



Contra
Costa
County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: July 13, 2021

Subject: Tassajara Parks Residential Project

RECOMMENDATION(S):

Staff recommends that the County Board of Supervisors:

1. OPEN the public hearing on the Tassajara Parks Residential Project, RECEIVE testimony, and CLOSE the public hearing.
2. CERTIFY that the environmental impact report prepared for the Tassajara Parks Residential Project was completed in compliance with the California Environmental Quality Act (CEQA), was reviewed and considered by the Board of Supervisors before Project approval, and reflects the County's independent judgement and analysis.
3. CERTIFY the environmental impact report prepared for the Tassajara Parks Residential Project.
4. ADOPT the attached CEQA Findings, Mitigation Monitoring and Reporting Program, and statement of overriding considerations for the Project.
5. DIRECT the Department of Conservation and Development to file a CEQA Notice of Determination with the County Clerk.
6. SPECIFY that the Department of Conservation and Development, located at 30 Muir Street, Martinez, California, is the custodian of the documents and other material that constitutes the record of proceedings upon which the decision of the Board of Supervisors is

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **07/13/2021** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Diane Burgis, District III
Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

NO: Candace Andersen, District II
Supervisor

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: July 13, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Sean Tully, (925)
655-2878

cc:

based.

7. APPROVE and AUTHORIZE the Board Chair to execute a preservation agreement

RECOMMENDATION(S): (CONT'D)

between the County, the City of San Ramon, and the East Bay Regional Park District.

8. ADOPT a Resolution No. 2021/216, amending the General Plan to change the Urban Limit Line to include the Project's 30-acre residential development area and to change the land use designation of the Project site to single-family residential, high density (SH); parks and recreation (PR); and public/semi-public (PS) (County File #GP13-0003).

9. ADOPT Ordinance No. 2021-24, rezoning the Project site from an exclusive agricultural (A-80) district to a planned unit (P-1) district (County File #RZ09-3212).

10. ADOPT Ordinance No. 2021-23, approving the development agreement between Contra Costa County and FT Land LLC.

11. APPROVE the vesting tentative map for the Project (County File #SD10-9280).

12. APPROVE the preliminary and final development plan for the Project and the associated tree permit and exception requests (County File #DP10-3008).

13. APPROVE the findings in support of the Project.

14. APPROVE the Project conditions of approval. ■

15. APPROVE the Tassajara Parks Project.

FISCAL IMPACT:

The applicant has paid the necessary application deposit, and is obligated to pay supplemental fees to recover any and all additional costs associated with the application process.

BACKGROUND:

This hearing is to review the General Plan Amendment (CDGP07-00009), Rezoning (CDRZ09-03212), Major Subdivision (CDS10-09280), Development Plan (CDDP10-03008), Tree Permit, Exception (from provision of Title-9), and Development Agreement elements of the proposed Tassajara Parks Residential Project. As further described below, on June 9, 2021, the County Planning Commission considered the project and passed a motion (4-2), recommending that the County Board of Supervisors deny the project.

PROJECT DESCRIPTION

The proposed Project includes the following initial discretionary approvals by the County:

1. General Plan Amendment (Urban Limit Line Change): Change to the Urban Limit Line to include the 30-acre Residential Area of the Northern Site. This area will incorporate the proposed 125 residential lots and related urban improvements.

2. General Plan Amendment (Land Use Change): Amendment to the Land Use Map of the Land Use Element by way of changing the existing Agricultural Lands (AL) designations of the Project Site to Single-Family Residential, High Density (SH), Parks and Recreation (PR), and Public/Semi-Public (PS) designations.

3. Rezoning: Rezoning of the existing Exclusive Agricultural (A-80) zoning districts within the Project Site to a new project-specific Planned Unit (P-1) district.

4. Vesting Tentative Map: Vesting Tentative Map to subdivide the Project Site into 125 single-family residential lots, open space parcels, a community park parcel, a detention basin parcel, a pedestrian staging area parcel, a sanitary sewer pump station parcel, and a San Ramon Valley Fire Protection District parcel.

5. Development Plan: Preliminary and Final Development Plan to allow the construction of the Tassajara Parks Project with associated roadway, infrastructure, utility, and school parking lot improvements consisting of the following elements:

- Up to 125 single-family residential lots
- Community Park
- Pedestrian Staging Area
- Sanitary Sewer Pump Station
- Stormwater Detention Basin
- Roadway Dedications along Camino Tassajara and Finley Road
- Parking Lot Improvements to Tassajara Hills Elementary School under independent agreement with San Ramon Unified School District
- Earth moving activities consisting of approximately 300,000 cubic yards

6. Tree Permit: Tree permit to allow the removal of up to 19 trees.

7. Exception: Exception from the following provisions of Title-9

- frontage improvements and pavement widening streetlights
- within one mile of an existing school
- frontage improvements on the side or sides of the roadway adjacent to the subdivision
- sidewalks within one mile of an existing school
- placement of overhead utility distribution facilities underground
- collect and convey drainage standards

8. Development Agreement: Development Agreement between Contra Costa County and FT Land LLC.

Following County approval of the above referenced entitlements, the Project conditions of approval require that the applicant obtain several subsequent approvals including, among others, the following:

9. Geologic Hazard Abatement District (GHAD): Annexation of approximately 125 acres of the Northern Site into the Dougherty Valley GHAD to address geologic hazards as permitted under Public Resources Code section 26500 *et seq.*

10. Land Transfer to East Bay Regional Park District (EBRPD): Convey 118 acres of

Northern Site and 609 acres of Southern Site to the (EBRPD) via fee simple transfer. The foregoing approximately 727 acres of land are referred to as the Dedication Area, collectively. This fee simple conveyance to the EBRPD will ensure that the Dedication Area is protected and preserved in perpetuity for the following non-urban uses only: agriculture, open space, parks, recreation, scenic uses, wetland preservation and creation, and habitat mitigation.

11. Trail Easement: Grant of a perpetual trail easement to the EBRPD over a portion of the Northern Site.

12. San Ramon Valley Fire Protection District (SRVFPD) Parcel: Offer of dedication of a 7-acre portion of the Southern Site to the San Ramon Valley Fire Protection District for future public use (this has already been offered; if not accepted pursuant to the terms of the Contingent Offer of Dedication, this parcel will be dedicated to EBRPD).

As a necessary precondition to approving the Project, the County is considering approval of a Preservation Agreement.

13. Preservation Agreement: The County, the City of San Ramon, and EBRPD have negotiated a Preservation Agreement for the preservation of land in the Tassajara Valley area of the County for agriculture, open space, wetlands, parks, recreation, and other non-urban land uses. The City of San Ramon and EBRPD have each adopted a resolution approving the Preservation Agreement.

ENVIRONMENT AND SITE DESCRIPTION

The Tassajara Parks Project Site consists of approximately 771 acres of land within the Tassajara Valley area of unincorporated Contra Costa County. The Project Site comprises four separate parcels that are located along a stretch of Camino Tassajara, just east of the City of San Ramon and Town of Danville limits.

The Project Site consists of two areas. The Northern Site is approximately 155 acres and is composed of one parcel identified as Assessor's Parcel Number 220-100-023. The Northern Site is surrounded by Mount Diablo State Park and other undeveloped land to the north; rural residences, undeveloped land, and Finley Road to the east; Camino Tassajara to the south, and Tassajara Hills Elementary School and residences of the Blackhawk community to the west.

The Southern Site is located less than 0.5 miles to the south and is composed of three parcels and approximately 616 total acres. The Southern Site is bounded by undeveloped land, horse stables, and rural residences to the north; Camino Tassajara, rural residences, a swim school, and a fire training facility to the east; and undeveloped land to the south and west.

The 10-acre Tassajara Hills Elementary School site is located immediately west of the Northern Site, and is proposed to be improved as part of the Project. These adjacent parking lot improvements are unrelated to the residential element of the Project and are proposed to ease existing traffic circulation and parking issues on the school property. These are off-site ancillary improvements that have been voluntarily offered by the applicant as an additional community benefit, and thus the 10-acre school site is not included as part of the 771-acre Project Site described above and listed below.

Project Site (Approximate Acreage)

1. Northern Site 155 Total Acres

- Residential Development Area: 30 Acres
- Preservation Area: 118 Acres
- Other (e.g. detention basin): 7 Acres

2. Southern Site 616 Total Acres

- San Ramon Valley Fire Parcel: 7 Acres
- Preservation Area: 609 Acres

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The Department of Conservation and development (DCD) Community Development Division (CDD) determined that an EIR was required for the Project and distributed a Notice of Preparation (NOP) on May 27, 2014. A revised NOP was distributed on June 11, 2014, to reflect changes to the project description, including the elimination of a proposed waterline between the Northern and Southern Sites and the elimination of the proposed Fire Training Facility at the Southern Site. The Draft EIR (DEIR) was released for public review on May 12, 2016, and was available for public review and comment for a period of 68 days, through July 18, 2016. A public hearing to receive comments on the DEIR was held before the Zoning Administrator on June 6, 2016.

In response to comments received during the public comment period for the DEIR, additional environmental analysis was completed for the Project. A Recirculated Draft EIR (RDEIR) was released for public review on September 29, 2016, and was available for public review and comment for a period of 63 days, through November 30, 2016. A public hearing to receive comments on the RDEIR was held before the Zoning Administrator on November 14, 2016.

The Responses to Comments/Final EIR and attached appendices (collectively, FEIR) was published and distributed on September 14, 2020. The EIR (which consists of the RDEIR and attached appendices and the FEIR) identifies significant unavoidable impacts that would occur if the Project is implemented. The EIR also identifies potentially significant environmental impacts that would occur if the Project is implemented, and recommends

feasible mitigation measures that would reduce those impacts to less than significant levels. All mitigations are included within the Mitigation Monitoring and Reporting Program, which describes the timing and responsibility for monitoring compliance with all mitigation measures. All mitigation measures are included in the recommended conditions of approval.

Summary of Environmental Impacts

1. The EIR identifies environmental impacts that would occur if the Project is approved and implemented. Even after the implementation of all feasible mitigation measures, some impacts would not be reduced to a less than significant level. Therefore, the following impacts are identified as being significant and unavoidable.

- Adopted Air Quality Plan Consistency: Since the Project would not achieve the per capita annual GHG emissions threshold of 4.6 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. Mitigation is proposed requiring the implementation of feasible emissions reduction measures; however, these measures would not reduce emissions to less than significant levels.
- Greenhouse Gas Operational Emission Threshold: The Project would exceed the BAAQMD's threshold of 4.6 MTCO₂e/SP/yr for operational emissions due to sources including, but not limited to, vehicular traffic, on-site combustion of natural gas, off-site generation of electrical power, energy required to convey water and wastewater, and emissions associated with the hauling and disposal of solid waste. Mitigation is proposed requiring the implementation of feasible emissions reduction measures; however, these measures would not reduce emissions to less than significant levels.
- Near-Term Plus Project Freeway Operations: The Project would contribute vehicle trips to certain freeway segments and one intersection that would operate at unacceptable LOS levels under Near Term Plus Project Conditions. Mitigation is proposed; however, it would not fully reduce the impacts to a less than significant level.
- Cumulative Plus Project Freeway Operations: The Project would contribute vehicle trips to certain freeway segments and intersections that would operate at unacceptable levels under Cumulative Plus Project Conditions. Mitigation is proposed; however, it would not fully reduce the impacts to a less than significant level.
- Congestion Management Plan: The Project would contribute vehicle trips to certain Congestion Management Plan facilities that would operate at unacceptable levels. Mitigation is proposed; however, it would not fully reduce Project impacts to a level of less than significant.

2. The EIR identifies environmental impacts that would occur if the Project is

approved and implemented. Potentially significant impacts that can be mitigated to less than significant levels were identified in the EIR in the following areas: Air Quality/Greenhouse Gas Emissions; Biological Resources; Cultural Resources; Geology, Soils, and Seismicity; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use, Population and Housing; Noise; Transportation and Traffic; and Utilities and Service Systems.

- Air Quality: Construction and operation of the Project has the potential to: violate an air quality standard or contribute substantially to an existing or projected air quality violation; result in a cumulatively considerable net increase in any criteria pollutant for which the Project region is nonattainment under an applicable Federal or State ambient air quality standard; expose sensitive receptors to substantial pollutant concentrations; and generate direct and indirect GHG emissions that would result in a significant impact. All of the potentially significant impacts listed above can be mitigated to a less than significant level.
- Biological Resources: Construction of the Project has the potential for having an adverse effect on special-status plant and wildlife species; and adversely affecting federally protected wetlands. All of the potentially significant impacts listed above can be mitigated to a less than significant level.
- Cultural Resources: Construction of the Project has the potential for resulting in substantial adverse changes in the significance of previously undiscovered historical resources; substantial adverse changes in the significance of a previously undiscovered archaeological resource; directly or indirectly destroying a unique paleontological resource or site or unique geological feature; and disturbing human remains. All of the potentially significant impacts listed above can be mitigated to a less than significant level.
- Geology, Soils, and Seismicity: Construction of the Project has the potential for exposing people or structures to potential substantial adverse effects involving seismic hazards; substantial soil erosion or the loss of topsoil; being located on an unstable geologic unit or soil; and being exposed to hazards associated with expansive soils. All of the potentially significant impacts listed above can be mitigated to a less than significant level.
- Hazards and Hazardous Materials: Construction of the Project has the potential for creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. This potentially significant impact can be mitigated to a less than significant level.
- Hydrology and Water Quality: Construction and operation activities associated with the Project have the potential to degrade surface water quality in downstream water bodies. This potentially significant impact can be mitigated to a less than significant level.
- Land Use, Population, and Housing: Construction and operation activities associated with the Project have the potential to conflict with applicable East Bay Municipal Utility District annexation policies adopted for the purposes of avoiding or mitigating an environmental effect. This potentially significant impact can be

mitigated to a less than significant level.

- Noise: Construction activities and operation of the Project have the potential for exposing persons to or the generation of noise levels in excess of standards established in the local General Plan, noise ordinance, or other applicable standards of other agencies; and resulting in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity. All of the potentially significant impacts listed above can be mitigated to a less than significant level.
- Transportation and Traffic: Operation of the Project has the potential for substantially increasing hazards due to a design feature or incompatible use. This potentially significant impact can be mitigated to a less than significant level.
- Utilities and Service Systems: Operation of the Project has the potential for resulting in a need for additional water supplies, additional treatment capacity, or additional distribution facilities. This potentially significant impact can be mitigated to a less than significant level.

The attached CEQA Findings summarize the environmental determinations about the Project's significant impacts before and after mitigation, summarizes the Project's individual and cumulative impacts, and includes a statement of overriding consideration for those impacts that could not be reduced to a less than significant level. All mitigation measures will be implemented through the conditions of approval.

Public Comment:

Multiple pieces of correspondence (letters and emails) were received during the public comment periods for the DEIR and RDEIR, as was oral testimony during public hearings held by the Zoning Administrator to receive comments on the DEIR and RDEIR. The County also received public comments prior to the application being deemed complete and throughout the application review process. The County is only required to respond to those comments that raised significant environmental issues and that were received during the public comment periods for the DEIR and RDEIR, as well as those received during the public hearings held to accept comments; those responses are included and responded to in the Final EIR. All other comments have been attached to this report for review and consideration by the County final decision-makers (Board of Supervisors). In the interest of being fully responsive and to facilitate full disclosure, the County determined that it would respond to the original comments provided in connection with the DEIR raising substantial environmental concerns, and comments received in connection with the RDEIR; this is the case even if certain comments are duplicative. Accordingly, the County prepared responses to comments on the DEIR and the RDEIR that raised environmental issues, as set forth in more detail in the FEIR.

EVENTS SUBSEQUENT TO RELEASE OF FEIR

September 30, 2020 Planning Commission Hearing: The Tassajara Parks project was initially scheduled to be heard before the County Planning Commission on September 30, 2020. However, the applicant requested that the hearing be postponed to allow time for

consideration of comments received from the proposed water purveyor, the East Bay Municipal Utility District (EBMUD), on September 29, 2020. The project was subsequently rescheduled and heard before the County Planning Commission on June 9, 2021.

Coordination with EBMUD Staff: Subsequent to the postponement of the September 30, 2020 County Planning Commission hearing, County staff worked with EBMUD staff and the applicant to discuss and address concerns detailed in their September 29, 2020, letter. The discussions between the parties focused on clarifying and providing supportive analysis for the feasibility of proposed conservation measures for offsetting the project's water demand. The culmination of these discussions is a May 4, 2021, memorandum from the applicant's consultant, Tully & Young, titled "*Tassajara Parks Water Demand Offset Updated Preliminary Feasibility Analysis*" (see "Water Conservation Measures Feasibility Memo & Associated EBMUD Comments" Attachment for this report and two related documents). The information in the memorandum is purely additional data to clarify and amplify the feasibility of the accelerated water conservation measures previously discussed in the project EIR and is not significant new information within the meaning of CEQA Guidelines section 15088.5 and recirculation of the project EIR is not required. The rationale for staff's determination is discussed in further detail below and in the "May 27, 2021 EBMUD Letters" section below.

Added Conditions of Approval for Water Demand: Prior to the June 9, 2020, Planning Commission hearing and at the request of EBMUD staff, County staff developed additional recommended project conditions of approval (COAs) pertaining to the procurement of water to serve the project. In summary, the added COAs address the manner and timing in which water can be supplied to the project, final selection of the water conservation measures to be implemented for the project, water demand mitigation fees, provisions of the required agreement between the applicant and EBMUD, and annexation of the project site into EBMUD's service area. The added conditions have been incorporated as staff's recommended COAs #80-1 through #80-5. Staff provided a draft of these additional conditions to EBMUD staff, received written comments from EBMUD staff, and attempted to address the comments in the attached revised COAs.

May 27, 2021 EBMUD Letters: After the applicant provided its water supply feasibility analysis and staff prepared the augmented COAs, EBMUD and a legal firm representing EBMUD (Barg Coffin Lewis & Trapp, LLP) submitted letters on May 27, 2021, reiterating EBMUD's opposition to the project and its assertion that the EIR should be recirculated. Specifically, the letters state that the EBMUD Board of Directors recently declared a Stage-1 drought and that the District's water supplies are deficient for meeting the demand of their existing customers. The letters state that the additional water made available by the conservation measures proposed to accommodate the Project's water demand must be, by District policy, made available to existing District customers to address supply deficiencies.

Staff believes that the letters of EBMUD and their legal counsel do not present significant new information. The EIR and project description identify that water service to the project by EBMUD is subject to either an extraterritorial water service agreement or annexation into the EBMUD service area, and approval by EBMUD's Board of Directors and the Local Agency Formation Commission. The EIR, at pages 3.9-37 through 3.9-41, identifies and analyzes the EBMUD policies referenced in both letters. Mitigation measure MM USS-1, implemented by recommended COA Nos. 80 and 80-1 through 80-5, requires the applicant to provide proof of water service to the Community Development Division prior to filing any final map. Proof of water service must be in the form of a written communication from EBMUD confirming the availability of water service for the project site. The EBMUD Board of Directors will ultimately determine if and when the project can be provided water service. The EIR includes a robust water supply analysis which accounts for drought conditions due to California's well-known pattern of dry conditions. Water Supply Assessment requirements established by SB 610 outline the information and analysis that must be included in a CEQA document prepared for certain projects of a specified size and composed of certain land-uses (e.g., subdivisions larger than 500 residential units). For such covered projects, the Water Supply Assessment must assess whether projected water supplies identified to serve a proposed project will be sufficient to meet existing and planned water demands over a 20-year horizon. SB 610 requires the assessment of water supply sufficiency in single-dry years and multiple-dry years—not just under normal, or average, hydrologic conditions. Although the proposed project is not a covered project under SB 610, the EIR's Water Supply Evaluation (Appendix J) utilized the analytical framework required by SB 610 for Water Supply Assessments, including incorporating drought conditions in the evaluation. Accordingly, the EIR's Water Supply Evaluation incorporates single-year and multiple-year drought conditions in its analysis of project water demand and water supply sufficiency. County staff has appreciated the opportunity to work with EBMUD staff to better understand their concerns and believes the analysis and new COAs are responsive to these concerns. However, staff believes that significant new information has not been presented such that the EIR would need to be recirculated.

Staff also believes that the "*Tassajara Parks Water Demand Offset Updated Preliminary Feasibility Analysis*" memorandum prepared by the applicant does not present significant new information. The EIR identified the environmental impact of the project's water demand and identified as a mitigation measure that prior to the recordation of the final map, the applicant must demonstrate to the County that all required approvals to implement provision of water to the Project have been obtained. The EIR further analyzed water availability and identified measures that would result in a demand offset of up to 2 million gallons per day. The EIR identified that the water demand offset could be achieved through offsite water conservation measures by accelerating currently planned conservation and/or expanding conservation beyond currently planned levels approved in the Water Supply Management Program 2040 (WSMP) within EBMUD's service area by an amount that offsets the project's water demand. The EIR recognized that the applicant, in consultation with EBMUD, would use information from the WSMP 2040 to develop the preferred conservation elements to be accelerated or expanded. The

memorandum supplements the information in the EIR by detailing the likely success of certain proposed “Level E” water conservation measures in response to EBMUD comments regarding the feasibility of implementing the conservation measures. Staff’s added COAs do not constitute a new or modified project mitigation, but reinforce what is stated in the EIR—that implementation of offsite water conservation measures to offset the project’s water demand will be done in consultation with and approved by EBMUD. Absent the memorandum and additional COAs, the EIR accurately identifies the project-specific impacts on water demand and a method for reducing those impacts to a less than significant level.

EBMUD Resolution: On June 8, 2021, prior to the Project being heard before the County Planning Commission, the EBMUD Board of Directors considered the Project and adopted a resolution that formally declared the District's opposition to annexing the project site into the District's service area, found the Project inconsistent with the District's annexation policies, and made findings and declarations regarding the unavailability of water to serve the Project. The signed resolution has been included as an attachment to this report.

San Ramon and EBRPD Approve Preservation Agreement: Both the City of San Ramon and EBRPD have brought the Preservation Agreement before their governing bodies for consideration. The San Ramon City Council unanimously approved Resolution 2020-114 on November 24, 2020, which authorizes the Mayor of San Ramon to execute the Agreement. Similarly, the EBRPD Board of Directors voted unanimously to approve Resolution No. 2020-12-286 on December 1, 2020, which authorized their District General Manager to execute the Agreement. The Preservation Agreement is further discussed in the "Preservation Agreement" Section below.

Town of Danville Opposition:

The Town of Danville has commented that the project EIR is inadequate and that Danville is opposed to the Project. Danville's comments regarding alleged inaccuracies in the Project EIR were provided in letters dated November 30, 2016 and July, 18 2016. The County subsequently provided responses to each of Danville's comments and verified accuracy of the project EIR in the "Response To Comments" Section of the Final EIR, which was released for public review on September 14, 2020. Danville also submitted letters to Conservation and Development staff and the County Planning Commission, dated June 9, 2021 and September 30, 2020, wherein they again challenge the adequacy of the Project EIR. Additionally, on October 20, 2020, the Danville Town Council approved Resolution #72-2020 wherein Danville formally opposes the Tassajara Parks Project, requests that the County reject the FEIR, and requests that the County deny the project and all related actions. The November 30, 2016 and July 18, 2016 Danville letters were included in the "Response To Comments" section of the FEIR, and copies of Danville’s June 9, 2021 and September 30, 2020 letters and adopted Council resolution have been included as attachments to this report.

GENERAL PLAN

Urban Limit Line and 65/35 Land Preservation Standard: As explained in more detail below, the County's General Plan includes a 65/35 Land Preservation Plan, which limits urban development to no more than thirty-five percent (35%) of the land in the County and requires that at least sixty-five percent (65%) of the land in the County be preserved for agriculture, open space, wetlands, parks, and other nonurban uses ("65/35 Land Preservation Standard").

Among other things, Measure C-1990 (approved by the County's voters) established the County's Urban Limit Line ("ULL") to implement and enforce the 65/35 Land Preservation Standard. The Measure C-1990 ULL was subsequently incorporated into the County General Plan and County Ordinance Code. In 2004, County voters approved Measure J. Among other things, Measure J required the County and all cities within the County to have a voter-approved urban limit line, developed and maintained in accord with the "Principles of Agreement for Establishing the Urban Limit Line" (collectively, "Principles"), to receive the sales tax proceeds from Measure C-1988. In November 2006, County voters approved Measure L. Among other things, Measure L: (1) extended the term of the 65/35 Land Preservation Standard to December 31, 2026; and (2) required a four-fifths (4/5) vote of the Board (after making one or more specified findings based on substantial evidence) and voter approval to expand the ULL by more than thirty (30) acres.

The Project includes a proposal to expand the ULL to include the 30-acre Residential Development Area on the Northern Site (as those terms are defined in the Project's EIR). Changes to the ULL are governed by the County's ULL policies that implement the voter-approved ULL and are reflected in Chapters 1 and 4 of the General Plan and in Chapter 82-1 of the Contra Costa County Ordinance Code. Section 82-1.018 of the County Code provides that a proposal to expand the ULL by 30 acres or less does not require voter approval, but requires approval by a four-fifths vote of the Board after a public hearing and making one or more of specified findings. One such finding is that 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 described in the Project Findings, the County, the City of San Ramon, and the EBRPD are considering entering into a preservation agreement that would support the finding (San Ramon and EBRPD have approved the preservation agreement).

Precedent for Repeated ULL Modifications: Approval of this Project or the Preservation Agreement will not directly facilitate any future change to the ULL. Any future proposal to change the ULL must comply with the requirements found in the County's General Plan and Ordinance Code. Moreover, and as more fully discussed in the Project's EIR, additional acreage would not be "at risk" of being moved inside the ULL with approval of the Project for the following reasons:

1. Most of the privately-owned parcels abutting the ULL in the area of the project site are inherently unsuitable for urban development due to significant physical constraints;

2. The Project includes growth-detering components that are unique to the Project Site through the dedication of approximately 727 of acres of land to public entities for preservation in perpetuity. The publicly-owned and/or controlled lands will abut approximately 1.5 miles of the adjusted ULL boundary in the Tassajara Valley. The Project will essentially create a physical “green buffer” along portions of the ULL boundary that will effectively preclude opportunities for future ULL expansions in this area of the County.

3. Many properties that have been identified as purportedly “at risk” of being pursued for inclusion within the ULL are already government-owned and/or controlled.

Land Uses: The entire Project Site is located within an Agricultural Lands (AL) General Plan Land Use designation. As part of the proposed Project, the applicant seeks approval of a General Plan Amendment to change the 30-acre Residential Development Area to a Single-Family Residential High Density (SH) designation, the 7-acre San Ramon Valley Fire Protection District portion in the Southern Site to a Public/Semi-Public (PS) designation, and the remaining portions of the Project Site to a Parks and Recreation (PR) designation.

The primary uses permitted within the SH designation are detached single-family residences, accessory structures, and duplexes or duets in specified areas with conventional zoning. Secondary uses typically considered to be compatible include home occupations, small residential care and childcare facilities, places of worship, accessory dwelling units, and other uses and structures incidental to the primary uses. The Project proposes the construction of 125 single-family residences, a sanitary sewer pump station, community park, and related on-site street, utility, and landscaping improvements within the 30-acre area to be designated as SH, which will be substantially consistent with the permitted land uses.

The PS designation allows for a wide variety of public and private uses including, but not limited to, libraries, fire stations, schools, and public and private transportation and utility corridors. The 7-acre portion of land within the Southern Site that has been contingently offered to the SRVFPD will be designated as PS. This property has been offered for the SRVFPD’s future use in a manner that is consistent with the ULL. The SRVFPD has not yet accepted this contingent offer of dedication nor has it identified a potential future use or timeline for development of this property. However, if and when the District decides to pursue development on this property, a discretionary land use permit approval from the County would be required (as described in the proposed P-1 zoning). If this offer is not accepted by the SRVFPD, then the parcel will be dedicated to EBRPD.

Land uses deemed appropriate for establishment within the PR designation are passive and active recreation-oriented activities, and ancillary commercial uses such as snack bars, and restaurants. The primary improvements proposed within the PR-designated areas of the Northern Site include constructing the Pedestrian Staging area, a pedestrian trail, community park, and detention basin. No urban development is proposed for the PR-designated portion of the Southern Site as part of the Project. Only park, recreation,

open space, scenic, agriculture, grazing, wetland preservation and creation, and habitat mitigation land uses will be permitted under the proposed General Plan land use designations and P-1 zoning, as further reflected in the recommended conditions of approval and future conservation easement and conveyance instrument to the EBRPD.

Density: The SH designation allows for densities between 5.0 and 7.2 single-family units per net acre. Based on the net acreage of 22.40 acres and the proposal for 125 single family lots, the proposed density for the SH-designated portion of the Northern Site is 5.58 units per net acre. There are no density standards applicable within the PS and PR designations. Based on the above, the density of the proposed Project will be consistent with the allowed range detailed in the County General Plan.

Property Size: The General Plan Land Use Element indicates that sites within the SH designation can range up to 8,729 square feet. Lots within the 30-acre Residential Development Area will range between 5,000 and 12,744 square feet in area, with 26 of those lots exceeding the listed range. Although the General Plan provides a range of property sizes for the SH designation, it is simply a discussion of the lot sizes that are anticipated in the designation based on the density range, and not a hard standard that prohibits development beyond the range. Additionally, a majority of the proposed lots (approx. 79%) will be 8,729 square feet or less. Both the PR and PS designations lack discussion of a desired or anticipated property size for the designation since residential uses are not permitted within these land use designations.

Implementation Measure 3-h (Job/Housing Balance): The General Plan states development applications for residential developments of 100 or more units must address the impact of that development upon the subregional jobs/housing balance (Land Use Implementation Measure 3-h).

The proposed Project includes the construction of 125 single-family homes and related improvements with substantial park, recreation, and open space components in the Tassajara Valley area of unincorporated Contra Costa County. The Central County Region had an estimated 193,693 households and 230,950 jobs in 2010 per the Association of Bay Area Government (ABAG) Projections 2013. To meet the jobs/housing goals provided by ABAG, the Central County area is anticipated to add an additional 41,761 households and 79,924 jobs by 2040. The proposed Project contributes to the anticipated housing development in the Central County subregion.

Specific Area Policies: The Land Use Element of the County General Plan provides policies for specific geographic areas of the unincorporated County. These specific area policies focus on providing additional policies that pertain to the unique characteristics and needs of each identified area. Pursuant to Figure 3-2 of the County General Plan, the Project Site is not located within any of the identified specific policy areas.

Growth Management Element: The Growth Management Element of the General Plan establishes measures of effectiveness and requirements for the analysis of circulation impacts associated with new land developments. Trip generation calculations for development projects are typically based on resources and methodology contained in the Institute of Transportation Engineer's (ITE) publication. However, as explained more fully in the Project EIR, more conservative trip generation rates, provided by the Town of Danville, were used for analyzing the residential element of this Project. Since the ITE lacks similar uses in their Trip generation manual generation rates for the pedestrian staging facility was based on a conservative number of associated parking spaces. The total daily trip generation rate for the Project was 1,632 (including consideration of the formerly proposed equestrian staging area, which no longer is included as part of the Project), which necessitated a Traffic Impact Study (TIS).

The Growth Management Program (GMP) of the County General Plan utilizes Level of Service (LOS) data to analyze traffic service standards within the County. LOS is a grading system which qualitatively characterizes traffic conditions associated with varying levels of traffic ranging from LOS-A indicating free-flow traffic conditions, to LOS-F indicating congested conditions where traffic flows exceed design capacity and result in long queues and delays. Policy 4-2 of the GMP indicates that new development shall be deferred unless infrastructure can be provided which meets the traffic LOS and performance standards outlined in Table 4-1, or otherwise assured. Furthermore, Table 4-1 of the GMP identifies minimum traffic standards based on specific land use types. Based on the proposed higher density and relatively small lot configuration, the Growth Management Element identifies the Residential Development Area of the Project Site as an "Urban" area. Pursuant to Table 4-1 (Growth Management Performance Standards) of the GMP, the Peak Hour LOS for "Urban Areas" such as the Project Site shall be a LOS Level of High D or better. As discussed in Section 3.12.6 (Project Impacts and Mitigation Measures) and shown in Table 3.12-7 (Existing Plus Project Conditions Intersection Delay and LOS) of the RDEIR, the Project would generate new trips that would contribute to unacceptable operations at two intersections. Even after incorporation of a mitigation requiring the payment of Tri-Valley Transportation Development (TVTD) fees to contribute to the construction of planned freeway and roadway improvement in the surrounding area, this impact could not be reduced to a less than significant level and thus is considered as a significant and unavoidable impact of the Project.

The Growth Management Element of the County General Plan requires that new developments demonstrate that fundamental utilities and services can be provided to support the proposed project. Accordingly, the availability of services such as fire protection and police protection, as well as the availability infrastructure for water, sanitary sewer, drainage, and recreational services are analyzed during the application review process.

1. Fire Protection: As explained more fully in the Project EIR, the Project Site is in an area served by the San Ramon Valley Fire Protection District (SRVFPD). The County and the SRVFPD have communicated throughout the application review and CEQA

review portions of the Project. The Project EIR analyzed the SRVFPD's capability to serve the Project Site, and found that there would be no need for the construction of new or expanded facilities. This was based on a nominal anticipated increase in calls for fire protection and emergency medical services, close proximity (0.35 miles) of Station #36, sufficient site access for emergency, and the likeliness that response time goals provided for within the General Plan can be met.

2. Police Protection: As explained more fully in the Project EIR, the Project Site is in an area of the County served by the County Sheriff's Office. The population increase of 375 people anticipated for the Project represents less than one percent of the Sheriff's Office current service population and would only result in a nominal increase in calls for law enforcement. In addition, throughout DCD's communication with the Sheriff's Office on the Project, there has been no indication that the Project would result in the need for new or expanded Sheriff facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

3. Water: The Project Site is not currently located within the service area of a public water supplier, but is physically adjacent to the service area for the East Bay Municipal Utility District (EBMUD). To ensure the availability of water for the Project, the applicant has proposed to aide EBMUD by funding accelerated or expanded off-site "Level-E" water conservation measures within EBMUD's existing service area. The accelerated conservation would in turn offset the additional EBMUD water demand created by 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 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.

A Water Supply Evaluation (WSE) (see Appendix J) and letter report from an independent third party (see Appendix N to the FEIR) have been prepared, and the FEIR has found that a water demand between 47.9 and 91.7 acre-feet per year (AFY) will be created by the Project. EBMUD's Water Supply Management Program (WSMP) 2040 contains Level-E conservation measures that, when implemented, could provide water conservation of 2 million gallons per day (mgd) above that which is needed to serve the Project. This water supply strategy is contingent upon Contra Costa LAFCO's approval of annexing the Project Site into the EBMUD service area, and the EBMUD Board's approval of an agreement between EBMUD and the applicant to fund the Level-E accelerated conservation measures. 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.

To further support the proposed water demand offset approach and address concerns raised by EMUD staff, the Applicant has prepared a memorandum titled "*Tassajara*

Parks Water Demand Offset Updated Preliminary Feasibility Analysis”, which details the analysis administered to determine the feasibility of using Level-E accelerated conservation measures to ensure the availability of water in excess of that needed for the Project. Based on supporting empirical data, the analysis utilizes assumptions suggested by EBMUD staff and incorporates assumptions from other water providers that have had success implementing similar water conservation measures (e.g., the cities of San Antonio, Tuscon, and Sacramento). The analysis determined that leak repair assistance programs, program-funded toilet installation, rebates for installation of graywater systems, and programs for onsite water reuse could conserve water to offset the demand for the project. Feasibility of these programs was determined by using the EBMUD-suggested minimum offset threshold of 170 acre-feet per year, analyzing market potential based on current EBMUD Customer Assistance Program enrollment, program cost estimates, and water savings.

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 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 for violating these provisions, to help ensure compliance. This is consistent with the method successfully used in the Alamo Creek development.

In the event the County Board of Supervisors approves the project as recommended by staff, the 30-acre Residential Development Area would need to be annexed within EBMUD's sphere of influence, Ultimate Service Boundary, and Service Area prior to public water services being provided. Annexation to these areas would require that an application be submitted to LAFCO, which in this case will likely be in the form of a petition executed by the landowners of the project site. LAFCO boundary change processing procedures indicate that in the event annexation into the territory of a special district is not filed by the district, a copy of the proposal is provided to that district, the proposal is placed on a LAFCO meeting agenda for "information purposes", and then a 60-day waiting period is observed before the proposal is placed on the LAFCO Commission's agenda for action. The 60-day waiting period provides the affected district with an opportunity to request that LAFCO terminate the proceedings.

4. Sanitary Sewer: The Project Site is not currently located within the service area of a public sanitary sewer provider, but is physically adjacent to the service area of the Central Contra Costa Sanitary District (CCCSD). As explained more fully in the Project EIR, the CCCSD Sanitary District Treatment Plant (SDTP) has a permitted treatment capacity of approximately 53.8 million gallons per day (mgd), and actively treats an average of

approximately 45 mgd. The Project is estimated to demand approximately 0.04 mgd once fully operational. This increase would represent less than 0.5 percent of the SDTP's available 8.8 mgd of available treatment capacity. Based on the above, the Project would not require expansion or the construction of new wastewater treatment facilities. The Project includes an on-site pump station and a new underground connection that would link the Residential Development Area to an existing eight-inch sewer line located within Camino Tassajara. The implementation of this public sanitary sewer service design is contingent upon Contra Costa LAFCO approval to annex the Project Site in to the CCCSD service area.

5. Drainage: The majority of the Project Site would be left undeveloped, and thus the existing drainage patterns in those areas would not be modified. Construction of the proposed residences, streetscape improvements, and the Pedestrian Staging Area will require the installation of a new on-site storm drainage system. The new drainage system will consist of street gutters, inlets, basins, and underground piping that will convey runoff to the proposed drainage detention basin. In addition, drainage from the hillside north of the Residential Development Area will be collected and conveyed to the proposed detention basin via a concrete V-ditch. Any outfall or overflow from the detention basin will drain to an existing swale along Camino Tassajara and metered to pre-project levels in accordance with all applicable standards and requirements. With implementation of the storm drainage system described above and as explained more fully in the EIR, the Project will not result in a need for new or expanded unplanned off-site storm drain facilities.

6. Recreational Services: The California Department of Parks and Recreation, the East Bay Regional Parks District, County, and incorporated cities in the vicinity of the Project Site each maintain state, County, or local parks, trails, and/or community recreational facilities throughout the County for public use. To ensure sufficient recreational areas are established to serve the County, the General Plan's Growth Management Element and the County Ordinance Code (Section 920-6.202) require three acres of neighborhood parks and recreational facilities per 1,000 members of the population. Alternatively, Section 920-6.204 of the County Ordinance Code allows a development to provide a fee in lieu of land dedication or provision of on-site park and recreational facilities. In addition to the Project's dedication of approximately 727 acres in fee to the EBRPD to be permanently protected and preserved for open space, park, recreation and other non-urban uses, as a condition of the project (COA #28), the applicant will be required to pay a per unit Park Dedication/Impact fee prior to the issuance of building permits for any residence.

7. Utilities: Agencies such as the SRVFPD, Contra Costa County Sheriff, SRVUSD, EBMUD, and CCCSD were consulted, and these agencies have provided information and guidance as to the procedures and improvements required as part of the project to ensure their services can be provided to the Project. Further discussion and details pertaining to the consulted agencies and their ability to provide services for the Project are provided in Sections 3.11 (Public Services & Recreation) and 3.13 (Utilities and

Service Systems) of the RDEIR, relevant sections of the FEIR, and Growth Management Findings Section of this staff report.

Traffic and Circulation Element:

As part of the Project, various on-and off-site improvements and dedications will be made to accommodate the additional circulation and access demands created by the proposed Project. Camino Tassajara would be modified at the intersection with the Mustang Soccer Complex to include a new fourth access along the northern edge of the roadway. The fourth access, identified as “A” Street, would serve as the primary entrance to the Residential Development Area and the pedestrian staging area. An internal network of two-lane streets is proposed for access to the 125 residential lots, and additional dedications and minor improvements are proposed along Camino Tassajara and Finley Road for improved functionality and safety. Lastly, the applicant has also proposed off-site modifications to the configuration of the Tassajara Hills Elementary School parking lot to improve access from Camino Tassajara and circulation on the property during the busy student pick-up and drop-off times.

In part, the purpose of the Traffic and Circulation Element is to assure that the transportation system of the County will have adequate capacity to serve planned growth within the County for the near future. To achieve this purpose, the Traffic and Circulation Element consists of numerous policies and implementation measures that help guide development at both the project and policy levels. The Project consists of on- and off-site physical improvements along Camino Tassajara and Finley Road, which are intended to increase safety, accommodate additional demand created by the Project, and to minimize adverse impacts to the County’s roadway network in the area of the Project.

The traffic analysis evaluated the Project for its potential to contribute to unacceptable traffic operations under Existing Plus Project, Near-Term Plus Project, and Cumulative Plus Project scenarios. The analysis determined that the Project-generated traffic will impact traffic operations in the Project vicinity, some of which will still allow for intersection and freeway segment operation that are within acceptable LOS standards. However, the study also found that in Near-Term Plus Project and Cumulative Plus Project scenarios, the Project will either result in unacceptable operations or further contribute to existing unacceptable operations. These scenarios will be in conflict with applicable regulatory thresholds of the County General Plan, as well as those of CalTrans and the Contra Costa Transportation Authority, and thus are characterized under CEQA as significant impacts. As such, mitigations will be imposed on the Project to better align the proposed development with the purpose and goals of the Traffic and Circulation Element, and to mitigate those impacts to the extent feasible.

Further details regarding the Project’s consistency with applicable policies and implementation measures of the Transportation and Circulation Element can be found in RDEIR Section 3.12.

Housing Element:

The Housing Element of the County General Plan has two purposes, which are to provide an assessment of both current and future housing needs and constraints in meeting these needs; and 2) to provide a strategy that establishes housing goals, policies, and programs. To implement and address the County's housing needs and challenges, there are seven focus areas that are identified. The seven focus areas pertain to providing adequate housing sites, development of affordable housing, easing governmental constraints to housing investment, improving housing and neighborhoods, preserving assisted housing developments, promoting fair and equal housing opportunities, and encouraging energy conservation. Some of the goals associated with these areas of focus are implemented at the regional level, policy level, program level, or for existing developments, and thus would not be applicable at the project level for a new development such as the Tassajara Parks Project. However, as part of the County's review of the Project, compliance with the three applicable goals were analyzed.

1. Providing adequate housing sites: The Residential Development Area will consist of up to 125 single-family residential lots. The lots will range in size from 5,000 square feet to approximately 12,744 square feet in area, which will be more than adequate to accommodate a typical single-family residence with additional yard area. Each lot will be located in a portion of the Residential Development Area that is relatively flat, and thus no major grading will be required in order to create building pads. The lots will all have direct access from one of the internal streets proposed as part of the Project, which also provide easy access to the Camino Tassajara public roadway and public transit corridor. Lastly, each lot will have direct connections to public utilities such as water, sanitary sewer, and electricity.
2. Assisting in the development of affordable housing: The Project is subject to the County's Inclusionary Housing Ordinance (Section 822-4) that is in effect on the Effective Date of the Development Agreement, which requires a residential development of 125 for-sale units to reserve a minimum of fifteen percent of the for-sale units (18.75 units) to be constructed and sold as inclusionary units, or units that are sold at an affordable sales price to households meeting certain criteria. However, as afforded under Section 822-4.404 (In-lieu Fee) of the ordinance, the applicant has elected to exercise the option of paying a non-refundable in-lieu fee of \$484,361.25. This fee will be paid directly to the County prior to issuance of the first building permit, and deposited into a fund designated for the purchase of land and construction of affordable housing within the County.
3. Encouraging energy conservation: The County's Climate Action Plan (CAP) is designed to reduce local greenhouse gas (GHG) emissions while improving community health. The CAP consists of a GHG reduction strategy that is an implementation measure structured around six topics, one of which is Energy Efficiency and Conservation. To assist planning staff with implementation of the GHG Reduction Strategy, the CAP includes a development checklist (Appendix-E) which, when completed, identifies a project's consistency with the CAP. Among others, the checklist includes the following standards that pertain to energy efficiency:

- ■ Installation of high-efficiency appliances and insulation to prepare for the statewide transition to zero net energy.
- ■ New residential and non-residential development will meet the standards to be solar ready as defined by the California Building Standards.
- ■ New single-family houses and multi-family units with private attached garages or carports will provide rewiring for EV charging stations inside the garage or carport.

The Project will be conditioned (COA #42) to require that staff of the County Building Inspection and Community Development Divisions verify compliance with the Appendix-E standards mentioned above, prior to approval of building permits for the proposed residences. Furthermore, California Code of Regulations Title 24 (Part 6, Energy Code) and Title 20 (Appliance Efficiency Regulation) will also apply to residence design at the project site.

4. Safety Element: Since the Safety Element has the potential for affecting land use policies within the County, the policies, goals, and implementation measures of the Safety Element are closely coordinated with that of the Land Use Element. For example, seismic safety considerations in an area may be cause for additional consideration with respect to lowering density or altering design standards on hillsides. During the environmental review phase of the Project, existing characteristics of the site were analyzed by the County to identify potential safety hazards. In addition, agencies including, but not limited to the County Sheriff, SRVFPD, and County Health Services Department, reviewed the Project during the environmental review phase to determine the potential existence of safety risks.

There has been no indication from the reviewing agencies that the proposed Project would result in a significant safety hazard associated with the services and regulations under their purview. County staff's analysis and as further described in the EIR, determined that fire protection response times, facility capacity to serve, and compliance with other General Plan standards will not be adversely impacted due to the proximity of the SRVFPD Station #36, and the applicant's requirement to pay applicable development impact fees. The Project has also been conditioned (COA #30) to require that an annual special tax be assessed on each residential lot of the development to maintain and augment the law enforcement services to be provided by the County Sheriff's Department.

5. Noise Element: The Noise Element of the County General Plan discusses, among other things, the County's goal of improving the overall environment in the County by reducing annoying and physically harmful levels of noise. Figure 11-6 (Land Use Compatibility for Community Noise Environments) of the Noise Element categorizes ambient noise levels up to 60 dBA (A-weighted decibels) Ldn(day-night average level) as being "normally acceptable" for single-family land uses, levels between 60 and 70 dBA Ldn as being "conditionally acceptable", and levels above 70 dBA Ldn as being "normally or clearly unacceptable". Furthermore, Figure 11-6 indicates that new development should only be undertaken in areas with "conditionally acceptable" levels after a detailed noise analysis has performed, and necessary noise reduction features have been included in the design.

With respect to the Project's potential noise impacts on the surrounding environment, the Project EIR found that construction activities could result in temporary worst-case construction noise levels ranging up to 78.9 Leq (equivalent continuous sound level) and 77.2 dBA Lmax (maximum noise level) at the property boundary of the Northern Site. To mitigate these potential noise impacts in compliance with the Noise Element, Mitigation Measure NOI-1a pertaining to the equipment type, timing, and geographic location of construction activities, will be imposed on the Project.

In addition to the noise impacts the Project could have on the nearby sensitive receptors, the Project EIR also analyzed the potential for impacts to future residents of the Project as a result of ambient noise levels from the surrounding land uses as well as on- and off-site traffic. A Roadway Construction Noise Model (RCNM) developed by the Federal Highway Administration (FHWA) was used to predict traffic-related noise conditions in the vicinity of the Project Site. The model predicted that the Northern Site would be exposed to traffic noise levels ranging up to approximately 68.8 dBA Ldn at fifty feet from the centerline of the nearest travel lane of Camino Tassajara, and approximately 67.5 dBA Ldn as measured from the nearest proposed residential property line which is 68 feet from the centerline of Camino Tassajara. As mentioned above, these levels are less than 70 dBA Ldn, and thus would be considered as "conditionally acceptable" for a new residential development.

In addition to the Noise Element's identification of noise level compatibility on a land use basis, it also provides for a standard outdoor noise level of 60 dBA Ldn (Policy 11-2) for residential areas, and an interior noise level of 45 dBA Ldn or less for new single family projects. The FHWA noise model predicts that the noise levels from the centerline of Camino Tassajara would attenuate from 68.8 dBA Ldn down to below 60 dBA Ldn at a distance of approximately 216 feet. Therefore, any residence located less than 216 feet from the centerline of Camino Tassajara would be subject to exterior noise levels in excess of that which is considered to be "normally compatible" for new single-family development. The combination of walls, doors, windows, and other standard construction compliant with California building code will provide an exterior-to-interior noise reduction of 15 dBA with windows open, and approximately 25 dBA with the windows closed. As such, any residences constructed per applicable building code standards and at least 216 feet from the centerline of Camino Tassajara will be consistent with the interior and exterior noise standards discussed above. For those residences within that 216 foot area, Mitigation Measure NOI-1b requiring alternate forms of ventilation (such as air conditioning) will be imposed on the Project to allow for the closure of windows for prolonged periods, in order to achieve the 25 dBA Ldn of attenuation. This will reduce the interior noise levels for these residences to a 45 dBA Ldn or less. For compatible exterior noise levels on properties within the 216 foot distance, the County has conditioned (COA #70) the Project such that it will be required to construct a wall along the Camino Tassajara frontage, as designed and deemed necessary by an acoustical specialist, to reduce outdoor noise levels on all residential lots within 216 feet of the centerline of Camino Tassajara, to a level of 60 dBA Ldn or lower.

ZONING

The applicant proposes to rezone the entire Project Site to a project-specific Planned Unit (P-1) zoning district. If approved, the new P-1 district will allow for flexibility of applicable development standards, provided that substantial consistency with the General Plan as well as the intent of the County Ordinance Code, is maintained with respect to public health, safety, and general welfare. Currently, the Project Site is undeveloped and located entirely within an Exclusive Agricultural District (A-80), which is very limited with respect to land uses unrelated to the raising of crops or livestock, that can be established. However, the Project Site is immediately adjacent to urban areas of Danville and Blackhawk, which help to ensure compatibility between these adjacent areas and the Project. The Project Site is also located along Camino Tassajara, which is a major roadway providing direct access to Interstates 580 and 680, as well as public transit routes. Allowing the Project Site to be rezoned and developed under the proposed P-1 district will allow for development in a manner substantially similar to that of the areas immediately surrounding the Project. The 125 residences proposed for the 30-acre Residential Development Area will continue the single-family residential character of the adjacent Blackhawk and Alamo Creek developments, and provide much needed housing for the County. Approximately 727 acres of the Project Site will be dedicated in fee to the EBRPD for the permanent protection and preservation of these lands for non-urban uses including park and recreational uses (including a connecting trail and a staging area), and as open areas intended for agricultural, preservation, and other non-urban uses. The Project-specific P-1 district will also dictate that these areas be utilized and developed only in a manner that is consistent with the EBRPD's Master Plan, adopted and amended by their Board.

Residential Lots: The Project includes an application for approval of a vesting tentative subdivision map, which will allow the creation of up to 125 residential lots and other special use lots within the designated 30-acre Residential Development Area. The proposed lots will range in size from 5,000 square feet to approximately 12,744 square feet in area, and will be developed with single-family residences constructed in compliance with the design standards of the project-specific P-1 district. The floor plan designs will consist of at least four floor plan elevations, and the applicable setbacks, yards, and building heights will vary based on the size and location characteristics of each lot. Except as explicitly modified by the design standards of the P-1 district, development of the residential lots will be guided by standards set forth in the R-6 Single-Family Residential zoning district.

TRAFFIC AND CIRCULATION

The Northern Site of the subject subdivision takes access from Camino Tassajara. The northeast corner of the Northern Site has frontage along Finley Road. The Southern Site has frontage along the south and west side of Camino Tassajara. The original right of way width of Camino Tassajara in 1891 was 66-feet (one surveyor's chain) and included angle points. Over the intervening period, the County acquired additional right of way to accommodate various road improvement projects and subdivisions. The County Ordinance Code requires dedication of the ultimate right of way in accordance with the General Plan and roadway classifications as defined in said Code. Per the current General

Plan and its predecessor, it is planned to have a basic right of way width of 100 feet to accommodate 4 lanes of traffic, bike lanes/shoulders, a median and stormwater treatment facilities. The configuration and alignment of Camino Tassajara as shown on the Vesting Tentative Map along the Northern Site satisfies these requirements. As for the Southern Site, a more detailed alignment study along the frontage will need to be prepared as part of the final map process for County review to confirm right of way dedication needs to meet the General Plan and Code requirements. This would generally be 50 feet west of the ultimate centerline alignment, with possible additional widening at the intersections with Highland and Johnston Roads.

The County Ordinance Code also requires construction of frontage improvements along the frontage of all County roads. Frontage improvements include pavement widening, longitudinal and transverse drainage facilities appurtenant to the roadway improvements, signage, striping, safety improvements and undergrounding of overhead utilities. Within certain zoning districts or proximity to schools, frontage improvements also include curb, sidewalk and streetlights. The latter requirements would be applicable to the entire Northern Site.

In addition to Camino Tassajara, a portion of the subdivision fronts Finley Road. Finley Road is a 21-foot wide road in a 50-foot easement. It is planned to be a 40-foot road in a 60-foot right of way. The Applicant will be required to dedicate a 30-foot half width right of way consistent with the previous dedication on the adjacent southern parcel. This width shall be adjusted accordingly to eliminate the angle points in the existing easement. The minimum centerline radius required for arterial streets per the County Ordinance Code is 650 feet. Said Code also requires construction of a 20-foot wide half-width street along the Project frontage of Finley Road.

The project's Recirculated Draft Environmental Impact Report (RDEIR) cites several mitigation measures relative to traffic impacts resulting from this Project. These have been included in the recommended conditions of approval (attached) and noted with the corresponding mitigation measure cross-reference (MM TRANS-XX).

Taking into consideration that only a relatively small 30-acre portion of the Project Site is proposed to be developed and the vast majority of the Project Site will remain undeveloped and outside the Urban Limit Line, the applicant is seeking several exception requests (as referenced above); the standards for which the applicant is seeking these exceptions are focused on roadway and related improvements that are not typically imposed on rural subdivisions such as the Project. These include:

- Section 96-14.002 Improvement of County Streets
- Chapter 96-6 Street Lighting
- Section 96-12.202 Conditions Requiring Curbs
- Section 96-8.402 Locations (Sidewalks)
- Chapter 96-10 Underground Utilities
- Section 914-2.004 Offsite Collect and Convey Requirements

Support for these exception requests are included in responses to the three required findings prescribed by the Ordinance Code. As explained more fully in the attached findings, the basis for the requested exceptions focus on the following: the typical standards, which are intended for urban development, should not be applied to improvements beyond the ULL, and would otherwise be inconsistent with County precedent relative to road improvements in agricultural areas and the goal of maintaining the general vicinity in its rural residential nature. In general, Public Works is not opposed to the granting of these exceptions provided the exceptions specify the limits as to where these exceptions are applicable.

The Vesting Tentative Map includes off-site access modifications and improvements to the parking lot serving Tassajara Hills Elementary School immediately west of the subdivision. These improvements including signal modifications will need to be coordinated with the School District, State Department of General Services (DGS) - Division of the State Architect, and the County Public Works Department.

DRAINAGE

Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on the Project Site to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm waters to an adequate natural watercourse. Storm waters on the Northern Site originate in the hillside to the north and generally sheet-flow southerly to a tributary of Tassajara Creek north of Camino Tassajara. This tributary flows southeasterly, parallel with Camino Tassajara, where it joins Tassajara Creek east of Finley Road.

With the residential development of the Northern Site, the Applicant proposes to install a detention basin to reduce overall peak flow rates to 20% below existing runoff rates and provide the necessary hydromodification required per the applicable provisions of the County's Stormwater Management and Discharge Control Ordinance (see below). Said detention basin shall be designed and constructed in accordance with the applicable County Flood Control District's Detention Basin Guidelines. This basin will NOT be maintained by the County. The GHAD or an alternate maintenance entity approved by the Public Works Department will accept this facility for maintenance.

The September 3, 2019 exception requests previously referenced include an exception from Section 914.2.4 "Offsite collect and convey requirements" citing the mitigation provided by the detention basin and the desire to maintain the existing drainage pattern which sustains existing jurisdictional wetlands. Considering the significant overall reduction in runoff resulting from the proposed detention basin, Public Works is not opposed to the granting of this exception.

Chapter 914-14,- "Rights of Way and Setbacks," of the County Subdivision Ordinance is applicable to the Project and requires relinquishment of "development rights" over that

portion of the site that is within the structure setback area of adjoining creeks. This requirement would be applicable to portions of the Northern Site near Finley Road, as well as two Tassajara Creek tributaries that traverse the Southern Site.

STORMWATER MANAGEMENT AND DISCHARGE CONTROL

A Stormwater Control Plan (SWCP) is required for applications if at least 10,000 square feet of area can be identified for development. A SWCP was received March 1, 2016 for the review and approval of the Public Works Department, in compliance with the Stormwater Management and Discharge Control Ordinance (§1014), and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This report has been deemed "preliminarily complete".

A portion of the Southern Site has been offered for dedication to the San Ramon Valley Fire Protection District for possible future development. If this 7-acre parcel is accepted and subject to future development, a separate Stormwater Control Plan specific to that development will be required concurrent with the land use permit process that would be considered by the County in connection therewith.

Provision C.10, Trash Load Reduction, of the County's NPDES permits requires control of trash in local waterways. To prevent or remove trash loads from municipal storm drain systems, trash capture devices shall be installed in catch basins (excludes those located within a bioretention/stormwater treatment facility). Devices must meet the County's NPDES permits and their design and location must be approved by the Public Works Department

FLOOD PLAIN MANAGEMENT

A small portion of northeast corner of the Northern Site lies within the Special Flood Hazard Area (SFHA) as delineated on the Flood Insurance Rate Map prepared by FEMA. In the event any structures or utilities are constructed within the SFHA, they would be subject to the applicable special requirements outlined in the County's Floodplain Management Ordinance and applicable FEMA Technical Bulletins.

LIGHTING DISTRICT ANNEXATION

The Project Site is not annexed into the lighting district. The Applicant will be required, as a condition of approval (COA #103), to annex into the Community Facilities District (CFD) 2010-1 formed for the Countywide Street Light Financing

AREA OF BENEFIT FEE ORDINANCE

The Applicant will be required to comply with the applicable requirements of the Bridge/Thoroughfare Fee Ordinance for the South County, Tri-Valley Transportation, Southern Contra Costa (SCC) Sub Regional and SCC Regional Areas of Benefit as

adopted by the Board of Supervisors.

DRAINAGE FEE ORDINANCE

The Project Site lies within “unformed” Drainage Area 102. This area is not subject to any special drainage fee ordinance or related fees.

PRESERVATION AGREEMENT

The County, the City of San Ramon, and EBRPD are or have been considering an Agricultural Preservation Agreement to preserve and enhance agriculture uses with the Tassajara Valley. In addition to establishing a “green buffer” with approval of the Project and the related conveyance of 727 acres of land to the EBRPD for permanent preservation and protection for open space, park, recreational and other non-urban uses, the Preservation Agreement provides that its parties will 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 consistent with the parties’ respective existing land use policies and plans. These actions will be facilitated through the irrevocable donation of Four Million Dollars (\$4 million) by the applicant paid as set forth in the Development Agreement.

Pursuant to County Ordinance Code Section 82-1.018(a)(3), the County Board of Supervisors may approve, by a four-fifths vote, an expansion of the ULL of 30 acres or less after finding that a majority of the cities that are party to a preservation agreement and the County have approved a change to the ULL affecting all or any portion of the land covered by the preservation agreement. The Preservation Agreement provides that the County is authorized to find that the Agreement satisfies Section 82-1.018(a)(3). With respect to EBRPD participating as a party to the Preservation Agreement, the Project will result in the conveyance of approximately 727 acres of the Project Site (referred to as the Dedication Area) to EBRPD by fee simple transfer, subject to a conservation easement on a portion of the Southern Preservation Area (as that term is defined in the RDEIR). The fee simple conveyance to EBRPD will ensure that the 727-acre Dedication Area is protected and preserved in perpetuity for non-urban uses only. Because EBRPD will accept the Dedication Area for parkland, recreational, and open space uses as part of the Project, EBRPD is an appropriate party to the Preservation Agreement.

Subsequent to the postponement of September 30, 2020, County Planning Commission meeting, both the City of San Ramon and EBRPD brought the Preservation Agreement to their governing bodies. The San Ramon City Council unanimously approved Resolution 2020-114 on November 24, 2020, which authorizes the Mayor of San Ramon to execute the Agreement. The project site is adjacent to San Ramon city limits. Similarly, the EBRPD Board of Directors voted unanimously to approve Resolution No. 2020-12-286 on December 1, 2020, which authorized their District General Manager to execute the Agreement.

DEVELOPMENT AGREEMENT

The applicant has requested that the County approve and enter into a Development Agreement with the property owner. The Development Agreement addresses matters including but not limited to land preservation, community benefit obligations, fees, and vested development rights.

JUNE 9, 2021 COUNTY PLANNING COMMISSION HEARING

The County Planning Commission considered the Project at a public hearing on June 9, 2021. During the public hearing, testimony was accepted from the applicant, representatives of responsible agencies (e.g., EBMUD, EBRPD, and CCC LAFCO), and various members of the public. After receiving all testimony and closing the public hearing, the County Planning Commission voted 4-2 to recommend that the County Board of Supervisors deny the project, based on the following:

1. Modifying the Urban Limit Line is not in the public interest.
2. Concerns over the availability of water to serve the project.
3. The Project is inconsistent with the County General Plan.
4. "Overwhelming opposition" to the Project from members of the public.

CONCLUSION

The proposed Project will be consistent with applicable goals and policies of the General Plan, and also with the intent of the proposed P-1 district. In addition, implementation of the Tassajara Parks project would result in various benefits for both residents and visitors of Contra Costa County, including:

- Preserve 727-acres of land in the Tassajara Valley, which has faced decades of urban development pressure, at favorable ratio of 24 acres of preservation for each acre developed. The land will be dedicated to EBRPD in fee simple and will include a new staging area and an ongoing commitment of maintenance funding, thereby ensuring permanent preservation of the land and access to it by the public.
- Provide 125 new homes that will help address the urgent need for housing in the region and the County.
- Provide significant, additional community benefits, including but not limited to:
 - Improvements to parking lot and circulation of Tassajara Hills Elementary school
 - Dedication to the San Ramon Valley Fire Protection District
 - \$4 million contribution to an Agricultural Enhancement Fund for the Tassajara Valley area
 - \$2.5 million for the Livable Communities trust
- Help to resolve a long-standing development debate by means of compromise between development and conservation that is consistent with the voter-approved

ULL measure and will, in the view of staff, reduce pressure for additional expansion of urban development in the area.

Therefore, staff recommends that the County Board of Supervisors approve the Project as proposed.

CONSEQUENCE OF NEGATIVE ACTION:

In the event that the proposed project is not approved, the applicant will not obtain the required General Plan Amendment, Rezoning, and Development Plan entitlements needed to allow the proposed Tassajara Parks Residential Project. Additionally, 727 acres of land will not be dedicated the EBRPD

for non-urban uses, the County would not receive a \$2.5 million contribution to the Contra Costa County Livable Communities Trust, and a \$4 million dedication will not be made to an Agricultural Enhancement Fund for the Tassajara Valley area.

CHILDREN'S IMPACT STATEMENT:

This application is a request for approval of a General Plan Amendment, Rezoning, Major Subdivision, and Development Plan entitlements to allow the establishment of a residential development. Due to the number of proposed residential units within the development, an increased demand for childcare and public school services will occur once the units are established. The project would be required to comply with Senate Bill (SB) 50, which fully mitigates the potential effect of new student population that may be generated by the project on public school facilities.

CLERK'S ADDENDUM

Speakers in support: Vice Mayor of San Ramon, Scott Perkins; Taylor Johnson, Danville; Mike Anderson, Danville; Chris Hoffman, San Ramon; Brian Holtz, Chief of Planning, East Bay Park District; former city councilmember of San Ramon; Rachel Schumaker, Assistant Business Manager, International Brotherhood of Electrical Workers (IBEW); Debbie Chamberlain, Community Development Director, San Ramon City Council; Bob Doyle; Tom Lawson, Business Manager, Plumbers and Steamfitters UA Local 159; Joe Gorton, City Manager, San Ramon; Beverly Lane, East Bay Park District; Seth Adams, Land Conservation Director, Save Mt. Diablo;

Speakers in opposition: Kevin Liu; Sue McKenny, San Ramon; Kim McKnight, Danville; Carol Weed; Ilsa; Jim Blickenstaff, Sierra Club; Susie; Dave, Water Division, East Bay Municipal Utility District (EBMUD); Karen Rosenberg; Richard Fischer, Tassajara Valley; Gretchen Logue, co-founder of the Tassajara Valley Preservation Association, Joe Calabrigo, Town Manager, Danville; Corrine Fisher; Linda, Alamo Creek; Donna Gerber, former Supervisor of District 3; Zaynab Jawaid, Danville; Sandee Wiedemann.

APPROVED staff recommendations with the following additional Conditions of Approval or amendments to a Condition of Approval:

1. A building permit will not be requested by the applicant or issued by the County during any water shortage emergency declared by East Bay Municipal Utility

District (EBMUD) Board of Directors that requires customer demand reductions of 20% or more pursuant to EBMUD's policy 9.03 or equivalent; 2. Amending COA #44 to add that a) all new residences shall be constructed to be exclusively electric and shall not have natural gas plumbing or appliances, and b) that all new residences shall be constructed with rooftop solar panels, battery storage, and all wiring and equipment necessary for electric vehicle charging; 3. Amending COA #43 The Development Agreement, Section 3.02 Contribution to Contra Costa Livable Communities Trust Fund: The \$2.5M LCTF Contribution , and all CPI increases to said contribution, which payment shall be made within five days after the recordation of the Project's first final map; 4. DELETE the COA that prohibits woodburning fire places in favor of natural gas ones; 5. Prior to recordation of the first final map, the applicant shall execute and record a deed restriction, restrictive covenant or similar instrument reflecting that no urban land uses shall be undertaken on the project site outside the Urban Limit Line (ULL). 6. The Development Agreement will be edited to align and be consistent with the new and amended Conditions of Approval.

The Applicant states for the record acceptance of these changes and additions.

ATTACHMENTS

Resolution 2021/216

Project Findings

Conditions of Approval

ULL Change Map

General Plan Land Use Designation Change Map

Zoning Change Map

Rezoning Ordinance Map

Preservation Agreement

Development Agreement

Development Agreement Ordinance

Indemnity Agreement

Vesting Tentative Map / Preliminary & Final development Plan

Final Environmental Impact Report (FEIR)

Mitigation, Monitoring, & Reporting Program

Water Conservation Feasibility Study & EBMUD Comments

Letter of EBMUD Dated May 27, 2021

EBMUD Resolution

Letter of EBMUD Legal Counsel Dated May 27, 2021

Town of Danville Letters and Resolution

Public Comments

Slide Presentation