

ORDINANCE NO. 2023-23
(uncodified)

RESCINDING REZONING ORDINANCE NO. 2021-24

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I. Background.

- 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 ordinance, the Board of Supervisors intends to comply with the judgments and peremptory writs of mandate by rescinding Ordinance No. 2021-24. By separate ordinance, the Board of Supervisors will rescind Ordinance No. 2021-23. By separate resolution, the Board of Supervisors will vacate and set aside the other Project approvals to comply with the judgments and peremptory writs of mandate.

SECTION II. Rescission. Rezoning Ordinance No. 2021-24 is rescinded.

SECTION III. Effective Date. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Board Chair

By: _____
Deputy

[SEAL]

KCK: