

ORDINANCE NO. 2019-26

(Uncodified)

(Development Agreement for the Ball Estates Project)

The Board of Supervisors of Contra Costa County ordains as follows:

SECTION 1. Summary and Purpose. The purpose of this ordinance is to approve a development agreement for the Ball Estates Project, located in the Alamo area of Contra Costa County.

SECTION 2. Authority. This ordinance is enacted pursuant to Government Code sections 65864 through 65869.5 and Contra Costa County Board of Supervisors' Resolution No. 85/412, which establishes the County's procedures for the consideration of development agreements.

SECTION 3. Recitals.

- (a) DWB PROPERTY LLC, a Nevada limited liability company; SS & JS PROPERTIES, LLC, a California limited liability company; SAILBACK, LLC, a California limited liability company; PEGACORN INVESTMENTS, LLC, a California limited liability company; GNBALLJR PROPERTY, LLC, a Nevada limited liability company; SPARTAN 43, LLC, a California limited liability company; POSITIVELY POWERFUL, LLC, a California limited liability company; NWBF, LLC, a California limited liability company; SBNB PROPERTY, LLC, a Nevada limited liability company; SBWB PROPERTY, LLC, a Nevada limited liability company; AS INVESTMENT PROPERTIES, LLC, a California limited liability company JDS PROPERTY, LLC, a Nevada limited liability company, (together, the "Applicant") desire to develop the Ball Estates Project ("Project") in the Alamo area of Contra Costa County. The Project is an approximately 61-acre residential development consisting of approximately 35 single-family homes, three open space parcels, and one open space parcel intended to be developed and used as a staging area by the East Bay Regional Park District. The Project and the location of the Project are more particularly described in the "Development Agreement by and among Contra Costa County, Camille Avenue, LLC, and Camille Ironwood Properties, LLC, Relating to the Development Commonly Known as The Ball Estates Project," which is attached as Exhibit 1 (the "Development Agreement").
- (b) A vesting tentative map has been approved for the Project. An environmental impact report and its related CEQA mitigation monitoring and reporting program have been prepared for the Project.
- (c) On August 14, 2019, the Contra Costa County Planning Commission held a public hearing to consider the Applicant's application for the Development Agreement. Notice of the hearing was given in accordance with Government Code sections 65864 through 65869.5 and Board of Supervisors' Resolution No. 85/412. After the hearing, the Planning Commission recommended that the Board of Supervisors adopt this ordinance to approve the Development Agreement.
- (d) Notice of the public hearing for the Board of Supervisors to consider the Applicant's application for the Development Agreement, and to consider adopting this ordinance approving

the Development Agreement, was given in accordance with Government Code sections 65864 through 65869.5, and Board of Supervisors' Resolution No. 85/412.

SECTION 4. Findings. The Board of Supervisors has independently reviewed the Development Agreement and finds as follows:

- (a) The provisions of the Development Agreement are consistent with the Contra Costa County 2005-2020 General Plan.
- (b) The Development Agreement satisfies the requirements of Government Code sections 65864 through 65869.5 and Board of Supervisors' Resolution No. 85/412. Government Code sections 65867.5(b) and 66473.7 do not apply to the Development Agreement because the Project does not include a "subdivision" as that term is defined in Government Code section 66473.7.

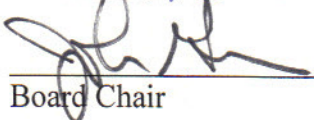
SECTION 5. Approval of Development Agreement. The Board of Supervisors hereby approves the Development Agreement in the form attached hereto as Exhibit 1, without modification. The Board of Supervisors authorizes the Director of Conservation and Development to execute the Development Agreement on behalf of the County.

SECTION 6. Recording of Development Agreement. Within 10 days after the Development Agreement is fully executed, the Clerk of the Board of Supervisors shall record the Development Agreement in the Official Records of the Contra Costa County Clerk-Recorder pursuant to Government Code section 65868.5.

SECTION 7. Effective Date. This ordinance shall become effective 30 days after passage. Within 15 days of passage, this ordinance shall be published once, with the names of the Supervisors voting for and against it, in the East Bay Times, a newspaper of general circulation published in this County.

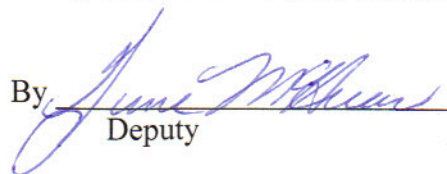
PASSED and ADOPTED on September 24, 2019 by the following vote:

AYES: Gioia, Andersen, Burgis, Mitchoff, Glover
NOES: None
ABSENT: None
ABSTAIN: None



Board Chair

ATTEST:
DAVID J. TWA, Clerk of the Board
of Supervisors and County Administrator

By 

Deputy

Attachment:
Exhibit 1 – Development Agreement

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