

MEMORANDUM

DATE February 24, 2022
TO Will Nelson, Principal Planner
Contra Costa County Department of Conservation and Development
FROM Tanya Sundberg
SUBJECT 2/23/22 Planning Commission Study Session

During its meeting on Wednesday, February 23, 2022, the Planning Commission held a study session to discuss and provide feedback on the draft goals, policies, and actions (“GOPAs”) for the Land Use Element and Public Facilities and Services Element. There were approximately 40 participants in the meeting during this discussion item.

This memorandum summarizes the questions and comments from the Planning Commission, as well as the comments made by members of the public. Additional written comments are attached to this memorandum.

Initial Planning Commission Questions

- » Commissioner Allen
 - How does the General Plan account for Senate Bill (SB) 9 and accessory dwelling units?
- » Commissioner Hillesheim
 - Expressed support for refineries and the jobs they provide, as well as for the open space in county.
 - How has the General Plan contemplated sustainable energy/renewable energy development?
 - Has nuclear power been considered?

Public Comment

- » Karen Rosenberg, Resilience Fellow with Greenbelt Alliance
 - Expressed support for infill, transit oriented development, clustering, and jobs/housing balance policy guidance.
 - Requested more specificity and detail in the actions for both elements, including more details on timelines, transparency, and accountability.
 - Requested alignment between the Land Use and Safety Elements, especially with respect to sea level rise, flooding, and subsidence.
 - Requested that the sea level rise policy guidance in the Public Facilities and Services Element rely on projections in 2100 based on best available science.
- » Jan Warren
 - Expressed support for policy guidance related to the Urban Limit Line (ULL), a circular economy, coordination with cities and special districts, affordable housing, and access to services.

- Requested that Policy LU-P2.2 be revised to specify natural carbon sequestration and to clarify what “essential” infrastructure means.
 - Requested that Actions LU-A4.1 and LU-A4.3 be revised to specify a timeframe of at least every five years.
 - Expressed concern about specifying “known” hazards in Policy LU-P6.4 and about the portion of Policy LU-P8.5 directing the County to “limit potential exposure to environmental health hazards and pollutants,” noting that hazards need to be remediated.
 - Requested that Policy LU-P3.2 be revised to broaden the language beyond “transit facilities” to talk about mobility in general.
- » Marti Roach, 350 Contra Costa
- Expressed support for Jan Warren’s comments.
 - Requested that the Land Use Element be refined to provide a clearer vision for the future, noting that some policies seem to contradict each other (e.g., Policies LU-P3.5 and LU-P8.2).
 - Expressed concern about the portion of Policy LU-P8.1 that states “... without causing severe environmental degradation,” noting that the word “severe” is subjective.
 - Requested that Policy LU-P3.5 be revised to say explicitly what the County’s environmental and economic goals and values are.
- » Jan Callaghan
- Expressed concern about heavy industrial uses in Rodeo, including their health impacts to nearby residents, and expressed support for a transition away from these types of uses.
- » Juan Pablo Galvan Martinez, Save Mount Diablo
- Expressed support for some of the draft policy guidance and noted that additional written comments will be submitted.
 - Expressed concern about Actions LU-A2.2 and LU-A2.3, which relate to potential future ULL changes.
- » Janet Pygeorge, Rodeo Citizens Association
- Described the history of Rodeo. Expressed concern about pollution and heavy industry affecting the Rodeo community, and requested that the County protect Rodeo residents from pollution.
 - Expressed support for redevelopment and revitalization of the Rodeo waterfront.
- » Kevin Burke, East Bay for Everyone
- Requested that the General Plan policy guidance and Housing Element sites inventory direct housing to infill areas and areas that have employment opportunities to promote more sustainable and healthy development.
 - Requested that the General Plan policy guidance and Housing Element sites inventory avoid directing new housing to areas with high levels of pollution, such as near industrial sources and along highways, and avoid concentrating new housing in low-income areas.
 - Expressed opposition to changing the ULL.
- » Charles Davidson
- Requested that the existing General Plan policy that supports oil wells be changed to discourage oil and gas development, and that the General Plan support sustainable development in eastern Contra Costa County.

- » Ellin Barret
 - Had planned to comment on Action LU-A2.3 related to the ULL, but held off until there is further discussion on this item.
- » Jeremy Levine, Inclusive Lafayette
 - Expressed support for Kevin Burke's comments.
 - Requested that the County promote housing in high opportunity areas, where new residents will live the best experience they can in the county.
 - Noted that while wealthy areas sometimes don't have good transit access, there are often good jobs and other amenities, and often more capacity for more people than in low-income areas. Also suggested that there are many opportunities to invest in transit in the county.

Planning Commission Discussion

- » Several Commissioners requested that comments made during the study session be provided to the Commission and expressed appreciation for the public's thoughtful comments.
- » Commissioner Allen
 - Will the Stronger Communities Element GOPA review include community details?
- » Commissioner Mankin
 - When will the ULL be on the ballot again?
- » Commissioner Van Buskirk
 - Expressed support for refineries and the jobs they provide, and noted that refinery operations are getting cleaner. Also expressed concern about battery waste from green energy. Suggested that a transition away from fossil fuels is not urgent and should be done thoughtfully. Expressed opposition to shutting down refineries.
- » Commissioner Bhandari
 - Expressed support for the structure and formatting of the new General Plan.



February 22, 2022

County Planning Commission
c/o William Nelson

RE: Draft Land Use Element / Draft County General Plan

Dear Commission Members,

I have reviewed the draft Land Use element of the update to the county's general plan, and offer the following comments:

- ◆ How to Use the General Plan: Describe what the references are in parenthesis that follow many of the Goals, Policies, and Actions. Example:  LU-P2.3  Prohibit major subdivisions outside the ULL as well as successive minor subdivisions of previously subdivided lots. (8-G, 10-25)
- ◆ LU-P1.1 To provide essential context, note the existing building floor areas and existing number of dwelling units, and the projected increases in percentages.
- ◆ LU-P2.1 Provide reference for the 65/35 Land Preservation Plan to make it easy for readers to find a description of this plan.
- ◆ LU-P2.6 (b) Require a 1-acre minimum lot size where either public water or sewer service is available. Is this language intended to mean 1-acre minimum lot size where either water or sewer service is not available? The draft language could be taken to mean 1-acre min. when either of those services are available, which occurs in most developed areas.
- ◆ LU-A2.1 If "subdivision" is intended to be defined as it is in the Merriam-Webster dictionary as "a tract of land surveyed and divided into lots for purposes of sale especially: one with houses built on it", then why are there rules offered for subdivisions in designated agricultural areas? Perhaps there should be no new subdivisions on land designated for agriculture.
- ◆ LU-P3.2 Development near transit: I strongly support this important policy. However, the policy should also advocate higher density residential and mixed-use development in areas in close proximity to transit facilities.
- ◆ LU-P3.11 Shadows and solar access concerns: Where a proposed building geometry that is taller than the zoning code allows, but is stepped back on upper levels in such a way that the building will create less shading on sensitive areas (as compared to a building that fills the zoning code's allowed building geometry), the zoning code should welcome this type of geometric flexibility.
- ◆ LU-A3.3 Low-impact materials and energy efficiency are fine goals. However, the most important goal ought to be reducing reliance on fossil fuels. Thus the county should not allow fossil fuel heating systems (space heating, water heating, food heating and clothes drying) in new buildings, as well as new systems serving building additions.

- ◆ LU-A4.1 Parking requirements: While the words "increase or eliminate" are offered as examples of possible changes, "increase" is going in the wrong direction if the county is trying to develop in a way that reduces dependence on single-occupant motor vehicles. Change the wording to "reduce or eliminate parking minimums".
- ◆ LU-P6.1 Housing Types: What is the argument for accommodating more single-family homes? Numerous studies document that such zoning was invented (in Berkeley CA) to help exclude minorities from communities. And single-family zoning is very wasteful of land and utility services. Yes, families with children may often want more indoor and private outdoor space than high-density multi-family projects provide. However, townhome style development can accommodate the wishes of those for whom apartment style high-density projects do not – while providing the following benefits as compared to single-family development: 1) Higher quantity of dwellings per acre; 2) Lower impacts on resources; and 3) Lower construction costs. Note: The county has plenty of single-family homes already!
- ◆ LU-P8.1 Welcoming industries: The draft policy states that new industries should not cause “severe” environmental degradation. Instead, the policy ought to state that “New industry that creates living-wage job opportunities and career-advancement opportunities for county residents is welcome as long as it causes no, or minimal, environmental degradation.”
- ◆ I strongly support the following policies and actions: LU-P3.5, LU-P3.7, LU-P3.8, LU-P6.2, LU-P6.5, LU-P7.2, LU-P7.3, LU-P7.5, LU-P7.6, LU-P8.5, LU-A9.1.

In addition to the plan comments above, please also know that the turn-around time from receipt of the draft plan (Feb. 17 email from DCD) to today for receipt of letters (per the advice of Will Nelson) is only three business days (or two if President’s Day excluded). This time frame is difficult for an individual, and perhaps impossible for many organizations – including one that I work closely with. The County ought to provide a minimum of five full business days from after public receipt of documents, to when the public is expected to submit written comments. And calls for public comments ought to clearly state when written comments must be received.

Thank you in advance for your consideration. Please feel free to contact me should you have any questions or comments regarding my suggestions.

Sincerely,

Gary Farber

Walnut Creek

Member: Policy Team of 350 Contra Costa (for information only; letter not endorsed by 350 CC)

From: [Will Nelson](#)
To: [Tanya Sundberg](#)
Subject: FW: comment on the Land Use Element of the General Plan
Date: Thursday, February 24, 2022 9:42:10 AM

Hi Tanya,

Planning Commission comments below.

-Will

From: Marti Roach <martiroach@gmail.com>
Sent: Thursday, February 24, 2022 8:02 AM
To: Will Nelson <Will.Nelson@dcd.cccounty.us>
Cc: martiroach@gmail.com
Subject: Fwd: comment on the Land Use Element of the General Plan

here is what I send in for the record from last night, FYI. thanks,

-Marti

925-376-3853

350ContraCosta.org

350BayAreaAction.org

[Join the Contra Costa Climate Action Network!](#)

WHY 350? "If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, paleoclimate evidence and ongoing climate change suggest that CO2 will need to be reduced from current levels (419) to at most 350 ppm." **-Dr. James Hansen**

Begin forwarded message:

From: Marti Roach <martiroach@gmail.com>
Subject: comment on the Land Use Element of the General Plan
Date: February 23, 2022 at 9:32:34 PM PST
To: planninghearing@dcd.cccounty.us
Cc: Marti Roach <martiroach@gmail.com>

This is written comment from the verbal comment I made in the meeting. Please add to the notes on this meeting. Thank you.

Good evening Planning Commissioners and staff. Thank you for your work and service. I am Marti Roach, writing on behalf of 350 Contra Costa. Our group did not have time, given the short notice, to review and offer some specific wording suggestions that would strengthen the land use element. We will send this in. I ask the planning commissioners to keep in mind that our general plan is the vision for the future we want and how we envision our land use is fundamental to being proactive in making that future.

We face challenges in this county that relate to land use. Homelessness and the housing crisis is one. How to address the County's commitment to a transition from our legacy refining industries in ways that protects workers and communities. How to align with our State priorities for addressing the climate emergency, reducing emissions and attracting business that takes us into the new economy and leaves communities with less, and ideally no, harmful side effects.

Our view is this land use element needs more specific grounding in a vision of where we really want to go in development in this County. For example, there is language in LU-P3.5 on prioritizing clean energy, sustainable and green businesses. We strongly support this as the path to a sustainable future for us all.

At the same time in LU-P8.2 suggests that priority will be to support legacy industries--of which oil refineries are a major one--which the County has already acknowledged that we need to transition away from. Which is it that the County is moving toward? A related concern is LU-P8.1 that says The County welcomes industries that will not cause severe environmental degradation. What is severe? This is too undefined and subject to varied interpretations. Better language is needed.

Regarding attracting clean energy, sustainable and green businesses, is this element the place that permits and red tape should be streamlined to attract these new opportunities?

Lastly, There is mention in LU-P3.5 that our clean energy and green growth will be consistent with the County's environmental and economic goals and values. I think it is necessary and will be helpful for this plan to be explicit on what these goals and values are.

350 CCC looks forward to sending in more comments. Thank you.

-Marti Roach

925-376-3853

350ContraCosta.org

WHY 350? "If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, paleoclimate evidence and ongoing climate change suggest that CO2 will need to be reduced from current levels (419) to at most 350 ppm." -**Dr. James Hansen**



February 24th, 2021

Contra Costa County Planning Commission, and
Conservation and Development Department
30 Muir Road
Martinez, CA 94553

RE: Comments on the Land Use Element and Public Facilities Element presented to the Planning Commission on 2/23/2022

Dear Planning Commission and Planning Staff,

Thank you for the opportunity to provide feedback on the draft Land Use and Public Facilities Elements of the Contra Costa General Plan. We were happy to see many of our suggestions from previous letters implemented, including encouragement of infill development, TOD, Low-impact development, new growth within the existing Urban Limit Line, and clustering, as well as the driving goals around providing all types of housing, preventing sprawl, and planning for a jobs/housing balance.

We would, however, like to see these great land use principles and **policies strengthened through measurable actions** that not only include language like "periodically reevaluate" or "consider funding", but instead, actions that include timelines that can provide greater transparency and accountability.

Additionally, while we have not yet seen what is in the safety element, we would like to make sure that there is **alignment between these sections**, especially as it relates to appropriate land uses in places vulnerable to sea level rise, flooding, and subsidence. We would like to see that language strengthened in the policies and actions in section B2 (Commercial and Mixed Uses) related to compatible uses in the face of SLR and with additional language acknowledging the need for a comprehensive study of land use options for decommissioned contaminated industrial sites.

In the Public Facilities element, **we were excited to see inclusion of language around green infrastructure, green benefits districts, park access, and nature-based solutions**. We think the policies and actions are comprehensive and specific, but we would like to see consistent use of planning for sea level rise at a 2100 level, which should also include language linking that level to **best available science** to determine how that time equates to a projected water level and other impacts.

And finally, as with the Land Use element, **adding measurable timelines and milestones** will help make this General Plan actionable, transparent, and effective. Please consider strengthening the existing policies and actions with these specific milestones.

To support the above, we have a few specific recommendations below.

Specific Recommendations

Land Use Element

- “Periodically perform an analysis of infrastructure needs and deficiencies in Disadvantaged Unincorporated Communities and consider funding mechanisms that could make extension of needed services and facilities feasible.”
 - This is a great effort, but could be strengthened with specifics - “Perform an analysis every *3 years*” and/ or “By 2026, perform a feasibility study to consider funding mechanisms that could improve services and facilities for these communities”
- “Plan land uses and activities in the vicinity of harbors to optimize their use for commerce and recreation without posing a threat to Bay or Delta resources, including water quality and shoreline and marshland habitats.”
 - This policy could also specify that land uses and activities should be compatible with forecasted sea level rise, subsidence, and groundwater threats. While that point should be covered in the safety element, as it relates to appropriate land uses in these areas, it should also be mentioned here in the land use element.
- In the Industrial Uses Goal, there is no mention of how decommissioned plants and other toxic formerly-industrial sites will be remediated and used. Would be good to add language - “By 2026, Create a plan for repositioning contaminated industrial sites.” Planning for remediation and reuse is essential for visioning the county into the future - especially as it pertains to future land uses in these areas. (Could go with last action LU-A8.2)

Public Facilities and Services Element

What we Like:

- Establishment of funding and financing mechanisms, including green benefit districts
- Implement AND MAINTAIN urban greening and green infrastructure - great language!
- “Require landscaping for new development to be drought tolerant, retain runoff, decrease flooding, and recharge groundwater.”
- Co-benefit projects for SLR with need to protect until 2100 (this should be consistent throughout and linked to best available science).
- Goals of equitable park access.

What we’d like to see differently:

- In the Drainage and Flood section, it uses a standard of 200-year flood protection. Why was this number chosen? - especially when FEMA uses 100-year for insurance purposes so that

should be the bare minimum. We would like to see use of the best available data to drive goals and by a certain time frame.

- “Create a plan to protect and accommodate flooding, inundation, and subsidence to 2100 levels, by 2030”

We appreciate the immense work that has gone into this General Plan update and the willingness of planning staff to incorporate comments and suggestions at various points along the way.

Sincerely,

Sadie Wilson
Greenbelt Alliance

2/23/22 Public Comment CCCo Planning Commission
Land Use Element for Envision 2040

This is to provide public comment on meeting agenda item 5a on the draft Land Use Element for the Envision 2040 General Plan Update.

Here are several suggestions I would like to contribute:

1) Under LU-P2.4 which reads "*Encourage infill of already developed areas and properties that have been skipped over.* (3-8, 8-113)".

I believe it would be in the County's and the public's interest to include some wording which recognizes that infill choices should recognize that some areas, although skipped over, should **not** be considered for dense development due to their value as a scenic resource, a unique natural landscape and/or open space (as noted in LU-P2.5) or due to that area's location next to a public park or amenity upon which dense infill development would reduce the public benefit of the already existing public area.

2) LU-P2.6b which reads, "(b) *Require a 1-acre minimum lot size where either public water or sewer service is available.*"

A minor suggestion, but I think that the meaning is meant to be where one or the other but not both exist. Maybe it is clear to most but I found the wording a little ambiguous.

3) LU-P9.1 Under "*reserve the rural appearance and character of the following areas:*"

I believe it would be in the County's and the public's interest to add an area

(g) Seven Hills Ranch (in the Walnut Creek Area)

And add to the paragraph which begins,

"In these areas, pay special attention to potential aesthetic impacts and ensure such impacts are adequately mitigated. (3-158, 3-160, 3-163)" using the following (or similar) wording:

Additionally, pay special attention to the property's relationship and scenic value to existing public facilities, such as nearby or adjacent public parks and/or scenic walkways or trails.

Thank you,
Michele Sheehan

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April 11th, 2022

Will Nelson, Principal Planner
Contra Costa County, Department of Conservation & Development
30 Muir Rd.
Martinez, CA, 94553

Comments on Envision Contra Costa 2040 Draft Land Use Element

Dear Mr. Nelson,

Save Mount Diablo (SMD) is a non-profit conservation organization founded in 1971 which acquires land, or interests in land, for conservation purposes and often for addition to parks on and around Mount Diablo. We also monitor land use planning which might affect protected lands. We build trails, restore habitat, and are involved in environmental education. In 1971, there was just one park on Mount Diablo totaling 6,778 acres; today there are almost 50 parks and preserves around Mount Diablo totaling 120,000 acres. We include more than 11,000 donors and supporters.

Thank you for providing an opportunity to comment on the draft Land Use Element (Element) prepared for the Envision Contra Costa 2040 General Plan Update. We are pleased that several policies in the Draft, such as LU-P2.1-5 and LU-P2.7, 8 focus on the Urban Limit Line (ULL) and highlight its importance as a tool to achieve sustainability and sound planning goals for Contra Costa County (County). We are also pleased that other policies, including LU-P3.5-8, explicitly state support for other important sustainability concepts. These include clean energy, sustainable/green business, a circular economy, and ecologically sustainable practices. However, we have identified some points of concern that we elaborate on below.

Changes to the ULL Are Unnecessary, But If Pursued, Should Results in Conservation Benefits

The current draft Element text includes two actions that specify an 'adjustment', which we understand to be expansions, of the current ULL around Canyon and the Byron Airport. These would be initiated by the County in association with a Countywide vote to renew the ULL before its expiration at the end of 2026. We don't think that any change to the current ULL location is warranted and are concerned that entertaining such expansions in association with the ULL renewal invites other similar proposals in other locations around the County. We are particularly concerned about the potential expansion around the Byron Airport due to the presence of conservation lands and its location next to planned major road development (SR-239) that, coupled with a ULL expansion, could invite sprawl development.



Renewal of the ULL is extremely important. The near-total lack of urban-style development outside of the ULL since its creation indicates that it works and serves as a valuable tool to discourage development that would threaten open space, be located far away from public services, and increase vehicle-miles-travelled and associated greenhouse-gas emissions. A 30-acre adjustment process also already exists for many different uses, so we don't see the need for proposing changes of the extent, and using the method, described in the draft Element text.

However, if changes to the ULL's current extent are contemplated, GP policies should guarantee that any change results in a net conservation gain to the public and nature. Below we offer some concepts that could help achieve such gains:

1. A requirement to proportionally tighten the ULL in appropriate locations if, through County initiative or other methods, a ULL expansion beyond its current location is proposed and gains approval,
2. Require land mitigation (i.e., land acreage protected for conservation purposes) at a ratio much greater than 1:1 if the ULL is changed from its current location,
3. Explicitly state and codify that any potential expansions beyond the ULL's current location cannot be used as precedents to expand the ULL in other areas of the County,
4. Require that the proponent of any expansion pay a fee to the County (or other land protection entity if the County is the proponent of the expansion) for the purpose of acquiring lands for conservation,
5. Specify that any changes to the ULL's current location that are contemplated in this General Plan update can only be considered for public institutions, not private projects. In addition, changes must serve a public need, not a private proposal,
6. Guarantee that if the purpose for which a ULL expansion is proposed changes (i.e., an airport expansion does not occur and a residential project in the newly expanded ULL is proposed instead), then the specified ULL change is nullified and the ULL reverts to its original location.

The draft Element would be better served if actions to expand the ULL were eliminated. If the County decides to pursue such actions the above proposals, if incorporated into the Element as required policies and actions, would help ensure the ULL continues to serve as a tool to focus development within existing urban centers and prevent sprawl.

Regards,

Juan Pablo Galván Martínez
Senior Land Use Manager