

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA**

**and for Special Districts, Agencies and Authorities Governed by the Board**

Adopted this Resolution on 11/03/2009 by the following vote:

AYES:  5  
NOES:   
ABSENT:   
ABSTAIN:   
RECUSE:



**Resolution No. 2009/512**

BAY POINT WATERFRONT GENERAL PLAN AMENDMENT, COUNTY FILE: GP#03-0009 AND DEVELOPMENT PLAN MODIFICATION TO THE BAY POINT PLANNED-UNIT ZONING DISTRICT MAP, COUNTY FILE: DP#00-3003

WHEREAS, there is filed with the Board of Supervisors and its Clerk a copy of Resolution No. 21-2009 adopted by the Contra Costa County Planning Commission on August 25, 2009, which discusses and recommends to the Board of Supervisors the approval of the Bay Point Waterfront General Plan Amendment, County File: GP#03-0009. ("General Plan Amendment") and the Development Plan Modification to the Bay Point Planned-Unit Zoning District Map, County File: DP#00-3003. ("Development Plan Modification")

WHEREAS, the Board of Supervisors opened the public hearing on Tuesday, November 3, 2009, on said General Plan Amendment, as described in Contra Costa County Planning Commission Resolution No. 21-2009. Notice of said hearing was duly given in the manner required by law, and after receiving testimony, the public hearing was closed.

WHEREAS, the Board of Supervisors has fully considered the proposed General Plan Amendment and Development Plan Modification as described in the October 22, 2009 report from the Director, Department of Conservation and Development, discussed in Contra Costa County Planning Commission Resolution No. 21-2009, the analysis and recommendations included in the Staff Report and Recommendations to the County Planning Commission, dated June 11, 2009, the Supplemental Staff Reports to the County Planning Commission, dated August 11, 2009 and August 25, 2009, respectively, the Bay Point Waterfront Strategic Plan Environmental Impact Report (SCH#2004092009), and the public testimony and written comments received at or submitted prior to the Board's public hearing on November 3, 2009.

Contact: Patrick Roche, DCD, (925) 335-1242

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 3, 2009

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

A handwritten signature in cursive script, likely belonging to a Deputy County Administrator or Clerk, written over a horizontal line.

cc: Chris Howard, DCD, GIS

WHEREAS, the Board of Supervisors finds that the proposed General Plan Amendment, as presented in the report from the Director, Department of Conservation and Development, and as recommended in Contra Costa County Planning Commission Resolution No. 21-2009, will further the longstanding goals of both the Contra Costa County General Plan (2005-2020) and the Bay Point Redevelopment Plan.

That the Board of Supervisors ("this Board") takes the following actions: 1. In accordance with the California Environmental Quality Act, the State CEQA Guidelines (14 Cal. Code Regs. §15000 et seq.), and the County's own CEQA Guidelines (together, "CEQA"), this Board FINDS that the Bay Point Waterfront Strategic Plan Environmental Impact Report, SCH# 2004092009 ("EIR"), and the accompanying Mitigation Monitoring and Reporting Program ("MMRP"), is adequate for the purposes of compliance with CEQA and ADOPTS the MMRP for the Project. In support of these actions and conclusions, this Board ADOPTS the CEQA Findings. This Board CERTIFIES that it has been presented with the EIR and MMRP, and that it has reviewed and considered the information contained in the EIR and MMRP and the other information in the record prior to making the following certifications and findings. This Board further CERTIFIES that the EIR reflects the lead agency's independent judgment and analysis, and that the EIR has been completed in compliance with the CEQA Regulations.

2. ADOPTS the proposed Bay Point Waterfront General Plan Amendment (County File: GP#03-0009), including:

(a) Land Use Element – An amendment to the Land Use Element, as presented and recommended in County Planning Commission Resolution No. 21-2009, including: the minor modification to the Urban Limit Line map in the Land Use Element as more fully shown under Exhibit I to this resolution, to change the Land Use Element map for the Bay Point waterfront area as shown under Exhibit II to this resolution, which also incorporates a concept trail alignment for the California Delta Trail, and to amend the Land Use Element text under "Policies for the Bay Point Area", Policy #3-77, including the addition of a new policy supporting the planning and development of the California Delta Trail, as more fully described in Exhibit III to this resolution; and,

(b) Transportation/Circulation Element – An amendment to the Transportation/Circulation Element, as presented and recommended County Planning Commission Resolution No. 21-2009, including: the extension of Alves Lane and Pacifica Avenue as shown on the proposed changes to the Roadway Network Map listed as Exhibit IV to this resolution, and update of the Bicycle Facilities Network Map to reflect new, proposed bicycle trail facilities to serve the waterfront as shown in the report listed as Exhibit V to this resolution.

This Board ADOPTS the findings contained herein supporting this action; and, INCLUDES this General Plan Amendment adoption as the 3rd Consolidated General Plan Amendment of 2009 as permitted by State law.

3. APPROVES the Development Plan Modification to the Bay Point Planned-Unit Zoning District Map (County File: DP#00-3003), as recommended under County Planning Commission Resolution No. 21-2009.

4. DIRECTS the Department of Conservation and Development to make necessary modifications to General Plan maps, including the Urban Limit Line Map and Land Use Element Map, and text changes to the Land Use Element under "Policies for the Bay Point Area", Policy #3-77, consistent with the adopted Bay Point Waterfront General Plan Amendment (County File: GP#03-0009); and to make necessary modifications to the Bay Point Planned-Unit Zoning District Map consistent with the approval of the Development Plan Modification for the Bay Point Planned-Unit Zoning District (County File: DP#00-3003).

BE IT FURTHER RESOLVED that the reasons for the Board actions are as follows: FINDINGS

#### I. Growth Management Performance Standards

A. Traffic: The Project will generate an estimated additional 208 AM and 461 PM peak hour trips. Because the project would generate more than 100 peak period trips, a traffic report was prepared pursuant to the Measure C-1988 requirements, including use of the Contra Costa Transportation Authority's Decennial Traffic Forecasting Model, which forecasted the traffic impacts on both Local Routes and Routes of Regional Significance and mitigation measures were subsequently identified (source: Section 4.6, Transportation, Bay Point Waterfront Strategic Plan, Draft EIR, March 2007).

B. Drainage and Flood Control: A storm drainage master plan shall be developed for the Project area prior to new development and future new development within the Project will be conditioned to collect and convey all storm waters entering or originating within the project to an adequate natural or manmade water course. In addition, development within Project area will be conditioned to annex to a County Maintenance Benefit Assessment District (MBAD) for maintenance of drainage facilities, and if a MBAD does not exist, development within the Project area will assist in the formation of an MBAD (source: Section 4.10, Hydrology and Water Quality, Bay Point Waterfront Strategic Plan, Draft EIR, March 2007, and Final EIR, December 2008).

C. Water and Wastewater Disposal: For water, the Project would be served by the Golden State Water Company, which obtains water from the Contra Costa Water District, and according to the water supply and assessment prepared by Golden State Water Company, projected water demand would not exceed available water supply, and except for the possible extension of water lines, existing water distribution facilities should be sufficient for the Project (source: Section 4.4, Utilities, Bay Point Waterfront Strategic Plan, Draft EIR, March 2007). For wastewater or sanitary sewer service, part of the Project is within the Delta Diablo Sanitation District (DDSD). The portion of the Project area outside the DDSD service boundary will need to be annexed to the

DDS's service area. The Project would increase sewer generation to the DDSD conveyance pipelines, pump stations, and wastewater treatment plant and new development within the Project would be conditioned to construct onsite wastewater collection lines, and could be required to construct offsite conveyance pipelines (source: Section 4.4, Utilities, Bay Point Waterfront Strategic Plan, Final EIR, December 2008 and Final EIR, December 2008).

D. Fire Protection: The Contra Costa County Fire Protection District provides fire protection and suppression services to Bay Point. The nearest fire station to the Project site is Station #86 located at 3000 Willow Pass Road, Bay Point, CA. The Project site is within 1 mile of this station. However, as the Project is located adjacent to four railroad tracks, the new residential development will be conditioned to install automatic sprinklers, smoke detectors, fire alarm systems, and fire resistant building materials, and the new residential development will not proceed until the grade-separated Alves Lane extension is completed to provide a second access point for emergency service vehicles (source: Section 4.3, Public Service and Recreation, Bay Point Waterfront Strategic Plan, Draft EIR, March 2007 and Final EIR, December 2008).

E. Public Protection: The Growth Management Element Standard is 155 square feet of Sheriff Facility station per 1,000 population. The potential population increase associated with the residential development project is 1,611 persons which is above the standard. Prior to implementation of the Project the Redevelopment Agency and residential developer shall coordinate with the Contra Costa County Sheriff's Office to determine what additional staffing and facilities would be needed to serve the waterfront area (source: Section 4.3, Public Service and Recreation, Bay Point Waterfront Strategic Plan, Draft EIR, March 2007).

F. Parks & Recreation: The residential development component to the Project will result in an increase in the demand for park and recreation facilities; however, the Project itself provides an extensive recreational component that includes park playfield area, trails, open space, and a public boat launch as part of the reconfigured marina, which will be more than sufficient to meet the recreational needs of future new residents (source: Section 4.3, Public Service and Recreation, Bay Point Waterfront Strategic Plan, Draft EIR, March 2007). II. Measure C-1988 and Related Resolutions A. This Board has considered the Project's compliance with the traffic service objectives of Measure C-1988, the Contra Costa Transportation Improvement and Growth Management Program and related Contra Costa Transportation Authority (CCTA) resolutions. B. 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 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.

C. The County has complied with all these requirements. Most important, the County is achieving Measure C-1988's overarching goal that development pay its own way. The County has identified Project mitigations to ensure that the future development will defray the cost of those improvements that are proportionately attributable to the development.

### III. General Plan Consistency

A. The Project is consistent with the General Plan as it is proposed for amendment under the General Plan Amendment, County File: GP#03-0009, wherein the affected portion of the waterfront area that would be re-designated from Open Space (OS) to Multiple Family Residential – Medium Density (MM) under the Land Use Element Map. The Project entails residential development component of up to 450 units over approximately 20 acres resulting in a residential density that is compatible with a density range of 12 to 21.9 units under the Multiple Family Residential – Medium Density (MM) designation. The General Plan Amendment approved for this Project will not cause the General Plan to become internally inconsistent. The General Plan Amendment and the remainder of the General Plan comprise an integrated, internally consistent and compatible statement of policies for the County. The various land uses authorized for the Project, and each of its components, are compatible with the objectives, policies, general land uses, and programs specified in the General Plan, and the Project conforms to the objectives, policies, general land uses and programs specified in the General Plan. The Project will further the objectives and policies of the General Plan and not obstruct their attainment. The Project is compatible with, and does not frustrate General Plan goals and policies. The Project is in harmony with the policies of the General Plan.

B. This Board has considered the effects of the Project on the housing needs of the region and balanced those needs against the public service needs of County residents and available fiscal and environmental resources. The Project helps to achieve a desirable balance.

C. The General Plan comprises many objectives, policies, principles, programs, standards, proposals and action plans (collectively "policies"), as well as performance standards. At times the policies necessarily compete with each other. Examples of the tensions between General Plan policies are found between those policies that promote managed growth, and those that provide for protection of resources that exist because land is undeveloped (such as open space, visual resources and agricultural land). As part of approving the Project, all applicable General Plan policies and the extent to which the Project conforms to each of those policies have been considered.

D. This Board has fully evaluated the extent to which the Project achieves each policy, including those pertaining to compatibility of land uses, compliance with principles of the Urban Limit Line and the 65/35 Land Preservation Standard under Measure C-1990, protection of open space, standards regarding geology, soils and earthquake risks, hazardous materials, flood hazards and

drainage, protection of water quality, protection of biological resources, transportation standards and goals, regional and local housing needs, jobs/housing balance, noise, protection of air quality, protection of visual resources, standards for public services and utilities, and protection of archeological and historical resources. This Board has also fully considered the Project's compliance with all performance standards in the General Plan, including the Growth Management Element policies and standards (including those for traffic levels of service), and performance standards for public services and facilities.

E. This Board finds that through the potential development of 450 multi-family residential units, and the provision for 15% of the units to be affordable, the Project will help implement housing-related goals of the General Plan.

#### IV. County Ordinance Code Chapter 82-1,65/35 Land Preservation Plan Ordinance, including the 65/35 Land Preservation Standard and Changes to the Urban Limit Line

A. This Board has evaluated the General Plan Amendment in the context of the 65/35 Land Preservation Standard as more fully described in the Land Use Element to the General Plan and determined that the adoption of this General Plan Amendment to re-designate a portion of the waterfront area to multi-family residential, which is defined as an urban use designation, will not have any negative consequences in maintaining the 65/35 land preservation standard as it would result in the conversion of approximately 20 acres of non-urban uses to urban uses.

B. This Board has determined that the proposed change to the Urban Limit Line, which is a shift in the boundary line location in the Bay Point waterfront to move marina-related and open space area inside the Urban Limit Line (approximately 21 acres) is a near equal exchange with the regional parkland area (approximately 22 acres) to be moved outside the Urban Limit Line, and can be classified as a minor change that will more accurately reflect topographical characteristics or legal boundaries pursuant to section 82-1.018 (a)(4), "Changes to the Urban Limit Line", and, the proposed change to the Urban Limit Line involves approximately 20 acres which is less than thirty (30) acres and may be approved by the Board of Supervisors by a four-fifths vote after holding a public hearing and making necessary findings pursuant to section 82-1.018 (b), "Changes to the Urban Limit Line".

C. This Board, having fully considered this matter, has approved the minor modification to the Urban Limit Line as described in the General Plan Amendment pursuant to County Ordinance Code Chapter 82-1, section 82-1.018 (a)(4), "Changes to the Urban Limit Line", by the required four-fifths (4/5) vote; and this approval is based on substantial evidence in the record, including the recommendations contained in County Planning Commission Resolution No. 21-2009, the reports on this General Plan Amendment to both the County Planning Commission and the Board from the Department of Conservation and Development, the EIR, and the testimony and written comments received at the public hearing.