

RESOLUTION NO. 23- 638

A RESOLUTION VACATING, SETTING ASIDE, AND RESCINDING CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT AND LAND USE APPROVALS FOR THE TASSAJARA PARKS PROJECT

Recitals

- A. On July 13, 2021, the Board of Supervisors approved the Tassajara Parks Project, a 125-unit single-family residential development in the Tassajara Valley area (the “Project”) and certified an environmental impact report (“EIR”) prepared for the Project under the California Environmental Quality Act (“CEQA”). The Project approvals included: a 30-acre modification to the Urban Limit Line (“ULL”); General Plan land use designation changes; adoption of Ordinance No. 2021-23 approving a development agreement; adoption of Ordinance No. 2021-24 rezoning land from A-80 (agricultural) to P-1 (planned unit); a vesting tentative map; and a development plan. The Board also approved a related preservation agreement between the County, the City of San Ramon, and the East Bay Regional Park District.
- B. The County’s approval of the Project and certification of the Project EIR was challenged in Superior Court, resulting in limited rulings in favor of the petitioners, concluding that the EIR provided inadequate information and analysis regarding the project’s water supply, petitioner East Bay Municipal Utility District’s (“EBMUD”) annexation policies, and the feasibility of proposed offsite conservation measures on which the availability of the project’s water supply will depend. The Court also held that the EIR should have been recirculated after EBMUD’s Board of Directors adopted a resolution on June 8, 2021, declaring that EBMUD did not have adequate water supplies to serve the project.
- C. The Superior Court entered its judgments and issued peremptory writs of mandate ordering the County to void the certification of the Project EIR and to vacate and set aside all Project-related approvals, except for the 30-acre modification to the ULL and the preservation agreement. The Court found that the 30-acre modification to the ULL and the preservation agreement were severable from the remainder of the Project and that leaving those approvals in place would not prevent the County from complying with CEQA.
- D. By this resolution, the Board of Supervisors intends to comply with the judgments and peremptory writs of mandate by vacating and setting aside the Project approvals adopted by the Board. By separate ordinances, the Board of Supervisors will rescind Ordinance Nos. 2021-23 and 2021-24.

NOW, THEREFORE, the Contra Costa County Board of Supervisors resolves as follows:

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1. The foregoing recitals are true and correct and are incorporated by reference.
2. The Board of Supervisors' July 13, 2021 certification of the EIR prepared for the Project, adoption of the mitigation monitoring and reporting program for the Project, and adoption of CEQA findings and a statement of overriding considerations for the Project are hereby vacated, set aside, and rescinded.
3. The Board of Supervisors' July 13, 2021 reclassification of the Project site from a General Plan land use designation of Agricultural Lands (AL) to General Plan land use designations of Single-Family Residential, High Density (SH), Parks and Recreations (PR), or Public/Semi-Public (PS), is hereby vacated, set aside, and rescinded.
4. The Board of Supervisors' July 13, 2021 approval of the vesting tentative subdivision map for the Project is hereby vacated, set aside, and rescinded.
5. The Board of Supervisors' July 13, 2021 approval of the preliminary and final development plan for the Project and the associated tree permit and exception requests is hereby vacated, set aside, and rescinded.
6. Ordinance Nos. 2021-23 and 2021-24 each shall be rescinded by separate ordinances.
7. The Board of Supervisors' July 13, 2021 approval of the Tassajara Parks Project is hereby vacated, set aside, and rescinded.

PASSED AND ADOPTED on 12-05-2023, by the following vote:

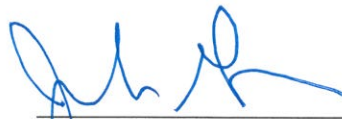
AYES: John Gioia, Candace Andersen, Ken Carlson, Federal D. Glover

NOES: None

ABSENT: Diane Burgis

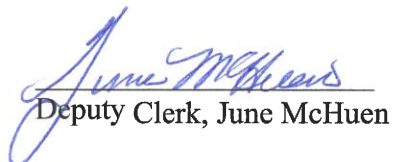
ABSTAIN: None

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator



Board Chair John Gioia

By:



Deputy Clerk, June McHuen

[SEAL]

KCK: