

**FINDINGS AND CONDITIONS OF APPROVAL FOR ASHUR ABBASI (APPLICANT & OWNER);  
COUNTY FILE #GP20-0003**

**FINDINGS**

A. General Plan Amendment

1. **Required Finding:** *Adoption of the proposed General Plan Amendment will not violate the County Urban Limit Line.*

**Project Finding:** The subject site is located inside the County's Urban Limit Line (ULL), and therefore may be developed with "urban" or "non-urban" uses, as defined in the 2005-2020 Contra Costa County General Plan. The proposed land use designation, Multiple-Family Residential-High Density (MH), is urban. Furthermore, the project does not involve expansion of the ULL or extension of urban services beyond the ULL boundary.

2. **Required Finding:** *Adoption of the proposed General Plan Amendment is consistent with the 65/35 Land Preservation Standard.*

**Project Finding:** Adoption of the proposed General Plan Amendment (GPA) will not cause a violation of the 65/35 Land Preservation Standard (the "65/35 Standard"), originally approved by County voters through adoption of Measure C-1990 and reaffirmed through adoption of Measure L-2006. Under the 65/35 Standard, no more than 35 percent of the land in the County may be developed with urban uses and at least 65 percent of the land must be preserved for non-urban uses such as agriculture, open space, parks, wetlands, etc. The existing land use designation for the subject site, Public and Semi-Public (PS), is a non-urban designation. As the proposed MH land use designation is an urban designation, there will be a fractional increase in the percentage of land devoted to urban uses. The increase will not result in exceedance of the 35 percent limit.

3. **Required Finding:** *The proposed General Plan Amendment is consistent with the Contra Costa Transportation Authority Growth Management Program.*

**Project Finding:** The project complies with the objectives and requirements of Measure J-2004, the Contra Costa Transportation Authority (CCTA) Growth Management Program, and related CCTA resolutions. Adoption of the proposed GPA would increase the subject site's maximum development potential from a variety of public and semi-public land uses, excluding residential development, to a range of three-to-four multiple-family residential units. The increase is below the threshold for triggering the Growth Management Program GPA Review Process or studying the proposed GPA's potential impacts on Routes of Regional Significance.

4. **Required Finding:** *Following adoption of the proposed General Plan Amendment, the General Plan will remain internally consistent, as required under Government Code Section 65300.5.*

**Project Finding:** The General Plan comprises an integrated, internally consistent, and compatible statement of policies governing development in the unincorporated areas. The proposed GPA affects only the Land Use Element Map. The proposed GPA involves an increase in density at the subject site that is consistent with the goals and policies for the Rodeo Area, as well as the overarching goals and policies of the General Plan related to land use, growth management, transportation, housing, noise, conservation, open space, and safety. Adoption of the proposed GPA will not cause the General Plan to become internally inconsistent.

5. **Required Finding:** *Adoption of the proposed General Plan Amendment is in the public interest, as required under Government Code Section 65358(a).*

**Project Finding:** Pursuant to Government Code Section 65358(a), the General Plan may be amended if such amendment is deemed to be “in the public interest.” The General Plan contains policies related to providing an adequate supply of housing and encouraging infill development on under-utilized sites within urbanized areas where necessary utilities already are installed. It is in the public interest to adopt the proposed GPA because the project is consistent with these policies and will allow for an increase to the supply of housing units. Not only would this allow for additional housing units, development of under-utilized sites also serves to prevent blight, as the vacant lot will no longer be available for illegal dumping or potentially neglected by a property owner.

6. **Required Finding:** *Adoption of the proposed General Plan Amendment would not exceed the limit on such amendments specified under Government Code Section 65358(b).*

**Project Finding:** 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 GPA affects the Land Use Element, a mandatory element, and is the first consolidated amendment of the Land Use Element for 2022.

B. Growth Management Performance Standards

1. Traffic: Implementation Measure 4-c of the Growth Management Element of the General Plan requires a traffic impact analysis of any project that is estimated to generate 100 or more additional AM or PM peak-hour trips. The proposed land use designation would allow for three-to-four new multi-family residential units on the subject property, and the property is accessed directly from Rodeo Avenue. The new density of up to four units would not generate an increase in AM or PM peak-hour trips in excess of the 100-trip threshold. Thus, there would be no impact to area streets or intersections and no traffic report is required.
2. Water: The project site currently receives water service from the East Bay Municipal Utility District (EBMUD). Any future development shall be submitted to and reviewed

- by EBMUD, and, by meeting their development standards, the site is expected to be accommodated by existing water facilities and supplies without expansion of the existing system. Accordingly, the impact of providing water service to the proposed project would be less than significant.
3. Sewage: The project site is served by the Rodeo Sanitation District (RSD). Any future development shall be submitted to and reviewed by RSD. By meeting their development standards, the proposed project is expected to be accommodated by existing RSD facilities without expansion of the wastewater treatment system. Thus, no significant impacts related to the wastewater treatment requirements of the Regional Water Quality Control Board for the San Francisco Bay Region would be expected.
  4. Fire Protection: Fire protection and emergency medical response services for the project vicinity are provided by the Rodeo-Hercules Fire Protection District (RHFPD). The closest fire station to the subject property is Station #75 located approximately 0.2 miles away at 326 3<sup>rd</sup> Street, in Rodeo. Any future development shall be submitted to and reviewed by RHFPD. As a result of compliance with RHFPD development standards, there would be no significant increase in demand for fire services expected as a result of the project.
  5. Public Protection: Law enforcement services in the project vicinity are provided by the Contra Costa County Sheriff's Office, through the Bay Station, located approximately 8.1 miles driving distance to the southwest of the project site. Public protection standards under Policy 4-6 of the Growth Management Program (GMP) of the County General Plan require a Sheriff facility standard of 155 square feet of station area and support facilities per 1,000 in population shall be maintained within the unincorporated area of the county. The proposed project would not induce a significant population increase within the county that would equal or exceed 1,000 persons. The new MH land use designation would allow for the future development of up to four multi-family units, which would directly increase the Rodeo area population by an estimated 11-12 people, based on the Census 2020 estimate of 2.87 people per household for Contra Costa County. Therefore, there would not be a significant increase in need for police services.
  6. Parks and Recreation: As the project will add to the County's population if development occurs, the future development would be required to pay applicable park fees per unit. The Park Impact fee collected will be used for acquisition of parkland and development of parks and recreational facilities. The Park Dedication ordinance allows the developer of land for residential use to dedicate land, pay an in-lieu fee, or a combination of both for neighborhood and community park or recreational purposes.
  7. Flood Control and Drainage: The site is located in FEMA-designated Flood Zone AE. If development occurs in the future, the project would be reviewed by the Public Works Department to ensure compliance with all flood control and drainage ordinances and requirements.

## **CONDITIONS OF APPROVAL**

### **Fees**

1. This application is subject to an initial application deposit of \$5,200.00, which was paid with the application submittal, plus time, and material costs if the application review expenses exceed the initial deposit. **Any additional costs due must be paid prior to issuance of a building permit, within 60 days of the permit's effective date, or prior to use of the permit, whichever occurs first.** The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2013-340, where a fee payment is over 60 days past due from the date of approval, the application shall be charged interest at a rate of ten percent (10%). The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

### **ADVISORY NOTES**

**THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.**

- A. Notice of 90-day opportunity to protest fees, dedications, reservation, or other exactions pertaining to the approval of this permit.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservation, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90-day period after the project is approved.

The ninety (90) day period in which you may protest the amount of any fee or imposition of any dedication, reservation, or other exaction required by the approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Department of Conservation & Development, Community Development Division within the 90 days of the approval date of this permit.