

FINDINGS – CONTRA COSTA COUNTY (APPLICANT & OWNER); COUNTY FILES
#CDGP23-00003, #CDZT23-00002, #CDRZ23-03272

A. California Environmental Quality Act Findings

On June 13, 2023, the Board of Supervisors certified the EIR for the 6th Cycle Housing Element, coinciding with the approval and adoption of the Housing Element itself. The updates to the General Plan and Zoning Code were considered in the EIR as necessary to the implementation of the Housing Element Housing Sites Inventory, and do not introduce any significant impacts that deviate from those previously outlined in the EIR. Therefore, the EIR certified on June 13, 2023, adequately addresses the Revised 6th Cycle Housing Element (2023-2031) and the associated General Plan and Zoning Code amendments, consistent with the California Environmental Quality Act (CEQA) guidelines.

The implementation of the Housing Element Sites Inventory through amendments to the Land Use Element of the General Plan and updates to the County Zoning Ordinance does not warrant any modifications to the certified EIR. These changes to the Land Use Element and Zoning Code do not entail the introduction of new housing sites requiring evaluation; instead, they facilitate the implementation of the project already analyzed in the EIR. As a result of these amendments, no alterations to the impact conclusions, mitigation measures, or alternatives are necessary. Consequently, adherence to the CEQA Guidelines dictates that no further CEQA documentation is required.

B. General Plan Amendment Findings

1. Required Finding: *That adoption of the proposed General Plan amendment is consistent with the provisions of the County's Urban Limit Line as outlined in Measure L-2006.*

The effected properties are located within the County's Urban Limit Line (ULL) which limits certain areas of the County to nonurban uses and helps to preserve farmland and open space. Since the proposed changes are within the ULL, the urban residential redesignation would be allowed. No changes are proposed that would allow urban development outside the ULL.

2. Required Finding: *That adoption of the proposed General Plan amendment will not result in a violation of the County's 65/35 Land Preservation Standard.*

Adoption of the proposed General Plan Amendment (GPA) will not cause a violation of the 65/35 Land Preservation Standard (the "65/35 Standard"), originally approved by County voters through adoption of Measure C-1990 and reaffirmed

through adoption of Measure L-2006. Under the 65/35 Standard, no more than 35 percent of the land in the County may be developed with urban uses and at least 65 percent of the land must be preserved for nonurban uses such as agriculture, open space, parks, wetlands, etc. The term "nonurban uses" refers to rural residential and agricultural structures allowed by applicable zoning and facilities for public purposes, whether privately or publicly funded or operated, which are necessary or desirable for the public health, safety or welfare or by state or federal law. Approximately 28 percent of the land is currently designated for urban uses. While the rezoning and general plan amendments include numerous land use designation changes to accommodate the Regional Housing Need Allocation (RHNA), they are all urban-to-urban changes, meaning the percentage of land designated for urban uses will not increase as a result of the GPA.

3. Required Finding: *That adoption of the proposed General Plan amendment complies with the provisions of Measure J-2004, the Contra Costa Growth Management Program, and related Contra Costa Transportation Authority resolutions.*

Adoption of the proposed GPA is exempt from the GPA review process specified in the Contra Costa Growth Management Program and related Contra Costa Transportation Authority resolutions. Furthermore, the project complies with the objectives and requirements of the Growth Management Program, and related Contra Costa Transportation Authority (CCTA) resolutions. Adoption of the proposed GPA will not increase the number of traffic trips in the County and generated energy is expected to feed into the existing electrical grid, offsetting or replacing electricity which is currently provided by non-renewable sources; thus, the amendment does not allow unsupported new development.

4. Required Finding: *That adoption of the proposed General Plan amendment will not cause the General Plan to become internally inconsistent, in violation of Government Code Section 65300.5.*

The General Plan comprises an integrated, internally consistent, and compatible statement of policies governing development in the unincorporated areas. The subject changes will align the Land Use Element of the General Plan with the newly adopted policy guidance in the 6th Cycle Housing Element, which is more progressive and addresses a wider range of issues than the guidance found in the existing General Plan. A comprehensive General Plan update is underway, with adoption of the new General Plan anticipated for the first half of 2024. Upon

completion of the update, all elements of the new General Plan will contain a consistent level of policy guidance.

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

Adoption of the proposed GPA is in the public interest. The Bay Area suffers from a severe housing shortage. The County's RHNA for the 5th Cycle Housing Element (2015-2023) was 1,367 units at various affordability levels, while the RHNA for the 6th Cycle Housing Element (2023-2031) is 7,610 units. The 6th Cycle Housing Element plans for 2,072 units for very low-income households (those earning <50% of the area median income) and 1,194 units for low-income households (those earning 50% to 80% of the area median income), thus adding to the housing stock and helping alleviate the housing shortage.

6. Required Finding: *That adoption of the proposed General Plan amendment will not exceed the annual limit on amendments specified under Government Code Section 65358(b).*

Pursuant to Government Code Section 65358(b), no mandatory element of the General Plan may be amended more than four times per calendar year. Adoption of the updates to the Land Use Element, affects a mandatory element and is the first amendment to such element for 2024.

C. Growth Management Findings

1. Traffic: Policy 4-c of the Growth Management Element of the General Plan requires a traffic impact analysis of any project that is estimated to generate 100 or more additional AM or PM peak-hour trips. The General Plan and Zoning Text Amendments, and Rezone of selected parcels, for the purpose of alignment with the housing element, is not expected to increase traffic trips in and of itself. Furthermore, any specific traffic impacts would be reviewed subsequently with any specific development project.
2. Water: The General Plan and Zoning Text Amendments, and Rezone would align the land use element and the zoning ordinance with the recently adopted Housing Element. This change in and of itself is not expected to result in unmanageable demand for water.

3. Sanitary Sewer: The General Plan and Zoning Text Amendments, and Rezone would align the land use element and the zoning ordinance with the recently adopted Housing Element. This change in and of itself is not expected to result in unmanageable demand for sewer services. Furthermore, development of any site in the unincorporated county is subject to the requirements of the local water and sewer providers. The County refers development applications to service providers for review and comment as part of the normal application review process. The process provides opportunities for service providers to identify and address deficiencies, such as inadequate infrastructure or supplies (e.g., lack of water availability), that could be exacerbated by the proposed development.
4. Fire Protection: The General Plan and Zoning Text Amendments, and Rezone would align the land use element and the zoning ordinance with the recently adopted Housing Element. This change in and of itself is not expected to result in unmanageable demand for fire protection services.
5. Public Protection: The General Plan and Zoning Text Amendments, and Rezone would align the land use element and the zoning ordinance with the recently adopted Housing Element. This change in and of itself is not expected to result in unmanageable demand for public protection services.
6. Parks and Recreation: The General Plan and Zoning Text Amendments, and Rezone would align the land use element and the zoning ordinance with the recently adopted Housing Element. This change in and of itself is not expected to result in unmanageable demand for park and recreation facilities.
7. Flood Control and Drainage: The General Plan and Zoning Text Amendments, and Rezone would align the land use element and the zoning ordinance with the recently adopted Housing Element. This change in and of itself is not expected to result in impacts to flood control and drainage facilities. In addition, the County Ordinance Code requires new development to collect and convey storm water into adequate drainage facilities.

D. Rezoning Findings

1. Required Finding: *The change proposed will substantially comply with the General Plan.*

Project Finding: The subject properties' rezoning to the HE-C District would align the land use element and the zoning ordinance with the recently adopted Housing

Element. This change will align the zoning ordinance with General Plan Housing Element and Land Use Element.

2. Required Finding: *The uses authorized or proposed in the land use district are compatible within the district and to uses authorized in adjacent district.*

Project Finding: The rezone of the subject properties would align the zoning designation of the properties with the General Plan Housing Element. The properties were identified for potential housing development in the recently adopted Housing Element, which determined that the proposed residential uses would be appropriate for the subject properties. Any uses adjacent to any of the subject properties is, thus, expected to be consistent with the new HE-C zoning designation for the properties.

3. Required Finding: Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.

Project Finding: The subject properties' rezoning to the HE-C zoning district allows for a range of uses, but primarily housing. The Bay Area suffers from a severe housing shortage. The County's RHNA for the 5th Cycle Housing Element (2015-2023) was 1,367 units at various affordability levels, while the RHNA for the 6th Cycle Housing Element (2023-2031) is 7,610 units. The 6th Cycle Housing Element plans for 2,072 units for very low-income households (those earning <50% of the area median income) and 1,194 units for low-income households (those earning 50% to 80% of the area median income), thus adding to the housing stock and helping alleviate the housing shortage.