



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Sandra Rivera
Agency Director

February 24, 2026

Albert Lopez
Planning Director

Zone 7 Water Agency
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RE: Reso. # R-2026-72

Appeal: Subdivision (TR-8423) and EIR (SCH # 2023050339), PLN2022-00193

Dear Zone 7 Water Agency:

This is to inform you that your Appeal of a Planning Commission decision dated January 5, 2026 (Reso. # R-2026-72) has been denied by the Alameda County Board of Supervisors on February 10, 2026, thereby uphold the Planning Commission's approval of a Subdivision (TR-8423) and certification of an Environmental Impact Report (State Clearinghouse # 2023050339 dated July 3, 2025) including Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (MMRP) as incorporated into Conditions of Approval. This approval will allow a residential project featuring 190 subdivided lots with single-family homes, 48 lots including an Accessory Dwelling Unit, and associated infrastructure in the ECAP East County Area Plan located at 3030 Mohr Av (Assessor's Parcel Number: 946-4634-001-00) and 2 other parcels (APN: 946 -4634-002-00 & APN: 946 -1350-003-10). The project is approved subject to the attached Conditions of Approval and to the design shown on "Exhibit B" dated July 15, 2024, on file with the Alameda County Planning Department.

Following is a copy of the resolution which was adopted by the Alameda County Board of Supervisors at the public hearing held Tuesday February 10, 2026.

If you have any questions, please contact Aubrey Rose, AICP at (510) 670-5400 or by email at aubrey.rose@acgov.org.

Best Regards,

DocuSigned by:

Rodrigo Orduña

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Rodrigo Orduña, Assistant Planning Director for
Albert Lopez, Planning Director

cc:

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ATT:

Reso. # R-2026-72
Conditions of Approval

Document 2: Plans dated December, 2025

RESOLUTION NUMBER R-2026- 72

RESOLUTION DENYING ZONE 7 WATER AGENCY'S APPEAL OF THE ALAMEDA COUNTY PLANNING COMMISSION'S DECISION TO CERTIFY AN ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE # 2023050339 DATED JULY 3, 2025) AND APPROVE A SUBDIVISION (VESTING TENTATIVE TRACT MAP # TR-8243) FOR A 190-LOT SUBDIVISION, PLN2022-00193, AT 3030 MOHR AVE & 3 ADJACENT LOTS, EAST COUNTY UNINCORPORATED AREA OF ALAMEDA COUNTY

WHEREAS, on August 26, 2022, Applicant Steve Reilly for 330 Land Company, LLC (the "Applicant") filed an Environmental Review and Subdivision application (Vesting Tentative Tract Map TR-8243) for a 194-lot subdivision (the "Project") at 3030 Mohr Avenue & 3 adjacent lots, East County Unincorporated Area of Alameda County; and

WHEREAS, the initial Project application consisted of a 194-lot subdivision (later revised to 190 lots) and off-site infrastructure to support the proposed development, including a 1-acre sewer treatment plant, a 0.4-acre water storage and booster pump facility, a 2.5-acre recycled water storage facility with a 10- to 15-foot depth, 8.5 acres of agricultural irrigation recycled water spray fields, and two bioretention areas with treatment areas; and

WHEREAS, the Project constitutes a "housing development project" as defined by the Housing Crisis Act of 2019 (Senate Bill 330), codified at Government Code section 66300 et seq.; and

WHEREAS, Senate Bill 330 substantially limits the authority of local agencies to disapprove, or impose conditions on qualifying housing development projects, except in narrowly defined circumstances expressly authorized by statute; and

WHEREAS, Senate Bill 330 provides that a local agency may deny a housing development project subject to Senate Bill 330 only if the agency makes written findings, based upon substantial evidence in the record, that one or more of the limited statutory grounds for denial are satisfied, including a specific, adverse impact upon public health or safety that cannot feasibly be mitigated without rendering the project infeasible; and

WHEREAS, Senate Bill 330 requires that any such findings be supported by objective, quantifiable, written public health or safety standards in effect at the time the application was deemed complete, and that the County bears the burden of demonstrating that no feasible mitigation measures or alternative conditions of approval could avoid or substantially lessen the identified impact; and

WHEREAS, the application was deemed complete by the County of Alameda Planning Department on February 17, 2023; and

WHEREAS, the Project has been reviewed for compliance with the California Environmental Quality Act (CEQA) by the County of Alameda, acting as Lead Agency, as defined in the Public Resources Code (PRC); and

WHEREAS, if the County determines that mitigation measures cannot be legally imposed under Senate Bill 330, the mitigation measure need not be proposed or analyzed pursuant to CEQA Guidelines § 15126.4(a)(5); and

WHEREAS, the EIR disclosed that all potential environmental impacts from the Project would be mitigated to less than significant; and

WHEREAS, a Public Review Draft EIR was prepared pursuant to CEQA Statute and Guidelines and was filed with the State OPR Clearinghouse on September 6, 2024; and

WHEREAS, the County provided notice to interested parties of the opportunity to review and comment on the Draft EIR during the public review period which lasted 60 days, from September 9, 2024 to November 8, 2024; and

WHEREAS, public comments were submitted on the project and Draft EIR during the 60-day comment period including those of state and local agencies, districts, non-governmental organizations, opponents and advocates of the project, and responses to those comments received during this period are included with the Final EIR that was made available for public review a minimum of ten (10) days before the first Planning Commission hearing on September 15, 2025; and

WHEREAS, the Planning Commission is the designated authority to approve certain subdivisions; and

WHEREAS, the Planning Commission held a public hearing on September 15, 2025 to review the Project, consider approval of the subdivision, and consider certification of the EIR. At the September 15, 2025 meeting, the Planning Commission continued the item for Planning Staff to present additional information related to Zone 7 Water Agency concerns; and

WHEREAS, the Planning Commission held a second hearing on the Project on November 17, 2025, and voted to continue the item for the Applicant to provide additional information; and

WHEREAS, the Planning Commission held a third hearing on the project on January 5, 2026. At the hearing, the Applicant agreed to voluntarily revise the Project to address Planning Commission concerns, including concerns raised related to the Wastewater Treatment Plant (WWTP), and specifically included the following Conditions of Approval for Accident/Upset Conditions, Potential Contamination and Flooding:

68. Prior to commencement of operation of the proposed project's wastewater treatment plant (WWTP), the project applicant shall provide documentation to the Lead Agency that the project's Homeowner's Association (HOA) has retained a certified, registered contractor to operate the proposed WWTP.

69. Prior to commencement of operation of the proposed project's WWTP, the project applicant shall provide documentation to the Lead Agency to verify that the construction permit issued by the State Water Board has been secured by the WWTP as required under applicable laws and regulations.

70. Prior to commencement of operation of the proposed project's WWTP, the project applicant shall provide documentation to the Lead Agency that the proposed project has installed the smallest standard membrane bioreactor (MBR) capacity module from the selected manufacturer that is then available and of sufficient size to serve the proposed project's wastewater demand.

71. The Applicant shall relocate the agricultural spray fields to a location outside of the Federal Emergency Management Agency (FEMA) designated flood zone, west of El Charro Road and the proposed WWTP, within the Project Area established and analyzed by the Arroyo Lago Residential Project EIR. This new location for the agricultural spray fields is indicated on Sheets C5.1 and C5.2 dated December 2025; and

WHEREAS, on January 5, 2026, after deliberation on the subdivision application and Final EIR, the Planning Commission adopted Findings of Fact and a Statement of Overriding Considerations, certified the Arroyo Lago Final Environmental Impact Report (State Clearinghouse # 2023050339 dated July 3, 2025) and approved the Subdivision (Vesting Tentative Tract Map TR-8243); and

WHEREAS, in a letter dated January 13, 2026, Appellant Zone 7 Water Agency, filed a timely appeal of the Planning Commission's decision to certify the EIR and approve the Subdivision (the "Appeal") on grounds that the Project's proposed bioretention areas, sewage treatment plant, recycled water storage, and associated spray fields could potentially result in negative impacts to portions of the Chain of Lakes; and

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WHEREAS, this Board held a public hearing on the Appeal at 4:00 p.m. on Tuesday, February 10, 2026, in the Board Chambers, County Administration Building, 1221 Oak Street, Oakland, for which notice was given as required by law and at which the Board took public testimony;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Board of Supervisors certifies that the above recitals are true and correct.
2. The Board of Supervisors certifies that it has been presented with all of the information described in the above recitals and has reviewed and considered this information and the Final EIR, prior to adopting this Resolution.
3. The Board further finds that the additional mitigation measures proposed or requested by Appellant Zone 7 Water Agency would require the imposition of conditions or standards that are not authorized under Senate Bill 330 (Government Code section 66300 et seq.) and therefore cannot be legally required or imposed by the County, and that those mitigation measures need not be analyzed under CEQA by the County (CEQA Guidelines § 15126.4(a)(5)).
4. The Board of Supervisors denies the Appeal and upholds the Planning Commission's decision of January 5, 2026 to certify the EIR and approve the Subdivision.

THE FOREGOING was **PASSED** and **ADOPTED** by a majority vote of the Board of Supervisors of the County of Alameda this 10th day of February 2026, by the following vote:

AYES: Supervisors Márquez, Tam & President Haubert - 3

NOES: None

EXCUSED: None

ABSTAIN: Supervisors Fortunato Bas and Miley - 2



David Haubert, President
Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

By: *[Signature]*
Deputy

APPROVED AS TO FORM:

Donna R. Ziegler, County Counsel

Signed by:
By: *Melanie S. O'Brien*
Melanie S. O'Brien
Deputy County Counsel