however, these measures would not reduce emissions to less than significant levels. Therefore, this impact remains significant and unavoidable.

2. Greenhouse Gas Operational Emission Threshold: The Project would exceed the BAAQMD's threshold of 4.6 MTCO₂e/SP/yr for operational emissions. Mitigations requiring the implementation of feasible emissions reduction measures are proposed; however, these measures would not reduce emissions to less than significant levels. Therefore, this impact remains significant and unavoidable.
3. Existing Plus Project Freeway Operations: The Project would contribute vehicle trips to certain freeway segments that would operate at unacceptable LOS under Existing Plus Project Conditions. Mitigation is proposed; however, it would not fully reduce Project impacts to a level of less than significant. Therefore, the residual significance is significant and unavoidable.
4. Near-Term Plus Project Freeway and Intersection Operations: The Project would contribute vehicle trips to certain freeway segments and one intersection that would operate at unacceptable LOS under Near-Term Plus Project Conditions. Mitigation is proposed; however, it would not fully reduce Project impacts to a level of less than significant. Therefore, the residual significance is significant and unavoidable.
5. Cumulative Plus Project Freeway and Intersection Operations: The Project would contribute vehicle trips to certain freeway segments and intersections that would operate at unacceptable levels under Cumulative Plus Project Conditions. Mitigations are proposed; however, they would not fully reduce Project impacts to a level of less than significant. Therefore, the residual significance is significant and unavoidable.
6. Congestion Management Plan: The Project would contribute vehicle trips to certain Congestion Management Plan facilities that would operate at unacceptable levels. Mitigations are proposed; however, they would not fully reduce Project impacts to a level of less than significant. Therefore, the residual significance is significant and unavoidable.

In addition, as discussed more fully in the Impacts, Mitigation Measures, and MMRP Section above, the Project EIR identified two alternatives to the Project (the No Project Alternative and the Reduced Intensity Alternative) and analyzed whether these alternatives could avoid or substantially lessen the unavoidable environmental impacts of the proposed Project. While the No Project Alternative would avoid all of the significant and unavoidable impacts of the proposed Project, it would not meet any Project objectives. Similarly, the Reduced Intensity Alternative would lessen some of the unavoidable impacts of the Proposed Project, but it would not meet the majority of the Project objectives because it would not efficiently utilize the entire 30-acre development envelope; it would not permanently protect agriculture, open space, wetlands, and other non-urban characteristics on the Southern Site; it would not create a "green buffer" to enhance the ULL's fundamental purpose; and it would not preserve opportunities for ongoing agriculture uses on the Southern Site. Consequently, for the reasons set forth in the Impacts, Mitigation Measures, and MMRP Section of these Findings and Section 5.0 of the RDEIR, neither of the Project alternatives is feasible.

- C. Overriding Considerations: As required under Public Resources Code section 21081 and CEQA Guidelines section 15093, this Board, having reviewed and considered the Project EIR, all other written materials within the administrative record, and all oral testimony presented at public hearings and other public meetings on the Project EIR, has balanced the benefits of the proposed Project against the identified unavoidable adverse impacts associated with the Project, and hereby adopts all feasible mitigation measures with respect to such impacts, certifies the Project EIR, and approves the Project. This Board has also examined alternatives to the Project, neither of which is feasible, meets the majority of the Project objectives, or is environmentally preferable to the Project for the reasons discussed in the Summary of Alternatives Evaluated Section (V.B.2) and the Project EIR.

After balancing the specific economic, legal, social, technological, and other benefits of the proposed Project, this Board has determined that the unavoidable adverse environmental impacts identified above are acceptable due to the following specific considerations in the record, which outweigh the unavoidable, adverse environmental impacts of the Project. Each of the considerations in the record, standing alone, is sufficient to support approval of the Project, in accordance with CEQA.

The Project will have all the following direct public benefits:

1. Provide a contribution of \$4 million (in connection with the Agricultural Preservation Agreement discussed further below) to an agricultural enhancement fund established by the County, which will be available to support, develop, and implement a broad array of policies, programs, and other actions intended to enhance agriculture and preserve open space, wetlands, parks, recreation, and other non-urban uses in the Preservation and Enhancement Area (as that term is defined therein) and Dedication Area as follows:
 - a) Encouraging and promoting the purchase of land or conservation easements from willing sellers, to protect and enhance agriculture and to preserve open space, wetlands, parks, recreation, and other non-urban uses;
 - b) Continuing the California Land Conservation Act of 1965 ("Williamson Act") (Gov't Code § 51200 *et seq.*) program to provide tax incentives for property owners who agree not to develop their land;
 - c) Encouraging the lease of public land for agricultural activities such as grazing;
 - d) Encouraging and promoting enhanced ground water management for agriculture and rural use, including technical support for more efficient water application and cooperative ground water management and extraction;
 - e) Encouraging and promoting enhanced marketing for locally-grown agricultural goods, including better connecting farmers to local markets;

- f) Encouraging continuation and augmentation of the technical support available to farmers, especially in the areas of financing, weed abatement and management, soil conservation, and range management;
 - g) Exploring and pursuing a range of funding opportunities for agricultural enhancement and preservation of open space, wetlands, parks, recreation, and other non-urban uses through activities such as grants, allocations from funding measures, and appropriations from density transfer programs and mitigation programs;
 - h) Cooperating with stakeholders to develop a shared vision for the future of the Tassajara Valley;
 - i) Encouraging public beautification projects, public signage, way-finding signage, and traffic regulations and improvements that enhance agricultural activities in the Tassajara Valley, or the rural character of the Tassajara Valley.
2. A \$2,500,000 contribution (“\$2.5M LCTF Contribution”) to the existing Contra Costa Livable Communities Trust Fund to be used by the County in its discretion in accordance with any adopted guidelines for the use of fund revenues.
 3. Construction of off-site improvements on the adjacent Tassajara Hills Elementary School parking lot/entrance to improve existing parking and circulation deficiencies, particularly during drop off and pick up times.
 4. Dedication of approximately 118 acres of the Northern Site and approximately 609 acres of the Southern Site (collectively, “Dedication Area”) to the EBRPD in fee to be permanently preserved for non-urban uses such as open space, parks, recreation, agriculture (including grazing), scenic areas, wetland preservation and creation, and habitat mitigation.
 5. Dedicate land in fee to EBRPD, along with funding and constructing of the Pedestrian Staging Area thereon.
 6. Dedicate to SRVFPD an approximately 7-acre parcel for potential future public use; if not accepted by SRVFPD, then this land will be dedicated to EBRPD.

The commitment to provide the public benefits mentioned above, coupled with support of the Agricultural Preservation Agreement and the related principles (described below), will establish a substantial “green buffer” of public land that surrounds the ULL in this part of the Tassajara Valley. This buffer will effectively impose legal, physical, and practical constraints to any further urban development in Tassajara Valley, and thus substantially advance the primary objective of the County’s 65/35 Land Preservation Plan.

- D. In addition to the above commitments, the Agricultural Preservation Agreement is designed to preserve certain land in the County for agriculture, open space, wetlands, parks, recreation, and other non-urban uses, consistent with the 65/35 Land Preservation Plan; this would occur through the memorialization of each signatory

agency's respective commitment to endeavor to preserve and enhance agricultural and other non-urban land uses within an approximately 17,667- acre area in Tassajara Valley ("Preservation and Enhancement Area") by agreeing to apply each party's existing land preservation policies, as codified in existing zoning regulations and general plan policies, to this area. In the Agricultural Preservation Agreement negotiated among the County, City of San Ramon, and East Bay Regional Park District, once executed by the parties, they will have agreed to cooperate with respect to the continuing implementation of existing policies such as the following:

1. Memorialize and reaffirm each party's respective commitment to preserving land in the Tassajara Valley Agricultural Enhancement Area by agreeing to apply each party's existing land preservation policies as codified in existing general plan, zoning policies and master planning documents and agreeing that the Preservation and Enhancement Area and the Dedication Area (as those terms are defined therein) are outside the ULL/UGB, both of which prevent urban development.
2. EBRPD agreeing that following County certification of the Project EIR and Project approval, it will accept fee title to the Dedication Area, either directly from the Developer or through a dedication from the Regional Parks Foundation.
3. Support the addition of the Preservation and Enhancement Area and the Dedication Area to the Association of Bay Area Government's list of Priority Conservation Areas to improve access to grant funding for acquisition of land or easements from willing sellers.
4. Consistent with the existing policies and except as otherwise provided therein, each party agreeing not to support any proposal to annex all or any portion of the Preservation and Enhancement Area or Dedication Area into a municipality or a utility services district unless the annexation serves non-urban uses.
5. Consistent with the existing policies and except as otherwise provided therein, each party agreeing not to support any proposal to modify the sphere of influence of any municipality or utility services district to include all or any portion of either the Preservation and Enhancement Area or Dedication Area, unless the modification serves non-urban uses.
6. Consistent with the existing policies and except as otherwise provided therein, each party agreeing not to support any proposal to extend, expand, or connect to urban infrastructure or service to all or any portion of the Preservation and Enhancement Area or Dedication Area, unless (a) the extension, expansion, or connection serves non-urban uses; or (b) the extension, expansion, or connection (i) is the minimum necessary to avoid an unconstitutional taking of private property, (ii) is the minimum necessary to comply with state or federal law, or (iii) is the minimum necessary to avoid specific, adverse impacts upon public health and safety.
7. Cooperating to cause the County General Plan land use designation for the Dedication Area to be changed to Parks and Recreation (PR).

8. Consistent with the existing policies and except as otherwise provided therein, each party understanding that the County does not support amending the General Plan Land Use designation for all or any portion of the Preservation and Enhancement Area or Dedication Area, unless such proposed amendment is for one or more of the following County General Plan Land Use designations: Agricultural Lands, Public and Semi-Public, Open Space, or Parks and Recreation; or other non-urban uses.
9. Consistent with the existing policies and except as otherwise provided therein, each party understanding that the County does not support amending the zoning designations in the Preservation and Enhancement Area or Dedication Area to change the zoning to a non-agricultural designation or other designation that is not compatible with agriculture, open space, park, recreation and other non-urban uses.
10. Consistent with the existing policies and except as otherwise provided therein, each party understanding that it does not support any future urban development in the Preservation and Enhancement Area or Dedication Area.
11. Agreeing to 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 in the Preservation and Enhancement Area.

For the foregoing reasons and as otherwise supported by substantial evidence in the administrative record, this Board hereby adopts this Statement of Overriding Considerations ("SOC"), which has balanced the benefits of the Project against its significant unavoidable adverse environmental impacts in reaching a decision to approve the Project.

VIII. RECORD OF PROCEEDINGS

For purposes of CEQA and these findings, the record before the County includes the following:

- The RDEIR and all appendices to the RDEIR;
- The FEIR and all appendices to the FEIR;
- All notices required by CEQA, staff reports, and presentation materials related to the Project;
- All studies conducted for the Project and contained in, or referenced by, staff reports, the RDEIR, or the FEIR, or appendices attached thereto;
- All public reports and documents related to the Project prepared for the County and other agencies;
- All documentary and oral evidence received and reviewed at public hearings, public meetings, study sessions, and workshops and all transcripts and minutes of those hearings related to the Project, the RDEIR, and the FEIR;
- For documentary and informational purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, master plans together with environmental review documents,

findings, mitigation monitoring programs, and other documentation relevant to planned growth in the area; and

- Any additional items not included above if otherwise required by law.

The Project EIR is incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the Project in spite of the potential for associated significant and unavoidable adverse impacts.

PROJECT FINDINGS

IX. General Plan Consistency

A. Overall General Plan Consistency

1. The General Plan is comprised of numerous goals, objectives, policies, principles, implementation measures, programs, and performance standards (collectively "General Plan Components"). At times, these General Plan Components necessarily compete with each other. For example, the General Plan promotes managed growth while simultaneously promoting protection of undeveloped land. As part of approving the Tassajara Parks project ("Project"), the Board has considered all applicable General Plan Components and the extent to which the Project conforms to each.
2. The General Plan comprises an integrated, internally consistent and compatible statement of policies for the County. The Project is consistent with, in harmony with, and implements the General Plan and zoning, as amended by the Project, as well as all other applicable County plans, policies and regulations. The Board adopts the analysis of Project consistency contained in the Project's EIR (including, without limitation, the detailed consistency analysis set forth in Section 3.9 of the RDEIR) and in staff reports as well as other relevant materials in the administrative record, as supplemented and clarified in these findings, with said analysis being incorporated herein by this reference. Nothing in the General Plan Amendment included in the Project's entitlements will cause the General Plan to become internally inconsistent. Accordingly, the Board hereby adopts and endorses the conclusions, reasoning, and findings regarding General Plan consistency set forth in the Project's EIR and staff reports as well as other relevant materials in the administrative record.
3. The financial impacts of the Project have been determined during the review process based upon the materials in the administrative record. The Project is consistent with the applicable General Plan Components set forth in the Growth Management Element as stated above and as further described in these findings. As required by the Growth Management Element, the Project will satisfy standard requirements and conditions that assure adequate infrastructure and services will be available. Accordingly, the Project complies with Public Facility and Services Element Policy 7-4. See also the detailed consistency discussion in Section 3.9 of the RDEIR as it relates to the nine relevant General Plan policies relating to growth management, the 65/35 Land Plan (or Ordinance), and the ULL.

4. Land Use Element Consistency: The Project will implement and promote the following General Plan Components set forth in the Land Use Element, which are stated without any intent to diminish or ignore other provisions that are implemented and promoted by the General Plan:

Relevant Land Use Goals include the following:

- a) 3-A: To coordinate land use with circulation, development of other infrastructure facilities, and protection of agriculture and open space, and to allow growth and the maintenance of the County's quality of life. In such an environment, all residential, commercial, industrial, recreational and agricultural activities may take place in safety, harmony, and to mutual advantage.
- b) 3-C: To encourage aesthetically and functionally compatible development which reinforces the physical character and desired images of the County.
- c) 3-D: To recognize and support existing land use densities in most communities, while encouraging higher densities in appropriate areas, such as near major transportation hubs and job centers.
- d) 3-E: To permit urban development only in locations of the County within identified outer boundaries of urban development where public service delivery systems that meet applicable performance standards are provided or committed.

Relevant Land Use Policies including the following:

- a) 3-5: New development within unincorporated areas of the County may be approved, providing growth management standards and criteria are met or can be assured of being met prior to the issuance of building permits in accordance with the growth management.
- b) 3-6: Development of all urban uses shall be coordinated with provision of essential community services or facilities including, but not limited to, roads, law enforcement and fire protection services, schools, parks, sanitary facilities, water and flood control.
- c) 3-7: The location, timing and extent of growth shall be guided through capital improvements programming and financing (i.e., a capital improvement program, assessment districts, impact fees, and developer contributions) to prevent infrastructure, facility and service deficiencies.
- d) 3-10: The extension of urban services into agricultural areas outside the Urban Limit Line, especially growth-inducing infrastructure, shall be generally discouraged.

- e) 3-11: Urban uses shall be expanded only within an Urban Limit Line where conflicts with the agricultural economy will be minimal.
 - f) 3-12: Preservation and buffering of agricultural land should be encouraged as it is critical to maintaining a healthy and competitive agricultural economy and assuring a balance of land uses. Preservation and conservation of open space, wetlands, parks, hillsides and ridgelines should be encouraged as it is crucial to preserve the continued availability of unique habitats for wildlife and plants, to protect unique scenery and provide a wide range of recreational opportunities for County residents.
 - g) 3-14: Protect prime productive agricultural land from inappropriate subdivisions.
 - h) 3-18: Flexibility in the design of projects shall be encouraged in order to enhance scenic qualities and provide for a varied development pattern.
 - i) 3-24: Housing opportunities shall be improved through encouragement of distinct styles, desirable amenities, attractive design and enhancement of neighborhood identity.
 - j) 3-25: Innovation in site planning and design of housing developments shall be encouraged in order to upgrade quality and efficiency of residential living arrangements and to protect the surrounding environment.
 - k) 3-28: New residential development shall be accommodated only in areas where it will avoid creating severe unmitigated adverse impacts upon the environment and upon the existing community.
 - l) 3-29: New housing projects shall be located on stable and secure lands or shall be designed to mitigate adverse or potentially adverse conditions. Residential densities of conventional construction shall generally decrease as the natural slope increases.
5. Transportation and Circulation Element Consistency: No portion of the Project will jeopardize or adversely impact the Land Use Element's correlation with the Transportation and Circulation Element. See Section XIX.A of these findings for additional information regarding the Project's consistency and compliance with applicable traffic and transportation standards. In addition, as detailed more fully in the Project's EIR and other relevant materials in the administrative record, the Project will implement and promote the following General Plan Components set forth in the Transportation and Circulation Element, which are stated without any intent to diminish or ignore other provisions that are implemented and promoted by the General Plan:

Relevant Roadway and Transit Goals include the following:

- a) 5-A: To provide a safe, efficient and integrated multimodal transportation system.
- b) 5-E: To permit development only in locations of the County where appropriate traffic level of service standards are ensured.
- c) 5-G: To provide access to new development while minimizing conflict between circulation facilities and land uses.

Relevant Roadway and Transit Policies include the following:

- a) 5-3: Transportation facilities serving new urban development shall be linked to and compatible with existing and planned roads, bicycle facilities, pedestrian facilities and pathways of adjoining areas, and such facilities shall use presently available public and semi- public rights of way where feasible.
- b) 5-4: Development shall be allowed only when transportation performance criteria are met and necessary facilities and/or programs are in place or committed to be developed within a specified period of time.
- c) 5-11: The use of freeways for community circulation shall be minimized by prioritizing transit circulation, safe, direct non-motorized routes, and secondarily by additional arterials and expressways.
- d) 5-12: The use of local and collector roadways for neighborhood circulation shall be encouraged.
- e) 5-13: The use of pedestrian and bicycle facilities shall be encouraged. Proper facilities shall be designed to accommodate bikes, pedestrians, and transit.
- f) 5-17: Emergency response vehicles shall be accommodated in development project design.
- g) 5-18: The design and the scheduling of improvements to arterials and collectors shall give priority to intermodal safety over other factors including capacity.
- h) 5-21: New development shall contribute funds and/or institute programs to provide adequate bicycle and pedestrian facilities where feasible.
- i) 5-24: Use of alternative forms of transportation, such as transit, bike and pedestrian modes, shall be encouraged in order to provide basic accessibility to those without access to a personal automobile and to help minimize automobile congestion and air pollution.

Relevant Roadway and Transit Implementation Measures include the following:

- a) 5-j: Design local streets so that the widths and curvatures fit the needs of all users, the appropriate speed of travel, and the character of the surrounding site.
- b) 5-k: Design a system of local and collector streets within a development to connect pedestrians and bicyclists with transit stops, activity centers and adjacent neighborhoods.

Relevant Pedestrian Facilities and Bikeways Goals, Policies and Implementation Measures include the following:

- a) 5-O: Plan for the needs of bicyclists and pedestrians.
- b) 5-L: Expand, improve and maintain facilities for walking and bicycling
- c) 5-M: Improve safety for pedestrians and bicyclists.
- d) 5-37: Identify gaps in the bicycle network and needed improvements to pedestrian districts and key activity centers and define priorities for eliminating these gaps and making needed improvements. Facilities shall be designed to the best currently available standards and guidelines.
- e) 5-39: Reduce conflicts among motorists, pedestrians and bicyclists.
- f) 5-45: Accommodate and encourage other agencies to accommodate the needs for mobility, accessibility and safety of bicyclists and pedestrians when planning, designing and developing transportation improvements.
- g) 5-aj: Where possible, roads selected for the comprehensive bikeway system should be 35 mph or less.
- h) 5-al: Ensure that pedestrian connectivity is preserved or enhanced in new developments by providing short, direct pedestrian connections between land uses and to building entrances.
- i) 5-an: Promote planning and coordination of pedestrian and bicycle facilities among cities, transit agencies and public utilities.
- j) 5-ar: Streetscape improvements should be included in the design of high usage pedestrian facilities to encourage pedestrian activity. This would include improvements such as benches, public art, drinking fountains and pedestrian-scale lighting fixtures.
- k) 5-at: Traffic calming measures should be designed so they improve pedestrian and bicycle movement in residential neighborhoods and commercial districts as well as strategic corridors between them that help form the comprehensive bicycle network.

- l) 5-ax: Use traffic control devices such as signs, signals or lights to warn motorists that pedestrians or bicyclists are in the roadway.
- m) 5-ay: Provide buffers between roads and sidewalks utilizing planter strips or buffer zones that provide streetscape improvements.
- n) 5-be: Incorporate sidewalks, bike paths, bike lanes, crosswalks, pedestrian cut-throughs, or other bicycle pedestrian improvements into new projects.
- o) 5-bg: Accommodate cyclists and pedestrians during construction of transportation improvements and other development projects.

Relevant Scenic Routes Policies include the following:

- a) 5-54: For lands designated for urban use along scenic routes, planned unit developments shall be encouraged in covenant with land development projects.

Relevant Scenic Routes Implementation Measures include the following:

- a) 5-bj: Consider the visual qualities and character of the corridor in reviewing plans for new roads, road improvements, or other public projects. This should include width, alignment, grade, slope and curvatures of traffic islands and side paths, drainage facilities, additional setbacks, and landscaping.

X. Urban Limit Line Change

- A. Section 82-1.018(a) of the County Ordinance Code (Changes to the Urban Limit Line) allows for changes to the ULL provided that the changes do not violate the 65/35 Land Preservation Standard, there is a four-fifths vote of the Board of Supervisors, and one or more of seven requisite findings exist based on substantial evidence in the record. One of the seven findings pertains to the execution of a preservation agreement, and reads as follows:

“A majority of the cities that are party to a preservation agreement and the county have approved a change to the urban limit line affecting all or any portion of the land covered by the preservation agreement.”

As set forth in Section 82-1.024 of the 65/35 Ordinance, a “preservation agreement” is an agreement with the County and one or more cities in the County designed to preserve certain land in the County for agriculture, open space, wetlands, parks, and other non-urban uses. The foregoing is intended to reflect the desired relevant interagency collaboration on land use issues while respecting the scope of legal authority granted to such agencies in relation thereto, particularly in areas that have been long-subject to disputes in this regard.

The County, City of San Ramon, and the EBRPD have negotiated a Preservation Agreement under Section 82-1.024 of the 65/35 Ordinance. The Preservation Agreement covers 17,667 acres in the Tassajara Valley area and includes the Project

Site. The Tassajara Valley Agricultural Preservation and Enhancement Area (as defined therein) is generally not appropriate for urban growth because of its physical unsuitability for development, unstable geological conditions, inadequate water availability, lack of appropriate infrastructure, distance from existing development, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors.

In recognition of those facts, the proposed Agricultural Preservation Agreement is designed to preserve the Tassajara Valley Agricultural Preservation and Enhancement Area for agriculture, open space, wetlands, parks, recreation and other non-urban uses by committing the parties thereto to numerous principles, including, among others, memorializing and reaffirming each party's respective commitment to preserving land in the Tassajara Valley Agricultural Preservation and Enhancement Area consistent with the parties' respective existing policies and principles and requiring urban development to be effectively buffered from land planned for agricultural, open space, parks, recreation or other non-urban uses.

The parties' commitments to these existing policies and principles would preserve the existing non-urban state of the Tassajara Valley Agricultural Preservation and Enhancement Area by reinforcing a buffer of lands that may only be used for non-urban purposes consistent with existing ULL/UGB principles and policies. To reiterate, this merely reflects an ongoing commitment to the parties' existing land use principles and policies related to urban sprawl and growth management.

As described above, once executed by the parties, the Preservation Agreement will protect and enhance agriculture and preserve and enhance open space, wetlands, parks, recreation, and other non-urban uses. The Preservation Agreement provides that the County is authorized to find that the Agreement satisfies Section 82-1.018(a)(3).

B. The Preservation Agreement reflects agreement, among other things, on the following:

1. Memorialize and reaffirm each party's respective commitment to preserving land in the Preservation and Enhancement Area and Dedication Area by agreeing to apply each party's existing land preservation policies as codified in existing General Plan, zoning policies and master planning documents and agreeing that the Preservation and Enhancement Area and the Dedication Area (as those terms are defined therein) are outside the ULL/UGB, both of which prevent urban development.
2. EBRPD agreeing that following County certification of the Project EIR and Project approval, it will accept fee title to the Dedication Area, either directly from the Developer or through a dedication from the Regional Parks Foundation.
3. Support the addition of the Preservation and Enhancement Area and Dedication Area to the Association of Bay Area Government's list of Priority Conservation Areas to improve access to grant funding for acquisition of land or easements from willing sellers.
4. Consistent with the existing policies and except as otherwise provided therein, each party agreeing not to support any proposal to annex all or any portion of the

Preservation and Enhancement Area or Dedication Area into a municipality or a utility services district unless the annexation serves non-urban uses.

5. Consistent with the existing policies and except as otherwise provided therein, each party agreeing not to support any proposal to modify the SOI of any municipality or utility services district to include all or any portion of the Preservation and Enhancement Area or Dedication Area, unless the modification serves non-urban uses.
 6. Consistent with the existing policies and except as otherwise provided therein, each party agreeing not to support any proposal to extend, expand, or connect to urban infrastructure or service to all or any portion of the Preservation and Enhancement Area or Dedication Area, unless the extension, expansion, or connection serves non-urban uses; or (b) the extension, expansion, or connection (i) is the minimum necessary to avoid an unconstitutional taking of private property, (ii) is the minimum necessary to comply with state or federal law, or (iii) is the minimum necessary to avoid specific, adverse impacts upon public health and safety.
 7. Cooperating to cause the County General Plan land use designation for the Dedication Area to be changed to Parks and Recreation (PR).
 8. Consistent with the existing policies and except as otherwise provided therein, each party understanding that the County does not support amending the General Plan land use designation for all or any portion of the Preservation and Enhancement Area or Dedication Area, unless such proposed amendment is for one or more of the following County General Plan land use designations: Agricultural Lands, Public and Semi-Public, Open Space, or Parks and Recreation Uses; or other non-urban uses.
 9. Consistent with the existing policies and except as otherwise provided therein, each party understanding that the County does not support amending the zoning designations in the Preservation and Enhancement Area or Dedication Area to change the zoning to a non-agricultural designation or other designation that is not compatible with agriculture, open space park, recreation or other non-urban uses.
 10. Consistent with the existing policies and except as otherwise provided therein, each party agreeing that it does not support any future urban development in the Preservation and Enhancement Area or Dedication Area.
 11. Agreeing to 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 in the Preservation and Enhancement Area.
- C. The Preservation Agreement satisfies the requirements of Sections 82-1.018(a)(3) and 82-1.024 of the County Ordinance Code and applicable provisions of the Land Use Element of the County General Plan. The parties' commitments to the foregoing principles, coupled with the approval of the Project by the County (as well as other agencies having legal authority over aspect(s) of the Project), will help to preserve the

existing non-urban state of the Tassajara Valley. This is accomplished by permanently preserving approximately 727 acres through conveyance to the EBRPD in fee, and by establishing a “green buffer” (including a significant amount of land owned and/or controlled by public entities) to serve as a permanent legal, practical, and physical barrier to urban development, beyond which the construction or extension of urban services will be inconsistent with the General Plan, thereby ensuring that no further urbanization of the Tassajara Valley occurs. Together, the Preservation Agreement and the Project will directly and substantially advance the primary objective of the County’s 65/35 Land Preservation Standard.

XI. 65/35 Land Preservation Standard

- A. The Board has evaluated the Project’s ULL change and General Plan Amendment in the context of the 65/35 Land Preservation Standard. It has been determined that approval of the ULL change and adoption of this General Plan Amendment to re-designate the 30-acre Residential Development Area from Agricultural Lands (a non-urban land use designation) to Single-Family Residential-High Density (SH) (an urban land use designation) will not conflict with or otherwise impair the County’s ability to maintain the 65/35 Land Preservation Standard. The Board has also evaluated the rezoning in the context of the 65/35 Land Preservation Standard and determined that rezoning the entire Project Site from Exclusive Agricultural (A-80) to Planned Unit District (P-1) will not conflict with or otherwise impair the County’s ability to maintain the 65/35 Land Preservation Standard. The other portions of the Project Site that would be re-designated to PR (Parks and Recreation) and PS (Public and Semi-Public) and re-zoned to P-1 would allow only non-urban development and thus would not conflict with or otherwise impair the County’s ability to maintain the 65/35 Land Preservation Standard.
- B. As indicated by the Contra Costa County Department of Conservation and Development’s Geographic Information Systems (“GIS”) mapping system, there are over 8,000 acres of non-urban designated land within the ULL that could be eligible for conversion to urban land use designations without causing the County to exceed the 65/35 Land Preservation Standard (Contra Costa County 2013). Currently, only approximately 30 percent of the total land within the County is designated for urban land uses. As such, including the 30-acre Residential Development Area of the Project Site within the ULL will not cause the County to violate the 65/35 Land Preservation Standard. Furthermore, consistent with the 65/35 Land Preservation Standard, the Project will ensure the permanent protection and preservation of approximately 727 acres of land for non-urban uses such as agriculture, open space, parks, recreation, scenic uses, wetland preservation and creation, and habitat mitigation.
- C. The Tassajara Valley has been the subject of intense development pressure for decades, in part because the ULL presently ends at Tassajara Hills Elementary School with privately-owned land immediately adjacent to and outside the ULL. The Project and its substantial land dedication in fee to EBRPD will facilitate permanent resolution of this issue by removing approximately 727 acres of land from any possibility of future urban development in perpetuity. This protected land comprises approximately 94% of the Project Site and ensures the permanent preservation of open space, wetlands, hillsides, ridgelines, wildlife and plant habitat, and unique scenery in the Tassajara Valley, consistent with and further implementing the 65/35 Land Preservation Standard.

- D. Land preservation will be accomplished by including the 30-acre Residential Development Area within the adjusted ULL and the accompanying conveyance to EBRPD of approximately 727 acres of land outside the ULL and within the Northern and Southern Sites in fee to be protected in perpetuity for park, recreation, open space and other non-urban uses. Portions of the conveyed acreage within the Southern Preservation Area will also be subject to a conservation easement, as further described in Section 3.4 of the RDEIR, for purposes of mitigating habitat impacts identified in the RDEIR, all of which will prevent future urban development. Most of the Project Site (approximately 94%) will thus permanently remain in its predominantly natural, scenic, agricultural, and open space condition. By allowing the Project to proceed, the accompanying dedication of 727 acres of land results in that land immediately adjacent to and outside the ULL being publicly owned, rather than privately owned, thus alleviating the urban development pressures in this area. This land dedication to EBRPD will result in the imposition of legal and physical constraints that will effectively establish a “green buffer” to prevent additional urban development in this area.
- E. The 30-acre Residential Development Area is in a location of relatively minimal topographical relief and will not extend north to the adjacent hilltops and ridgelines. As discussed in more detail in Section 3.1 of the RDEIR, the improvements proposed within the Residential Development Area will be consistent with existing surrounding communities by avoiding urban development on hillsides and ridgelines. This would in turn preserve foothill and valley views that are visible from adjacent scenic ridgelines and Camino Tassajara. Including the Residential Development Area within the ULL will also constitute a logical extension of urbanized development and services into a relatively flat, geologically stable area that is surrounded by rolling hills and ridges. Moreover, this 30-acre area is devoid of any significant agricultural value or natural resources, as discussed more fully in Section 3.3 of the RDEIR. The permanent preservation of approximately 727 acres of land for non-urban uses will discourage grid-like land division, permanently alleviate the pressure for urban development in this area, and protect the Tassajara Valley from more intensive levels of urban development that might occur as a result of changes in the law that may otherwise facilitate urban development.
- F. All the Project’s urban land uses will be located within the Single-Family Residential-High Density (SH) land use designation and within the 30-acre change to the ULL, as allowed by Ordinance Code section 82-1.018(a).

The General Plan describes a broad range of non-urban uses under the 65/35 Land Preservation Standard, including open space, agricultural, recreational, and public/semi-public uses such as schools, public offices, highways, major flood control rights-of-way, and railroads. (See, e.g., General Plan at p. 3-33.) All Project features outside of the Residential Development Area are non-urban in nature. The Contra Costa County Ordinance defines “nonurban uses” as “rural residential and agricultural structures allowed by applicable zoning and facilities for public purposes, whether privately or publicly funded or operated, which are necessary or desirable for the public health, safety or welfare or by state or Federal law.” Chapter 82-1 also characterizes agriculture, open space, wetlands, and parks as a non-exhaustive list of examples of non-urban uses. Accordingly, and consistent with the applicable provisions of the General Plan and with the County’s historical land use practice and as discussed more

fully in the FEIR, the Project's proposed uses located outside the ULL (including ongoing agriculture in the form of grazing, open space, wetlands, parks, recreation, stormwater detention basin, staging area, trail, and grading) are all non-urban in nature.

- G. By rezoning the site from A-80 (Exclusive Agricultural) to a project-specific P-1 (Planned Unit) zoning district, the Project will substantially reduce the number and intensity of non-urban land uses allowed at the Project Site. Such reduction in intensity is consistent with the 65/35 Land Preservation Standard and the purposes behind it.

For example, the project-specific P-1 zoning district will allow development of 125 single-family homes, interior roadways, landscaping and utilities, all within the 30-acre Residential Development Area. The respective P-1 district will also allow approximately 27.29 acres of non-urban uses such as a detention basin, a pump station, one pedestrian staging area, a trail, and related grading. Lastly, the respective P-1 zoning district will designate the approximately 118-acre balance of the Northern Site for non-urban uses such as agriculture (including grazing), open space, scenic uses, parks, recreation, wetlands, and habitat mitigation. The ability to establish higher-impact commercial agricultural land uses, such as wholesale horticulture and floriculture, dairying, livestock production, poultry raising, livestock breeding, aviaries, apiaries, and forestry are permitted by right within the existing A-80 zoning. However, with the project-specific P-1 zoning district, establishment of the uses listed above would require a discretionary review and modification of the P-1 district.

The respective P-1 zoning district will preserve approximately 609 acres of the Southern Site by designating the area for uses such as land for agriculture (including grazing), open space, scenic uses, park, recreation, wetlands, and habitat mitigation. This will in turn prevent the establishment of urban uses and any incompatible land uses within the boundaries of the Southern Site. The P-1 zoning district will also identify a 7-acre area for a potential future public/semi-public use (San Ramon Valley Fire Protection District) in accordance with the County's Urban Limit Line and other relevant County provisions.

XII. General Plan Map Amendment

- A. Pursuant to Government Code Section 65358(a), the General Plan may be amended if deemed to be in the public interest. The General Plan Amendment will promote public health, safety, and welfare, and provide benefits beyond those that could be achieved under the current General Plan. Re-designating the Project to SH (Single-Family Residential, High Density), PR (Parks and Recreation), and PS (Public and Semi-Public) designations will allow the Project to implement and promote the General Plan policies and provisions noted in Section VIII of these Findings. The Project will provide extensive public benefits via: (1) permanent preservation of approximately 727 acres of land for non-urban uses; (2) creation of a "green buffer" between existing urban and non-urban uses that will alleviate long-standing development pressures for the Tassajara Valley area; (3) dedication of land and related improvements to EBRPD for one pedestrian staging area that will connect trails; (4) dedication of an approximately 7-acre site for a potential future fire station training facility; (5) installation of circulation and parking improvements at the adjacent Tassajara Hills Elementary School to address existing deficiencies; (6) an irrevocable four million dollar (\$4,000,000) contribution to an agricultural enhancement fund established by

the County; and (7) a non-refundable \$2,500,000 contribution to the County Livable Communities Trust Fund.

XIII. Annual Statutory Limit on General Plan Amendments

Pursuant to Government Code Section 65358(b), no mandatory element of the General Plan may be amended more than four times per calendar year. The proposed General Plan Amendment affects the Land Use Element, a mandatory element, and constitutes the third amendment to such element for calendar year 2020.

XIV. Rezoning and Final Development Plan Findings

Rezoning the Project Site from an Exclusive Agriculture (A-80) to a Planned Unit (P-1) zoning district will promote public health, safety and welfare, and provide benefits beyond those that could be achieved under the current zoning. Rezoning the Project Site as proposed will eliminate the ability to perform certain higher-impact commercial agricultural activities that would otherwise be permitted as of right under the existing A-80 zoning. This includes uses such as wholesale horticulture and floriculture, wholesale nurseries and greenhouses, mushroom rooms, dairying, livestock production, fur farms, poultry raising, animal breeding, aviaries, apiaries, forestry, and similar agricultural uses. This reduction in intensity is consistent with the 65/35 Land Preservation Standard and the purposes behind it. In addition, rezoning the Project Site to a project-specific P-1 district contributes to the preservation and permanent protection of approximately 727 acres of land for agriculture (including grazing), open space, scenic uses, park, recreation, wetlands, and habitat mitigation by preventing the establishment of urban uses and any incompatible land uses thereon, as well as providing areas where other potential public/semi-public uses may be pursued by certain public entities in the future if such uses are in accordance with the County's Urban Limit Line and other relevant County provisions. The following will occur through offers to dedicate the foregoing lands in fee to EBRPD (and to SRVFPD for purposes of a 7-acre parcel).

A. Rezoning Findings

1. Required Finding: *The change proposed will substantially comply with the General Plan.*

Project Finding: The project-specific P-1 zoning district will allow for the development of 125 single-family residential lots and associated improvements, the Pedestrian Staging Area, park/recreation areas, potential future SRVFPD facility improvements, and habitat mitigation areas. The residential component will be consistent with the SH designation of the 30-acre portion of the Northern Site (Residential Development Area) within which it will be located. Any potential future SRVFPD use and improvements will be consistent with the PS (Public/Semi-Public) designation of the 7-acre portion of the Southern Site (and subject to the County's discretionary land use permit process if and when SRVFPD accepts the offer of dedication and elects to proceed to develop some type of fire facility), and the remaining park, recreational, open space, wetland creation, and habitat uses will all be consistent with uses allowed within the remaining area that are designated as PR (Parks and Recreation). In addition to their compliance with their respective General Plan Land Use designations, the uses permitted under the project-specific P-1 will also be consistent with various other applicable policies

and goals of the General Plan associated with the 65/35 Land Preservations Standard, transportation, utilities, conservation, and safety. The Project's compliance with these policies and goals, with respect to the uses allowed with the project P-1, are described in further detail above in the "General Plan Consistency" section of these findings as well as in Section 3.9 of the RDEIR and the FEIR.

2. *Required Finding: The uses authorized or proposed in the land use district are compatible within the district, and to uses authorized in adjacent districts.*

Project Finding: The project-specific P-1 zoning district will allow for the development of 125 single-family residential lots and associated improvements, pedestrian staging area, park/recreation areas, potential future SRVFPD facility improvements, and habitat mitigation areas. Generally speaking, parks and recreational areas are intended to serve urbanized areas of the County and are essential to the physical and mental well-being of their residents. The Residential Development Area will be in close proximity and have easy access to, the Pedestrian Staging Area and the Northern Site's park/recreation area. This configuration encourages commingling of, and reaffirms the compatibility of, the two land uses. Any potential future SRVFPD facility improvements will be compatible with all allowed uses within the district due to its sole purpose of contributing towards providing fire protection services in the surrounding area and will be subject to the County's discretionary land use permit process. The wetland preservation/creation and habitat mitigation uses will be located at the Southern Site along with parks and recreation, open space, and potential future fire protection services uses. If the offer of dedication is accepted by the SRVFPD, any future improvements or uses on that parcel will be limited to those of a fire protection nature, which will have little potential for conflict with the adjacent wetland preservation/creation and habitat mitigation areas.

The residential and open space/recreational uses within the Northern Site will be surrounded by the Tassajara Hills Elementary School, similar residential uses associated with the Blackhawk and Alamo Creek communities, SRVFPD Station #36, undeveloped agricultural lands, and agriculturally zoned parcels with low-density residential development. These uses are all residential in nature, and thus will be compatible, as further discussed in Sections 3.2, 3.9 of the RDEIR and the FEIR.

The residential uses are located in an area of minimal topographical relief and will not extend north to the on-site hilltops. The Project's residential uses will be consistent with the aesthetics of the surrounding residential and urban areas, and will be compatible with the dominance, scale, diversity, and continuity of adjacent urban land uses (i.e., residences, Tassajara Elementary School, Fire Station, and soccer complex) located directly to the west and southwest. The residential component of the Project has been designed to complement surrounding architectural styles and will include building materials similar to those used in the Project vicinity. In addition, the Residential Development Area will be consistent in scale and size with other development in the immediate vicinity of the Project Site, including one- and two- story residences. Conformance with applicable regulations

and policies set forth by Contra Costa County requiring design review, such as Ordinance Code 84-66.1402 (design objectives for P-1 planned unit districts), will further ensure that the visual character and quality of the Residential Development Area is consistent with community standards.

Furthermore, once all necessary approvals have been obtained and the Project is constructed, it will include all required and desirable fundamental elements such as public water and wastewater services, fire protection infrastructure, a storm drainage system, solid waste collection, and basic utilities (i.e. gas, electricity) needed to safely operate a development of this size and nature. In addition, the Project will include the following amenities: areas permanently preserved and protected for open space, agriculture, scenic uses, parks, recreation, wetlands, and habitat mitigation; a pedestrian staging area and related improvements to be offered for dedication to EBRPD; and circulation and parking improvements to be installed on the adjacent school site to address existing deficiencies. The Project's limited urban development on a small portion of the overall Project Site (with approximately 94% of the Project Site being permanently protected for non-urban uses) reflects an efficient and thoughtful utilization of the Project Site, which will result in the permanent preservation and protection of the vast majority of the Project Site for open space, agriculture, scenic uses, parks, recreation, wetlands, and habitat mitigation and other non-urban uses.

3. *Required Finding: Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.*

Project Finding: There is an increasing and continuous demand for additional housing stock within Contra Costa County, which the Project's residential uses will contribute towards reducing. In addition, the Project's substantial contribution of open space lands for permanent protection and preservation helps sustain the County's 65/35 Land Preservation Standard. Furthermore, the Project's dedication of land and/or improvements to the EBRPD, SRVFDP, and San Ramon Valley Unified School District (SRVUSD) properties will result in significant contributions to facilitate the broader community needs as they relate to park and recreational uses, fire protection facilities, and school site improvements.

B. Planned Unit (P-1) District Findings

1. *Required Finding: The applicant intends to start construction within two and one-half years from effective date of zoning change and plan approval.*

Project Finding: Representatives of the Applicant have publicly stated an intent to start construction as quickly as feasible and within two years of the Effective Date of the Development Agreement (as that term is defined therein). However, the anticipated construction date is subject to obtaining all necessary approvals from other public agencies and depends on market and other considerations.

2. *Required Finding: The proposed planned unit development is consistent with the County General Plan.*

Project Finding: The proposed development is consistent with the General Plan as explained in detail above in the "General Plan Consistency" section of these Findings.

3. *Required Finding: In the case of residential development, it will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community.*

Project Finding: The Residential Development Area will be located in a small portion of the southwest corner of the Northern Site and focused in an area of minimal topographical relief that would not extend north to the adjacent rolling hills. The Project's residential uses will be consistent with the aesthetics of the existing residential and urban character of the areas to the west, southwest, and south; and will be compatible with the dominance, scale, diversity, and continuity of adjacent urban land uses (i.e., residences, Tassajara Elementary School, Fire Station, and soccer complex) located directly to the west and southwest. The residential component of the Project has been designed to complement surrounding architectural styles and will include building materials similar to those used in residential developments in the Project vicinity. In addition, improvements within the Residential Development Area will be consistent, in scale and size, with other development in the immediate vicinity of the Project Site, including one- and two-story residences. Conformance with applicable regulations and policies set forth by Contra Costa County that require design review, such as Ordinance Code 84-66.1402 (design objectives for P-1 planned unit districts), will ensure that the visual character and quality of the Residential Development Area is consistent with community standards.

4. *Required Finding: In the case of the commercial development, it is needed at the proposed location to provide adequate commercial facilities of the type proposed, and that traffic congestion will not likely be created by the proposed center, or will be obviated by presently projected improvements and by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking, and that the development will be an attractive and efficient center which will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding development.*

Project Finding: The Project does not involve a commercial element.

5. *Required Finding: In the case of proposed industrial development, it is fully in conformity with the applicable performance standards, and will constitute an efficient and well organized development, with adequate provisions for railroad and/or truck access service and necessary storage, and that such development will have no adverse effect upon adjacent or surrounding development.*

Project Finding: The Project does not involve an industrial element.

6. *Required Finding: The development of a harmonious, integrated plan justifies exceptions from the normal application of this code.*

Project Finding: The Project Site consists of various unique characteristics that warrant adoption of a Planned Unit zoning district. Portions of the Northern Site consists of very steep slopes, documented landslide areas, and valuable sensitive habitat resources that limit suitable development areas. In addition, the Applicant has included a substantial land preservation and dedication component as part of the Project, which will be more easily executed and managed given the more contiguous configuration of the land to be preserved. When the unique characteristics of the land, the goal of reducing impacts to environmental resources, and a desire for the most contiguous and publicly accessible preserved lands configuration were considered together, the proposed residential development within a portion of the Northern Site is restricted to a 30-acre area in the southwest region of the Project Site. To efficiently utilize this compact 30-acre development envelope while also maintaining consistency with surrounding residential developments, the Project design requires exceptions and/or variations from the standard lot dimension, structure yard and setback, and other development standards of the County's standard residential zoning districts.

XVI. Vesting Tentative Map Findings

- A. Required Finding: *The advisory 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: The Project's Vesting Tentative Subdivision Map (VTM) application has been reviewed along with all other submitted plans, and for compliance with applicable regulations in effect on the date the application was deemed complete. The development shown on the VTM, as a whole, is consistent with the General Plan as explained in further detail in the "General Plan Consistency" section of these findings. There is no specific plan that covers the Project Site.

- B. Required Finding: *The advisory agency shall make findings as required concerning the fulfillment of construction requirements.*

Project Finding: The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision within the meaning of Government Code section 66473.1. The Project will be subject to then-current building codes that require energy efficiency pursuant to applicable State of California Green Building standards. The VTM has been conditioned to require the undergrounding of all new utility distributions within the 30-acre Residential Development area. Any relevant undergrounding would be subject to Government Code section 66473.6, addressing reimbursements for relocating or undergrounding certain utilities. Lastly, the Project has been conditioned in a manner that requires the Applicant to complete most of the construction requirements (i.e. roadway improvements, drainage improvements) prior to recordation of the Final Map unless construction of said improvements is guaranteed with sufficient security in accordance with the relevant provisions of the Subdivision Map Act and the County's Subdivision Ordinance.

XVII. Development Agreement Findings

- A. In accordance with State law, the County adopted Resolution No. 85/412 and Ordinance No. 92-73 establishing rules, regulations, procedures, and requirements for consideration and adoption of development agreements (“Development Agreement Regulations”). The Development Agreement for the Project has been processed, considered, and executed in accordance with the Development Agreement Regulations and State law.
- B. As detailed more fully therein, the Development Agreement for the Project vests the ability to build the Project in accordance with Applicable Law (as that term is defined therein), and provides an additional enforcement mechanism (in addition to the COAs) to ensure satisfaction of the Project's various funding and dedication obligations and provision of identified community benefits.
- C. The Development Agreement is consistent with and in compliance with the County's General Plan for the reasons set forth in these Findings.
- D. The Development Agreement promotes public health, safety and welfare by granting certainty to enable the Project to be pursued under an established set of local plans and regulations, which will also ensure that the public benefits (as described more fully in the Development Agreement, COAs, and these Findings), provided that the Project occurs.

XVIII. Tree Removal Findings

The County decision-making body is satisfied that the following factors, as provided by County Code Section 816-6.8010 for granting a tree permit, have been satisfied as stated below:

- Reasonable development of the Project Site as proposed by the Project would require removal and/or work within the dripline of code-protected trees, and this development could not be reasonably accommodated on another area of the lot.

Even though there are relatively few trees located within its 155-acre area, the large majority of existing trees on the Northern Site are clustered in the southwestern and northeastern regions. In the interest of avoiding steep slopes and documented landslide areas, avoiding sensitive habitat areas to reduce the level of environmental impacts, and providing easy roadway access, development of the proposed 125 residences, related on-site improvements and Pedestrian Staging Area have been focused in these two regions of the Northern Site. Because these are the most suitable locations for development, existing trees must be altered or removed.

XIX. Exception Findings

- A. Exception from requirement from frontage improvements and pavement widening.
 - 1. Required Finding: That there are unusual circumstances or conditions affecting the property.

Project Finding: Given the nature of the Project's residential component (which is limited to the 30-acre Residential Development Area), there are no frontage improvements proposed beyond "A" Street and no other frontage improvements in the area to which the new Project improvements would be connected. In addition, no new public improvements will be allowed in the future because this is the last private property along Camino Tassajara with the potential to be subdivided following a 30-acre change to the ULL. Granting the requested exception further helps to ensure the preservation of the vast majority of the Project Site for non-urban uses and maintains the rural residential nature of the Project vicinity generally.

2. Required Finding: That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.

Project Finding: The requirement to construct frontage improvements beyond "A" Street would be inconsistent with the ULL and with the Project objectives, such as serving as a buffer and transition zone between existing urban and permanently protecting the non-urban uses and non-urban characteristics of the vast majority of the Project Site.

3. Required Finding: That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

Project Finding: Granting the requested exception will not be materially detrimental to the public welfare or injurious to other property in the area because the Project will not develop urban land uses east of the Residential Development Area on the Northern Site. Moreover, granting the requested exception will be consistent with existing development patterns in the Project vicinity that are rural residential in character generally.

B. Exception from the requirement for streetlights within one mile of an existing school.

1. Required Finding: That there are unusual circumstances or conditions affecting the property.

Project Finding: Given the nature of the Project's residential component (which is limited to the 30-acre Residential Development Area), there are no street lights proposed beyond "A" Street and no other street lights in the area to which the new Project improvements would be connected. In addition, no new streetlights will be allowed in the future because this is the last private property along Camino Tassajara with the potential to be subdivided following a 30-acre change to the ULL. Granting the requested exception further helps to ensure the preservation of the vast majority of the Project Site for non-urban uses and maintains the rural residential nature of the Project vicinity generally.

2. Required Finding: That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.

Project Finding: The requirement to install streetlights beyond “A” Street would be inconsistent with the ULL and with the Project objectives, such as serving as a buffer and transition zone between existing urban and permanently protecting the non-urban uses and non-urban characteristics of the vast majority of the Project Site.

3. Required Finding: That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

Project Finding: Granting the requested exception will not materially detrimental to the public welfare or injurious to other property in the area because the Project would not develop urban land uses east of the Residential Development Area on the Northern Site. Moreover, granting the requested exception will be consistent with existing development patterns in the Project vicinity, which are rural residential in character generally.

C. Exception to the requirement for frontage improvements on the side or sides of the roadway adjacent to the subdivision.

1. Required Finding: That there are unusual circumstances or conditions affecting the property.

Project Finding: Given the nature of the Project’s residential component (which is limited to the 30-acre Residential Development Area), there are no frontage improvements proposed beyond “A” Street and no other frontage improvements in the area to which the new Project improvements would be connected. In addition, no new public improvements would be allowed in the future because this is the last private property along Camino Tassajara with the potential to be subdivided following a 30-acre change to the ULL. Granting the requested exception further helps to ensure the preservation of the vast majority of the Project Site for non-urban uses and maintains the rural residential nature of the Project vicinity generally.

2. Required Finding: That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.

Project Finding: The requirement to construct frontage improvements beyond “A” Street would be inconsistent with the ULL and with the Project objectives, such as serving as a buffer and transition zone between existing urban and permanently protecting the non-urban uses and non-urban characteristics of the vast majority of the Project Site.

3. Required Finding: That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

Project Finding: Granting the requested exception will not materially detrimental to the public welfare or injurious to other property in the area because the Project would not develop urban land uses east of the Residential Development Area on the Northern Site. Moreover, granting the requested exception would be consistent with existing development patterns in the Project vicinity, which are rural residential in character generally.

D. Exception to the requirement for sidewalks within one mile of an existing school.

1. Required Finding: That there are unusual circumstances or conditions affecting the property.

Project Finding: Given the nature of the Project's residential component (which is limited to the 30-acre Residential Development Area), there are no sidewalks proposed beyond "A" Street and no other sidewalks in the area to which the new Project improvements would be connected. In addition, no new sidewalks will be allowed in the future because this is the last private property along Camino Tassajara with the potential to be subdivided following a 30-acre change to the ULL. Granting the requested exception further helps to ensure the preservation of the vast majority of the Project Site for non-urban uses and maintains the rural residential nature of the Project vicinity generally.

2. Required Finding: That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.

Project Finding: The requirement to construct frontage improvements beyond "A" Street would be inconsistent with the ULL and with the Project objectives, such as serving as a buffer and transition zone between existing urban and permanently protecting the non-urban uses and non-urban characteristics of the vast majority of the Project Site.

3. Required Finding: That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

Project Finding: Granting the requested exception will not materially detrimental to the public welfare or injurious to other property in the area because the Project would not develop urban land uses east of the Residential Development Area on the Northern Site. Moreover, granting the requested exception would be consistent with existing development patterns in the Project vicinity, which are rural residential in character generally.

E. Exception to the requirement for the placement of overhead utility distribution facilities within any subdivision to be place underground.

1. Required Finding: That there are unusual circumstances or conditions affecting the property.

Project Finding: Given the nature of the Project's residential component (which is limited to the 30-acre Residential Development Area), there are few undergrounded utilities along Camino Tassajara east of "A" Street, if any, that the required underground utility improvements would be connected to, and none are expected in the future as this is the last property along Camino Tassajara with the potential for being subdivided following a 30-acre change to the ULL. Therefore, overhead utilities are a well-established characteristic in the neighborhood. Granting the requested exception further helps to ensure the preservation of the vast majority of the Project Site for non-urban uses and maintains the rural residential nature of the Project vicinity generally.

2. Required Finding: That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.

Project Finding: The requirement to underground existing utilities along Camino Tassajara would be an inequitable cost imposed on the Applicant, as noted further below in finding (3).

3. Required Finding: That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

Project Finding: As the existing overhead utilities along the Project frontage east of "A" Street are compatible with the rest of those along Camino Tassajara, there would be no perceived detriment to the public welfare resulting from the exception.

In addition to exceptions from the infrastructure improvements above, the Applicant also requests an exception from Section 914-2.004 – "Offsite collect and convey requirements" for those portions of the Project outside the ULL as modified by the Project. Historically, large rural acreages in the County with little or no new impervious surfaces being created have been granted exceptions to this requirement. The additional peak runoff rate being generated by the Project within the ULL will be mitigated to at or below pre-development rates in accordance with applicable standards and requirements, thus downstream drainage conditions will not be worsened.

F. Exception to the requirement to meet all "collect and convey" standards.

1. Required Finding: That there are unusual circumstances or conditions affecting the property.

Project Finding: The existing tributary for the Northern Site drains all surface runoff to the southern portion of the Northern Site along Camino Tassajara into an area of existing jurisdictional wetlands.

2. Required Finding: That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.

Project Finding: The requirement to continue the Project's stormwater system any further to the southern boundary of the Northern Site would create additional otherwise unnecessary impacts to jurisdictional wetlands, contrary to the Project's objective of protecting and preserving wetlands.

3. Required Finding: That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

Project Finding: The potential for runoff discharge in excess of the existing condition for the Project will be mitigated by the fact the Project will collect and convey all onsite runoff to the proposed detention basin area at the southeast corner of the Residential Development Area. No additional downstream improvements to adjacent properties are required.

XX. Growth Management Element Policies And Performance Standards

The County is eligible to receive local street maintenance and improvement funds generated by Measure C-1988 (and as extended via Measure J), only if the County (as well as each city within the County) develops a Growth Management Element as part of its General Plan. The purpose of the County's General Plan Growth Management Element is to establish policies and standards for traffic levels of service and performance standards for fire, police, parks, sanitary facilities, water, and flood control to ensure that public facilities consistent with adopted standards are provided. The Project is consistent with and complies with the applicable Growth Management Element policies and performance standards, as stated in these findings, the Project staff reports, the Project EIR, and other relevant materials in the administrative record.

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-1988 to continue the transportation sales tax to fund transportation projects within the County. The County has complied with all these requirements, as described more fully herein and as otherwise set forth in the administrative record. Most importantly, the County is achieving Measure C-1988 and Measure J- 2004's overarching goal that development pay its own way.

- A. Traffic: The County's Growth Management Plan (as part of voter-approved Measure C-1988 and Measure J-2004) requires the County to evaluate the impacts of proposed development projects on the local, regional, and countywide transportation system, including the level of transportation capacity that can reasonably be provided. As part

of this evaluation, it is necessary to prepare a full transportation impact study when a proposed development, such as the Project, would be expected to generate more than 100 peak hour trips. In compliance with these requirements, the County retained the transportation firm, Kimley-Horn & Associates, to prepare a traffic impact analysis (TIA) for evaluation of the Project's potential construction- and operation-phase impacts. The TIA was prepared in consultation with representatives of Contra Costa County, the Town of Danville, the City of Dublin, and the City of San Ramon; and with the goal of coming to a consensus with respect to the definition of the study network and agreeing upon the appropriate methodology to utilize in the analysis. In general, the Contra Costa Transit Authority's (CCTA) Technical Procedures Guide provided the basis for the selection of intersections and the methodology for the analysis, although the TIA also includes a more conservative trip generation rate for the residential uses, in accordance with a request made by the Town of Danville. As discussed more fully in the TIA and in the Project EIR, the analysis expressly considered the requirements of the applicable regulatory framework. This analysis included requirements from the 2013 CCTA Growth Management Program (GMP), 2009 Tri-Valley Transportation Plan and Action Plan for Routes of Regional Significance, 2013 CCTA Congestion Management Program (CMP), 2013 CCTA Technical Procedures, Measure C/Measure J, Tri-Valley Transportation Council's Tri-Valley Transportation Development Fee, Alameda County Transportation Commission 2013 Congestion Management Program, and numerous County General Plan Components.

In summary, the TIA evaluated the Project's potential impacts under three different scenarios (Existing, Near-Term Future, and Cumulative), and determined that all significant impacts could be sufficiently mitigated except for those at several intersections and on certain freeway segments. These impacts would remain significant and unavoidable because the implementation and timing of the identified mitigating improvements are beyond the County's control. Nevertheless, the Project Applicant will be required, as a condition of approval, to implement the mitigation identified in the Project's EIR. Specifically, the Project proponent will be required to build certain improvements; contribute funding to support public transit for the area (through creation of a new Community Service Area (CSA) or similar funding mechanism); fund the optimization of signal timing at impacted intersections; and pay the applicable Tri-Valley Transportation Development (TVTD) fees. The foregoing obligations will be imposed on the Project as enforceable conditions of approval. Payment of the TVTD fees will contribute to the construction of planned freeway improvements, including HOV lanes, auxiliary lanes, interchange improvements as well as other regional transportation improvements.

The TIA also found that certain design features of the Project, which the Project proponent voluntarily agreed upon as an additional community benefit, will help to avoid significant traffic hazards. These improvements include: (a) the reconfiguration and expansion of the existing Tassajara Hills Elementary School driveway and parking lot to facilitate efficient circulation and parking in order to help remedy existing deficiencies; (b) installation of five-foot sidewalks along the Project's Camino Tassajara frontage to connect the Project driveway to the Lusitano Street intersection; and (c) striped crosswalks at the main Project entrance.

- B. **Water**: Subject to approval by the Board of Directors of East Bay Municipal Utility District ("**EBMUD**") of an acceptable agreement with the Project proponent, the Project will augment the availability of potable water from EBMUD by facilitating and

accelerating the implementation of currently planned water conservation measures and/or expanding conservation beyond currently planned levels within EBMUD's service area by an amount sufficient to offset the Project's water demand.

Because the Project Site is adjacent to EBMUD's existing service area, upon the County's approval of the requested land use entitlements, the Project proponent will then request that EBMUD enter into a mutually acceptable arrangement whereby the developer funds "Level E" conservation measures or other substantially similar conservation measure(s) approved by EBMUD's Board of Directors that could provide the required conservation to accommodate the demand needed to serve the Project. EBMUD has not defined a timetable for implementation of Level E measures since this would be heavily dependent upon the availability of funding, among other considerations; nor did it identify specific funding source(s) for same; therefore, acceleration and/or other facilitation of the implementation of these measures through funding provided by the Project proponent would allow EBMUD to accommodate the estimated Project water demand through its existing supply in a manner that would otherwise not occur. As documented in the Water Supply Evaluation (WSE) and explained more fully in the FEIR, the supplemental feasibility analysis and as otherwise set forth in the administrative record, the preferred conservation elements are to be developed and confirmed through negotiations with EBMUD, and are subject to the discretion and approval of EBMUD's Board of Directors as memorialized in a binding agreement. Funding will be defined in part by the conservation offset that would be negotiated with EBMUD, and which would be subject to the approval of the EBMUD Board of Directors. The WSE indicates there is sufficient water available to meet Project demands during normal, single dry, and multiple dry water years. Because delivery of this water supply will require the approval of other public agencies (i.e., EBMUD and LAFCO), the Project is conditioned to require that all such approvals be obtained prior to proceeding with development. To further ensure impacts are fully mitigated and taking into account the foregoing, the County has conditioned the Project such that, among other things, the Project developer will be required to enter into the above-referenced binding agreement with EBMUD that provides for the Project to fully accommodate its identified demand at a minimum of 56.3 AFY or the amount ultimately confirmed by EBMUD, whichever is greater. The County also has conditioned the Project on requiring specified water conserving features and limits on total demand to be included as enforceable provisions in the Project's CC&Rs, and that penalties could be levied against individual homeowners/Homeowners' Association for violating these provisions to help ensure compliance. This is consistent with the method successfully used in the Alamo Creek development.

- C. **Sanitary Sewer:** Upon annexation of the Residential Development Area and Pedestrian Staging Area (and related sphere of influence amendment) into its service area (which will require approval by LAFCO), the Project will be provided with wastewater collection and treatment services by the Central Contra Costa Sanitary District ("**CCCSD**"). As explained more fully in the Project EIR, the Project is estimated to demand between 47.9 and 91.7 acre feet (af) of water use on an annual basis. This equates to between approximately 41,959 and 81,234 gallons on a daily basis (0.04 and 0.08 mgd). If it were conservatively assumed that all domestic water would ultimately be discharged to the wastewater system, the Project would increase treatment demand at the CCCSD's Sanitary District Treatment Plant (SDTP) between 0.04 and 0.08 mgd. At the high end of this range, this increase represents approximately 0.30 percent of the 26 mgd of available treatment capacity identified by

the CCCSD in May of 2016. As such and as explained more fully in Section 3.13 of the RDEIR, the SDTP is expected to accept the Project's increase in effluent without needing to expand existing or construct new facilities. Therefore, the Project will not require or result in the construction or expansion of wastewater treatment facilities or expansion of existing off-site facilities.

- D. **Fire Protection and Emergency Services:** The Project Site is located in an area served by the San Ramon Valley Fire Protection District (SRVFPD), and directly across Camino Tassajara from Station #36 (2001 Lusitano Street). SRVFPD and emergency personnel will likely be able to reach the Residential Development Area in less than two minutes, or entrance to the Southern Site at the intersection of Camino Tassajara and Highland Road in approximately three minutes. These times are well within the response time goals for urban, suburban, and rural areas. As discussed more fully in Section 3.11 of the RDEIR, the combination of the proximity of Station #36, a relatively small population increase (anticipated at 375 persons), and the public and emergency vehicle access provided by the Project, will ensure that no additional SRVFPD and Emergency Services new or altered facilities will be required to serve the Project. Furthermore, the comments and requirements provided by the SRVFPD in its review of the Project application will be incorporated into the Project to ensure appropriate access and compliance with all applicable codes and standards. The Applicant will pay all applicable review and development impact fees to the SRVFPD. Lastly, in addition to conveying the Dedication Area to EBRPD for permanent preservation, the Project Applicant has offered for dedication, an approximately 7-acre parcel on the Southern Site to the SRVFPD for their potential future use in a manner consistent with the ULL.
- E. **Public Protection:** The Contra Costa County Sheriff's Office will provide law enforcement services to the Project Site. Construction of the Project will generate a population increase of approximately 375 persons, which represents less than one percent of the Sheriff Office's current service population. Response times are broken down into five category levels ranging from 11 minutes 24 seconds to 16 minutes 46 seconds. The Residential Development Area is located approximately 10 miles from the nearest Sheriff Station. However, responses to calls will likely originate from Sheriff officers who are currently patrolling the local beat and not from the station. If response calls originated from the Sheriff Station, response would be approximately 17 minutes based on drive time. As previously indicated, because there are many factors considered in evaluating response times, the Sheriff's Office does not set a specific goal for emergency call response times. However, General Plan Policy 7-59 indicates that when making staffing and beat configuration decisions, the Sheriff should strive for a maximum response time for priority 1 or 2 calls of five minutes for 90 percent of all emergency responses in central business district, urban, and suburban areas. The General Plan Policy's indicated response time is a goal, not a requirement. In addition, the Sheriff's Office has reviewed the Project and did not indicate there would be a need for new or expanded Sheriff facilities in order to maintain acceptable service ratios, response times, or other performance objectives. As such and as further evaluated in Section 3.11 of the RDEIR, it is not expected that the Project will significantly affect service ratios or response times, or increase the use of existing law enforcement facilities such that substantial physical deterioration, alteration, or expansion of these facilities would be required. Pursuant to the COA #29 for the Project, an annual special tax will be assessed on each lot created by the subdivision. The tax funding will be used to maintain and augment law enforcement services

provided to the Project. In addition, the Project Applicant will be required to pay all applicable review and development impact fees to the Sheriff's Office.

- F. **Parks and Recreation**: County park and recreation facility standards are established in the County's General Plan. Specifically, Goal 9-K of the General Plan, is to achieve a level of park facilities equal to four acres per 1,000 members of the population, or 0.004 acre per person. The Project is expected to generate a population increase of approximately 375 persons (at 3 persons per household), resulting in the need for 1.5 acres of park facilities to assist in the County's parkland goal. The Project will contribute towards the County's parkland facilities goal by the conveyance of approximately 0.19 acre to the EBRPD on the Northern Site for the Pedestrian Staging Area (along with constructing improvements thereon), for the benefit of the community and the granting of a perpetual easement to EBRPD for the purpose of a future trail alignment (approx. 0.40 acre). In addition, approximately 609 acres of the Southern Site as well as approximately 118 acres of the Northern Site – for a total of approximately 727 acres – will be dedicated to EBRPD in fee so that the foregoing lands will be permanently preserved and protected for park, recreation, open space and other non-urban uses.¹ Therefore, the Project will make significant contributions to the development of on-site open space, trail, and staging areas for use by the Project residents and the general public, which will greatly outweigh any potential increase in the use of existing neighborhood, regional, or state recreational facilities.
- G. **Flood Control and Drainage**: The Project site is not located within an area of the County that has been identified as a 100-year flood-plain, as determined by the Federal Emergency Management Agency (FEMA). Furthermore, no element of the Project requires removal or alteration of any existing dam, levee, or other flood control infrastructure located within the County. The Project has been reviewed by the County Public Works Department and will be required to comply with Provision C.3 of the Municipal Regional Stormwater Permit. The combination of the Project's compliance with the Hydrological and Water Quality mitigations described in the Project's EIR and all other applicable laws and regulations; the Project's compliance with the added drainage conditions of approval from the County Public Works Department; and the installation of on-site drainage improvements as shown on the approved Project plans, will ensure that on-site and off-site drainage is adequate and meets applicable performance standards and requirements.

¹ The RDEIR and certain other Project materials reference dedication of approximately 710 acres to EBRPD. This amount has been increased to approximately 727 acres, calculated as follows: 609 acres (on the Southern Site) and 117.82 acres (Parcel E of the Northern Site) and a total of 0.47 acre (Parcels D, K, J of the Northern Site).