

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDGP21-00001, KENNETH LUKE, CLASSIC BOAT WORKS (APPLICANT/OWNER)

I. FINDINGS

A. Growth Management Findings

1. **Traffic**: The pattern of vehicular traffic to and from the business is not expected to change or impact the surrounding area. Furthermore, the subject facility will service very few customers at a time and will have a maximum of 6 employees. Thus, the project would no result in impacts to surrounding traffic patterns.
2. **Water**: The GMP requires new development to demonstrate that adequate water quantity can be provided. The subject property currently receives water service from the Town of Discovery Bay Community Services District and is not expected to increase demand for water service at the property.
3. **Sanitary Sewer**: The proposed project is located at an urban site, currently serviced by Discovery Bay Community Services District (Discovery Bay CSD). Discovery Bay CSD has reviewed the project application documents regarding the provision of sanitary sewer service and stated that adequate capacity is available. Accordingly, the impact of providing sewer service to the proposed project would be less than significant.
4. **Fire Protection**: With respect to proposed onsite improvements, the East Contra Costa County Fire Protection District has reviewed the project plans and provided routine comments for the site. Furthermore, the Fire Protection District would review the construction drawings for the project at the time of submittal of a building permit application.
5. **Public Protection**: Police protection services in the project vicinity are provided by the Contra Costa County Sheriff's Office, which provides patrol service to the Discovery Bay area. The conversion of the facility would not significantly affect the provision of police services to the area.
6. **Parks and Recreation**: The commercial facility is not expected to impact the demand for parks. Furthermore, given the amount of available park space compared to the project's potential small addition to the County's population, no significant impact on the park facilities would be expected.
7. **Flood Control and Drainage**: The project does not include modifications to the drainage facilities or impervious surfaces on the subject property. Thus, impacts to flood control and drainage are not expected.

B. General Plan Amendment Findings

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

Project Finding: The proposed development is within the urban community of Discovery Bay on a fully developed lot. The project would not violate the urban limit line.

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 violate the 65/35 Land Preservation Standard (the "65/35 Standard"), established 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 designated for development with urban uses and at least 65 percent of the land must be designated for non-urban uses such as agriculture, open space, parks, etc. The proposed development is within the urban community of Discovery Bay on a fully developed lot. The project would not violate the urban limit line.

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

Project Finding: The current iteration of the Contra Costa Transportation Authority (CCTA) Growth Management Program was established by county voters through adoption of Measure J-2004. The project complies with the objectives and requirements of the Growth Management Program and related CCTA resolutions. The proposed project is on a urban lot that is fully developed. No new transportation impacts are expected to result from the project. The boat service facility and associated Commercial General Plan Land Use designation would serve the surrounding residential community, reducing the distance residents have to travel for commercial services.

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 County General Plan comprises an integrated, internally consistent, and compatible statement of policies governing land use in the unincorporated areas of the county. The proposed GPA affects only the Land Use Element Map. The proposed land use designation changes are consistent and compatible with the General Plan's policies for the Discovery Bay 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. Amending the Land Use Element Map as proposed does not interfere with the County's ability to otherwise implement the General Plan. Adoption of the proposed GPA will not result in an internal inconsistency within the General Plan.

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: Adoption of the proposed GPA is in the public interest. The Discovery Bay Area is a water-oriented community with a mix of residential and commercial uses as part of the overall planned community. The change in general plan land use designation to Commercial will allow for the proposed boat repair facility, or potential other future commercial uses that will service the surrounding community. With the included conditions of approval or future conditions of other commercial uses, the site will be used in a way that benefits the public interest and supports the Discovery Bay community.

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 third consolidated amendment of the Land Use Element for 2022.

C. California Environmental Quality Act Findings

In accordance with CEQA Guidelines, Section 15071 and Section 15072, a Mitigated Negative Declaration/Initial Study (MND) was prepared and published for the project. The 20-day public review period for the MND started on June 8, 2022 and ended on June 28, 2022. One letter was received from the Town of Discovery Bay Community Services District during the public review period for the MND.

The comments related to odors, soil contamination from hazardous materials, hazardous material handling, water contamination, land use planning, noise, and other impacts to surrounding community facilities. These issues were discussed in detail in the MND and subsequently addressing in the July 27, 2022, County Planning Commission Staff Report for the project. The project was found not to result in significant impacts relative to existing conditions. Neither the comments nor the staff response to the comment result in any changes to the MND, and the impacts, mitigation measures, and findings of the MND are unchanged.

On the basis of the whole record before it, including the MND, and in accordance with Section 15074:

- There is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment;
- The MND reflects the County's independent judgement and analysis;
- The MND is adequate and complete; and
- The MND has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA guidelines.

Pursuant to CEQA Section 15097, a Mitigation Monitoring Program has been prepared, based on

the identified impacts and mitigation measures in the MND. The Mitigation Monitoring Program is intended to ensure that the mitigation measures identified in the MND are implemented. All mitigation measures are included in the Conditions of Approval for the project.

II. CONDITIONS OF APPROVAL

1. This General Plan Amendment to the 2005-2020 Contra Costa County General Plan is ADOPTED (Resolution No. 2022/340) to change the land use designation of the subject property from Public Semi-Public (PS) to Commercial (CO).
2. The General Plan Amendment is proceeded by the Land Use and Development Plan Combination Permit approved by the County Planning Commission on August 24, 2022, granted based generally on the application and materials received January 31, 2022, and revised plans received March 21, 2022.

Application Fees

3. This application is subject to an initial application deposit of \$8,000.00, which was paid with the application submittal, plus time and materials costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to issuance of a building permit, or 60 days of the effective date of this 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, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance.

ADVISORY NOTES

- The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit as adopted by the Board of Supervisors.
- This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.
- This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- The applicant shall comply with the requirements of the following agencies:
 - Department of Conservation and Development, Building Inspection Division and Grading Division
 - East Contra Costa County Fire Protection District
 - Contra Costa County, Public Health Department
 - Bay Area Air Quality Management District
 - Regional Water Quality Control Board, District V